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RELATED CORRESPONDENCE

July 3, 1985

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
MARKETING & SERVICE
BRANCH

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

APPLICANTS' SECOND PARTIAL RESPONSE
TO RIPE DISCOVERY REQUESTS

I. INTRODUCTION

Pursuant to 10 C.F.R. §§2.740b and 2.741, and in accordance with Applicants' Report Regarding Status of Replies to CASE Interrogatories, filed June 7, 1985, Applicants hereby provide their second partial response to ripe discovery requests included in CASE's first through fifth sets of interrogatories and requests to produce "re: credibility".¹ Applicants' responses are governed by the May 30, 1985, Memorandum (Clarification of LBP 85-16), wherein the Board indicated that Applicants should

1/ This second partial response addresses those ripe interrogatories concerning Cygna and CPRT. Applicants' first partial response addresses the remaining ripe requests concerning pipe support design.

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respond if the request is 'likely to survive regardless of what the Staff does.'

Applicants reached agreement with the intervenor on May 30, 1985, regarding the nature of and schedule for responses to these ripe discovery requests. Applicants have agreed to complete their responses by July 5, 1985. (See May 30, 1985, letter to Mrs. Ellis and Mr. Roisman from Mr. Reynolds, counsel for Applicants.)

II. APPLICANTS' RESPONSES TO RIPE DISCOVERY REQUESTS

A. CASE's Second Set of Interrogatories

2. (a) Provide documentation that Applicants have provided Cygna Energy Services with all public documents from these proceedings regarding the Walsh/Doyle allegations.
- (b) Provide:
 - (i) a listing of all public documents (including pleadings, Proposed Findings, etc., filed by CASE) which have been provided to Cygna Energy Services (by Applicants or others);
 - (ii) all documents (such as cover letters, memoranda, etc.) by which such public documents were provided;
 - (iii) if the documents were handed to Cygna on site, please so indicate;
 - (iv) who (name, organization, and title) provided and who (name, organization, and title) received each such public document;
 - (v) and the date on which each such public document was supplied to Cygna.

Response: (J. Redding)

Applicants have requested that Cygna identify the public documents from these proceedings which Cygna has received, and the dates on which Cygna believes they were received. Cygna's list will include documents received, regardless of the source. This list will be provided to CASE. (Cygna's initial list, provided herewith, does not include correspondence in the form of letters. That list is being forwarded separately by Cygna and will be provided to CASE shortly.)

Applicants', however, object to requests 2.(b)(iii) and 2(b)(iv). Such requests are irrelevant and require an undue burden of researching files and retracing the transmittal of each document, assuming the information requested could even be located. The majority of the documents referenced, however, were provided to Cygna by Applicants' counsel.

3. (a) Provide documentation that Applicants instructed and/or contracted with Cygna Energy Services to address the design quality assurance issue.
- (b) Provide:
 - (i) a listing of all documents (as defined on page 2, item 3, of this pleading), including contracts, which instruct and/or provide details to Cygna Energy Services as to which specific aspects of implementation of design quality assurance they are to address and/or how they are to address them;
 - (ii) all documents (such as cover letters, memoranda, etc.) by which such documents were provided;
 - (iii) if the documents were handed to Cygna on site, please so indicate;

- (iv) who (name, organization, and title) provided and who (name, organization and title) received such such document;
- (v) and the date on which each such document was supplied to Cygna
- (c) Provide copies of all contracts, letters of understanding, or other instructions to or from Cygna as to the scope, criteria, protocol, and/or independence of Cygna's review and activities regarding Comanche Peak.
- (d) Was there ever any kind of understanding (written or oral) to the effect that Cygna was to accept Applicants' representations at face value (similar to the agreement regarding J.J. Lipinsky's acceptance at face value of the statements made in Mr. Brandt's affidavit).
- (d) If the answer to (c) above is yes, provide all documents (as defined in item 3, page 2, of this pleading), including contracts, relating to such understanding.

If no documents exist, supply specific details of such understanding, the name(s) (and organization and title) of each person with whom the professor discussed such understanding, a brief summary of all discussions, the date of each such discussion, and any other pertinent details.

Response: (J. Redding)

Questions 3 (a), (b): The governing documents which set forth the scope of Cygna's review are the contracts, in the form of purchase orders, for Phases 3 and 4. These documents will be provided. Consistent with the Board's ruling (see Tr. 12,810-11), Applicants will delete information relating to fees and costs as not relevant to the issues in this proceeding.

Question 3. (c): In addition to the contracts identified in the response to Questions 3.(a) and (b), the letters of protocol prepared and transmitted to Cygna by the NRC are within the scope of this request. These documents will be made available. CASE

should refer to Tr. 12,305-24, for a discussion of the applicability of those documents to the different phases of Cygna's review.

Question 3. (d): No. By providing this response, Applicants do not, however, intend to acquiesce directly or indirectly in CASE's characterization of matters relating to Mr. Lipinsky.

Question 3. (d)(sic): Not applicable.

B. CASE's Third Set of Interrogatories

39. If there are other documents (under the broad definition on page 2, item 3, of this pleading) which pertain or are relevant to questions 1 through 38 preceding, supply them also.

