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RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
TEXAS UTILITIES ELECTRIC	)	Docket Nos. 50-445 and
COMPANY, <u>et al.</u>	)	50-446
	)	
(Comanche Peak Steam Electric	)	(Application for
Station, Units 1 and 2)	)	Operating Licenses)

APPLICANTS' NINTH SET OF INTERROGATORIES  
TO CASE AND REQUESTS TO PRODUCE

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, Texas Utilities Generating Co., et al. ("Applicants") hereby serve Applicants' Ninth Set of Interrogatories and Requests to Produce upon Citizens Association for Sound Energy ("CASE"). These interrogatories concern issues which remain open in this proceeding, as authorized in the Board's December 28, 1983, Memorandum and Order (Scheduling Matters), at 3. Applicants may serve additional interrogatories and requests to produce regarding these open issues, if necessary. These interrogatories also request that CASE supplement its responses to certain previous interrogatories. In accordance with our agreement in previous telephone conversations, we require supplementation only with respect to unresolved issues, as set forth in the Board's March 15, 1984, Memorandum (Clarification of Open Issues).

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PDR

Each interrogatory shall be answered fully in writing, under oath or affirmation, and include all pertinent information known to CASE, its officers, directors, or members as well as any pertinent information known to its employees, advisors, or counsel. Each request to produce applies to pertinent documents which are in the possession, custody, or control of CASE, its officers, directors, or members as well as its employees, advisors, or counsel. Also, please identify the person providing each answer or response.

These interrogatories and requests shall be continuing in nature. Thus, any time CASE obtains information which renders any previous response incorrect, incomplete, or not current, or indicates that a response was incorrect when made, CASE should supplement its previous response to the appropriate interrogatory or request to produce. CASE should also supplement its responses as necessary with respect to identification of each person expected to be called at the hearing, the subject matter of his or her testimony, and the substance of that testimony. The term "documents" as used in these interrogatories shall include any writings, recordings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, whether prepared by CASE or by another person. We request that on a date or dates to be agreed upon, CASE make available for inspection and copying, all documents subject to the requests set forth below.

APPLICANTS' INTERROGATORIES AND REQUESTS TO PRODUCE

1-9<sup>1/</sup> Has CASE obtained any information concerning the "T-Shirt Incident," which was the subject of CASE's seventeenth set of interrogatories (dated 3/12/84), other than that provided by Applicants in response to those interrogatories?

2-9 If the answer to 1-9 is yes, please identify the source of this information and describe what you have learned.

3-9 If the answer to 1-9 is yes, please detail the use you intend to make of this information at the hearing.

4-9 Please identify with particularity all witnesses CASE intends to call, including those CASE intends to subpoena, with respect to the "T-Shirt Incident," and provide the following information:

- a) state the date on which the person began his/her employment at Comanche Peak;
- b) state whether the person is still employed at Comanche Peak, and, if not, the date on which the person stopped working at Comanche Peak;
- c) state the person's employer(s) during the time he/she was employed at Comanche Peak;
- d) state the person's position(s) during the time he/she was employed at Comanche Peak;
- e) identify all documents that relate in any way to the person's testimony;

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<sup>1/</sup> Applicants have identified these Interrogatories as the Ninth set to CASE by the hyphen 9 following each number.

f) provide a summary of testimony that CASE intends to elicit from the person, including a list of facts that CASE intends to establish through the person's testimony.

5-9 Supply for inspection and copying all documents (as defined in these interrogatories, supra) relating to the "T-Shirt Incident", including documents reflecting any discussions, counseling, etc. between CASE and persons having knowledge of this matter, other than documents Applicants provided to CASE on this matter.

6-9 Has CASE received complaints from or discussed concerns with QC Inspectors or other past or present employees at Comanche Peak which CASE has not previously described to Applicants and which CASE intends to raise in the hearings?

7-9 If the answer to 6-9 is yes, please identify those individuals and individuals identified by them who CASE intends to call as a witness, and provide the following information:

- a) state the date on which the person began his/her employment at Comanche Peak;
- b) state whether the person is still employed at Comanche Peak, and, if not, the date on which the person stopped working at Comanche Peak;
- c) state the person's employer(s) during the time he/she was employed at Comanche Peak;

- d) state the person's position(s) during the time he/she was employed at Comanche Peak;
- e) identify all documents that relate in any way to the person's testimony;
- f) provide a summary of testimony that CASE intends to elicit from the person, including a list of facts that CASE intends to establish through the person's testimony.

8-9 If the answer to 6-9 is yes, please supply for inspection and copying all documents (as defined supra) which CASE intends to offer as evidence with respect to such complaints or concerns.

