

4/20/82

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

*amp*

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR  
AN OPERATING LICENSE FOR  
COMANCHE PEAK STEAM ELECTRIC  
STATION UNITS #1 AND #2  
(CPSES)

Docket Nos. 50-445  
and 50-446

CASE'S ANSWERS TO APPLICANTS'  
FIFTH SET OF INTERROGATORIES  
TO CASE AND REQUESTS TO PRODUCE



Pursuant to 10 CFR 2.740b(b) and 2.741(d), CASE (Citizens Association for Sound Energy), Intervenor herein, hereby serves CASE's Answers to Applicants' Fifth Set of Interrogatories to CASE and Requests to Produce, filed 4/6/82.

To expedite discovery, CASE is also responding at this time to Applicants' Requests to Produce.

1-5.a. The analysis to which we referred consists of obtaining and reviewing documents (which we are still in the process of doing, and to which we are at the present time devoting most of our attention) and analyzing them in light of the construction permits for CPSES and the requirements of Appendix B of 10 CFR Part 50, to ascertain which of their provisions Applicants have not adhered to.

b. We have not yet made this determination as far as specifics. As soon as we have been able to obtain the documents which we seek and review the original documents which we are requesting, we will be in better position to answer this question and will do so at that time.

c. We don't know at this time; as soon as possible. See b. above.

d. Yes.

e. See b. above.

*DSO<sup>3</sup>  
50/1*

820428 0343

6

- 2-5. We're not certain exactly what Applicants seek in this question. If Applicants are asking for specific sentences or phrases from the specific Criterion Nos. set forth in CASE's 3/16/82 Answers to Applicants' Third Set, Question 4, we have not made such an analysis.  
If this does not answer your question, please explain further.
- 3-5. Not at this time. As explained previously, right now we are trying to review all the documents we have obtained, are obtaining, and are in the process of reviewing. After we have had a chance to do this, we will be focusing on analyzing exactly what we have obtained; however, we are now focusing our attention on just getting the information we seek.
- 4-5. a. No.
- b. We don't know; as soon as possible; see 3-5. above. We have also had to spend some time in answering Applicants' Motion for a Protective Order and these interrogatories.
- c. No.
- 5-5. a. We have not made an analysis at this time in the detail Applicants seek. This was a general statement, based on our general impressions of what we have reviewed so far. We expect to show it with specifics when we have completed examining documents, etc. See 3-5 above.
- b. By "consistent" as used in "troubling aspect is the lack of a consistent QA/QC program," we mean the lack of a QA/QC program which has set forth specific methods and procedures to comply with NRC regulations (specifically 10 CFR Part 50, Appendix B) and carrying out such a program on a continuing basis. We have not made the detailed analysis Applicants seek at this time. See 5-5 a. above.
- c. By "trend" as used in "primary and continuing concern is the trend of the type of work being done at the plant and continuing breakdown of the entire QA/QC program," we mean the underlying or prevailing tendency; for example, the trend to engineer away problems; the tendency to not report problems to the NRC, such as in the case of the patched dome of Unit I containment and the extensive honeycombing of the Unit II containment walls. This should be taken in context with the rest of the sentence.
- By "continuing breakdown" we mean that Applicants' QA/QC program hasn't worked correctly, that it has been constantly changing, and that it still is changing.
- We have not made a thorough analysis to the extent Applicants seek at this time. See 3-5 above.
- 6-5. We expect to be able to show specific instances of construction practices when we complete our analysis of documents we are presently reviewing and in the process of reviewing. We will supplement our answer as soon as we have done this.

7-5. We have not made this analysis at this time. We will probably include some of the audit reports (including the Lobbin Report) in support of its position on Contention 5; however, we have not as yet decided which particular reports or portions of reports we will rely on.

8-5. As stated in our answer to 5.b. of CASE's 3/16/82 Answers to Applicants' Third Set of Interrogatories to CASE:

"...we have not made an analysis at this time which specifically identifies (these items) in groupings by 'mortar blocks' per se."

This is still our answer.

We do not at this time know whether or not we will rely on I&E Reports regarding mortar blocks for our position on Contention 5.

9-5. As stated in our answer to 5.c. of CASE's 3/16/82 Answers to Applicants' Third Set of Interrogatories to CASE:

"...we have not made an analysis at this time which specifically identifies (these items) in groupings by 'steel' per se."

This is still our answer.

We do not at this time know whether or not we will rely on I&E Reports regarding steel for our position on Contention 5.

10-5. With respect to "fractures toughness testing," we do not know at this time whether or not we will rely upon the Westinghouse agreement referenced by CFUR. The I&E Report referenced in our response to 5.d of the Third Set was referred to by CFUR: NRC Report 75-06. We have not yet made an analysis of this report or what it demonstrates with respect to fracture toughness testing. We do not at this time know whether or not we will rely on I&E Report 75-06 in support of our position on Contention 5.

11-5. We have not yet contacted CFUR with respect to expansion joints, nor have we decided whether or not to pursue this aspect of Contention 5.