Response:

Applicants object to this request as being duplicative of previous requests and, otherwise inconsistent with principles governing NRC discovery which provide that requests in the form of "all documents" are not proper requests.

C. CASE's Fourth Set of Interrogatories

10. Supply all documents (as defined on page 2, item 3, of this pleading) relied upon in any way in the testimony of Applicants' witnesses who testified during the February and March 1984 welding hearings (both in the welding hearings and in the intimidation hearings regarding Henry or Darlene Stiner). (If there is any doubt as to what specific documents we are requesting, contact Juanita Ellis for specific details.)

Response:

Applicants object to this request for documents as not relevant to issues which remain in contention. The Board has issued its decision on welding issues and further discovery on that subject is not proper. CASE had ample opportunity over the course of the proceeding to complete such discovery.

11. With regard to Applicants' welding witnesses (who testified either in the September 1982 or February/March 1984 welding hearings, or had depositions taken or testified in the intimidation hearings regarding Henry or Darlene Stiner), provide the following information for each Applicants' witness:
 - a. How many hours did Applicants' or Brown & Root's attorneys spend with the witness? How long was each session? Give a specific time frame, including specific dates and times of day or night.
 - b. Was the witness given any assignments in preparation of testifying?
 - c. During the time when Applicants' or Brown & Root's attorneys were preparing the witness, were the following individuals also present:
 - (1) Ron Tolson?
 - (2) Tom Brandt?
 - (3) W. E. Baker?
 - (4) David Chapman?
 - (5) Antonio Vega?
 - (6) Any of the witness's superiors (if so, supply the name(s), title(s), and organization(s) of each)?
 - (7) Anyone else (if so, supply the name(s), title(s), and organization(s) of each)?
 - d. How much time did the witness spend at work in preparing his testimony? How many overtime did the witness spend in preparing his testimony? How much time on weekends or during his time off from work did the witness spend in preparing his testimony?

- e. Provide for inspection and copying copies of the witness's time sheets (or whatever means is used to indicate the date, time, and number of hours worked) for the three months before and the three months after each time the witness testified.
- f. How was it decided that the witness should testify (i.e., did he come to someone and say he wanted to testify, was he asked by someone to testify, was he told by someone that he would testify, etc.)? Give specific details, including who (name, title, organization) the witness individually talked to, who he talked to subsequently, etc.
- g. Provide all documents (as defined on page 2, item 3, of this pleading) regarding your answer to f. preceding.
- h. Has the witness had a change in shifts, position, pay scale, etc., between July 1, 1982, and the present? Supply complete details, including all documents (as defined on page 2, item 3, of this pleading, and including specifically job performance ratings, counseling reports, etc.) regarding all such changes. Include specifically information regarding the status of Cliff Brown.
- i. Has the witness quit or been terminated since he testified? If so, supply complete details, including all documents regarding this (including job performance ratings, termination slips, counseling reports, exit interviews, etc.). Also include the witness's last known address and telephone number. Include specifically information regarding the status of Cliff Brown.
- j. Supply all documents regarding where the witness worked, who his immediate superior was, what crew he was on, during the time Henry and Darlene Stiner worked at Comanche Peak. Also state how the witness's job changed from his former position.
- k. Which other welding witnesses were on the same crew as the witness at the time, or within six months of the time, the witness testified? Identify each such other witness by name. Also specify the times during which each other welding witness was on the same crew as the witness.
- l. Was the witness promised, or was it implied that he would receive, anything if he testified or for his testimony (for instance, free representation by Applicants' or Brown & Root's counsel if he got into trouble, transfer to the work he wanted to do, a raise,

extra vacation benefits, extra time off, other long-term benefits, etc.)? If so, what specifically was he promised, or was it implied that he would receive? Was the promise or implication fulfilled? Give all relevant details. Provide all documents (as defined on page 2, item 3, of this pleading) relating to this.

- m. Were there any notes, tapes, or other documents (as defined on page 2, item 3, of this pleading) of meetings, discussions, etc., regarding the witness's preparation for testifying?
- n. If the answer to m. preceding is yes, provide all such documents.
- o. If a copy of his resume was not supplied at the time he testified, supply a copy now.
- p. Has the witness ever spent any time in jail? Does the witness have a criminal record? If the answer is yes, give specific details and supply all documents (as defined on page 2, item 3, of this pleading) regarding this. If the answer is no, describe what specific steps Applicants took to ascertain this; provide all documents regarding this.
- q. Has the witness ever been involved in any way with drugs, either onsite or offsite? Has the witness ever spent any time in jail for drug use or the sale of drugs? Does the witness have a criminal record regarding the use or sale of drugs? Was the witness terminated regarding the use or sale of drugs? If the answer to any of the preceding questions is yes, give specific details and supply all documents (as defined on page 2, item 3, of this pleading) regarding this. If the answer is no, describe what specific steps Applicants took to ascertain this; provide all documents regarding this.

