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USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.Docket Nos. 50-445 and
50-446(Comanche Peak Steam Electric Station
Station, Units 1 and 2)CASE'S MOTIONS REGARDING BOARD'S
3/15/84 MEMORANDUM (Clarification of Open Issues)

On March 15, 1984, just prior to the March hearings, the Licensing Board issued its Memorandum (Clarification of Open Issues), at the request of all the parties, for the purpose of clarifying the issues that are open in this proceeding. In reviewing the Board's Memorandum, CASE (Citizens Association for Sound Energy) finds it necessary to request clarification from the Board regarding certain matters and/or to file herewith motions regarding certain aspects of the Board's Memorandum.

Timing of Responses

CASE wishes to call the Board's attention to, and to object to, certain inconsistencies in the Board's Memorandum regarding the timing of responses from the parties.

In the Memorandum, CASE has been ordered to file certain information within five weeks:

- (1) We must apply for subpoenas to pursue the issue of the termination of Henry Stiner (page 9, item J);
- (2) We must file a more particularized affidavit or propose limited discovery regarding reverse classification practices (page 11,

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item P); and

- (3) We must file expected findings of fact regarding trends or patterns of non-conforming conditions (page 20, item RR).

And within four weeks:

- (4) We must file evidence regarding the intimidation of Mrs. Darlene Stiner (page 18, item HH).

On the other hand, with few exceptions, such stringent time limits have not been placed on Applicants or NRC Staff to respond to the Board's orders or requests for information. For example:

- (1) The Board requested that Applicants supply CASE with information about the evaluation of shims with clipped fingers on July 29, 1983; and it again requested this in its 3/15/84 Memorandum, as well as asking the Applicants to explain their tardiness in responding to the Board's request (page 6, item B). CASE has not received this information in the eight months since the Board requested Applicants to supply it. Yet, even in its 3/15/84 Memorandum, the Board did not give Applicants a specific deadline by which they were to respond, as it did with CASE.
- (2) The Board ordered Applicants to "promptly, and without undue delay" provide to CASE the evidence on which Applicants relied when they stated that the preliminary results of its thorough paint reinspection program, as of February 25, 1983, were favorable (page 8, item G). Yet the Board did not give Applicants a specific deadline by which they were to respond, such as it did with CASE.
- (3) The Board stated that Region IV's report on its inspection of

NPSI (which has not yet been completed) would likely be proper for litigation (page 13, item T). However, the Board did not give Region IV a deadline by which they were to file their report, or even request an estimate of when such report would be completed.

- (4) The Board states that it does not understand why the Staff has taken so long to clarify the ambiguous wording regarding the reactor vessel mirror shield and states that "Prior to licensing, we will review staff's response (or, in the absence of a timely response, applicant's evidence on this subject) . . ." etc. (page 17, item EE). Yet the Board did not give the Staff a deadline by which they are to file a response -- although the Board had asked for the information on September 30, 1983, -- six months ago.
- (5) The Board discussed computerization of non-conformance reports and indicated that the Board anticipated this issue would be likely to require further litigation. It also stated that "CASE may be required to indicate what genuine issues require litigation" (pages 17 and 18, item FF). Yet the Board did not give Applicants a deadline by which they are to file information on this issue, or even request an estimate from Applicants in this regard. Will the Board allow CASE also to indicate "what genuine issues require litigation" on CASE's timetable, as it has allowed Applicants to do in this instance?
- (6) The Board stated that the Staff walkdown inspections are relevant evidence concerning the effectiveness of the quality assurance program (page 19, item II). Yet the Board has not requested an estimate from the Staff as to when these walkdowns may occur or

when the Staff's reports regarding such walkdowns may be available.

- (7) The Board has indicated that its 3/15/84 Order does not affect the scope of the issues on design quality assurance as laid out in previous Board Orders. This would apply to the Board's Partial Initial Decision on A-500 Steel, issued October 6, 1983 -- almost six months ago (page 19, item 00). It is CASE's understanding that Applicants' report regarding this matter has been completed and in the hands of Applicants' counsel for some time now (Applicants will, we are certain, correct us if we're wrong). Yet the Board has not given Applicants a specific date by which they must respond.

