

DEC 13 1983

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Collins, RIV
Lieberman, ELD
Cunningham, ELD
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MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: ISSUANCE OF SUBPOENA IN AID OF COMANCHE PEAK
INVESTIGATION

In accordance with the delegation of authority to issue subpoenas dated July 20, 1982, this is to advise you that the Administrator of NRC Region IV intends to issue a subpoena to compel the testimony of Thomas Brandt, a quality assurance supervisor employed by the Texas Utilities Generating Company, which is licensed to construct the Comanche Peak Steam Electric Station. The supervisor's testimony is sought in connection with an ongoing investigation of the allegedly improper termination of William Dunham, a Brown and Root employee and the possible intimidation of QA/QC coatings inspectors resulting therefrom.

Mr. Brandt has stated that he would respond to questioning regarding these matters only pursuant to a subpoena. Mr. Brandt may have information relevant to the investigation because, by virtue of his position, he may have knowledge of the circumstances surrounding Mr. Dunham's discharge.

The Office of Investigations supports the issuance of the subpoena. Unless otherwise directed by the Commission, the proposed subpoena will be issued if no comments are received from the Commission by C.O.B. December 19, 1983.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

cc: SECY
OGC
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*SEE PREVIOUS CONCURRENCE
REVISED IN EDO OFFICE 12/12/83

:OELD*	: Reg. IV	:EDO	:	:	:	:
:JLieberman:sf	:JCollins	:WJDircks	:	:	:	:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SEP 07 1984

SEP 13 1984

MEMORANDUM FOR: Victor Stello, Jr., Deputy Executive Director
for Regional Operations and Generic Requirements

FROM: John T. Collins, Regional Administrator
Region IV

SUBJECT: ISSUANCE OF SUBPOENA FOR TESTIMONY OF AN ALLEGER
(COMANCHE PEAK)

Under NRC Manual Chapter 01303 and the April 13, 1984, "Delegation of Subpoena Authority," I propose to issue the attached subpoena at the request of Thomas A. Ippolito, Comanche Peak Project Director, for the testimony of Mr. Charles Atchison and documents held by Mr. Atchison concerning the adequacy of construction of the Comanche Peak Steam Electric Station.

The April 13, 1984, Delegation requires that I advise the EDO, through you, a minimum of three days in advance, of the proposed issuance of a subpoena. The Delegation provides that you will acquire ELD's concurrence and to expedite this process; I am transmitting a copy of this memorandum directly to Mr. Cunningham. Additionally, for a trial period of about ten cases, the Delegation indicates that the Commission will be advised in advance of the EDO's authorization of issuance of a subpoena by a Regional Administrator. Accordingly, I am requesting that you acquire the concurrences and undertake the required consultations.

The circumstances surrounding the proposed issuance of a subpoena to Mr. Atchison have been discussed between my Regional Counsel, William Brown; the Comanche Peak Project Director, Thomas A. Ippolito; and James Lieberman, ELD, and are discussed in the attached draft memorandum for the Commissioners.

The Comanche Peak Technical Review Team considers this subpoena essential to the proper disposition of allegations and concerns regarding the adequacy of construction of the Comanche Peak facility. Mr. Atchison has stated to the staff that he has approximately 1000 previously unidentified concerns regarding this facility. Mr. Atchison has refused to make the substance of these concerns known, in spite of repeated requests by the staff, and consequently, the issuance of a subpoena is appropriate.

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Victor Stello, Jr.

Your prompt concurrence will be appreciated.

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John T. Collins, Regional Administrator
Region IV

Enclosures:
As stated

cc w/enclosures:
HDenton, NRR
ECass, NRR
RDeYoung, IE
GCunningham, ELD
JScinto, ELD
STreby, ELD
JLieberman, ELD
Tippolito, NRR
DEisenhut, NRR

bcc w/enclosures:
PDR
RF
SF
Tippolito
RWessman
DEisenhut rf
JCollins
JCollins rf

PRICE	NRR	R/D/NRR	ELD	RIV		
NAME	TippolitoPab	DEisenhut	GCunningham	JCollins		
DATE	09/7/84	09/7/84	09/7/84	09/7/84		

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