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RELATED CORRESPONDENCE

March 4, 1993  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'93 MAR -5 P4:07

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

Pacific Gas and Electric Company

(Diablo Canyon Nuclear Power  
Plant, Units 1 and 2)

)  
) Docket Nos. 50-275-OLA - 2  
) 50-323-OLA  
) (Construction Period  
) Recovery)  
)  
)

PACIFIC GAS AND ELECTRIC COMPANY'S  
SECOND SET OF INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS

Pursuant to 10 C.F.R. §§ 2.740, 2.740b, and 2.741, as modified by the Atomic Safety and Licensing Board's February 9, 1993, Memorandum and Order regarding discovery and hearing schedules, Pacific Gas and Electric Company ("PG&E") hereby requires the San Luis Obispo Mothers for Peace ("MFP") to respond to this second set of interrogatories<sup>1/</sup> and produce the documents requested below.

INSTRUCTIONS AND DEFINITIONS

- A. Each interrogatory should be answered separately. The responses shall include all pertinent information known to MFP, as defined below.

<sup>1/</sup> "Pacific Gas and Electric Company's First Set of Interrogatories and Request for Production of Documents" are dated February 19, 1993.

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- B. Each interrogatory shall be answered fully, in writing, under oath or affirmation. To the extent that MFP does not have specific, complete, and accurate information with which to answer any interrogatory, MFP should so state, and the interrogatory should be answered to the extent information is available.
- C. Requests for documents should be answered by providing a list, organized by request number, identifying all documents responsive to the request. In addition, MFP should produce a copy of each document requested. The copy should be in the form and condition in which the document exists on the date of service of this request, and shall include all comments, notes, remarks, and other material (including handwriting) that may have been added to the document after its initial preparation. Documents produced in response to the requests below should be mailed to the undersigned counsel for PG&E.
- D. The word "document" as used herein means any written matter, whether produced, reproduced or stored on paper, cards, tapes, disks, belts, charts, film, computer storage devices or any other medium and shall include, without limitation, books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures,

orders, instructions, directions, records, correspondence, diaries, plans, diagrams, drawings, periodicals, lists, telephone logs, minutes, and photographs, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

E. "MFP" means in the context of this discovery request: The San Luis Obispo Mothers For Peace, or any of its agents, employees, consultants, contractors, technical advisors, representatives or other persons acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them -- whether paid or unpaid.

F. "Identify" when used in reference to a natural person means to set forth the following:

- a. name;
- b. last known residential address;
- c. last known business address;
- d. current or last employer;
- e. title or position;
- f. area of responsibility; and
- g. office held in MFP or business, professional, or other relationship with MFP.

- G. "Identify" when used in reference to a document means to set forth the following:
- a. its title;
  - b. its subject matter;
  - c. its date;
  - d. its author;
  - e. its addressee;
  - f. its files designation or other identifying designation; and
  - g. its present location and present custodian.
- H. The words "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.
- I. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.
- J. If MFP objects to any interrogatory or document request, in whole or in part, or seeks to withhold documents or information because of the alleged proprietary or other nature of the data, please set forth all reasons and the

underlying factual basis for the objection in sufficient detail to permit the Atomic Safety and Licensing Board to determine the validity of the objection. This description by MFP should include with respect to any document: (1) author, addressor, addressee, and recipients of indicated and "blind" copies, together with their job titles; (2) date of preparation; (3) subject matter; (4) purpose for which the document was prepared; (5) all persons to whom distributed, shown, or explained; (6) present custodian; (7) all persons believed to have a copy of the document; and (8) the nature of the objection asserted.

K. For any document or part of a document that was at one time, but is no longer, in MFP's possession, custody, or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefor, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

L. These interrogatories and document requests shall be continuing in nature as required by 10 C.F.R. § 2.740(e).

Thus, any time MFP obtains information that renders any previous response incorrect or incomplete, or which indicates that a response was incorrect or incomplete when made, MFP must supplement its previous response. Such supplements should be provided in a timely fashion.

SECOND SET OF INTERROGATORIES  
AND REQUESTS FOR DOCUMENTS

Contention I: Maintenance and Surveillance

B-1 In its Prehearing Conference Order, the Licensing Board did not strictly limit MFP "to the specific incidents relied upon to admit its contention." Prehearing Conference Order, at 25. "Incidents such as those that MFP attempted to read into the record at the prehearing conference may be acceptable, as long as they are material to the implementation of maintenance and surveillance programs." Id.

B-1.1 Does MFP intend to identify additional "incidents" other than those set forth in its "Supplement to Petition to Intervene" ("Supplemental Petition")?

B-1.2 If so, identify all of the incidents, other than those set forth in the Supplemental Petition, on which MFP intends to rely in

support of Contention I. Explain why they support Contention I.

B-1.3 Provide any and all documentation relevant to the incidents identified in response to B-1.2. Include any documentation originally prepared for, and intended to be submitted at, the Prehearing Conference.

B-1.4 PG&E emphasizes the continuing nature of B-1 and directs MFP to review instruction L above.