Response:

Applicants object to these requests as not relevant to issues which remain in contention. The Board issued its decision on welding issues in December, 1984. CASE had ample opportunity to pursue discovery and/or question Applicants' witnesses on this topic over the course of the welding proceeding and during the hearings. In addition, questions relating to witness preparation

are not relevant to issues in the proceeding and are otherwise privileged in that they infringe upon attorney-client and attorney-work product privileges. Also, providing personnel information and employment files with respect to individual witnesses, let alone persons who were not witnesses, would conflict with those employees' right to privacy. Finally, responding to these requests would be unduly burdensome. The requests would require Applicants to search personnel files and records with respect to numerous persons, assuming their identities could be determined in the first instance. Such an expenditure of time and resources with respect to matters which are no longer in litigation is unwarranted.

12. With regard to all other of Applicants' witnesses (who had depositions taken or testified in the intimidation hearings, or testified in the other portion of the hearings, or filed affidavits including but not limited to regarding the Walsh/Doyle issues) provide the following information for each Applicants' witness (if he/she testified more than once, for each time he/she testified, if applicable):
 - a. How many hours did Applicants' or Brown & Root's attorneys spend with the witness? How long was each session? Give a specific time frame, including specific dates and times of day or night.
 - b. Was the witness given any assignments in preparation of testifying?
 - c. During the time when Applicants' or Brown & Root's attorneys were preparing the witness, were the following individuals also present:
 - (1) Ron Tolson?
 - (2) Tom Brandt?
 - (3) W. E. Baker?
 - (4) David Chapman?

- (5) Antonio Vega?
 - (6) Any of the witness's superiors (if so, supply the name(s), title(s), or organization(s) of each)?
 - (7) Anyone else (if so, supply the name(s), title(s), and organization(s) or each)?
- d. How much time did the witness spend at work in preparing his testimony? How much overtime did the witness spend in preparing his testimony? How much time on weekends or during his time off from work did the witness spend in preparing his testimony?
 - e. Provide for inspection and copying copies of the witness's time sheets (or whatever means is used to indicate the date, time, and number of hours worked) for the three months before and the three months after each time the witness testified.
 - f. How was it decided that the witness should testify (i.e., did he come to someone and say he wanted to testify, was he asked by someone to testify, was he told by someone that he would testify, etc.)? Give specific details, including who (name, title, organization) the witness individually talked to, who he talked to subsequently, etc.
 - g. Provide all documents (as defined on page 2, item 3, of this pleading) regarding your answer to f. preceding.
 - h. Has the witness had a change in shifts, position, pay scale, etc., between July 1, 1982, and the present? Supply complete details, including all documents (as defined on page 2, item 3, of this pleading, and including specifically job performance ratings, counseling reports, etc.) regarding all such changes. Include specifically information regarding the status of Gordon Purdy, Thomas Brandt, Antonio Vega, David Chapman, Ronald Tolson, the "somewhat knowledgeable" engineers referred to by John Finneran.
 - i. Has the witness quit or been terminate since he testified? if so, supply complete details, including all documents regarding this (including job performance ratings, termination slips, counseling reports, exit interviews, etc.). Also include the witness's last known address and telephone number. Include specifically information regarding the status of Gordon Purdy, Thomas Brandt, Antonio Vega, David Chapman, Ronald Tolson, the "somewhat knowledgeable" engineers referred to by John Finneran.

- j. Supply all documents regarding where the witness worked, who his immediate superior was, what crew he was on, how the witness's job differed from his previous job.
- k. Was the witness promised, or was it implied that he would receive, anything if he testified or for his testimony (for instance, free representation by Applicants' or Brown & Root's counsel if he got into trouble, transfer to the work he wanted to do, a raise, extra vacation benefits, extra time off, other long-term benefits, etc.)? If so, what specifically was he promised, or was it implied that he would receive? Was the promise or implication fulfilled? Give all relevant details. Provide all documents (as defined on page 2, item 3, of this pleading) relating to this.
- l. Were there any notes, tapes, or other documents (as defined on page 2, item 3, of this pleading) of meetings, discussions, etc., regarding the witness's preparation for testifying?
- m. If the answer to l. preceding is yes, provide all such documents.
- n. If a copy of his resume was not supplied at the time he testified, supply a copy now.
- o. Has the witness ever spent any time in jail? Does the witness have a criminal record? If the answer is yes, give specific details and supply all documents (as defined on page 2, item 3, of this pleading) regarding this. If the answer is no, describe what specific steps Applicants took to ascertain this; provide all documents regarding this.
- p. Has the witness ever been involved in any way with drugs, either onsite or offsite? Has the witness ever spent any time in jail for drug use or the sale of drugs? Does the witness have a criminal record regarding the use or sale of drugs? Was the witness terminated regarding the use or sale of drugs? If the answer to any of the preceding questions is yes, give specific details and supply all documents (as defined on page 2, item 3, of this pleading) regarding this. If the answer is no, describe what specific steps Applicants took to ascertain this; provide all documents regarding this.

Response:

See response to Question 11.