9-9 Please detail the issues CASE intends to pursue regarding Applicants' program to address the safety concerns of employees, discussed in Applicants' response to CASE's eighteenth set of interrogatories.

10-9 Identify with specificity all witnesses that CASE intends to call, including those CASE intends to subpoena, regarding Applicants' program to address the safety concerns of employees, and provide the following information:

- a) state the date on which the person began his/her employment at Comanche Peak;
- b) state whether the person is still employed at Comanche Peak, and, if not, the date on which the person stopped working at Comanche Peak;



- c) state the person's employer(s) during the time he/she was employed at Comanche Peak;
- d) state the person's position(s) during the time he/she was employed at Comanche Peak;
- e) identify all documents that relate in any way to the person's testimony;
- f) provide a summary of testimony that CASE intends to elicit from the person, including a list of facts that CASE intends to establish through the person's testimony.

- 11-9 Provide for inspection and copying (or identify if provided to CASE by applicants (see following interrogatory)) all documents related to Applicants' program which CASE intends to rely on in litigating this matter.
- 12-9 Identify with specificity all documents copied by or for CASE (including but not limited to the taking of handwritten notes) by Applicants pursuant to CASE's past or future sets of interrogatories which CASE will rely on in any way at the upcoming hearings. Please describe the nature of the proposed use of those documents (e.g., as exhibits, or for use during cross-examination) and what facts CASE intends to establish thereby.

13-9 Update the responses to the following interrogatories previously filed by Applicants with CASE with respect to matters still open for litigation so that Applicants are informed of the current status of all information requested thereby:

Applicants' First Set of Interrogatories

Please update interrogatories 2, 3, 6, 7, 8, and 13, dated August 1, 1980, which relate to Contention 5 and prospective witnesses.

2. What is your basis for Contention 5? Please list all documents not elsewhere identified in these interrogatories on which you rely for your position on Contention 5. Please provide these documents for inspection and copying.
3. Have you prepared, or have you caused to be prepared, any report, study or analysis on which you intend to rely for your position regarding Contention 5? If so, please identify the report, study or analysis and the author thereof, including that person's professional and educational background. Please provide for inspection and copying any such reports, studies or analyses.
6. Do you intend to file any testimony in the upcoming hearings on Contention 5? If so, who will be the sponsor (i.e., witness) of that testimony? Please specify the nature of such testimony and the professional and educational background of the witness. Please provide copies of that testimony. Please provide for inspection and copying any documents relied upon in that testimony.

(Applicants requested at the last hearing session that CASE supplement their response to this request for documents with respect to those documents on which CASE's witnesses relied during the February and March hearings. Tr. 11,994).

7. Do you intend to call any witness in the upcoming hearing with respect to Contention 5? If so, please identify the witness including a summary of his or her professional and educational background. Also, set forth any other information bearing on that person's qualifications to testify with respect to Contention 5.
8. If you plan to call any witness during the upcoming hearing with respect to Contention 5, please specify the nature and scope of his or her testimony. Please list or identify any documents which that witness intends to rely on in giving their testimony. Also please state whether that witness has conducted any research or made any studies which such witness intends to rely upon. Please provide copies of such testimony. Also, please provide for inspection and copying any documents relied on in such testimony.
13. Have you reviewed 10 C.F.R. Part 50, Appendix B? If not, why not? If so, please answer the following:
  - a. Which provision of 10 C.F.R. Part 50, Appendix B do you contend Applicants have not satisfied?
  - b. In what way do you contend the Applicants have not satisfied those provisions?
  - c. What are your bases (legal and/or other) for your responses to a. and b.?

Applicants' Third Set of Interrogatories

Please update CASE's responses to interrogatories 4, 11, 17, and 18, dated February 26, 1982, which all relate to Contention 5.

4. What are the specific requirements of Appendix B of 10 C.F.R. Part 50 to which CASE contends Applicants have failed to adhere?
11. Please list all I&E Reports, other than those identified in CASE's December 1, 1980 answers, on which CASE intends to rely for its position on Contention 5.



17. Does CASE believe that any of the audits which have been provided pursuant to discovery contain any matters which CASE intends to raise in its case on Contention 5?
18. If the response to Interrogatory 17 is in the affirmative, please specify each matter raised in audit reports which CASE intends to rely upon in its case on Contention 5 and specify the particular concern which CASE has with respect to each matter.

Applicants' Fifth Set of Interrogatories

Please update CASE's responses to interrogatories 2-5, 3-5, 5-5c, and 21-5 through 24-5, dated April 6, 1982, which relate to Contention 5.