B-2 Describe the qualifications and experience of MFP members and their consultants in this proceeding, pertinent to the nature, scope, purpose of, and/or participation in:

B-2.1 maintenance and surveillance practices and activities at DCPD or other commercial nuclear power plants;

B-2.2. predictive, preventive, and corrective maintenance practices employed generally throughout the nuclear industry as well as at DCPD.

B-3 Identify and provide copies of all reports, prepared by or at the direction of MFP and/or any of its consultants, either in this proceeding or otherwise, addressing or reviewing maintenance and surveillance practices at DCPD or at any other commercial nuclear power plant.

B-3.1 State whether MFP intends to use information, identified in response to B-3, to support Contention I. If so, identify the information and explain how it supports a particular aspect(s) of the contention.

B-4 Identify and provide copies of all reports of which MFP or its consultant is aware, and on which it intends to rely in this proceeding, relevant to the implementation of maintenance and surveillance programs at commercial nuclear power plants located in the United States.

B-4.1 Provide copies of any and all documents relevant to the information identified in response to B-4.

B-5 Describe your understanding of the nature and purpose of the NRC's Systematic Evaluation of Licensee Performance ("SALP") program. Include in your response answers to the following questions.



- B-5.1      What is the significance of a SALP Category 1 score?
- B-5.2      Has any member of MFP or its consulting team participated in the SALP process in any capacity? If so, in what manner, and when. Identify any other persons involved.
- B-6      Describe your understanding of the purpose and nature of a Licensee Event Report ("LER").
- B-7      Describe your understanding of the purpose and nature of NRC inspection and enforcement activities.
- B-7.1      Has any member of MFP or its consulting team participated, in any capacity, in enforcement and/or inspection activities at DCPD or any other commercial nuclear power plant?
- B-8      Identify any and all information, of which MFP or its consultant is aware, regarding:
- B-8.1      the maintenance rule and its implementation at DCPD;

- B-8.2 maintenance and surveillance activities at DCPD; and/or
- B-8.3 aging, aging management, and/or the effectiveness of programs to manage age-related degradation at DCPD.
- B-8.4 Does MFP intend to use any of the information identified in response to B-8.1 - .3 in support of Contention I? If so, explain the intended use of any such information.
- B-8.5 Provide copies of any documentation identified in response to B-8.1 - .3 which is not already available to PG&E.
- B-9 How, and in accordance with what standard, does MFP and its consultant define a "sufficiently effective and comprehensive surveillance and maintenance program"? Supplemental Petition, at 5.
- B-9.1 State whether MFP or its consultant perceives any correlation between SALP scores and the existence of a "sufficiently effective and comprehensive surveillance and maintenance program". Explain.

B-9.2 Do you believe that ongoing NRC inspection and enforcement activities, in conjunction with general regulatory oversight, ensure the existence of "sufficiently effective and comprehensive surveillance and maintenance program[s]" at operating commercial nuclear power plants? If not, explain why not.

B-10 What mechanisms, other than the maintenance and surveillance program, should licensees employ to "guarantee that failure of aging systems, structures, and components will not cause safety problems"? Supplemental Petition, at 6.

B-10.1 What mechanisms, among those identified in response to B-10, do you believe PG&E has failed to implement at DCP??

B-10.2 Provide copies of any and all documents supporting your response to B-10.1.

B-11 MFP contends that "the NRC has repeatedly cited PG&E for its slow response to correct maintenance problems." Supplemental Petition, at 7. Identify and provide supporting documentation for all such incidents, other

than those listed in the Supplemental Petition in support of Contention I.

B-12 What is the relationship between Inspection Report ("IR") 92-14 and maintenance and surveillance activities at DCP? Supplemental Petition, at 11.

B-13 How many commercial nuclear power plants, located in the United States, are "aging plant[s]"? Supplemental Petition, at 13.

B-13.1 How do you define "aging" in the context of this proceeding?

B-13.2 When does "aging," in the context of this proceeding, commence?

B-13.3 What is the basis for the assertion that an "aging" plant "consequently needs more repairs and more maintenance than a new plant"? Supplemental Petition, at 13. Document and explain, on a comparative basis, the differences in the quantity and type of repairs and maintenance required by a new versus an "aging" plant.

B-13.4 Can maintenance and surveillance programs effectively identify and manage the effects of "aging"? Explain.

B-14 Does the safe operation of all, or only "older," commercial nuclear power plants require "a sound surveillance program"? Supplemental Petition, at 13. If not, what is the basis for the distinction?

B-15 How do you define and measure "margin of safety"? Supplemental Petition, at 13.

B-16 Provide an explanation and documentation in support of the assertion that "the continued operation of [DCPP] beyond the date for which operation was originally approved would significantly reduce the plant's margin of safety." Supplemental Petition, at 13.

B-16.1 Quantify, explain, and document the purported reduction in the plant's "margin of safety."

