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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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' RESPONSE TO CASE'S
SEVENTEENTH THROUGH TWENTIETH SETS OF
INTERROGATORIES AND REQUESTS TO PRODUCE

I. INTRODUCTION

Pursuant to 10 C.F.R. §§2.740b and 2.741, and Applicants' agreement with CASE regarding the timing and scope of discovery, Applicants provide below their responses to CASE's seventeenth through twentieth sets of interrogatories. During the course of several telephone conferences between CASE and Applicants an agreement was reached that Applicants would file responses to each of CASE's interrogatories in these sets by no later than April 5, 1984, and CASE's requests to produce as soon thereafter as possible. Applicants hereby provide responses both to CASE's interrogatories and requests to produce. Documents provided in response to these requests for production will be available

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beginning April 9, 1984, either in Applicants' Dallas offices or at the Comanche Peak site, depending on where the documents requested are maintained.

Applicants and CASE have agreed that responses to either party's interrogatories or requests to produce (including supplementation of prior discovery requests) need be provided only with respect to issues which remain open. Accordingly, Applicants have provided responses to CASE's discovery requests consistent with this agreement. We have attempted to resolve informally any disagreements regarding relevancy of particular requests to outstanding issues. In some instances Applicants consider certain requests to seek information which is irrelevant to outstanding issues, but nonetheless provide the requested information, reserving the right to object on the ground of relevancy should CASE seek to use such material in the hearings.¹ Where we have been unable to reach such agreement, we have noted our objections below.

CASE should contact Ms. Susan Spencer to schedule inspection and copying of documents (214/979-8861).

¹ For example, Applicants initially objected to CASE's request for discovery regarding a matter labelled by CASE as the "T-shirt incident," which requests are reflected in CASE's seventeenth set of interrogatories. In order to expedite resolution of the remaining issues in this proceeding Applicants will not object to discovery on this topic, although we do not concede that this matter is related to the outstanding issues in this proceeding (see Applicants' Answer to CASE's Motion for Discovery Regarding T-Shirt Incident, March 30, 1984).

II. APPLICANTS' RESPONSE TO CASE'S
SEVENTEENTH SET OF INTERROGATORIES

1. Eight QC inspectors wore T-shirts.
2. "Comanche Peak Nit Pickers -- We're in the Business of Picken' Nits"
3. Yes.
4. Senior management personnel had been informed that some craft personnel had become disturbed by the inspectors' T-shirts. Applicants were concerned that due to the nature of the message contained on the shirts, confrontations with co-workers, including violent altercations, might be provoked.
5. All available documentation regarding this incident is being provided in response to item 8.
6. See responses to questions 4 and 7.
7. On March 8, 1984, (between 7:00 a.m. and 9:00 a.m.) M. A. Welch (Safeguards Building QC Supervisor) was notified by H. Johnson, a Safeguards Building QC coordinator, that several QC Electrical Inspectors were wearing the t-shirts in the Safeguards Building. Upon being informed of this matter, Mr. Tolson requested that Mr. Welch ask those individuals to go home to change their shirts. The inspectors were so informed by Mr. Welch. The inspectors requested a further explanation and were escorted to Mr. Tolson's office shortly after 9:00 a.m.

Mr. Tolson directed that the inspectors wait in a meeting room near his office pending discussions with supervisory and management personnel. While the inspectors were waiting, various individuals remained in the room with them. The inspectors were informed that because of the concern for their safety, those individuals would accompany them if they needed to leave the room. While the inspectors were waiting in the room, they were asked to be and were separately interviewed by Mr. Boyce Grier in his office.

The Brown & Root inspectors were informed by Mr. Gordon Purdy at approximately 1:30 p.m. that Applicants considered their behavior unprofessional and that due to the nature of the message contained on their shirts, confrontations with co-workers, including violent altercations, might be provoked. Mr. Purdy told the inspectors they were to leave the site and return the following day, in appropriate attire. Mr. Brandt similarly counselled the Ebasco inspector (Mr. Pitts). Upon completion of the interviews (at approximately 2:00) by Mr. Grier, Applicants escorted the inspectors to the site exit.

While the inspectors were waiting, Mr. Welch and the site security personnel were requested by Mr. Tolson to inspect materials in the individuals' desks to gather certain documentation it was believed the inspectors had improperly obtained or retained.

