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May 9, 1985

UNITES STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

In the Matter of )  
 )  
TEXAS UTILITIES GENERATING )  
COMPANY, et al. )  
 )  
(Comanche Peak Steam Electric )  
Station, Units 1 and 2) )

'85 MAY 10 A10:25

Docket Nos. 50-445-2

and 50-446-2

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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CASE'S PROPOSED CASE MANAGEMENT PLAN (DOCKET 2)

On April 17, 1985, CASE filed a detailed Case Management Plan in the form of a letter to the Board. (Attachment 1) This filing incorporates by reference that letter with the following additions:

- 1) Consistent with Applicant's Proposed Case Management Plan the filings by the parties will be seriatum and not simultaneous. Applicant will begin and file all the information requested as well as its statement of position. The Staff would file 20 days later all information requested and its statement of position on the listed items. CASE would file 20 days later with the listed information and the statement of position.
- 2) Added to the statement of position of each party should be a statement of the scope and duration of discovery which they believe should be allowed on each of the issues they believe is a subject of litigation in the hearing.

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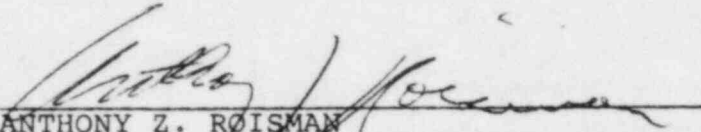
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- 3) The process of filing begins whenever Applicant initiates it, but filing of issues and proposed areas of discovery before publication of relevant documents (i.e., the final SSER or the results of any reinspection or rework by the Applicant) does not foreclose or in any way prejudice the right of any party to subsequently amend its issues or proposed discovery.
- 4) Delay in the resolution of the matters identified in CASE's letters of April 16 and 17 and similar matters and/or delay in commencing or concluding discovery as a result of the delay in Applicant's decision to initiate the pre-hearing process (paragraph 3 above) cannot be a basis for truncating (including compressing or overlapping) any subsequent time for discovery, pre-hearing preparation, hearings or filings of findings, motions or any other papers.

We propose that Applicant be required to respond to this proposal in 10 days and Staff 5 days thereafter.

The basis for adoption of this plan as opposed to the one proposed by Applicant is set forth in the accompanying Memorandum.

Respectfully submitted,



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April 17, 1985

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Herbert Grossman  
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Walter H. Jordan, Member  
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Re: In the matter of Texas Utilities Generating Company,  
et al. (Comanche Peak Steam Electric Station, Units  
1 and 2), Docket Nos. 50-445-2 and 50-446-2

Gentlemen:

The purpose of this letter is to respond to the Chairman's request (phone call 4/17/85) to provide a specific proposed agenda for the scheduling conference requested in my letter of April 16, 1985.

In general the conference should produce a procedural roadmap for the remainder of the hearings. To do this the Board would have to resolve a number of issues on which I believe the parties are in significant disagreement. The Board would need to have a reliable factual base to resolve these issues. To facilitate this process we would propose that all parties file within three working days of an order from this Board calling for a scheduling conference a statement of facts, in the form of an affidavit by a person with personal knowledge on the following facts:

Staff

1. List all ongoing reviews, investigations, analyses and the like by the Staff, including OI, Region IV, the TRT, technical specification reviews, and the Senior Management Panels, related to CPSES and describe the subject of each.
2. Provide current best estimates of the date of completion of each of the listed matters from question 1 and how the results will be reported.
3. List all documents to be completed in the future which will articulate the position of the Staff on any issue related to the licensing decision for CPSES, who will be the person or persons responsible for its preparation and final approval and the best estimate of when they will be available.
4. How will the Staff address those allegations not covered by the present TRT investigations and those deficiencies not fully investigated by the TRT.

Applicant

1. List all ongoing reviews, investigations, analyses and the like by the Applicant, including the CPRT, the Safe Team and all consultants, related to CPSES and describe the subject of each.
2. Provide current best estimates of the date of completion of each of the listed matters from question 1 and how the results will be reported.
3. List all documents to be completed in the future which will articulate the position of the Applicant on any issue related to the licensing decision for CPSES, who will be the person or persons responsible for its preparation and final approval and the best estimate of when they will be available.
4. What is the present schedule for the Applicant to complete all work it believes it needs to complete prior to be ready to a) load fuel, b) do hot functional testing, c) do subcritical testing, d) do low power testing, e) do full power testing. Describe the nature of the work Applicant believes is required to be ready for each identified step.



CASE

1. List in categories all Staff or Applicant personnel whose deposition will be sought prior to recommencement of hearings.
2. List other anticipated discovery that will be sought prior to recommencement of hearings.
3. Provide the anticipated schedule for completion of the described discovery.

The next step would be for the parties to file, three working days before the scheduling conference, a statement of position on the following matters which will then be resolved by the Board (where disagreement exists) at or as a result of the scheduling conference:

1. What issues should be resolved in Docket 2? For instance we assume the following issues are in the hearing.
  - a) What caused the breakdown of the QA/QC program as documented by the TRT findings on specific aspects of the plant and on the overall QA/QC program?
  - b) How does Applicant's response to QA/QC problems, including employee complaints and TRT findings, reflect on the competence and character of management in the past and at present?
  - c) What is the status of the safety of the plant in light of the breakdown of the QA/QC program?
  - d) The adequacy of Applicant's proposed plan to address the concerns expressed in the TRT findings and the SSERs.
  - e) The adequacy of Applicant's correction of any hardware problems identified by its response to the TRT findings and the SSER.
  - f) What evidentiary standard must the Applicant meet to establish that the plant as built is safe?
  - g) The correctness and completeness of the Staff findings on all issues relevant to CPSES.
2. What event or events should be concluded before the hearings recommence and if applicable should hearings recommence in several phases and geared to what events?

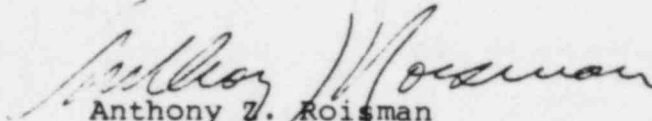
3. What additional evidence do the parties believe they have a right to present on those issues, who will be proposed to present it and when will it be ready to be presented?
4. Miscellaneous issues that are ready for resolution:
  - a) The status of the Glen Rose stipulation.
  - b) The status of testimony presented by former QA/QC managers no longer employed by Applicant in QA/QC positions.
  - c) The schedule for resolution of the issues raised by CASE's Motion to Establish an Evidentiary Standard.
  - d) The status of the Lipinsky matter including the implications of the SSER on paint coating.
  - e) The relevance of findings in Docket 1 related to unacceptable design or hardware on the ultimate QA/QC issues in Docket 2 (i.e. Docket 1 findings are similar to TRT findings (although the former are binding on the parties and the latter are only binding on the Staff) as to matters that were outside the scope of the TRT investigation or resolved differently than the TRT).

The specific schedule for resolution of these matters at the scheduling hearing is difficult to project at this time. We propose that the order of business be as follows:

1. Oral presentations by affiants to clarify matters in the factual affidavits.
2. Discussion of the scope of the issues in Docket 2.
3. Discussion of the scheduling of hearings.
4. Discussion of the proposed evidence to be introduced in the hearings.
5. Discussion of miscellaneous issues.

I trust this letter provides the additional detail the Board has requested. If not, I am available for a conference call this week.

Sincerely,



Anthony Z. Roisman  
Executive Director

cc: Service List