- (8) In addition to the preceding, there are several other matters which will definitely or probably be the subject of future hearings regarding which there has been no indication from Applicants or NRC Staff as to when necessary reports or other information will be forthcoming.

CASE does not believe, in the instances cited, the Board has applied its usual criteria of fairness to all parties. We do not believe it is equitable to require CASE to comply with the deadlines imposed, without any discussions with CASE as to how much time might be needed to complete its assignments, while at the same time Applicants and NRC Staff are allowed to respond on their own time table.

As we have discussed in previous pleadings, there have been many instances in these proceedings when CASE has sought additional time on vitally important matters, for what CASE believes was good cause -- instances when CASE's request for additional time has been denied. (We

will not go into detail regarding the specific instances here, since we have discussed this already in previous pleadings.)

CASE will discuss some of the specific matters to which CASE must respond later in this pleading. We will attempt to comply with the Board's directives wherever possible; we would hope that the Board would grant additional time if needed.

To add equity regarding these matters, CASE moves that the Board require the following from Applicants and NRC Staff:

- (1) Applicants shall supply CASE with the information about the evaluation of shims with clipped fingers by April 17, 1984, including in its answer an explanation to the Board of their tardiness in responding to the Board's request.
- (2) Applicants shall provide to CASE the evidence on which Applicants relied when they stated that the preliminary results of its thorough paint reinspection program, as of February 25, 1983, were favorable. We further move that the Board order Applicants to supply this information in affidavit form, under oath, rather than in the form of an answer by Applicants' counsel. This is necessary since, as CASE has previously indicated, we believe that Applicants' previous statement may have constituted a material false statement made to the Licensing Board in these proceedings.
- (3) The NRC Staff shall file with the Board and parties by April 17, 1984, its report on its inspection of NPSI; in the alternative, Staff shall file an estimate of when such report will be completed.
- (4) The NRC Staff shall file with the Board and parties by April 17,

1984, the clarification requested by the Board concerning the ambiguous wording regarding the reactor vessel mirror shield.

- (5) Applicants shall file with the Board and parties by May 8, 1984, information regarding the computerization of non-conformance reports discussed by the Board in its Memorandum. In the alternative, Applicants shall file with the Board and parties by April 17, 1984, their estimate of when the requested information will be forthcoming.
- (6) The NRC Staff shall file with the Board and parties by April 17, 1984, its estimate of when the Staff will be able to make its walkdown inspections discussed in the Board Memorandum, as well as the Staff's estimate of how long following such walkdown inspections the Staff's reports will be available.
- (7) Applicants shall file with the Board and parties by April 17, 1984, their report responding to the Board's 10/6/83 Partial Initial Decision on A-500 Steel; in the alternative, Applicants shall file by April 17, 1984, their estimate of when such report will be forthcoming.
- (8) By May 15, 1984, Applicants and NRC Staff shall file an estimate with the Board and parties regarding the completion and availability of reports, etc., which will trigger hearings or actions by other parties or the Board.

CASE does not wish to unnecessarily burden either Applicants or NRC Staff. The deadlines suggested are, we believe, appropriate considering the amount of time Applicants and Staff have been on notice by the Board that the information requested would need to be forthcoming. We realize that it might be appropriate to extend the amount of time allowed upon a

showing of good cause.

Our purpose in making these motions is two-fold:

- (1) To restore equity and fairness regarding the timing of responses to the Board's 3/15/84 Memorandum; and
- (2) To avoid CASE's being deluged with numerous documents, reports, and other information at the last minute, without sufficient time available for proper and necessary discovery, necessitating our having to rush to hearings in order to avoid impacting Applicants' alleged fuel load date.

