

July 29, 1985

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARDDOCKETED
USNRCIn the Matter of)
COMMONWEALTH EDISON COMPANY)
(Braidwood Nuclear Power)
Station, Units 1 and 2))Docket Nos. 50-456~~0~~
50-457~~0~~

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHAPPLICANT'S OBJECTIONS TO INTERVENORS' QUALITY
ASSURANCE INTERROGATORIES AND REQUESTS TO PRODUCE
AND MOTION FOR ENTRY OF A PROTECTIVE ORDER

Pursuant to 10 CFR § 2.740b(b) and in accordance with the schedule approved by the Licensing Board at the July 23, 1985 Prehearing Conference, Commonwealth Edison Company ("Applicant") makes the following objections to Rorem, et al., Quality Assurance Interrogatories and Requests to Produce, First Set ("QA Interrogatories"), directed to Applicant and the NRC Staff and dated July 2, 1985.

Introduction

To avoid unnecessary repetition, Applicant's Objections are set forth in two sections. Section I sets forth two objections which are applicable to more than one interrogatory, the common legal and factual grounds for each such objection, and the interrogatories to which each such objection is made.

Section II sets forth the text of each interrogatory as to which Applicant is making an objection, whether in whole or in part. Where Applicant's objections do not dispose of the entirety of a given interrogatory, the portion to which Applicant

objects is underscored. Where applicable, the interrogatory-specific reasons for the Section I objection(s) are set forth in Section II as well as any objections unique to the various interrogatories.

Applicant is mindful of Nuclear Regulatory Commission criticisms of the use of "general objections." See, e.g. Pennsylvania Power & Light (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 NRC 317, 323 (1980). As reflected in Sections I and II, however, the objections which relate to more than one interrogatory are not "general" in nature; Section I is merely intended to avoid undue and unnecessary repetition of the grounds and legal authority for specific objections made as to more than one interrogatory.

Without waiving the foregoing objections, and solely to the extent that the information sought by these interrogatories is limited to the specific deficiencies alleged in the Amended QA Contention and the allegation contained in the Joint Stipulation, Applicant shall produce such material in its responses to otherwise unobjectionable interrogatories.

Finally, as reflected herein and pursuant to 10 CFR § 2.740(c), Applicant concurrently files herewith its motion for protective order as to each interrogatory or portion thereof as to which it objects. In accordance with Commission policy and the guidance of the Licensing Board, Applicant will attempt to negotiate its objections with Intervenors, and will seek a ruling on its motion only if agreement cannot be reached.

SECTION I

Objections Applicable to More than One Interrogatory

Objection "A" ("Irrelevant - Beyond the Scope of the Contention")

In this particular proceeding, the matters in controversy have been carefully identified by the Board. The Board did not accept all of the allegations made by Intervenor in their motion to admit their Amended QA Contention, but specified the issues raised by Intervenor's pleading which it was admitting for litigation:

We view the actual contention itself to be the preamble at page 16 through the second line of page 17, the last two lines of page 18, and pages 19-47. The limits of the contention are controlled by the specific alleged occurrences of deficiencies set forth in the lettered paragraphs, despite broad language in the preamble and the numbered paragraph which introduces each of the 14 Appendix B criteria groupings of alleged violations.

Memorandum and Order Admitting Rorem et al. Amended Quality Assurance Contention at 7, n. 3 (Slip op. 6/24/85) (hereafter "Order")

A further issue was admitted by stipulation of the parties and is delineated by that stipulation. The Joint Stipulation limits litigation in this proceeding to claims of harassment and intimidation of Quality Control (QC) inspectors employed by the Braidwood site electrical contractor, the L. K. Comstock Engineering Company. Joint Stipulation of Quality Control (QC) Inspector Harassment Contention (7/23/85) ("Joint Stipulation").

The scope of discovery in NRC licensing proceedings is limited to the matters in controversy identified by the Licensing Board. 10 CFR § 2.740(b)(1); Id., Part 2, Appendix A, IV(a). Nevertheless, many of the interrogatories propounded by Intervenor seek information which is not limited to the matters in controversy as delineated in the Board's Order and the Joint Stipulation. Under the Commission's regulations, a party may seek discovery of information that would not be admissible as evidence, so long as the information is reasonably calculated to lead to the discovery of admissible evidence. 10 CFR §2.740(b)(1). However, the party seeking discovery bears the burden of showing that its request is so calculated. See Wisconsin Electric Power Company (Point Beach Nuclear Plan, Units 1 and 2), LBP-82-33, 15 NRC 887, 890-91 (1982); Illinois Power Company (Clinton Power Station, Unit 1) LBP-81-61, 15 NRC 1735, 1741 (1981).