24. a. Isn't it true that virtually all of the supports in the North Yard Tunnel have now been changed due to design changes?
- b. Isn't it true that many or most of the changes referenced in a. preceding were made to floor-to-ceiling hangers?
- c. Isn't it true that many or most of the changes referenced in a. preceding were to change the hangers so that they now have slip joints?
- d. Isn't it true that many or most of the changes referenced in a. preceding were made in response to the Walsh/Doyle allegations?
- e. Isn't it true that the change to slip joints was one of the recommendations made by Messrs. Walsh and/or Doyle in the operating license proceedings?
- f. Provide a list of all supports/hangers in the North Yard Tunnell which have been modified or redesigned; include in your answer whether or not such supports are safety-related, the class of each support, and the system of which each support is a part.
- g. Provide drawings and calculations (the ones just prior to the change, and the ones where the change was made) for each support/hanger listed in f. preceding. Also provide any other documents (as defined on page 2, item 3, of this proceeding) relating to such change.
- h. For each support/hanger listed in f. preceding, state exactly how the support was changed and the specific reason for the change.
- i. (i) How many other hangers/supports have been modified or redesigned in response to the Walsh/Doyle allegations?
- (ii) Supply a list of all such supports, each support's location, the system each support is part of, whether or not each support is safety-related, and the class of each support, and the system of which each support is a part.
- (iii) Provide drawings and calculations (the ones just prior to the change, and the ones where the change was made) for each support/hanger listed in (ii) preceding. Also provide any other documents (as defined on page 2, item 3, of this pleading) relating to such change.

- (iv) For each support/hanger listed in (ii) preceding, state exactly how the support was changed and the specific reason for the change.

Response:

Applicants object to this request as irrelevant to issues in the proceeding. "Hangers in the North Yard Tunnel" are not as a group in contest. Further, Applicants object to this request as unduly burdensome. CASE requests that Applicants prepare lists and research thousands of documents to prepare information concerning matters irrelevant to issues in this proceeding.

32. a. Following the public statements made by Nancy Williams, Cygna Project Manager (see 2/21/85 DALLAS MORNING NEWS article, attached to CASE's 2/25/85 Notification of New and Significant Information and CASE's Supplement to CASE's 10/15/84 Motions and Answer to Applicants' Motion for Summary Disposition Regarding Stability of Pipe Supports), did anyone with Applicants, their counsel, or their employees (as defined on pages 1 and 2, item 2, of this pleading) contact Ms. Williams (either directly or indirectly, such as through Cygna's attorney or Ms. Williams' superiors), Cygna's counsel, or any other employee of Cygna regarding Ms. Williams' statements and/or Cygna's position on the stability issue?
- b. If the answer to a. preceding is yes, provide a summary of such conversation(s) or contact(s), and all documents (as defined on page 2, item 3, of this pleading) relating to such conversation(s) or contact(s).

Response: (J. Redding)

Question 32. a.: Yes.

Question 32. b.: To our knowledge there was one instance of contact between Applicants and Cygna regarding Cygna's statements regarding stability. This conversation was documented on a Cygna Communications Report and will be made available to CASE. (CASE should have, in any event, already received the report through the normal distribution process.)

33. Provide CASE with Applicants' responses to each and every question asked informally (or formally) by the NRC Staff under the Board's 12/18/84 Memorandum (Reopening Discovery; Misleading Statement). Provide any additional or supplementary responses to CASE at the same time you provide them to the Staff.

Response:

Applicants presume that CASE refers to the Board's reopening of discovery. The NRC Staff has not requested information pursuant to the Board's reopening of discovery in the December 18, 1984, Memorandum. CASE would, of course, be provided with responses to such inquiries which may be forthcoming in the future.

34. Provide CASE with all information provided by Applicants to the NRC Contention 5 Panel. Provide any additional or supplementary responses to CASE at the same time you provide them to the Contention 5 Panel.

Response: (J. Beck)

Applicants do not communicate directly with the NRC Contention 5 Panel. Communications between Applicants and the NRC Staff are through Mr. Noonan. Applicants transmit information to Mr. Noonan in letters which are either provided directly to CASE or are made available in the NRC public document rooms. Applicants may also provide information to the NRC Contention 5 Panel through pre-noticed public meetings which, of course, CASE is free to attend or to obtain a transcript of the meeting. Consequently, CASE already has free access to information that is provided to the NRC Contention 5 Panel.

35. In CASE's 2/4/85 Second Set of Interrogatories to Applicants and Requests to Produce re: Credibility, page 6, question 3(c) asks:

"Provide copies of all contracts, letters of understanding, or other instructions to or from Cygna as to the scope, criteria, protocol, and/or independence of Cygna's review and activities regarding Comanche Peak."

- a. In the attached 2/21/85 FORT WORTH STAR-TELEGRAM article, it is stated:

"The utility has paid Cygna \$3 million since 1983 to conduct an independent assessment of plant design safety, a company spokesman said."

- (i) Is the \$3 million figure stated in the article correct?
- (ii) Provide all contracts, letters of understanding, or any other correspondence or documents (as defined on page 2, item 3, of this pleading) to or from Cygna regarding any amounts paid or to be paid (whether a set figure is specified or not) to Cygna by Applicants.