- 2-5. For each of the I&E Reports identified in CASE's response to Interrogatory 4 (Third Set), specify the language in each criterion of 10 C.F.R. Part 50, Appendix B to which CASE contends Applicants have failed to adhere.
- 3-5. Are there any other I&E Reports which CASE has identified at this time which fall within the scope of Interrogatory 4 (Third Set)? If so, please identify those Reports and the associated Appendix B criterion number and specify the particular language of the criterion to which CASE contends Applicants have failed to adhere.
- 5-5c. CASE states that its "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". Please describe what CASE means by "trend" and "continuing breakdown". Please describe any "trend" which you contend demonstrates that the Applicants' QA/QC program is inadequate. Identify each instance of "continuing breakdown" which you contend demonstrates Applicants' QA/QC program is inadequate.
- 21-5. What is the "trending" analyses which CASE is performing for CPSES and CPSES as compared to STNP? Describe the purpose, content and conclusion of those analyses.

- 22-5. Has CASE completed those analyses or any portions thereof?
- 23-5. If the response to interrogatory 22-5 is in the affirmative, please supply for inspection and copying those analyses or portions thereof.
- 24-5. If the response to Interrogatory 22-5 is in the negative, when does CASE intend to complete those analyses?

Applicants' Sixth Set of Interrogatories

Please update CASE's responses to interrogatories 1-6, 6-6 through 11-6, 30-6, 31-6, and 34-6 (Sixth Set) dated May 3, 1982. These interrogatories concern I&E Reports and are relevant to, inter alia, the outstanding trending issue raised under Contention 5.

1-6. With respect to the I&E Reports on which CASE apparently intends to rely in support of its position on Contention 5, please answer the following questions [Applicants ask that CASE supplement its response to this interrogatory with respect to each violation, regardless of severity level.]:

- a. Does CASE contend that any "violations" presented in any of the I&E Reports have not been resolved to the satisfaction of the NRC Staff?
- b. If the response to Interrogatory 1-6.a. is in the affirmative, please specify the "violations" which you contend have not been resolved.
- c. For each of the "violations" identified in the response to Interrogatory 1-6.b., in what way does CASE contend those matters supports its position on Contention 5?
- d. Does CASE contend that the resolution of any of the "violations" raised in I&E Reports have been inadequate? If so, please specify the specific "violations" which CASE contends have not been satisfactorily resolved.

- e. For each of the "violations" identified in the response to Interrogatory 1-6.d., please describe how those "violations" support CASE's position on Contention 5.
- 6-6. Does CASE intend to rely upon any matters raised in Non-conformance Reports ("NCR's") supplied to CASE?
- 7-6. If the response to Interrogatory 6-6 is in the affirmative, please specify those matters on which CASE intends to rely. Describe the substance of the allegation which CASE intends to support with each NCR.
- 8-6. Does CASE intend to rely upon information contained in the Deficiency and Disposition Report ("DDR's") provided to CASE?
- 9-6. If the response to Interrogatory 8-6 is in the affirmative, please specify the particular DDR's on which CASE intends to rely. Describe the substance of the allegations which CASE intends to support with each DDR.
- 10-6. Does CASE intend to rely upon any Corrective Action Requests ("CAR's") provided to CASE?
- 11-6. If the response to Interrogatory 10-6 is in the affirmative, please specify the particular CAR's which CASE intends to rely upon. Describe the substance of the allegations which CASE intends to support with those CAR's.
- 30-6. Does CASE intend to rely upon the "trend analyses" produced by the NRC Staff?
- 31-6. If the response to Interrogatory 30-6 is in the affirmative, please specify the information in those trend analyses on which CASE will rely and the purpose for which such information will be used.

34-6. Does CASE intend to seek subpoenas of any individuals for the hearing? If so, who does CASE intend to subpoena? For what purpose will each individual be subpoenaed by CASE?

Respectfully submitted,

Nicholas S. Reynolds / WAA  
Nicholas S. Reynolds

William A. Horin  
William A. Horin

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April 10, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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COMPANY, <u>et al.</u>	)	50-446
	)	
(Comanche Peak Steam Electric	)	(Application for
Station, Units 1 and 2)	)	Operating Licenses)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Ninth Set of Interrogatories to CASE and Requests to Produce" in the above-captioned matters were served upon the following persons by overnight delivery (\*), or deposit in the United States mail, first class, postage prepaid, this 16th day of April, 1984, or by hand delivery (\*\*) on the 17th day of April, 1984.

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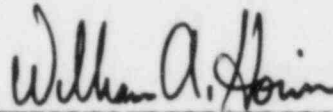


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