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May 27, 1982

Mrs. Juanita Ellis  
President, CASE  
1426 South Polk Street  
Dallas, Texas 75224

Subj: Texas Utilities Generating Co.,  
et al. (Comanche Peak Steam Electric  
Station, Units 1 and 2), Docket Nos.  
50-445 and 50-446; Clarification and  
Supplementation of Responses to CASE's  
Eleventh Set of Interrogatories

Dear Mrs. Ellis:

This is to confirm the results of Applicants' telephone conversations with CASE on May 25 and 26, 1982, concerning (1) possible supplementation by CASE of its responses to Applicants' Interrogatories regarding specification of issues for litigation, and (2) CASE's requests for further information with respect to certain interrogatories posed in CASE's Eleventh Set of Interrogatories to Applicants.

As you know, we have repeatedly requested that CASE identify the specific issues involving Contention 5 that it intends to raise at the evidentiary hearings. You also recognize that CASE is under a continuing obligation to supplement its answers to Applicants' Interrogatories. 10 C.F.R. § 2.740(e). To date, we have received only one supplementation of your answers as to the specific issues you intend to raise, and in that supplementation you specified only two issues. We inquired in our telephone

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call yesterday as to whether CASE was finally able to provide specifics on Contention 5, and you advised (as you have in the past) that you were unable to do so at this time. You further advised that Applicants would be notified of specific issues when CASE files its answer to Applicants' Motion for Summary Disposition of Contention 5. Of course, CASE will not file that answer until June 2, two business days before hearings commence.

With regard to CASE's requests for supplementation and clarification of Applicants' responses to CASE's Eleventh Set of Interrogatories, \*/ by telephone call to Applicants' counsel on May 24, 1982, CASE sought clarification or supplementation of Applicants' answers to Interrogatories 1, 26(b), 51, 52(h), 54, 56, 63, 67 and 68, 75(a)-(e), 75(m), 85, 97-100, 101-105, and 106.d.(1), and posed additional questions based on CASE's review of documents supplied to CASE.

#### Interrogatory 1

As Applicants indicated in our telephone conversation on May 26, CASE may supply a list of documents which it intends to introduce for which Applicants will verify that Applicants provided true and correct copies of those documents to CASE. In addition, as Applicants indicated in our conversation, CASE should supply prior to the hearing copies of the documents CASE intends to introduce at the hearings for Applicants' inspection to enable Applicants to stipulate as to their authenticity. CASE stated that it understood Applicants' position and would try to work this out before the hearing.

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\*/ CASE's Eleventh Set of Interrogatories was served on Friday, May 7, 1982 and received on Monday, May 10. Applicants' written responses to CASE's Eleventh Set were served on May 17, 1982, with hand delivery of a copy to CASE on May 18, 1982. At that time, Applicants already had made available documents located at the site which were requested in the Eleventh Set (May 14 and 17), and the documents located in Dallas which were requested in the Eleventh Set were made available that day (May 18).

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Interrogatory 26(b)

As Applicants stated in our May 25 telephone conversation, to the extent information concerning FDR and CMC trending exists, it is set forth in a separate section in the four 1981 Corrective Action Reports which have already been provided to CASE. CASE indicated that this information satisfies its request.

Interrogatory 51

As Applicants confirmed in our May 26 telephone conversation, there are no documents of the type which CASE requests applicable to the particular 10 C.F.R. § 50.55(e) item cited by CASE, except for the formal communications between the Applicants and the NRC, which documents should be in the local Public Document Room. Further, as CASE requested in that conversation, Applicants will provide copies of the SDARs and the reports listed in the logs applicable to items reported to the NRC pursuant to 10 C.F.R. § 50.55(e).

Interrogatory 52(h)

As Applicants stated in our May 25 telephone conversation, there are no "as built" drawings completed at this time. Applicants noted that although our original response had not been clear on this point, we had previously discussed this matter with CASE. CASE indicated that this information satisfies its request.

Interrogatory 54

As Applicants indicated in our May 25 telephone conversation, while standard language may be used in those letters, no "form letter" such as one containing preprinted language exists. Applicants offered to provide a copy of the letterhead stationary to CASE if it desired. CASE indicated that it did not need to see that document.