On March 9, 1984, Mr. Antonio Vega (Site QA Manager) interviewed the electrical inspectors involved in the T-shirt incident at their request. Mr. Vega spoke with six of the individuals.

8. Applicants will provide the requested material for inspection and copying.
9. Materials collected from the inspectors, other than personal belongings, were turned over to the NRC. Original QC records obtained from the inspectors were reentered into the appropriate review and documentation cycles. The NRC was provided with copies of these documents. Applicants did not otherwise retain a copy of these materials.
10. Personal belongings were returned to the inspectors. Applicants did not make a list of those items.
11. D.T. Oliver Milton C. Barfield
 Wayne Whitehead Robert L. Davis
 Bruce Hearn Eddie Snyder
 Anthony Ambrose Jack Pitts
12. S. Vore - Lead G. Pryor
 J. Griffith B. Ford
 S. Shamblin K. Boyer
 J. Hunter A. Mock
 D. Green T. Roberts
 R. Jones H. Glover

13. No. Only the desks of those who wore the T-shirts (or the file drawers of inspectors who had work benches) were inspected. Only if other inspectors had mixed their materials with those of these individuals would this have occurred.
- 14-17. Not Applicable.
18. Applicants are not aware of any alterations to any of the documents provided to CASE prior to the Board's request that they be retained.
19. Applicants responses to these interrogatories and requests to produce are complete, as evidenced by the attached verification.
20. Actions taken with respect to the subject QC inspectors as a result of their wearing the T-shirts are described in the response to question 7.
21. Yes.
22. Mr. Snyder resigned and Mr. Pitts has transferred to another facility. Applicants do not know the present address of either individual.
- 23-27. Mr. B.R. Clements (TUGCO Vice President, Nuclear) contacted Mr. Paul Check (NRC Region IV Deputy Administrator) after being informed of the situation at the site. Mr. Clements contacted Mr. Check during the morning of March 8.
28. The inspectors informed Mr. Vega that the T-shirts were worn as a "joke."

29. Yes.
30. These concerns are documented in a memorandum of Mr. Boyce Grier to Ronald G. Tolson dated March 15, 1984.
31. Applicants have provided the names of all electrical QC inspectors in the safeguards building in their responses to questions 11 and 12. Applicants object to specifying the identities of the inspectors making particular allegations. Mr. Grier's report was prepared at the request of Mr. Tolson in a manner which would prevent disclosure of those identities to supervisory personnel. Disclosure of those identities here would defeat that purpose.
32. Applicants will provide a copy of the specific procedure identified by the inspectors and the particular revision as to which they expressed a concern.
33. The revision was made to clarify certain provisions of the post construction inspection of electrical equipment and raceways activities to more clearly state the scope and intent of those inspections.
- 34-35. Mr. Clements informed Mr. Check of the situation at the site and of the present concern for the safety of those who wore the T-shirts. Mr. Check made no recommendations but asked to be kept informed.
36. Applicants object to this request. The request is overly broad and would be unduly burdensome to provide a response. Further, the request is not limited to matters which are relevant to any outstanding issue in the proceeding.

37. Yes.

38. Of the inspectors listed in questions 11 and 12, six have been reassigned to Unit 2 as a result of shifts in manpower requirements. These individuals are Messrs. Whitehead, Shamblin, Jones, Pryor, Barfield and Snyder.

39-40. See response to questions 37 and 38.

In addition to Mr. Tolson, the following persons provided information with respect to answers to particular interrogatories:

<u>Person Providing Information</u>	<u>Interrogatory No.</u>
Mr. C. T. Brandt	3, 4, 7
Mr. Mark Welch	7 and 13-17
Mr. Antonio Vega	28 and 32-33
Mr. Bill Cromeans	7 and 10
Mr. Gordon R. Purdy	7 and 20-22
Mr. B. R. Clements	23-27, 34 and 35
Mr. D. Hicks	12

III. APPLICANTS' RESPONSE TO CASE'S EIGHTEENTH SET OF INTERROGATORIES

This set of interrogatories concerns Applicants' program to receive complaints or concerns from employees regarding quality matters. Applicants agree that these matters are generally relevant to the intimidation issue which the Board has identified as an open issue (see Memorandum (Clarification of Open Issues), March 15, 1984, at 13-14). Accordingly, we provide below an

extensive discussion of this program. However, as discussed below, Applicants object to portions of CASE's request for documents as being irrelevant to the intimidation issue, overly broad and/or unduly burdensome and expensive to provide a response.