With respect to the non-harassment portion of the Amended QA Contention, the Licensing Board has made clear that it will not allow Intervenor "to pursue a course of attempting to demonstrate patterns of inadequacies beyond the specific instances set forth under each alleged pattern in the contention as it now stands." Order at 12, n.6. Therefore, information about potential instances of QA inadequacies not specifically alleged would not be admissible in evidence. With regard to interrogatories which seek such information, Intervenor must show that they would be reasonably calculated to

lead to information about the specific instances alleged in the contention. As framed, the interrogatories to which objections are interposed do not appear to be calculated to lead to the discovery of admissible evidence.

With regard to the Comstock harassment allegations in the Joint Stipulation, the Licensing Board has not limited the issues to the specific instances alleged. Certain interrogatories, however, seek generic information regarding personnel and personnel-related programs which far exceed the specific issue of Comstock QC inspector harassment. Again, as framed, these interrogatories do not appear to seek information reasonably calculated to lead to the discovery of admissible evidence.

For these reasons, and as stated specifically in Section II as to each, the information sought by the interrogatories identified below is beyond the permissible scope of discovery in these limited proceedings.

Objection "B" ("Work Product")

Applicant objects to certain interrogatories on the ground that they impermissibly seek materials which are protected by the work product privilege. Privileged information is not discoverable. 10 CFR § 2.740(b)(1). A party may obtain discovery of trial preparation materials only upon a showing of

substantial need for the materials in the preparation of its case and a showing that it cannot, without undue hardship, obtain the substantial equivalent of the sought-for materials by other means. 10 CFR § 2.740(b)(2). Furthermore, disclosure of the mental impressions, conclusions, opinions and legal theories of attorneys and other representatives is prohibited. Id. Interrogatories which seek the legal basis or legal authority for the Applicant's position with respect to issues raised by the Contention are objectionable on this basis. The legal basis for any position that Applicant takes will be formulated by its counsel, and as such, constitutes attorney work product.

SECTION II

General Interrogatory No. 4 applies "to each part of the quality assurance contention admitted as issued in controversy in this proceeding." QA Interrogatories at 4. It states:

4. Is your claim or defense on the contention based upon conversations, consultations, correspondence or any other type of communications with one or more individuals? If so:
 - a. Identify by name and address each such individual.
 - b. State the educational and professional background of each individual, including occupation and institutional affiliations.

- c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
- d. Describe the information received from such individuals and explain how it provides a basis for the issue.
- e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individual.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the disclosure of any communication which may be a basis for Applicant's "defense on the contention." Interpreted in its broadest sense, information otherwise responsive to the request might include privileged attorney-client communications and attorney work product. Accordingly, Applicant objects to and declines to produce any privileged communications which might otherwise fall within the scope of the requested information.

Specific Interrogatory No. 1 states:

1. Do you agree that the Braidwood Quality Assurance (QA) Program must comply with each of the criteria of Appendix B to 10 CFR Part 50 in order to establish Applicant's entitlement to the licenses sought in this proceeding?

Objections:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

First, whether or not Applicant generically "agrees" or disagrees that "the Braidwood Quality Assurance Program must comply with each of" certain criteria is irrelevant and immaterial to a determination of the Amended QA Contention. Moreover, as reflected in Objection "A" above, this interrogatory impermissibly seeks information outside the scope of this proceeding by inquiring as to general programmatic quality assurance at Braidwood, rather than information related to the specific deficiencies alleged. Finally, as reflected in Objection "B" above, this interrogatory impermissibly seeks from Applicant a legal opinion as to the manner in which the NRC might or might not interpret its own licensing regulations.

Specific Interrogatory No. 2 states:

2. If the answer to No. 1 is negative, please describe in detail the respects in which such compliance is not required and explain fully the factual and legal basis for your position.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the "legal basis" for Applicant's position.