Response: (J. Redding)

Question 35. a. (i): Yes, at that point in time.

Approximately \$4.3 million has been paid to Cygna, to date.

Question 35. a. (ii): Applicants are willing to disclose the total amount paid to Cygna for its efforts, and are providing purchase orders. However, we object to providing information relating to Cygna's fees in that such information is not relevant to issues in the proceeding. (See Tr. 12,810-11). Further, such data is likely to be considered proprietary by Cygna.

36. The attached 2/20/85 articles from the DALLAS TIMES HERALD, THE DALLAS MORNING NEWS, and THE FORT WORTH STAR-TELEGRAM indicate that Applicants' witnesses David Chapman and Antonio Vega have been reassigned and will no longer be at Comanche Peak.

The articles also indicate that Messrs. James R. Wells, Phillip Halstead, and David McAfee will be replacing Messrs. Chapman and Vega at Comanche Peak, but that these three newcomers will not be permanent employees.

- a. Please comment on the accuracy of the preceding comments, and provide complete and specific details regarding these changes in personnel.
- b. What was the reason for these changes?
- c. Provide the job resumes for Messrs. Wells, Halstead and McAfee.
- d. How long is each of these three individuals expected to remain in his new position at Comanche Peak?
- e. For each of these three individuals, provide copies of all documents (as defined on page 2, item 3, of this pleading), including all contracts, letters of understanding, or other instructions to or from these three individuals from Applicants or their employees (as defined on pages 1 and 2, item 2, of this pleading) as to the scope, criteria, protocol, independence, salary and benefits, term of contract, and any other relevant data regarding each individual's review and activities at Comanche Peak.
- f. Was there ever (or will there be) any kind of understanding (written or oral) to the effect that any or all of these three individuals is to accept Applicants' representations at face value (similar to the agreement regarding J.J. Lipinsky's acceptance at at face value of the statements made in Mr. Brandt's affidavit).
- g. If the answer to f. preceding is yes, provide all documents (as defined in item 3, page 2, of this pleading) including contracts, relating to such understanding.

If no documents exist, supply specific details of such understanding, the name(s) (and organization and title) of each person with whom any of the three individuals discussed such understanding, a brief summary of all discussions, the date of each such discussion, and any other pertinent details. Provide specific details information.

- h. Provide:
 - (1) a listing of all public documents (including pleadings, Proposed Findings, etc., filed by CASE) which have been provided to each of the three individuals (by Applicants or others);

- (2) a listing of all other documents (as defined on page 2, item 3, of this pleading) which have been provided to each of three individuals;
 - (3) all documents (such as cover letters, memoranda, etc.) by which such documents were provided;
 - (4) if the documents were handed to the individuals on site, please so indicate;
 - (5) who (name, organization, and title) provided each such document to each of the three individuals;
 - (6) the date on which each such document was supplied to each of the three individuals;
 - (7) copies of all documents listed in (2) preceding.
- i. With further reference to d. preceding, CASE is concerned that these individuals, whom we assume Applicants consider to be experts in quality assurance/quality control, will be leaving just at the time Applicants will need expertise in implementing its QA/QC program for operations.

Please provide specific details and all documentation regarding how Applicants plan to deal with this potential problem.

Response: (J. Beck)

Question 36.a.: Applicants informed the Board and parties of the changes in personnel mentioned by CASE in a letter to the Board from Mr. Wooldridge, Counsel for Applicants, dated March 21, 1985. Further information regarding these changes is provided in response to the subparts b. through i. of this interrogatory.

Question 36.b.: Applicants initiated these changes in an effort to provide a fresh perspective to the management of quality assurance activities at Comanche Peak and to provide additional management experience relating to nuclear quality assurance programs. Applicants have provided additional

information regarding our views concerning management in our response to the Board's request for "Current Management Views" (see Memorandum and Order (Case Management Plan), May 24, 1985 at 5), filed June 28, 1985, as part of Applicants' Management Plan.

Question 36.c.: Applicants have provided the requested information with the portion of FSAR Amendment 55 transmitted to CASE with Applicants' Management Plan.

Question 36.d.: It is presently anticipated that these individuals will be with TUGCO through the licensing and startup of Unit 2.

Question 36.e.: Applicants object to providing employment contracts with the identified individuals. Information such as salary and benefits is confidential, and irrelevant to issues in this proceeding. In any event, each individual's resume and job responsibilities are set forth in the portion of FSAR Amendment 55, transmitted to CASE with Applicants' Management Plan. There are no instructions to these individuals regarding their "review and activities at Comanche Peak."

Finally, Applicants do not know what CASE intends by the terms "criteria, protocol, independence," and, thus, cannot respond with respect to that aspect of the request. However, we point out that the individuals have, as has always been the case for positions with responsibility for the QA program, the necessary authority and organizational freedom required by 10 C.F.R. Part 50, Appendix B.

Question 36.f.: No. By providing this response, Applicants do not, however, intend to acquiesce directly or indirectly in CASE's characterization of matters relating to Mr. Lipinsky.