<u>Item</u>	<u>Response</u>
1.	Yes.
2.	Applicants have always recognized the need for a strong and effective quality assurance program, including the need to assure that each person performing quality-related work has sufficient organizational freedom to perform his or her job. Applicants' QA/QC personnel have been trained to the requirements of 10 C.F.R. Part 50, Appendix B and industry standards as they apply to their job, as well as the procedures implementing the quality assurance program. This training includes instruction in the reporting requirements of 10 C.F.R. §50.55(e). In addition, Applicants have always maintained a policy that all concerns of any employee regarding safety-related matters be thoroughly investigated and resolved. To this end Applicants assigned the responsibility to conduct investigations of concerns not otherwise raised and resolved in the normal course of QC activities to two individuals who have no reporting responsibility to site construction

or QA/QC organizations: Mr. Antonio Vega, the former QA Services Supervisor² and Mr. David L. Andrews, Director of Corporate Security. Mr. Vega reported (and continues to report in his new position) directly to Mr. David N. Chapman, Manager of Quality Assurance. Mr. Andrews reports directly to the Chairman of the Board and Chief Executive Officer of Texas Utilities Electric Company.

Applicants have also initiated several actions to reaffirm their commitment to an effective, independent QA/QC program. These actions were taken by Applicants' management as part of their response to questions raised by NRC Region IV in the August 29, 1983, Notice of Violation and Proposed Imposition of Civil Penalty regarding the Atchison case. The actions are fully described in Licensee's Response to Notice of Violation, transmitted by letter dated September 28, 1983, to Mr. Richard C. DeYoung, Director, NRC Office of Inspection and Enforcement from Mr. R. J. Gary, Executive Vice President and General Manager, Texas Utilities Generating Company. A copy of this response

² Mr. Vega recently assumed the duties of the Site QA Supervisor at Comanche Peak. His responsibilities as QA Services Supervisor have been assumed by Mr. Chapman.

will be made available for CASE's inspection and copying. A brief summary of these actions is set forth below.

1. Audiovisual program to be viewed by all present and future employees at Comanche Peak that stresses, inter alia, that quality is everyone's business and no interference (such as harassment) with proper performance of QA/QC functions will be tolerated.
2. Meetings between management and selected personnel at Comanche Peak to emphasize the commitment to quality.
3. Reemphasis by management during these meetings that all employees should bring their concerns regarding quality to Applicants' attention for resolution and that no adverse consequences with respect to the terms and conditions of their employment will be tolerated due to their identification of problems. Such concerns may be expressed by bringing them to the attention of QA/QC inspectors, QA/QC supervisors, construction management or Texas Utilities Generating Company management.
4. Establishment of a telephone hotline answered 24-hours a day by designated individuals or an automatic recorder. Concerns may be expressed anonymously if desired.
5. Written notice to all employees (in paycheck envelopes) reminding them of Applicants' commitment to quality and encouraging prompt identification of concerns regarding quality.
6. Posting of notices throughout the plant encouraging employees to bring to Applicants' attention any concerns regarding quality, reiterating the means for doing so.
7. Providing all QA/QC employees who leave the department with an opportunity to state any concerns they may have relating to quality.
8. Counseling selected QA/QC employees on employee relations and the need to accommodate considerations of both labor law and atomic energy

law, recognizing that the overall objective is construction and operation of a safe power reactor.

In addition to the above, Applicants have hired an independent consultant, Mr. Boyce Grier, to be available on site to discuss concerns of any employees. Mr. Grier served in a number of positions with the NRC from 1960 to 1981. Mr. Grier maintains an office on site during normal working hours, five days a week. He has full authority to investigate any quality-related concerns received by or referred to him.

3. Applicants contacted CASE prior to filing their response to this request for documents. Applicants did so in an attempt to informally reach an agreement regarding the scope of this request. Applicants expressed our position that the request was overly broad and sought information not relevant to the issues of intimidation and harassment, to which the request was directed. Applicants also stated that providing a response to such a request would be unduly burdensome. Applicants nonetheless proposed to provide copies of investigation reports concerning allegations of intimidation or harassment which had been performed by Applicants pursuant to the above described program. CASE indicated that it would provide further

clarification of its response by April 6, 1984.

Applicants will respond to this request upon receipt of this clarification.