Without waiving the foregoing objection, Applicant states that this interrogatory is not applicable because Applicant has objected to and declined to answer Interrogatory No. 1. Specific Interrogatory No. 3 states:

3. Does the Braidwood Quality Assurance Program comply with each of the criteria of Appendix B to 10 CFR Part 50?

Objections:

Applicant objects to and declines to answer this interrogatory in its entirety and moves concurrently herewith for entry of a protective order on the following grounds:

First, as reflected in Objection "B", this interrogatory impermissibly seeks from Applicant a legal opinion as to the manner in which the NRC might or might not interpret its own licensing regulations. Moreover, as reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of this proceeding by inquiring about general programmatic quality assurance at Braidwood, rather than information related to the specific deficiencies alleged.

Specific Interrogatory No. 4 states:

4. What are the bases for your responses Nos. 1-3? Please identify all documents, physical evidence, testimony or oral statements by any person and legal authority on which you rely in support of your position.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the "legal authority" for Applicant's position.

Without waiving the foregoing objection, Applicant states that this interrogatory is not applicable because Applicant has objected to and declined to answer Interrogatory Nos. 1-3.

Specific Interrogatory No. 5 states:

5. Does workmanship in the actual design, fabrication, construction and testing of safety-related structures, systems and components meet or exceed all applicable standards?

Objections:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

First, as reflected in Objection "A" above, the information sought is beyond the scope of the Amended QA Contention. This interrogatory requests Applicant to provide judgmental, general conclusions regarding "actual design, fabrication, construction and testing of safety-related structures, systems and components". The specific deficiencies alleged in the Amended QA Contention do not include generic allegations

regarding design, fabrication, construction and testing.

Applicant further objects that the terms "workmanship" and "all applicable standards" are both vague and ambiguous. Neither is sufficiently specific to enable Applicant to respond in a meaningful fashion.

Specific Interrogatory No. 6 states:

6. Please identify all sources of standards (e.g., FSAR, ASME Code) applicable to the actual design, fabrication, construction and testing of safety-related structures, systems, and components.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, the information sought is beyond the scope of the Amended QA Contention, because it requests all sources of standards applicable to the "actual design, fabrication, construction and testing of safety-related structures, systems, and components." The specific deficiencies alleged in the Amended QA Contention do not include generic allegations of design, fabrication, construction and testing.

Specific Interrogatory No. 7 states:

7. If the answer to No. 5 is negative, please describe in detail the respects in which such workmanship does not meet or exceed all applicable standards or is indeterminate, and explain fully the factual and legal basis for your answer.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the "legal basis" for Applicant's position.

Without waiving the foregoing objection, Applicant states that this interrogatory is not applicable because Applicant has objected to and declined to answer Interrogatory No. 5.

Specific Interrogatory No. 8 states:

8. What are the bases for your responses to Nos. 5-7? Please identify all documents, physical evidence, testimony, or oral statements by any person and legal authority on which you rely in support of your position.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the "legal basis" for Applicant's position.

Without waiving the foregoing objection, Applicant states that this interrogatory is not applicable because

Applicant has objected to and declined to answer Interrogatory Nos. 5-7.

Specific Interrogatory No. 9 states:

9. Please identify each deficiency in design and construction as defined in 10 CFR Section 50.55(e) and for each indicate: the classification of its significance (i.e., classified under which subsections, 50.55(e)(i)(i-iv); the 10 CFR Part 50 Appendix A, General Design Criteria, to which each relates and the respects in which it reflects noncompliance; the report number, and date, if any; the names, titles, addresses, and telephone numbers of each person responsible for the deficiency, its discovery, its reporting, and its corrective action; a detailed description of the deficiency and its safety implications; a detailed description of its corrective action.

Objection:

Applicant objects to and declines to answer the underscored portions of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of the Amended QA Contention to the extent that it requests information concerning "each" deficiency other than the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatories No. 10 states:

10. For each activity under license by NRC conducted by Commonwealth Edison, its contractors and subcontractors involving any nuclear facility or operation, including but not limited to Braidwood, please identify each deficiency, as defined in 10 CFR Section 50.55(e), which represents a significant breakdown in any portion of the Braidwood Quality Assurance Program conducted in accordance with the requirements of Appendix B to 10 CFR Part 50; identify the Appendix B criteria to which it relates; describe in detail the respects in which the deficiency reflects a noncompliance with the requirements of Appendix B criteria; the 10 CFR Part 50 Appendix A, General Design Criteria, to which each relates, if any, and the respects in

which it reflects noncompliance; the report number and date, if any; the names, titles, addresses and telephone numbers of each person responsible for the deficiency, its discovery, its reporting, and its corrective action; a detailed description of the deficiency and its safety implications; and a detailed description of its corrective action.

