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USNRC 10/30/84

UNITED 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.

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

Docket Nos. 50-445-DL
and 50-446-DL

CASE'S MOTION FOR ADDITIONAL TIME

AND

CASE'S SECOND PARTIAL ANSWER TO APPLICANTS'
STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS
NO GENUINE ISSUE REGARDING APPLICANTS' QUALITY ASSURANCE PROGRAM FOR
DESIGN OF PIPING AND PIPE SUPPORTS FOR COMANCHE PEAK STEAM ELECTRIC STATION

We are attaching subject Motion and Second Partial Answer for the Board's consideration, in the form of the attached Affidavit of CASE Witness Mark Walsh.

However, as discussed by Mr. Walsh in his Affidavit (see especially pages 38 and 39), reviewing the two-foot tall stack of documents which Applicants have provided to CASE on discovery and attempting to determine what changes have been made in the procedures and instructions has been a mammoth job. As Mr. Walsh stated, it was simply impossible for him to adequately review and discuss all of them at this time; consequently, he was unable to address all of the specific points in Applicants' Statement of Material Facts. We believe that the Board will be able to appreciate the magnitude of this job when they review the documents attached in conjunction with Mr. Walsh's Affidavit.

In addition, there are documents which Applicants have refused to provide to CASE which we believe are absolutely necessary for us to be able to adequately

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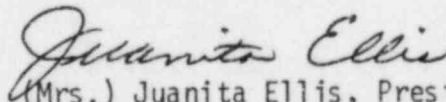
and fully address Applicants' Motion, including the Gibbs & Hill Specifications which are the underlying document for many of Applicants' procedures and instructions. Applicants' second and third material facts specifically discuss these Specifications (see quoted Statements 2 and 3 on pages 2 and 3 of Mr. Walsh's attached Affidavit). See also 10/4/84 letter from Applicants' counsel Mr. Horin to CASE, page 2, second paragraph, and CASE's 10/18/84 letter in response to Mr. Horin, especially page 2. CASE has asked Applicants to reconsider their decision, and reaffirmed this request in a telephone conversation with Mr. Horin last Friday, 10/26/84. In that telephone conversation, CASE asked Applicants' counsel to reconsider their decision regarding all of the items which Applicants have stated that they will not provide, and CASE will if necessary follow this up with written correspondence (however, since there are so many deadlines occurring in the next two or three days, it will probably be next week before we can get back to this).

CASE also asked Applicants' counsel if they would or would not support CASE's Motion for Additional Time; we have not heard back from them on this, and assume that they will oppose it. However, we believe that such additional time is necessary in order to fully develop the record of these proceedings. Further, such an extension of time is necessary in order to comply with the Board's desire to have everything on the table in regard to technical issues in these proceedings (see Tr. 10344). In addition, such an extension will not delay the proceedings, since the NRC Staff has advised that:

"The remaining summary disposition motion on the overall pipe and pipe support design QA and design control process, cannot be completed until the Staff has finished its evaluation of the previously mentioned summary disposition motions, and also reviewed the findings of the TRT in the design QA/QC area. Accordingly, the Staff projects that its response on this subject will be filed by mid January 1985." (10/19/84 NRC Staff Report to the Licensing Board on Status and Schedule for Addressing Hearings Issues.)

It should be noted that CASE would also expect to be given the opportunity to supplement our response based on the findings of the TRT in the design QA/QC area, should it appear that such supplementation is necessary. However, at this time, the extension we seek is until December 4, 1984 (to be placed in the mail for overnight delivery on that date), assuming that Applicants decide that they will not provide additional documents requested. In the alternative, should Applicants decide to provide additional documents which we have requested, we ask that we be allowed to place our additional response in the mail one month from the date of receipt of the last such document provided by Applicants on this subject.

Respectfully submitted



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