

RELATED CORRESPONDENCE

May 11, 1984
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 MAY 14 A9:03

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	Docket Nos. 50-445 and
TEXAS UTILITIES ELECTRIC)	50-446
COMPANY, ET AL.)	
)	(Application for
(Comanche Peak Steam Electric)	Operating Licenses)
Station, Units 1 and 2))	

APPLICANTS' ANSWER TO
CASE'S MOTION TO COMPEL

Pursuant to 10 C.F.R. §2.730(c) Texas Utilities Electric Company, et al. ("Applicants"), hereby submit their answer to CASE's April 16, 1984, Motion to Compel regarding CASE's Seventeenth, Eighteenth, Nineteenth and Twentieth sets of interrogatories and requests to produce. For the reasons set forth below, Applicants continue to object to certain of CASE's interrogatories and requests to produce. However, Applicants will provide additional information regarding other interrogatories and requests to produce, as specified below.

I. APPLICANTS' ANSWER TO CASE'S MOTION

A. CASE's Seventeenth Set of Interrogatories

1. Interrogatory 22

CASE initially requested that Applicants provide the names and addresses of the inspectors involved in the "T-shirt" incident. Applicants' response with respect to two inspectors who have transferred to other facilities was that they did not know the present address of either individual. CASE now asks that Applicants provide the last known address of these inspectors. The last known addresses for each of these individuals is, as follows:

Eddie Snyder
P.O. Box 1546
Granbury, Texas 76048

Jack Pitts
617 Arrowhead Lane
Burleson, Texas 76028

2. Interrogatory 31

CASE seeks to compel Applicants to identify by name the individuals who provided statements to Mr. Boyce Grier regarding the "t-shirt" incident. Applicants provided CASE with the names of all inspectors involved in that incident. However, as Applicants stated, Mr. Grier intentionally did not associate the names of particular inspectors with the allegations discussed in his report in order to prevent disclosure of those identities to supervisory personnel. CASE does not object to the nondisclosure of the names unless "any one other than perhaps Mr. Grier knows them." (CASE Motion at 6.) Applicants' counsel has confirmed

that Mr. Grier has not provided these identities to any person. Under these circumstances, even CASE admits we should not be required to produce the requested information.

In any event, because Applicants have already provided the names of the individuals involved in this incident to CASE, CASE may pursue on its own discovery regarding the concerns of the individual inspectors by, for example, taking their depositions. Accordingly, there is no compelling reason to disregard Applicants' position concerning the disclosures of these identities.

3. Interrogatory 32

CASE asks that Applicants provide copies of all procedures (including the original and all revisions) which were referred to by the individual inspectors in their interviews with Mr. Grier. Applicants will not object to providing this information. However, Applicants do object to providing all procedures (e.g., construction) related to lighting for the reactor building and the safeguards building. Applicants will, however, provide the inspection procedures (and all revisions) applicable to the inspection of lighting which these inspectors would have used in their inspections.

4. Interrogatory 36

CASE requests that Applicants provide a summary of any and all telephone calls between the inspectors who wore the t-shirts and the inspectors in their group and "any of Applicants' employees." Applicants maintain their previous objection that the request is overly broad and unduly burdensome to provide a response. To fully respond to this question would require that Applicants interview all employees of Texas Utilities Electric Company. Such an effort obviously is unreasonable and unduly burdensome. Further, because this is a matter as to which information may be more readily obtained from the inspectors themselves, it is more appropriate that CASE pursue this matter with the inspectors should CASE decide to take their depositions. In any event, Applicants counsel has asked the individuals most likely to be receiving telephone calls regarding this incident, viz., Messrs. Brandt, Clements, Cromeans, Grier, Hicks, Purdy, Tolson, Vega and Welch, if any of the inspectors involved in that incident had telephoned them regarding the incident. Each of these individuals stated they did not recall any such calls.

5. Interrogatories 39 and 40

CASE requests that Applicants provide further information regarding the present duties of the electrical inspectors involved in the "T-shirt" incident. Specifically, CASE asks whether the duties of any of those inspectors have changed since that incident. As Applicants previously indicated, two of the

inspectors are now working in Unit 2 areas. All of the inspectors, however, are still performing electrical inspections in accordance with their certifications.