Intimidation, Harassment, and Threatening of QC Inspectors and Other Employees

1. On page 13 of the Board's 3/15/84 Memorandum (Item V), the Board states (Footnote 20) that the only testimony of undue pressure on craftspeople appears to be from the Stiners. This is not correct, as was discussed in CASE's 11/28/83 Summary of the Record Regarding Intimidation, etc., and Discouragement. (It should be noted that the testimony of CASE's witnesses referenced in our 11/28/83 Summary was aimed primarily at the specific concerns they had regarding the design and/or construction of Comanche Peak; their testimony regarding intimidation matters was more-or-less in passing, insofar as it related specifically to those concerns. It should also be noted that the terminology used should be changed to include other employees, such as engineers, documentation clerks, etc., rather than just QC inspectors and craftspeople.)
2. The Board also states (page 13, footnote 20) that except for the testimony of the Stiners, the issue of intimidation with respect

to the craft is not currently open, absent new developments in connection with the ongoing investigations of quality assurance practices. CASE does not understand this statement of the Board at all, since in its 12/28/83 Memorandum and Order (Scheduling Matters), the Board stated specifically (page 4, item 11):

"CASE shall have the opportunity . . . to present testimony concerning its allegations of intimidation of quality assurance and craft." (Emphasis added.)

We believe that the Board's 12/28/83 Order was based on pleadings (to which affidavits were attached), and we call the Board's attention especially to the following CASE pleadings:

CASE's 8/3/83 letter to Board under Subject of Record Regarding Discouragement from Reporting Nonconforming Conditions at Comanche Peak Nuclear Plant (including Attachments)

CASE's 11/9/83 (1) Partial Answer to Board's 10/25/83 Memorandum (Procedure Concerning Quality Assurance); (2) Motion for Additional Hearings; and (3) Motion for Protective Order (and Attachments)

CASE's 11/28/83 Answer to Board's 10/25/83 Memorandum (Procedure Concerning Quality Assurance) (and attached 13 affidavits). (Although this pleading was primarily for another purpose, each of the affiants addressed briefly matters of intimidation, harassment, and threatening, as well as discouragement from doing the job right to begin with.)

CASE's 12/23/83 Response to Applicants' Identification of Issues and Proposal to Establish Hearing Schedule, bottom of page 22 continued top of page 23.

CASE's 2/9/84 Testimony of CASE Witness Dobie Hatley. (Although CASE had to withdraw Ms. Hatley's testimony because of the actions of her attorneys at that time, CASE is still hopeful that Ms. Hatley will be able to testify during the hearings on intimidation and possibly other matters which are still open in these proceedings.)

The Board's apparent change regarding whether or not to have hearings on intimidation, harassment, and threatening of craftspeople and employees other than QC inspectors is of special

concern to CASE in light of the recent Region IV Inspection Report wherein it was indicated that it is not the NRC's concern if craftspeople are intimidated, harassed, or threatened, but is rather merely a management/labor dispute sort of problem. If the Licensing Board does not care whether or not the people who are actually building and designing the plant are being intimidated, harassed, or threatened, this will be a clear signal to management that they are free to engage in such practices so long as they don't do it to QC inspectors. CASE cannot believe that this is the position of the Board, and we urge that it reconsider this portion of its Memorandum. (And, as has been pointed out to CASE by Messrs. Walsh and Doyle, the wording should also be clarified to include engineers such as they, documentation specialists such as Dobie Hatley, and others who may not be QC inspectors but whose intimidation, harassment, and threatening could still be detrimental to the safe construction and operation of Comanche Peak.)

CASE would also point out to the Board that it specifically stated on page 15 (footnote 22) that Robert Messerly's allegation of intimidation may be litigated, although Mr. Messerly was not a QC inspector.

