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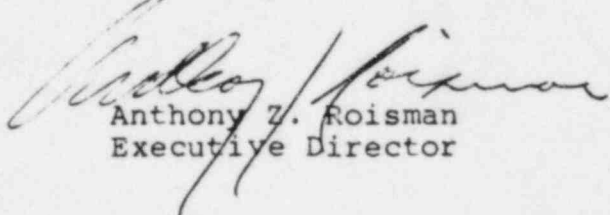
July 17, 1985

Peter J. Bloch  
U.S. Administrative Judge  
U.S. Nuclear Regulatory Commission  
4350 East-West Highway, 4th Floor  
Bethesda, MD 20814

Dear Judge Bloch:

Enclosed is page six of CASE's Response To the Alleged Mootness of Docket 2 and Proposed Schedule For Docket 2 per your request this morning. By this letter we are sending that copies of page six have been mailed to all other persons on the service list. We regret any inconvenience this may have caused.

Sincerely,

  
Anthony Z. Roisman  
Executive Director

AZR:mk  
cc: Service List

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By way of background, when Docket 2 started CASE perceived several possible avenues to establish that a full reinspection was required. One avenue was to prove the existence of pervasive harassment, intimidation, threats and discouragement of QC inspectors who insisted on reporting safety problems. A second avenue was to prove that QA/QC had failed to detect actual construction defects and the root cause of that failure was plant-wide, i.e., the cause of the breakdown could be harassment etc. or it could be a result of poor procedures, incompetent management, poor inspector training or a combination of these factors. <sup>3</sup> A third avenue of proof was to find that the sheer volume of construction defects that QA/QC failed to detect was large enough and spread throughout the plant sufficiently that

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3. Applicants now assert that "hardware" issues were not a legitimate part of Docket 2. They are wrong for three reasons. First, Applicants attempted to rebut CASE witnesses who claimed that their efforts to report safety problems were ignored by trying to prove that there was no safety problem. See e.g. Depositions of Ms. Nerumeyer and Wittness F. Thus, applicants made hardware defects an issue. Second, the staff took the hardware allegations of the allegers as the base for the TRT review, a document whose relevance in Docket 2 has been conceded by all parties and accepted by the Board. Third, while the Board initially postponed CASE's effort to present evidence on harassment and intimidation of craft, it did not reject such evidence forever. CASE is prepared to introduce evidence that some of the reasons so many construction defects exist in the first place was because of the harassment, intimidation and pressure on craft to hurry up their work, and to engage in programs of deliberate deception to prevent QC inspectors from finding construction defects in the first place. The need to identify these and other root causes of the construction defects becomes even more important now that QA/QC cannot be relied upon to have detected all defects.