B. Eighteenth Set of Interrogatories

As CASE is aware, Applicants are presently discussing informally with CASE a response to this request. Accordingly, Applicants do not provide a further response here.

C. Nineteenth Set of Interrogatories

1. Interrogatories 7, 8 and 9

These requests seek copies of audits performed by "insurers" of Comanche Peak. Applicants had originally provided the requested materials when the question of the ASME Survey of Brown & Root activities was an issue. Applicants' present objection is founded on the fact that these requests no longer relate to any of the remaining issues in the proceeding. However, because there is a need to expedite all remaining activities in this proceeding, Applicants will not continue to press their objection and will provide the requested documents for inspection.

We cannot let lie, however, CASE's remark regarding Applicants not providing materials because "there is something in the documents [CASE] will be interested in," Motion at 13. This disingenuous remark has no basis in fact. As CASE is aware, Applicants have provided almost 40,000 pages of documents on discovery in this proceeding (and tens of thousands of pages in

the rate proceedings in response to requests for information which appear directed to obtain material for use in the licensing proceeding). Applicants have provided CASE broad access to Applicants' materials for over three years while objecting only to requests when clearly warranted and well-founded. The Board should admonish CASE to cease such attacks and to concentrate on the real issues at hand to assist in the completion of the proceeding.

2. Interrogatories 11-13

These interrogatories concern a request for outside or subcontractor evaluations, studies or audits which have been conducted at Comanche Peak. Applicant's response was that CASE has been provided with or is already aware of all documents within the scope of this request. CASE now contends that it believes there was an evaluation performed by Stone and Webster which Applicants have not previously identified. Applicants are not aware of any such evaluation, study or audit. If CASE has any further information in this regard it should notify Applicants.

Further, CASE argues that Applicants are "treating the Lipinsky memorandum . . . as a partial report on protective coatings." Accordingly, CASE requests any related or additional evaluations, studies or audits regarding protective coatings. Applicants do not know how CASE came to believe we were treating this memorandum as a "partial report." That document was an

internal memorandum within Mr. Lipinsky's organization of which Applicants were unaware until newspaper articles and CASE began talking publicly about it. In any event, Applicants do not treat that memorandum as any form of report on protective coatings. Further, there are no "evaluations, studies or audits" regarding protective coatings at Comanche Peak which either Mr. Lipinsky or his organization provided to Applicants. Accordingly, Applicants have no additional information to provide in response to these interrogatories.

D. Twentieth Set of Interrogatories

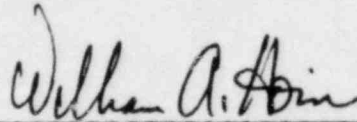
1. Interrogatories 11 and 12

CASE seeks in these requests, all audits performed by Hartford Steam Boiler Inspection and Insurance Group of Comanche Peak. Applicants initially objected to these requests as being irrelevant to any outstanding issues in the proceeding. As with CASE's requests concerning insurers' audits, (Nineteenth Set, Requests 7 to 9) Applicants believe these audits are no longer relevant to an outstanding issue in the proceeding. However, in the interest of expediting resolution of these matters, Applicants will not continue to press this objection and will provide the requested documents for inspection and copying. Applicants note we are also providing these documents to CASE in connection with the rate hearings.

2. Interrogatory 16

This request concerns documents on which Applicants' witnesses relied in their testimony. CASE requests that Applicants provide this information with respect to the witnesses on welding. Applicants have already provided this information to CASE. Accordingly, no further supplementation is necessary.

Respectfully submitted,



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May 11, 1984

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NUCLEAR REGULATORY COMMISSION
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Answer to CASE's Motion to Compel" 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 11th day of May, 1984, or by hand delivery (**) on the 14th day of May, 1984.

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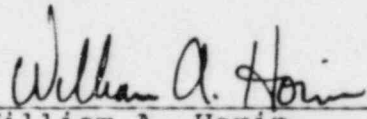
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