For clarification, CASE has already filed affidavits by the following (or they have made limited appearance statements or have already testified):

QC Inspectors:

Charles A. Atchison
Bob Bronson
William A. Dunham

QC Inspectors (continued):

Robert Hamilton
Joseph Krolak
Darlene Stiner

Craftspeople and Others

Roy Combs
Dennis Culton
Arvill "J. R." Dillingham
Jack Doyle
John Junior Gates
Cordella Hamilton
Freddy Ray Harrell
Dobie Hatley (testimony withdrawn, but CASE hopes to
have her testify when her lawyers allow it)
Robert L. Messerly
Stan Miles
Howard J. "Robbie" Robinson
Lester L. Smith
Henry Stiner
Mark Walsh
James D. Yost

Others:

Michael Chandler (limited appearance statement, not
expected to testify)
J. J. Lipinsky (the Board is familiar with the Lipinsky
memorandum, which was attached to CASE's 11/9/83
pleading)

CASE does not expect that all of the preceding will testify in the hearings on intimidation. However, most of them (including craftspeople) are eager to testify before the Licensing Board. In fact, they are eager to testify not only about intimidation issues but about their concerns regarding the manner in which Comanche Peak has been designed and constructed, since they do not believe that NRC Region IV has adequately dealt with their concerns. (CASE has not yet had an opportunity to review the unexpurgated, or at least less expurgated, copies of the recent OIA investigation reports; however, when we do, it may well be that we will be pursuing this matter further with appropriate

motions at that time.)

On page 18 (item GG) of the Board's 3/15/84 Memorandum, it indicates that to the extent low worker morale of quality control inspectors is directly relevant to charges of intimidation or of lack of commitment to quality assurance, it will not be excluded from evidence. CASE would make the same arguments as in the preceding regarding craftspeople and others at Comanche Peak, and ask that the Board also include them in this portion of its Memorandum.

3. On page 8 of its 3/15/84 Memorandum (item F), regarding the dismissal of Robert Hamilton, the Board states that this issue has been decided and states: "Its significance, in context, may still be litigated after all the evidence on intimidation has been heard." CASE does not understand the meaning of this sentence and asks for clarification by the Board.
4. On page 9 (item J), regarding the termination of Henry Stiner, the Board states that if CASE seeks subpoenas to pursue this matter it is not barred from obtaining them, but that it must apply for them within five weeks from the date of issuance of this decision (not counting the weekend before or the week of hearings).

This presents CASE with a dilemma. As Mr. Stiner testified in the March 1984 hearings, the reason we haven't asked for subpoenas regarding this matter already is that both Mr. Stiner and CASE are thoroughly convinced that we will endanger the present and future livelihood of anyone we subpoena to testify in these proceedings. This is even more a concern now that NRC

Region IV has stated in an inspection report that they are not concerned with intimidation of craftspeople, and because of the Board's 3/15/84 Memorandum which we are asking them to reconsider in this pleading. The Board, in effect, is leaving it to CASE and Mr. Stiner to knowingly and deliberately destroy people's future livelihoods and change their lives forever (as has been the case with Mr. and Mrs. Stiner and others who have testified as CASE witnesses in these proceedings). It is a sad commentary indeed that the oversight by NRC Region IV has been so poor that concerned individuals have been able to go through the established channels of contacting the NRC on a confidential basis, expressing their concerns, and having the NRC follow through and see that those concerns are adequately investigated and resolved -- without endangering the future livelihoods and changing the entire future lives of those concerned individuals and their families. This, however, is precisely what has happened in regard to Comanche Peak.

CASE does not believe it is necessary to do this in order to substantiate Mr. Stiner's allegations regarding his termination. We believe that there is sufficient information now in the hands of NRC Region IV personnel to substantiate at least major portions of Mr. Stiner's allegations. We urge the Licensing Board to work with CASE in this instance to bring out the truth without subjecting yet another individual (or individuals) to the intimidation, harassment, and implied threats which the Stiners and other CASE witnesses have endured in these proceedings. CASE is determined to pursue whatever avenues are available to it to

see that the truth about the construction and design of Comanche Peak comes out. In this instance, we believe that this can be in the context of the licensing hearings.