IV. APPLICANTS' RESPONSE TO CASE'S
NINETEENTH SET OF INTERROGATORIES
AND REQUESTS TO PRODUCE

These discovery requests seek supplementation of responses to certain questions from CASE's Ninth, Eleventh, Thirteenth, First, Second and Sixth sets of interrogatories. Responses to these requests are set forth below, as organized in CASE's Nineteenth Set.

A. CASE's Ninth Set

<u>Item</u>	<u>Response</u>
16.	Applicants will provide copies of the TUGCO and Brown & Root NCR logs. Applicants do not believe each NCR is relevant to the outstanding issues and reserve the right to object to future requests for specific NCRs.
18.	Applicants will provide copies of the CAR logs. Applicants do not believe each CAR is relevant to the outstanding issues and reserve the right to object to future requests for specific CARs.
164.	Applicants object to this request as not being relevant to any open issue in this proceeding. As discussed in a conference call with the Board, the relevancy of this document to the Cygna Report will be addressed during the hearings on Cygna.

B. CASE's Eleventh Set

<u>Item</u>	<u>Response</u>
3.	Applicants will provide the requested trending documents for inspection and copying.
25.	Yes.
26.	a/b. Additional routine trending information not within the scope of question 3 has been developed and is incorporated in the documents provided in response to that question.

C. CASE's Thirteenth Set

<u>Item</u>	<u>Response</u>
1.(e)	<p>When this request was first presented, the Board ruled that Applicants need not provide a response (<u>see</u> Applicants' August 23, 1982 Response at 5).</p> <p>Accordingly, Applicants need not update their response to this request. Applicants note that to the extent we relied in testimony on any of the NCRs written by Mrs. Stiner, we have already provided CASE copies of those NCRs.</p>

D. CASE's First Set

<u>Item</u>	<u>Response</u>
8.	Applicants have performed 9 audits of Brown & Root.
14,18.	In accordance with CASE's clarification of these requests in a telephone conference with Applicants on April 3, 1984, Applicants will provide for inspection

and copying representative samples of press releases or brochures to the public which concern outstanding issues in this proceeding.

19. In accordance with CASE's clarification of this request in a telephone conference with Applicants on April 3, 1984, Applicants will provide for inspection the material previously provided for CASE's review. CASE is to specify the particular manuals, procedures, etc., which it would like updated.
20. Yes.
21. A copy of the tape regarding Texas Utilities' commitment to quality, discussed in the response to CASE's 18th Set, is available for viewing in Applicants' Dallas offices. No other tapes exist which come within the scope of this request.
- 22,23. See response to question 19.
- 24,25. See response to questions 20 and 21.
3. CASE will recall that Applicants provided the logs for CMCs and DCAs in response to this request. Applicants will provide updated copies of these logs. However, we reserve the right to object to future requests for individual documents.

E. CASE's Second Set

<u>Item</u>	<u>Response</u>
7-9.	Applicants object to these requests. Applicants believe that insurer's audits are irrelevant to the unresolved issues remaining in the proceeding.
11-13.	Applicants previously supplemented their original response to include another report prepared by Muenow and Associates and the Lobbin Report. The only reports which were prepared subsequent to those reports are ones of which CASE is already aware, <u>viz.</u> , INPO and Cygna.

F. CASE's Sixth Set

<u>Item</u>	<u>Response</u>
2. a.	Previous response unchanged.
b.	Previous response unchanged.
c.	Applicants will provide for inspection and copying the revisions to the audit procedures (including checklists) previously provided.
d., e.	Previous answers unchanged.
f.	Applicants will provide for inspection and copying the requested revisions to the procedures referenced in question 2(d).
g.	Applicants will provide for inspection and copying the requested revisions to the procedures referenced in question 2(e).

- h.,i. Previous answers unchanged.
- j. Previous answer unchanged.
- k. In accordance with CASE's agreement in a telephone conference with Applicants on April 3, 1984, Applicants will provide a list of audits performed by Texas Utilities Quality Assurance Division. CASE is to specify the audits it believes are relevant to the outstanding issues.
- l.,m. Previous answers unchanged.
- 4-6. Applicants have performed one additional audit of Brown & Root in Houston since our initial response. Applicants will provide this audit for inspection and copying.
- 7. Previous answer unchanged.

