

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETER 12/5/83
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ⁸³ DEC 12 P2:55

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)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket Nos. 50-445
and 50-446

CASE'S RESPONSE TO BOARD'S
REQUEST FOR CHART OF
"SHOW-AND-TELL" TRIP TO COMANCHE PEAK

On December 1, 1983, Board Chairman Bloch telephoned CASE and requested that CASE supply the Board with a chart giving general locations CASE witnesses propose to take the Board to at Comanche Peak on the proposed trip to identify specific deficiencies at the plant (referred to herein as the "show-and-tell" trip), as well as how much time would be required to complete the necessary reviews of the items in question, and an identification as to which of CASE's witnesses would be available to go in what time frames.

Attached is CASE's response to the Board's request. The times required include both identification and actual viewing of the items in question, as well as follow-up tracing of paperwork regarding the items; in addition, we have noted the type of equipment which would need to be supplied to do the tests required.

All of CASE's witnesses have indicated that, as far as they know at this time (and this would only change should any of the individuals presently unemployed find jobs in the meantime), they would be able to be present during

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the time frame presently under consideration by the Board, around the last of January or first of February or slightly later.

As indicated previously, most of CASE's witnesses do not wish to identify in any great detail the specific deficiencies or their locations, because they are convinced that if they do so, the problems will be covered-up or removed by the time the Board makes its site visit, thereby rendering such a visit useless and prejudicial in favor of the Applicants. The affidavits attached to CASE's 11/28/83 Answer to Board's 10/25/83 Memorandum (Procedure Concerning Quality Assurance) gave as much specificity as our witnesses were comfortable in supplying. However, in response to the Board's request, we have contacted them again (with the exception of a few whom we have not been able to contact by phone, and whom we have sent requests by mail), and they have supplied somewhat greater detail which is reflected on the attached chart. (In the instance of the individuals whom we have not been able to re-contact at this time, we have estimated the amount of time and general locations based on our previous conversations with them; we will advise the Board immediately should their estimates differ substantively from ours.)

It should be noted that CASE, as discussed previously, has some misgivings about taking the Board to the site under the conditions the Board has set forth. Further, had the NRC allowed Bob Messerly and J. R. Dillingham to take the NRC to the plant and show them the specific problems with which they were concerned at the time they requested to do so (April 14, 1983, and August 24, 1983, respectively) -- to the personal knowledge of CASE President Juanita Ellis

-- CASE would be able to have offered the Board more assurance now that the problems would have been identified. As it is, CASE has little expectation that most of the problems with which Mr. Messerly is concerned (with the exception of some which would be difficult if not impossible to cover up or remove) will still be in the same state which they were in seven months ago when Mr. Messerly requested that he be allowed to take the NRC and show them the problems. In the case of Mr. Dillingham, the situation now is much more disturbing. Had he been allowed to take the NRC and show them his concerns (which he stated he had not fully detailed in his deposition) when he requested to do so almost three months ago, those concerns would have at least been known and dealt with in some manner. As it is, CASE has not heard from Mr. Dillingham in about two months and is unable to contact him. (It should be noted that CASE was contacted by an NRC investigator on 12/5/83 (today) and advised that the NRC was now through with its investigation into his concerns and could now supply Mr. Dillingham with a copy of his deposition, which he had requested be supplied immediately at the time he gave his deposition, but was denied to him by the NRC investigators. Since CASE does not presently know his whereabouts or how to contact him, neither Mr. Dillingham, nor CASE, nor apparently the Licensing Board will have the benefit of the information contained in his deposition -- even though he did not wish to remain confidential, again to the personal knowledge of CASE's Mrs. Ellis and others present at his deposition. Of even greater concern is the fact that, because Mr. Dillingham was not allowed to show the NRC his concerns at the time he wished to do so,

although he clearly stated to the NRC investigators that he was leaving town, the possibility now exists that problems -- perhaps major problems -- in construction of Comanche Peak currently exist which have not, and perhaps will not, be corrected before the plant goes into operation, perhaps with disastrous consequences.)

The task CASE is undertaking is a monumental one which should not, in CASE's opinion, be relied upon totally by the Board as a basis for believing Comanche Peak is safely built even if CASE's witnesses are unable to show the Board major problems in construction. Because of the delays experienced, as discussed previously, and the Board's understandable desire for some measure of specificity, as well as the problems which will undoubtedly be encountered due to the fact that many of CASE's witnesses have not been at the plant for some time, the Board cannot be certain that the problems identified by CASE's witnesses would have been discovered by Applicants' QA/QC program had our witnesses not brought them to the attention of the NRC and the Board. CASE wants to emphasize again that we do not consider this "show-and-tell" trip to be a primary ingredient of our case in these proceedings and urge that the Board consider it only in the total context of testimony by our witnesses.

Respectfully submitted,



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cc: With Attachment, to Licensing Board, Applicants' counsel Nicholas Reynolds,
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Without Attachment, to balance of service list

ATTACHMENT IS FOR RESTRICTED USE ONLY

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of

CASE's RESPONSE TO BOARD'S REQUEST FOR CHART OF "SHOW-AND-TELL" TRIP TO COMANCHE
PEAK

have been sent to the names listed below this 5th day of December, 1983,
by: ~~XX~~ First Class Mail. ~~XXXXXXXXXX~~

* = with attachment (ATTACHMENT IS FOR RESTRICTED USE ONLY.)

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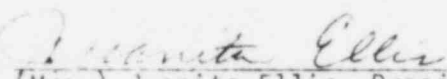
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