Contention V: Thermo-Lag Fire Barrier Interim Fire-Protection Measures

B-17 In support of the admissible portion of Contention V pertinent to the implementation of interim compensatory fire-protection measures at DCPD, MFP cites five incidents based on two NRC inspection reports and three LERs. Prehearing Conference Order, at 35.

B-17.1 What, if any, other incidents does MFP or its consultant intend to rely upon in support of Contention V, as admitted by the Licensing Board, which regards implementation of Thermo-Lag compensatory measures at DCPD?

B-17.2 Provide any and all documentation relevant to the incidents identified in response to B-17.1.

B-17.3 PG&E reiterates the continuing nature of this request and directs MFP and its consultant to review instruction L above.

B-18 Explain MFP's knowledge of the interim compensatory measures in effect at DCPD. State, in particular, whether MFP or its consultant knows what those compensatory measures are in each Thermo-Lag fire area.

B-19 Has MFP or its consultant ever participated in or observed a fire watch at DCPD or any other commercial nuclear power reactor?

B-20 Identify all instances, known to MFP, in which fire watches have been missed at DCPD since implementation of the interim compensatory measures at issue.

B-21 Identify all studies, reports, and information, within the knowledge or possession of MFP or its consultants, pertaining to the implementation of interim compensatory measures at DCPD and/or any commercial nuclear power plant.

B-21.1 Is any of the information identified in response to B-21 comparative in nature; e.g., does it compare the implementation of interim compensatory measures at various commercial nuclear power plants?

B-21.2 Upon which of the items identified in response to B-21 does MFP and its consultant intend to rely in support of Contention V? Explain how.

B-21.3 If MFP and its consultant do not intend to rely upon certain of the items identified in response to item B-21, explain why for each study, report, or source of information.

B-21.4 Provide any and all documentation relevant to the items identified in response to B-21.

B-22 Identify all documents and all sources of information available to MFP or its consultants pertaining to missed fire watches within the commercial nuclear power industry and/or at DCPD.

B-22.1 Does MFP intend to rely upon any of this information to support Contention V? If so, in each case explain how.

B-22.2 If MFP does not intend to rely upon certain of the information identified in response to B-22, explain why for each document, report, or source of information.

B-22.3 Provide any and all documentation relevant to the information provided in response to B-22.



B-23 MFP asserts that "human observers are not completely reliable. They make mistakes." Supplemental Petition, at 29.

B-23.1 Explain the factors, events, and conditions which lead to the asserted "unreliability" of human observers.

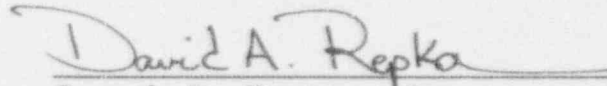
B-23.2 What kinds of "mistakes" do human observers make? Explain the factors, events, and conditions which lead to these "mistakes"?

B-23.3 Identify and provide copies of any and all reports, documents, and sources of information which indicate that "mistakes" of this type have in fact occurred at DCPD. Explain why they support Contention V.

B-24 What consequences do open fire doors have on the implementation of interim compensatory fire-protection measures at DCPD? In what way do they support Contention V?

B-25 What consequences do unlatched fire doors have on the implementation of interim compensatory fire-protection measures at DCP? In what way do they support Contention V?

Respectfully submitted,



Joseph B. Knotts, Jr.  
David A. Repka  
Kathryn M. Kalowsky

WINSTON & STRAWN  
1400 L Street, N.W.  
Washington, D.C. 20005  
(202) 371-5700

Attorneys for Pacific Gas and  
Electric Company

Dated at Washington, D.C.  
this 4th day of March, 1993.

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 5 P4 07

In the Matter of:	)	
Pacific Gas and Electric Company	)	Docket Nos. 50-275-OLA
(Diablo Canyon Power	)	50-323-OLA
Plant, Units 1 and 2)	)	(Construction Period
	)	Recapture)
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "PACIFIC GAS AND ELECTRIC COMPANY'S SECOND SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 4th day of March, 1993:

Charles Bechhoefer, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Frederick J. Shon  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attn: Docketing and Service  
Section  
(original + two copies)

Ann P. Hodgdon, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Adjudicatory File  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Peter Arth, Jr.  
Edward W. O'Neill  
Peter G. Fairchild  
California Public Utilities  
Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Nancy Culver, President  
Board of Directors  
San Luis Obispo Mothers for Peace  
P.O. Box 164  
Pismo Beach, CA 93448

Truman Burns  
California Public Utilities  
Commission  
505 Van Ness, Rm. 4103  
San Francisco, CA 94102

Robert R. Wellington, Esq.  
Diablo Canyon Independent Safety  
Committee  
857 Cass Street, Suite D  
Monterey, CA 93940

Robert Kinosian  
California Public Utilities  
Commission  
505 Van Ness, Rm. 4102  
San Francisco, CA 94102

Christopher J. Warner, Esq.  
Richard F. Locke, Esq.  
Pacific Gas & Electric Company  
77 Beale Street  
San Francisco, CA 94106

  
David A. Repka

Counsel for Pacific Gas &  
Electric Company