G. CASE's Seventh Set

- | <u>Item</u> | <u>Response</u> |
|-------------|--|
| 8. | CASE originally agreed that Applicants need not provide responses to parts (a), (b) and (d) of this request (<u>see</u> Applicants' February 25, 1982 Response at 6). Accordingly, Applicants are under no duty to supplement their responses at this time. The response to part (c) remains unchanged. |
| 10.,11. | Responses remain unchanged. |

15. There are presently 100 design engineers, 24 field engineers and 28 drafters working on pipe support designs for Class 1, 2, 3 and 5 hangers in Unit 1 and common areas.
16. There are presently 209 Class 1, 2, 3 and 5 hangers in Unit 1 and common areas for which construction is not completed or final QC sign-off has not been made.
(Information regarding the responses to questions 15 and 16 was provided by Mr. John Finneran.)

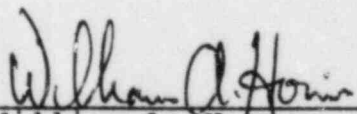
V. APPLICANTS' RESPONSE TO CASE'S
TWENTIETH SET OF INTERROGATORIES
AND REQUESTS TO PRODUCE

These discovery requests concern requests from CASE's Eighth Set of Interrogatories. Applicants' supplementation of our original responses follow.

<u>Item</u>	<u>Response</u>
5.	Applicants will provide for inspection and copying audits of the TCP series performed subsequent to TCP-29.
9.	Applicants will provide for inspection and copying audits with the TBS prefix.
11.,12.	Applicants object to the production of audits performed by Hartford Steam Boiler regarding Comanche Peak. Applicants believe these requests are irrelevant to the outstanding issues in this proceeding.

13. Contrary to CASE's statement, Applicants have provided the requested information. Applicants provided CASE with this information in response to CASE's 11th set of interrogatories in May, 1982. Applicants will provide an updated list for CASE's inspection and copying. With respect to CASE's request for a list of "upper management personnel," CASE clarified in a telephone conference with Applicants that its request concerned only Brown & Root QA/QC management. Applicants will provide this information.
16. Applicants have not yet identified their witnesses regarding the issues remaining for litigation. Applicants will do so when they have identified those witnesses. Applicants will provide for inspection and copying the requested documents (which have not previously been provided) when their witnesses are identified.
18. Response unchanged.

Respectfully submitted,



William A. Horin
BISHOP, LIBERMAN, COOK,
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1200 Seventeenth Street, N.W.
Washington, D. C. 20036
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Counsel for Applicants

State of Texas


County of Somervell

Ronald G. Tolson, being duly sworn, deposes and says:
That he knows the contents of Applicants' answers to
CISE's Seventeenth set of interrogatories and that the same
were prepared by him or with his involvement and are true of
his own knowledge except as to matters therein stated on
information and belief, and as to those, he believes them
to be true.


Ronald G. Tolson

Subscribed and sworn to before me this 5th day of
April, 1980.

This is a telecopy facsimile. The original will be forwarded
under separate cover.


Cyndi Hammon
Notary State of Texas

STATE OF TEXAS }
COUNTY OF DALLAS)

Susan L. Spencer, being duly sworn deposes and says:
That she is Supervisor, Quality Assurance Administrative Services,
Texas Utilities Generating Company and knows the contents of the
foregoing Applicants' Answers to CASE's Eighteenth, Nineteenth and
Twentieth Sets of Interrogatories; that the same is true of her own
knowledge except as to matters therein stated on information and
belief, and as to that she believes them to be true.

Susan L. Spencer
Susan L. Spencer

Subscribed and sworn to before me this 5th day of April 1984.

Glenda Benson
GLENDA BENSON, Notary Public
In and for Dallas County, Texas
My Commission Expires 2-17-85

This is a telecopy facsimile. The original will be forwarded
under separate cover.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Response to CASE's Seventeenth Through Twentieth Sets of Interrogatories and Requests to Produce" in the above-captioned matter was served upon the following persons by overnight delivery (*), or deposit in the United States mail, first class, postage prepaid, this 5th day of April, 1984, or by hand delivery (**) on the 6th day of April, 1984.

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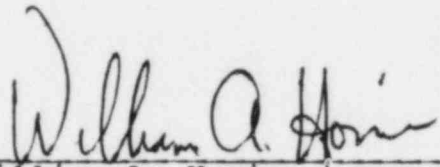
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