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Interrogatory 56

Applicants noted in their May 24 telephone conversation with CASE that these documents had been supplied in the order in which they were used and that order was explained at the time the documents were provided to CASE. Thus, it should be clear as to which dates provided in Applicants' original response apply to which forms. However, Applicants again explained that order in our telephone conversation of May 25.

Interrogatory 63

As Applicants stated in our May 25 telephone conversation, there are four companies involved in this activity. Those companies are TUGCO, Brown & Root, Gibbs & Hill, and Ebasco Services, Inc. CASE indicated that this information satisfies its request.

Interrogatories 67 and 68

As Applicants indicated in our May 25 telephone conversation, the scope of Applicants' responses extended to TUGCO and Brown & Root notification pursuant to 10 C.F.R. Part 21. Applicants had explained this to CASE when CASE was reviewing documents supplied in response to its Eleventh Set on May 18. Further, as Applicants stated, notification by other organizations, such as vendors, pursuant to Part 21 is made directly to the NRC, although Applicants will also be notified of applicable Part 21 notices. Applicants do not, however, keep a separate folder on Part 21 notices. CASE indicated that this information satisfies its request.

Interrogatory 75(a)-(e)

As Applicants indicated in their telephone conversation on May 26, the items referenced by CASE are used solely for cross-referencing purposes on the computer. The NCR form was revised in 1978 to delete the input data fields from the face of the form. CASE stated that it was not interested in that information.

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Interrogatory 75(m)

Applicants explained the meaning of these items in our telephone conversation of May 26, and indicated we would determine whether, with respect to items (20) and (22), the individuals examined the particular items prior to signing the form. Applicants hereby confirm that those individuals are not required to examine the particular items, but may do so prior to signing the form.

Interrogatories 97-100

Applicants indicated in our May 26 telephone conversation that, as phrased, these categories were extremely broad, making it impossible to identify any individual for the areas specified. CASE indicated that it will attempt to narrow the subject matter in which it is interested.

Interrogatories 101-105

As Applicants indicated in our May 26 telephone conversation, much of the information requested in these interrogatories is contained in documents already provided to CASE or which should be available in the local Public Document Room. Nonetheless, Applicants provided responses to these interrogatories, as discussed below.

In response to Interrogatory 101, Applicants stated that rock overbreak and subsequent additional excavation occurred in the excavation for Unit 1 and Unit 2 containments and an area between these two excavations. This area is under the current Fuel Building and Safeguards Building.

With respect to Interrogatory 102, Applicants responded that they did not know precisely when the first verbal report was made to the NRC or to which individual that report was made.



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Applicants noted, however, that Brown & Root, Mason-Johnson Associates and Texas Utilities Services personnel were on site and carrying out functions associated with the excavation. All of those personnel had the opportunity to observe such conditions as they were identified. With respect to the inquiries concerning prospective witnesses, Applicants indicated that in their opinion CASE's inquiry was outside the scope of Contention 5 in that it raised matters unrelated to quality assurance. Accordingly, Applicants had not planned to call witnesses on this issue. However, if the Board determines otherwise, Applicants will offer Mr. Ken Scheppele of Gibbs & Hill, New York, and Mr. John Merritt of Texas Utilities Services to respond to questions on the subject.

With respect to Interrogatory 103, Applicants noted that occurrences of rock overbreak were reported for the excavation as a whole, and identified in terms of the specific areas in which they were observed.

Regarding Interrogatory 104, Applicants stated that all documents pertaining to rock overbreak and subsequent excavation or fissure repair were made available to CFUR in its discovery on Contention 7, and that those documents also had been made available to CASE.

Finally, with respect to Interrogatory 105, Applicants noted that parties are not required to undertake in response to discovery requests the burden of preparing another party's case. See Boston Edison Company (Pilgrim Nuclear Generating Station, Unit 2), LBP-75-30, 1 NRC 579, 588 (1975). Accordingly, Applicants refer CASE to FSAR § 2.5, wherein the rock underlying the Category I Structures for Comanche Peak is discussed.