Question 36.g.: Not applicable.

Question 36.h.: These individuals have access to and authority to obtain copies of any documents that have been filed in this proceeding by any party or documents within the files of their respective organizations. There has been no separate "transmittal" of documents to these persons.

Question 36.i.: Applicants object to this question as requiring conjecture and speculation by Applicants.

D. CASE Fifth Set of Interrogatories

35. If not already provided, supply CASE with copies of all answers to requests for information and all documents which Applicants have provided or will provide to the NRC Staff (including the TRT, Contention 5 Panel, Region IV, and all other panels, committees, individuals, etc., with the NRC) in response to the Staff's questions or requests for documents. These should include (but not be limited to) all documents requested during the meetings between the Staff and Applicants on February 26, 27 and 28, 1985 and March 5, 6 and 7, 1985.

Response: (J. Beck)

Applicants object to this request as being overly broad and unduly burdensome. The request is not limited in time or scope in any way. Such unbounded requests for "all documents" are not proper for discovery. Further, Applicants' communications with the NRC are a matter of public record. Letters and other documents provided to the NRC by Applicants are available in the NRC public document rooms. Applicants are not required to produce documents which are available publicly.

To the extent CASE is seeking information transmitted by Applicants to the NRC Staff in connection with the TRT findings and the CPRT responses to those findings, Applicants have, to the best of our knowledge, copied CASE directly on such correspondence. Applicants will assure that CASE is directly copied in the future. In any event, such correspondence is also available in the NRC public document rooms. (See also response to Question 36.d.)

With respect to the documents requested during the meetings with the NRC Staff referenced by CASE, Applicants' submittals through the CPRT (i.e., the program plan, individual action plans and qualifications) constitute responses to those inquiries. Applicants are also reviewing those transcripts to ascertain whether there were requests for specific documents which may not be appropriately responded to by the CPRT submittals. If Applicants identify any such documents we will so inform CASE.

35. If not already provided, supply CASE with copies of all answers to requests for information and all documents which Applicants have provided or will provide to Cygna in response to Cygna's questions or requests for documents.

Regarding the documents not already provided, please supply CASE with copies at the same time you supply them to Cygna.

Response: (J. Redding)

Applicants object to this request as being overly broad and unduly burdensome. Cygna has requested, and Applicants have provided, numerous documents relating to the many issues Cygna is pursuing. There are literally hundreds of thousands of pages

that have been supplied to Cygna by Applicants or their contractors within the scope of Cygna's review (Gibbs & Hill, NPSI, ITT-Grinnell, etc.). CASE need only recall the boxes of documents provided to CASE in connection with the litigation of Cygna Phases 1 and 2 to comprehend the massiveness of this request.

Applicants suggest, however, that CASE focus its requests to enable Applicants to provide a reasoned response. In this regard, Applicants note that to the extent material is provided to Cygna, it is generally transmitted to Cygna through correspondence. CASE is provided a copy of that correspondence. Accordingly, Applicants suggest that CASE review that correspondence to identify specific requests and Applicants' responses as to which it would like to receive documents. To assure that CASE has received all correspondence to Cygna relating to requests for information, Applicants can make available for inspection their file of such correspondence.

With respect to other sources of documents provided to Cygna (in response to requests Cygna may make as part of ongoing audits or inspections on site), Applicants do not maintain a separate list of materials that may have been provided. Accordingly, Applicants cannot respond to this request. Applicants will, to the extent practicable, provide future documents to CASE as they are provided to Cygna.

36. It is CASE's understanding (from statements made during the February 26 and 27, 1985, meetings between the Applicants and NRC Staff) that Applicants have hired several

individuals who are with Tera Corporation as "independent" outside consultants who will review the design/design QA issues as well as the problems identified by the NRC's Technical Review Team.

- a. Is this correct? If not, provide correct information in this regard.
- b. Is it true that these consultants will also be reviewing and overseeing sampling and testing as part of their duties? If not, who (names, titles, organizations) will be doing such reviewing and overseeing?
- c. Provide full and complete details (including any and all resumes, background, qualifications, and training, contracts, letters of understanding, letters of intent, statement of protocol, statement of scope, and all other documentation as defined on page 2, item 3, of this pleading) regarding these consultants and their duties.

Include specifically any and all documentation regarding the qualifications of each consultant regarding sampling and testing.

Also include specifically full and complete details and a discussion of each consultant's ties and past associations with Applicants' John Beck.

- d. Provide CASE with copies of all answers to requests for information and all documents which Applicants have provided or will provide to these consultants in response to their questions or requests for documents.

Regarding the documents not already provided, please supply CASE with copies at the same time you supply them to the consultants.

Response: (J. Beck)

Question 36.a.: Yes.

Question 36.b.: Yes. There are also people on the Comanche Peak Response Team (CPRT) and Senior Review Team (SRT) who are not employees of the TERA Corporation and whose responsibilities include the review and oversight of sampling and testing. The persons responsible for implementing testing and sampling

activities are identified in the issue specific action plans, many of which have been forwarded to CASE previously in draft form. All such action plans will be forwarded to CASE as they are completed.