We urge the Licensing Board to work with us in this instance to bring out the truth about the firing of Henry Stiner through other means which we believe are available. We ask that the Board: (1) Allow CASE to present witnesses and evidence regarding the firing of Henry Stiner after we receive OI's report on intimidation. If OI addresses it and concludes that his allegations were correct (which CASE believes it must), it will not be necessary to subject other individuals to testifying in these proceedings. If OI does not address it or does not reach the conclusions CASE and Mr. Stiner believe it must, then it would be necessary to consider calling rebuttal witnesses to the OI report to substantiate Mr. Stiner's allegations. (2) In the alternative, CASE will be forced to ask that certain NRC personnel be subpoenaed. We are reluctant to do this, especially before OI's report comes out.

We ask for the Board's clarification and guidance on this on an expedited basis so that we will have sufficient time to file our motion for subpoenas for Region IV personnel should it be necessary. We would, of course, prefer that the NRC Staff provide them voluntarily; and we do not believe that CASE should have to bear witness fees or pay the expenses of such NRC personnel.

5. Although CASE would prefer to await the completion and filing of the reports by OI and Region IV regarding intimidation and

related issues, if we go forward with hearings prior to that time, CASE will be asking that certain OI investigators and Region IV personnel be subpoenaed.

In this regard, we call the Board's attention specifically to the sworn affidavit by NRC Region IV investigators Donald D. Driskill and Richard K. Herr, sent to the service list in these proceedings under cover letter from NRC Staff Counsel on 9/2/82; see CASE's 12/21/82 Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982, especially discussion at page 18, and affidavit which was included as CASE Attachment 9. In that affidavit, Messrs. Herr and Driskill stated (regarding attempts of NRC investigators to determine which, if any, of the individuals identified by letter in certain inspection reports objected to the Staff's disclosure or confirmation of their identities):

"Each of the individuals contacted, who objected to the NRC staff's disclosure of their identities . . . described their objections somewhat differently; however, in general, each expressed that such a disclosure could possibly place their present and/or future employment in jeopardy. It appears to be a common belief among them that their simple cooperation with NRC investigators may be interpreted as an act of disloyalty by their employers." (Emphases added.)

It is obvious that Messrs. Herr and Driskill have information of importance to these proceedings which should be included in hearings on intimidation, etc. This will be necessary for a complete record and to substantiate our witnesses' testimony. It would also present a rather difficult situation for such NRC witnesses, since it would be difficult for

them to testify without revealing what knowledge they might have regarding the ongoing investigations. On the other hand, it would be unnecessarily expensive for CASE and its witnesses (who would not be paid their usual salaries, if they are fortunate enough to have jobs) for CASE to have to have our witnesses testify, then come back again later if it were necessary for them to rebut the testimony of NRC witnesses.

Further, such a procedure would unduly delay the proceedings by requiring two hearings instead of one on the same thing, and unduly and unnecessarily burden an already large record. For this reason, we ask that the Board reconsider its verbal decision (after filing of its 3/15/84 Memorandum) to proceed to hearings on intimidation issues prior to the completion and receipt of OI's investigation reports on these matters.

CASE must also ask the Board to consider another disquieting aspect of going forward without having in hand the completed Region IV and/or OI reports. In light of the recently released OIA report (regarding Region IV's changing of the inspection report regarding its inspection of items identified by CASE witness Charles Atchison), CASE submits that there is the possibility that the reports regarding intimidation may be changed following testimony by CASE's witnesses in the hearings, to more favorably reflect on the NRC's investigations into intimidation, harassment, and threatening of QC inspectors and other employees at Comanche Peak. We believe that this is a possibility which the Board should consider in making its

determination regarding whether or not to proceed to hearings without the reports or discovery regarding the reports.

We also ask for the Board's clarification and guidance on this on an expedited basis so that we will know how to proceed regarding the requesting of subpoenas.

6. On page 18 (item HH), the Board orders CASE to file its evidence regarding the intimidation of Mrs. Darlene Stiner within four weeks. However, in its 12/28/83 Memorandum and Order (Scheduling Matters) (page 2, item 4), the Board stated that "parties need not prefile testimony concerning charges of intimidation or answers to those charges." The Board's 3/15/84 order regarding Mrs. Stiner seems inconsistent with the Board's previous Order.