#### Questions Based on Brown & Root Trending Reports

CASE posed several questions concerning the Brown & Root Trending Reports which had been supplied by Applicants in response to CASE's Eleventh Set. As Applicants indicated in our May 26 telephone conversation, we will provide the following additional documents:

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- a. Applicants will supply the 1982, first quarter, Brown & Root Trending Report.
- b. Applicants will provide a copy of the Inter-Office Memorandum referenced in the November 1974 Report.
- c. Applicants will provide copies of the particular portions of the logs identified in the October 1975 Report.
- d. As Applicants indicated, our copy of the FDCR Summary attached to the March 1976 Report also is missing the numbers in the margin. In that Applicants are not required to maintain such reports and do so for informational purposes only, there are no other copies available.
- e. Applicants will provide a copy of the July 1977 Report which was inadvertently not included in the reports provided to CASE. Further, the list of "Monthly Quality Engineer Activities" is not a trending document and thus, as CASE agreed, does not fall within the scope of the interrogatory.
- f. The "manual" which was referenced in the June 1978 Report is a collection of selected Brown & Root procedures already reviewed by CASE. Applicants provided a list of the particular procedures included in that manual in our telephone conversation. These procedures are CP-QAP-14.1, CP-QAP-15.1, CP-QAP-15.2, CP-QAP-15.3 and CP-QAP-16.1.
- g. As for the trending charts which were included in some Brown & Root trending reports, Applicants indicated that there were no trending charts for the period January 1978 through July 1978.

#### Vendor Audits

CASE also requested copies of vendor audits conducted by organizations other than TUGCO. Specifically, CASE requested copies of Brown & Root vendor audits which were referenced in the Brown & Root Trending Reports supplied to CASE. On this matter, Applicants had asked CASE on May 24 to specify

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the particular interrogatory in which it had asked for such vendor audits. CASE indicated in our conversation on May 25 that it believed Interrogatories 113 and 119 of CASE's Ninth Set encompassed such a request.

As Applicants stated in our May 26 telephone conversation, Applicants responded to Interrogatory 113 as applying to material within the scope of Mr. Lobbin's review of Applicants' QA program. In this regard, Applicants referred CASE to our responses to Interrogatories 20 and 115 of CASE's Ninth Set. Therein, Applicants explained that the scope of Mr. Lobbin's review was primarily "the audit and vendor compliance function within the TUGCO QA organization." Also, in response to Interrogatory 115 of CASE's Ninth Set, Applicants specifically stated that the scope of their response on vendor audits was "audits by TUGCO of vendors at the vendors' facilities." Further, Interrogatory 119 concerns a particular set of documents ("Vendor Compliance records") which Applicants previously made available to CASE for inspection and copying.

Accordingly, Applicants indicated to CASE that its present request for vendor audits by parties other than TUGCO should have been raised prior to the close of discovery rather than at this time. Nevertheless, Applicants will provide to CASE copies of Brown & Root vendor audits for AFCO Steel which CASE specifically identified in its telephone conversation on May 24, 1982.

#### Miscellaneous

CASE also requested in its May 24 telephone call that Applicants identify the particular individuals who provided responses to each of the interrogatories in its Eighth through Eleventh Sets. As Applicants indicated in our telephone conversation on May 26, several people worked on those responses. Those persons were David N. Chapman, Antonio Vega, Susan L. Spencer, Homer C. Schmidt, John Marshall, and Lisa Bielfeldt. As Applicants also indicated, those persons worked together on providing responses to CASE's interrogatories and therefore no single individual could be considered to have provided any particular response. Applicants indicated that the first three of those persons would be presented by Applicants as witnesses at the hearing and those persons would be capable of responding to CASE's questions regarding Applicants' responses to CASE's interrogatories.



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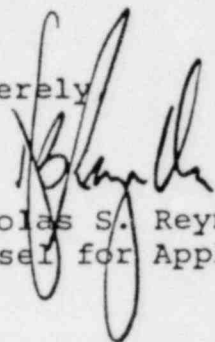
CASE also asked for a copy of the audit TDM-3. As Applicants indicated in our telephone conversation of May 25, CASE has already reviewed that audit but chose not to make a copy of it at the time it was reviewed. However, Applicants will supply a copy to CASE at this time.

Finally, CASE had a question with regard to an audit of "excavation procedures" referenced in a January 1975 Brown & Root Trending Report. Applicants have not been able to identify an "audit" on this matter. Applicants believe the term "audit" was incorrectly employed in the report.

Production of Documents

The documents referenced above which Applicants are supplying to CASE will be available in Applicants' Dallas offices on May 28, 1982.

Sincerely,



Nicholas S. Reynolds  
Counsel for Applicants

NSR:vms  
Overnight delivery

cc: Service list