Question 36.c.: Applicants will provide information regarding the qualifications of persons on the Comanche Peak Response Team, regardless of whether they are employed by TERA, including those individuals whose responsibilities include the oversight and review of sampling and testing. Contracts with the CPRT organizations and other documentation relating to their duties as members of the CPRT will be provided. Applicants object, however, to providing contractual information regarding the salary or benefits of such persons, or the terms relating to fees or costs. Such information is not relevant to matters at issue, is confidential with respect to the individuals involved and proprietary with respect to the organizations retained. Material provided by Applicants will be so segregated.

With respect to the aspect of the question relating to Mr. Beck, Mr. Beck was a Vice President of TERA corporation from June 1980 to April 1984. Mr. Beck has no present ties to TERA Corporation. See also response to Question 38.c.

Question 36.d.: Applicants object to this request, as framed, as being overly broad and unduly burdensome. The CPRT has reviewed tens, if not hundreds, of thousands of documents involving virtually all types of plant records. No separate list is maintained of all documents provided to all members of the

CPRT. It would be virtually impossible to recreate and reproduce all such documents.

As an alternative, Applicants propose that CASE review documents utilized by the CPRT in preparing their results reports. (These reports will be described in the program plan to be provided to CASE.) Applicants are presently developing a means by which CASE can, without pursuing formal discovery, and while the program is being implemented, have convenient access (in Dallas) to all such records.

38. Have Applicants hired consulting firm(s) or consultants who are, or will be, doing the statistical sampling, analyses, and/or setting the parameters for testing, sampling, etc. (including but not necessarily limited to Applicants' evaluation and response to the TRT's and the NRC's Walsh/Doyle Allegation Panel's questions and concerns) as "independent" outside consultants who will review the design/design QA issues as well as the problems identified by the NRC's Technical Review Team?

- a. If the answer is no, provide correct information in this regard.
- b. Will these consultants actually be doing the statistical sampling, analyses, and/or setting the parameters for testing, sampling, etc.? Will they also be reviewing and overseeing sampling and testing as part of their duties? If not, who (names, titles, organizations) will be performing each of these functions?

Supply specific detailed information regarding the duties of these consultants and/or others who will be performing each of these function.

- c. Provide full and complete details (including any and all resumes, background, qualifications, and training, contracts, letters of understanding, letters of intent, statement of protocol, statement of scope, and all other documentation as defined on page 2, item 3, of this pleading) regarding these consultants and/or others and their duties.

Include specifically any and all documentation regarding the qualifications of each individual regarding sampling and testing.

Also include specifically full and complete details and a discussion of each individual's ties and past associations with Applicants' John Beck and with one another.

- d. Provide CASE with copies of all answers to requests for information and all documents which Applicants have provided or will provide to these individuals in response to their questions or requests for documents.

Regarding the documents not already provided, please supply CASE with copies at the same time you supply them to the individuals.

Response: (J. Beck)

Questions 38.a. and b.: The CPRT organization includes persons responsible for overseeing the development of sampling programs. In addition, several aspects of the CPRT effort will include testing or analytical activities which will be performed directly by or subject to oversight by the CPRT. With respect to the reanalysis of piping and supports, as CASE is aware, Stone & Webster will be performing extensive reviews and reanalyses. This effort will include all class 2 and 3 large bore piping and supports, as well as a sample of the small bore piping and supports. Details regarding all of these activities have been provided to CASE with the program plan and action plans. See also response to Question 36.b.

Question 38.c.: See response to question 36.c. In addition, with respect to the portion of the interrogatory concerning Mr. Beck, Applicants provide the following. Mr. Beck has no ties with any of the CPRT consultants. Mr. Beck has no

past associations with CYGNA; JBA, Incorporated; Southwest Research Institute; Delian Corporation; Energex; Robert Cloud Associates; ERC; or PAC. Mr. Beck has a past association with TERA Corporation, having been a Vice President of TERA from June 1980 to April 1984. In addition, Mr. Beck was a Senior Vice President of TENERA (the nuclear subsidiary of TERA) from 1983 until April 1984. Mr. Wise (Wise & Associates) also is a past employee of TERA and their tenure at TERA overlapped for about two years. Mr. Beck and Mr. Wise worked together on the Waterford and Midland projects while at TERA. Stone & Webster was the architect/engineer for the Maine Yankee Nuclear Plant in 1972. During this timeframe, Mr. Beck was in charge of licensing the Maine Yankee Plant and worked with Stone & Webster in this capacity. Ebasco was the architect/engineer for the Vermont Yankee Nuclear Plant. When that plant was under construction Mr. Beck had certain responsibilities concerning safety analysis and reactor core related analyses, and thus Mr. Beck worked with Ebasco at that time in that capacity.

Question 38.d.: See response to Question 36.d.

39. a. Identify (name, title, organization, and brief job description) each of the individuals who constitute any review team which is reviewing and/or addressing the TRT findings and/or the Walsh/Doyle design/design QA issues. Include details regarding John Beck, James Wells, Phillip Halstead, David McAfee, and Jack Redding.