Further, CASE requests that the Board reconsider its previous order to the following extent. CASE has already, in effect, prefiled testimony on at least some charges of intimidation in the form of the affidavits we have filed in previous pleadings, and we will in effect be prefiling testimony for Mrs. Stiner when we comply with the Board's 3/15/84 Memorandum. Thus, there will be no surprise to Applicants or NRC Staff regarding the testimony of CASE's witnesses as contained in those affidavits. CASE therefore moves that the Board revise its order to require Applicants and NRC Staff to prefile rebuttal testimony regarding the specific matters discussed in the prefiled affidavits or testimony of CASE's witnesses. This would be more equitable to CASE, while at the same time it would make for a more orderly and expeditious hearing. This is especially important given the large number of expected witnesses and the

amount of time which will be necessary for hearings on this important issue.

Unqualified QA/QC Supervisory Personnel

In the Board's 3/15/84 Memorandum (page 12, item R), it stated that there is no evidence in the record concerning the qualifications of quality assurance supervisory personnel other than within the context of the CAT Report and the testimony of Mrs. Darlene Stiner.

However, we call the Board's attention to the following specific items which are in the record (excerpted from CASE's 11/28/83 Summary of the Record Regarding Intimidation, etc., and Discouragement):

1. Testimony of Robert Hamilton (CASE Exhibit 653, entered at Tr. 3528, page 16): Supervisors overrule decisions of inspectors without any detailed knowledge of criteria.

2. Limited appearance statement of Bob Bronson (Tr. 4845-4853): Items #1, 2, 6, 7, 8, 9, 20 - unqualified inspectors; improper documentation of inspector qualifications.

It is CASE's recollection that there are several other instances in the record regarding unqualified QA/QC Supervisory Personnel; however, we have not had the opportunity to research these at this time. If we find other such instances, we will so advise the Board and parties.

Reverse Classification Practices

In its 3/15/84 Memorandum (page 11, item P., Traceability of Materials), the Board orders CASE to file, within five weeks, a more particularized affidavit or to propose limited discovery for the purpose of particularizing this "overly vague charge." CASE will attempt to comply within the time-frame specified.

We also call the Board's attention to what appears to be another instance of this practice, which is already in the record:

Testimony of Robert Hamilton (CASE Exhibit 653, admitted at Tr. 3528, page 58): quality program outside containment changed when they began to write so many NCR's, no longer safety-related.

Also, although we don't recall the specifics at this time and are not certain whether or not it is already in the record, it seems to us that Applicants did not consider concrete work as being safety-related except for shotcrete. We will attempt to locate documentation in this regard, and this may be included in a motion for limited discovery in this regard.

Trends or Patterns of Non-Conforming Conditions

In its 3/15/84 Memorandum, the Board orders CASE to file expected findings of fact on this issue within five weeks. Although CASE will do our best to comply with the Board's directive in this regard, this is a totally impossible task and one which we expect will need to be updated in any event, since it is expected that much additional information will be forthcoming in upcoming hearings. Also, it may well be that such additional information will indicate a trend which may not be obvious at this time. Further, we expected to incorporate much of the information from the CAT report into our findings in this regard.

It should be noted that, in some respects, Applicants and NRC Staff have been on notice since the June 1982 hearings of our intentions in this regard (we have not had the opportunity at this time to research the specific transcript pages, but will attempt to have this information when we file our expected findings). Therefore, there can be no "surprise" as feared by the Staff.

It should also be noted that CASE is uncertain we made clear exactly

what we meant by trends or patterns. Although it certainly encompasses the undiagnosed trends or patterns of non-conforming conditions referenced by the Board, it also includes such things as a continuing pattern of engineering away problems, writing off items "use as is" based on engineering judgement without back-up calculations or other supportive data, continuing trends or patterns of not reporting significant deficiencies under 10 CFR 50.55(e) or 10 CFR 21, etc. We will go into somewhat more detail regarding specifics when we file our response to the Board's Memorandum.