12-5. Yes, to the extent that it demonstrates Applicants' trend to engineer away problems. As to what specific impact this may have on health and safety of the public, we have not made this analysis at this time.

13-5. See 12-5 above. This was a major design and construction error, which presumably went through several stages of review before it was discovered. How could this have happened? Why wasn't it caught beforehand? If this could happen on such a major and vital piece of equipment for the plant, what might have happened on other pieces of equipment where the error wasn't as obvious? How many other errors may have slipped through inspections and design review? Why wasn't this reported to the NRC in a more timely fashion? If Applicants' can allow this kind of error to occur, how can we be assured that they can construct and operate the plant safely?

14-5. To point out that the items referenced are standard modus operandi. The quotation of Applicants' responses to CASE's December 4, 1980 Third Set to Applicants was taken from interrogatory answers regarding I&E Report 78-17, which concerned "...a Cadweld splice in the Unit 1 Containment wall reinforcing steel (which) had pulled apart upon application of a light force while preparing the spliced bar for additional splicing. The mode of failure was such that grossly poor workmanship had to be the cause, either by intent or by negligence." (Please refer to CASE's 12/4/80 Third Set, Question 11.)

15-5. Not at this time. See 3-5 preceding.

16-5. I&E Report 80-25, SALP (Systematic Assessment of Licensee Performance) for the period August 1, 1979, through July 31, 1980, contains pertinent information regarding welding problems as follows:

"b. Enforcement History

- Failure to follow procedures for verification of the performance of automatic welding machines
- Failure to follow welding procedures
- Failure to follow welding procedures

"d. Construction Deficiency Reports - 50.55(e)

- QA of welded Conduit Supports"

No.

17-5. Not at this time. See 3-5 preceding.

18-5. Not at this time. See 3-5 preceding.

19-5. Not at this time. See 3-5 preceding.

20-5. a. We don't know whether all outstanding issues presented in each I&E Report has been resolved to the satisfaction of the NRC Staff or not. Applicants (and CASE) will have to ask the Staff. Further, CASE does not accept the premise that even if the NRC Staff has been satisfied with the resolution of such issues, they have in fact been satisfactorily resolved. This is not one of the criteria we are using.

b. Not applicable.

c. Not applicable.

d. We have not yet made that determination.

e. See d. above.

21-5. For purposes of the upcoming hearings, we have dropped the trending analyses for CPSES as compared to STNP at this time. The trending analyses for CPSES is an attempt to identify trends in construction which may be detrimental to public health and safety in the future. At the moment, we haven't gone beyond identifying the I&E Reports by subject matter which we have already indicated in response to previous questions by Applicants, such as concrete welding, etc.

22-5. No, other than as indicated above.

23-5. Not applicable.

24-5. As soon as possible. It would certainly be helpful if the NRC Staff and Applicants would be more cooperative and quit springing new reports on us (such as the Lobbin Report) and trending information such as has just been supplied to us by the Staff (see attached Motion for Additional Time for Discovery on Contention 5) and let us get on with the business at hand. We could also do this much faster if we were allowed to review original documents at the plant site on week-ends rather than during the week, since most of CASE's members must work during the week and cannot help then.

25-5. NRC regulations, including but not necessarily limited to:

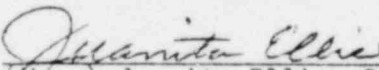
10 CFR Part 50, Appendix B  
50.55(e)  
50.57(a)

...and Applicants' construction permits for Comanche Peak, Units 1 and 2.

The documents, testimony or oral statements to which Applicants refer are as we have already stated in response to specific interrogatories.

26-5. Same as answer to 24-5 preceding.

Respectfully submitted,

  
\_\_\_\_\_  
(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk  
Dallas, Texas 75224  
214/946-9446  
214/941-1211, work, part-time



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

*emp*

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNITS #1 AND #2 (CPSES)

X  
X  
X  
X  
X  
X  
X

Docket Nos. 50-445  
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies  
of CASE's Answers to Applicants' Fifth Set of Interrogatories to CASE and Requests  
to Produce

have been sent to the names listed below this 20th day of April  
1982, by: Express Mail where indicated by \* and by first class mail elsewhere.

- \* Administrative Judge Marshall E. Miller      David J. Preister, Esq.  
U. S. Nuclear Regulatory Commission      Assistant Attorney General  
Atomic Safety and Licensing Board Panel      Environmental Protection Division  
Washington, D. C. 20555      P. O. Box 12548, Capitol Station  
Austin, TX 78711
- \* Dr. Kenneth A. McCollom, Dean  
Division of Engineering, Architecture,  
and Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074
- \* Dr. Richard Cole, Member  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 - 17th St., N. W.  
Washington, D. C. 20036  
Atomic Safety and Licensing  
Appeal Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555
- \* Marjorie Ulman  
Office of Executive Legal Director  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
Meeting and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

*Juanita Ellis*  
(Mrs.) Juanita Ellis, President  
CASE (CITIZENS ASSOCIATION FOR SOUND ENERGY)