Include in your answer what part each will play in doing the statistical sampling, analyses, and/or setting the parameters for testing, sampling, etc. (including but not necessarily limited to Applicants' evaluation and response to the TRT's and the NRC's Walsh/Doyle Allegation Panel's questions and concerns).

- b. Will these individuals actually be doing the statistical sampling, analyses, and/or setting the parameters for testing, sampling, etc.? Will they also be reviewing and overseeing sampling and testing as part of their duties? How will each of these individuals interface with those individuals who will be performing each of the functions.

Supply specific details information regarding the duties of these individuals.

- c. Provide full and complete details (including any and all resumes, background, qualifications, and training, contracts, letters of understanding, letters of intent, statement of protocol, statement of scope, and all other documentation as defined on page 2, item 3, of this pleading) regarding each of these individuals and their duties.

Include specifically any and all documentation regarding the qualifications of each individual regarding sampling and testing.

Also include specifically full and complete details and a discussion of each individual's ties and past associations with Applicants' John Beck, with one another, and/or with anyone else associated with Applicants (see page 2, item 2, of this pleading).

- d. Provide CASE with copies of all answers to requests for information and all documents which Applicants have provided or will provide to these individuals in response to their questions or requests for documents.

Regarding the documents not already provided, please supply CASE with copies at the same time you supply them to the individuals.

Response: (J. Beck)

Question 39.a.: Information responsive to this request has been provided with the written program plan and action plans. Moreover, CASE is already aware of the nature of these efforts from the presentation to the NRC on June 13 and 14.

With respect to the specific questions concerning Messrs. Wells, Halstead and McAfee, these individuals will not be

responsible for the independent reviews and analyses performed under the auspices or oversight of the CPRT.

With respect to the question as it applies to Mr. Beck, Mr. Beck is the Chairman of the Senior Review Team (SRT), which oversees the activities of the CPRT. The precise role of the SRT is described in the program plan to be filed shortly.

With respect to the portion of the question regarding Mr. Redding, Mr. Redding is not a member of the CPRT or the SRT. As indicated at the meeting with the NRC on June 13, Mr. Redding is the Executive Assistant to Mr. Beck for licensing, and is responsible for the day-to-day coordination of the remaining Cygna efforts.

Question 39.b.: See response to Question 38.b.

Question 39.c.: See responses to Questions 36.c. and 38.c.

Question 39.d.: See response to Question 36.d.

Respectfully submitted,

William A. Horin / *DAR*
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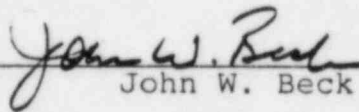
Counsel for Applicants

July 3, 1985

State of
County of

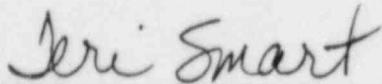
John W. Beck, being first duly sworn deposes and says:

That he is the Vice President, for Texas Utilities Generating Company, and knows the contents of the foregoing Applicants' Second Partial Response to Ripe Discovery Requests, as designated therein, that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to that he believes them to be true.


John W. Beck

State of Texas
County of Dallas

Subscribed and sworn to before me this 2nd day of July, 1985.



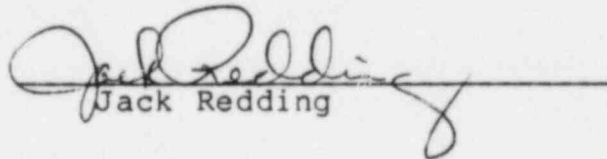
Teri Smart, Notary Public
My Commission Expires November 13, 1988

VERIFICATION

~~XXXXXXXXXX~~ UNITED STATES OF AMERICA)
~~XXXXXXXXXX~~ DISTRICT OF COLUMBIA) ss:

Jack Redding, being first duly sworn deposes and says:

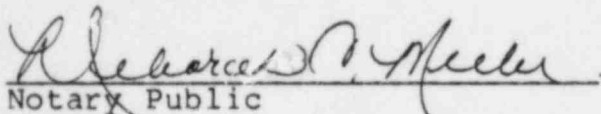
That he is the Executive Assistant, Licensing, for Texas Utilities Generating Company, and knows the contents of the foregoing Applicants' Second Partial Response to Ripe Discovery Requests, as designated therein; that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to that he believes them to be true.


Jack Redding

My Commission Expires February 14, 1986

~~XXXXXXXXXX~~ UNITED STATES OF AMERICA)
~~XXXXXXXXXX~~ DISTRICT OF COLUMBIA) ss:

Subscribed and sworn to before me this 2nd day of July, 1985.


Notary Public

My Commission Expires February 14, 1986

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 JUL -5 AM 11:58

In the Matter of

TEXAS UTILITIES ELECTRIC
COMPANY, ET AL.

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket Nos. 50-445 and
50-446
(Application for
Operating Licenses)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Second Partial Response to Ripe Discovery Requests" in the above-captioned matter was served upon the following persons by express mail (*) or deposit in the United States mail, first class, postage prepaid, or by hand delivery (**) on this 3rd day of July, 1985.

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