Messerly Allegations

The Board states in its 3/15/84 Memorandum that CASE has not indicate any specific way in which the Staff's already published inspection of this matter is deficient. We will be in touch with Mr. Messerly and will advise the Board further in this regard if appropriate.

CASE's Motions and Requests for Clarification

For the reasons set forth herein, CASE makes the following motions or requests for clarification by the Board:

(See pages 1-7 of this pleading):

1. That the Board order Applicants to supply CASE with the information about the evaluation of shims with clipped fingers by April 17, 1984, including in its answer an explanation to the Board of their tardiness in responding to the Board's request.

2. That the Board order Applicants to provide to CASE the evidence on which Applicants relied when they stated that the preliminary results of its thorough paint reinspection program, as of February 25, 1983, were

favorable.

We further move that the Board order Applicants to supply this information in affidavit form, under oath, rather than in the form of an answer by Applicants' counsel, since we believe Applicants' previous statement may have constituted a material false statement made to the Licensing Board in these proceedings.

3. That the Board order the NRC Staff to file with the Board and parties by April 17, 1984, its report on its inspection of NPSI; or in the alternative, that the Staff file an estimate of when such report will be completed.

4. That the Board order the NRC Staff to file with the Board and parties by April 17, 1984, the clarification requested by the Board concerning the ambiguous wording regarding the reactor vessel mirror shield.

5. That the Board order Applicants to file with the Board and parties by May 8, 1984, information regarding the computerization of non-conformance reports discussed by the Board in its Memorandum. In the alternative, that the Board order Applicants to file with the Board and parties by April 17, 1984, their estimate of when the requested information will be forthcoming.

6. That the Board order the NRC Staff to file with the Board and parties by April 17, 1984, its estimate of when the Staff will be able to make its walkdown inspections discussed in the Board Memorandum, as well as the Staff's estimate of how long following such walkdown inspections it will be before the Staff's reports will be available.

7. That the Board order Applicants to file with the Board and parties by April 17, 1984, their report responding to the Board's 10/6/83

Partial Initial Decision on A-500 Steel; in the alternative, that the Board order Applicants to file by April 17, 1984, their estimate of when such report will be forthcoming.

8. That the Board order Applicants and NRC Staff to file by May 15, 1984, an estimate with the Board and parties regarding the completion and availability of reports, etc., which will trigger hearings or actions by other parties or the Board (as discussed in the Board's 3/15/84 Memorandum).

(Refer to page 7 of this pleading):

9. That the Board reconsider its statement that the only testimony of undue pressure on craftspeople appears to be from the Stiners.

(Refer to pages 7-11 of this pleading):

10. That the Board reconsider its ruling that except for the testimony of the Stiners, the issue of intimidation with respect to the craft (and employees other than QC inspectors or craft) is not currently open.

That the Board include in the open issue of intimidation low worker morale of craftspeople and other employees (in addition to QC inspectors).

That the Board include in the open issue of intimidation discouragement from doing the job right to begin with.

(Refer to page 11, item 3, of this pleading):

11. That the Board clarify the meaning of the following sentence regarding the dismissal of Robert Hamilton: "Its significance, in context, may still be litigated after all the evidence on intimidation has been heard."

(Refer to pages 11-13, item 4, of this pleading):

12. That the Board reconsider its order that CASE must apply for subpoenas regarding the termination of Henry Stiner within five weeks, and (1) Allow CASE to present witnesses and evidence regarding the firing of Henry Stiner after we receive OI's report on intimidation. If OI does address it and concludes that Mr. Stiner's allegations were correct, it will not be necessary to subject other individuals to testifying in these proceedings. If OI does not address it or does not reach the conclusions CASE and Mr. Stiner believe it must, then it would be necessary to consider calling rebuttal witnesses to the OI report to substantiate Mr. Stiner's allegations. (2) In the alternative, CASE will be forced to ask that certain NRC personnel be subpoenaed.

