



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

April 26, 1970

NOTE FOR MR. PRICE

The following chronology relates to the request for Division of Compliance Inspection Reports in the Monticello case:

(1) On April 7, 1970, at the prehearing conference in Buffalo, Minnesota, the Chairman of the Atomic Safety and Licensing Board, on behalf of the members of the Board, requested that the AEC regulatory staff make available for inspection several of the reports prepared by the Division of Compliance. The Board suggested that it would subsequently identify the reports as those for particular inspection dates listed in Appendix A to Supplement No. 1 of the AEC Regulatory Staff's Safety Evaluation. Staff Counsel informed the Board in effect that such reports were considered internal and initially exempt from disclosure. The Board suggested the possibility that such Division of Compliance Inspection Reports might be made available to the Board and some or all of the parties "in camera." After some discussion among the Board and parties it was agreed that Staff Counsel would consult with regulatory staff management as to the various alternatives which might suggest themselves with respect to accommodating the Board's interest in these reports.

(2) On approximately April 16, I telephoned Chairman Deale and indicated to him that the AEC regulatory staff was prepared to present to the Board at the hearing a detailed summary of several inspection reports if the Board would identify the specific inspection dates listed in Appendix A which were of interest to them. I also reaffirmed to the Chairman that we would, of course, have available at the hearing Division of Compliance inspectors who participated in the inspections of interest for such examination as the Board and parties desired to conduct. Mr. Deale indicated this approach was satisfactory to him and that he would consult with the Board members to determine which dates would be of interest.

(3) On approximately April 17 Chairman Deale telephoned and indicated that the procedure we had discussed the previous day was acceptable to all members of the Board. He then identified for me three sets of inspection dates in which the Board was interested. He also informed me that he would confirm this conversation in a formal Board Order. On April 21, the Board issued a Notice of Board Interest in Certain Inspections by Division of Compliance. In that Notice the Board confirmed that it would be interested in coverage in staff testimony of inspections made on February 8-10, 1968; May 27-29, 1969; and on March 2-3 and 12-13, 1970. (A copy of this notice is attached)

(4) In a letter dated April 21, 1970, attorneys for MECCA requested Mr. Deale to issue a subpoena directed to the AEC requesting that the AEC produce the original inspection documents of the construction and quality assurance of the Monticello plant. The attached form of subpoena was to be directed to W. B. McCool, Secretary of the Commission.

(5) On April 24, Mr. Deale telephoned me and informed me that he intended to issue a subpoena along the lines requested but that he intended to direct the subpoena to the Director of Regulation or his designee as opposed to Mr. McCool.

(6) Mr. Stanley Robinson of the Office of the Secretary informed me late in the afternoon of April 24 that he had received the subpoena from Mr. Deale's office and that he was serving the subpoena on Mr. Price that afternoon by Registered Mail.

It should be noted that on April 20, 1970, in a letter addressed to Mr. Deale, other intervenors in this proceeding, namely George B. Burnett, III, Kenneth Dzigan, and Theodore Pepin (copy attached) requested that the Chairman of the Board make available at the hearing, by subpoena if necessary, certain Northern States Power Company records and "all AEC onsite Inspection Reports." In my telephone discussion with Mr. Deale on April 24, he informed me that he did not intend to issue a subpoena on behalf of these intervenors because the request was too vague and incomplete.

T. F. Engelhardt

cc: C. K. Beck
M. M. Mann
L. D. Low
B. Schur
H. Shapar