We ask for the Board's clarification and guidance on this on an expedited basis so that we will have sufficient time to file our motion for subpoenas for Region IV personnel should it be necessary; and we do not believe that CASE should have to bear witness fees or pay the expenses of such NRC personnel.

(Refer to pages 13-16, item 5, of this pleading):

13. That the Board reconsider its verbal decision (after filing of its 3/15/84 Memorandum) to proceed to hearings on intimidation issues prior to the completion and receipt of OI's investigation reports on these matters.

We ask for the Board's clarification and guidance on this on an expedited basis so that we will know how to proceed regarding the requesting of subpoenas for NRC personnel.

(See pages 16-17, item 6, of this pleading):

14. That the Board reconsider its previous order that "parties need not prefile testimony concerning charges of intimidation or answers to

those charges," to the extent that the Board require Applicants and NRC Staff to prefile rebuttal testimony regarding the specific matters discussed in the prefiled affidavits or testimony of CASE's witnesses.

(Refer to page 17 of this pleading):

15. That the Board reconsider its statement that there is no evidence in the record concerning the qualifications of quality assurance supervisory personnel other than within the context of the CAT Report and the testimony of Mrs. Darlene Stiner.

(Refer to pages 17 and 18 of this pleading):

16. That the Board reconsider the wording in its Memorandum regarding reverse classification practices to reflect that there is at least one other instance already in the record regarding this practice.

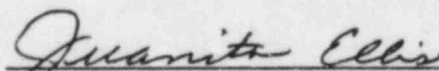
(Refer to pages 18 and 19 of this pleading):

17. That the Board revise the wording in its Memorandum regarding Trends or Patterns of Non-Conforming Conditions to recognize that CASE may supplement its expected findings of fact on this issue.

(Refer to page 19 of this pleading):

18. That the Board revise the wording in its Memorandum regarding the Messerly Allegations to allow CASE to indicate specific way in which the Staff's already published inspection of this matter is deficient.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.

(Comanche Peak Steam Electric Station
Station, Units 1 and 2)

Docket Nos. 50-445 and
50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE's 4/2/84 Motions Regarding Board's 3/15/84 Memorandum (Clarification of

Open Issues)

early morning hours of 3rd
have been sent to the names listed below this -2nd- day of April, 1984,
by: Express Mail where indicated by * and First Class Mail elsewhere.

* Administrative Judge Peter B. Bloch
U. S. Nuclear Regulatory Commission
4350 East/West Highway, 4th Floor
Bethesda, Maryland 20814

Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

* Dr. Kenneth A. McCollom, Dean
Division of Engineering,
Architecture and Technology
Oklahoma State University
Stillwater, Oklahoma 74074

Alan S. Rosenthal, Esq., Chairman
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

* Dr. Walter H. Jordan
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dr. W. Reed Johnson, Member
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

* Nicholas S. Reynolds, Esq.
Bishop, Liberman, Cook, Purcell
& Reynolds
1200 - 17th St., N. W.
Washington, D. C. 20036

Thomas S. Moore, Esq., Member
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

* Geary S. Mizuno, Esq.
Office of Executive Legal Director
U. S. Nuclear Regulatory Commission
Maryland National Bank Building
7735 Old Georgetown Road - Room 10105
Bethesda, Maryland 20814

Atomic Safety and Licensing Appeal
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

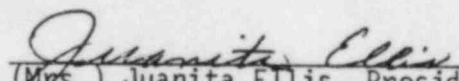
Renea Hicks, Esq.
Assistant Attorney General
Environmental Protection Division
Supreme Court Building
Austin, Texas 78711

John Collins
Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
611 Ryan Plaza Dr., Suite 1000
Arlington, Texas 76011

Dr. David H. Boltz
2012 S. Polk
Dallas, Texas 75224

Lanny A. Sinkin
114 W. 7th, Suite 220
Austin, Texas 78701

Michael D. Spence, President
Texas Utilities Generating Company
Skyway Tower
400 North Olive St., L.B. 81
Dallas, Texas 75201


(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446