Objections:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

First, Applicant objects on the simple ground that interpreted literally, this interrogatory does not make sense. It asks for identification of each deficiency "which represents a significant breakdown in any portion of the Braidwood Quality Assurance Program" for each activity under license by the NRC "including but not limited to Braidwood." Applicant cannot determine what information the Intervenor seeks because it is not apparent how any deficiency or deficiencies at other plant(s) might or might not reflect a breakdown of the Braidwood Quality Assurance Program.

Moreover, as reflected in Objection "A" above, this interrogatory seeks information impermissibly beyond the scope of this proceeding because it requests information for "each activity under license by NRC" conducted by Edison, its contractors, and subcontractors involving "any nuclear facility or operation including but not limited to Braidwood". Thus, the request is apparently intended to be one for all-encompassing information concerning activities of Applicant and its contractors other than at Braidwood.

To the extent that this interrogatory is limited to "a significant breakdown" at the Braidwood facility alone, Applicant also objects to the interrogatory to the extent that it requests information beyond the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 11 states:

11. Please identify all audits conducted pursuant to 10 CFR Part 50 Appendix B Criterion XVIII or otherwise, including but not limited to the 1980 audit of Phillips-Getschow referred to in the June 29, 1984 letter from George Marcus of Commonwealth Edison to Mari Kaye Roth of Peterson & Co., and any audits by or under guidance of the Institute for Nuclear Power Operation (INPO). For each reported observation, discrepancy, deficiency or weakness, indicate: the nature of the deficiency; the Appendix B criteria, if any, to which it relates and the respects in which noncompliance is reflected; the date and other identifying information of the audit documentation; the names, titles, addresses and telephone numbers of each person responsible for the deficiency, the performance of the audit, the management review of the results and its corrective action; a detailed description of the deficiency and its safety implications; a detailed description of its corrective action.
Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order.

As reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of the specific deficiencies alleged, because it seeks "audits" which may have been conducted, without regard to the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 12 states:

12. Describe in detail each review of the Braidwood Quality Assurance Program by the NRC Staff. For each, please indicate

the deficiencies found, the adjustments, modifications and improvements resulting or otherwise made; the Commonwealth Edison position and responses; the names, titles, addresses and telephone numbers of each person involved and a description of the involvement of each.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of this proceeding because it requests "each" review of the Braidwood Quality Assurance program which may have been performed by the NRC Staff, without regard to the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 13 states:

13. Please describe in detail the selection, training, testing and evaluation program for Quality Assurance personnel and Quality Control Inspectors for Edison and for each contractor responsible for any safety-related construction at Braidwood from the commencement of construction until the present.

Objection:

Applicant objects to and declines to answer the underscored portions of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

Intervenors' Amended QA Contention and the Joint Stipulation only place in issue selection and testing programs

for certain Comstock QA and QC, and Newberg QC personnel. This interrogatory impermissibly seeks such information for all such Edison and contractor personnel responsible for any safety-related construction, and is objectionable for the reasons set forth in Objection "A".

Specific Interrogatory No. 14 states:

14. Please describe the job qualifications required of persons who are responsible for training, testing, certifying and supervising Quality Control Inspectors.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A", this interrogatory impermissibly seeks information beyond the scope of the Contention and Joint Stipulation. The issue of QC inspectors and their supervisors is limited to Comstock and Newberg QC Inspector personnel.

Specific Interrogatory No. 15 states:

15. Does Commonwealth Edison and its contractors have a program which insures the integrity of the testing and qualification for Quality Control Inspector certification? If so, please describe in detail the program or programs, all variations and changes in the program since construction began, and describe in detail and identify any deficiencies found in such testing and qualification.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of the Joint Stipulation, because it is not limited to the "integrity of the testing or qualification" of Comstock QC Inspectors.

Specific Interrogatory No. 16 states:

16. What prior nuclear experience is required of persons responsible for supervising Quality Control Inspectors for (a) Edison, and (b) for each contractor at Braidwood?

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this Interrogatory impermissibly seeks information beyond the scope of the Contention and Joint Stipulation. The issue of QC inspectors and their supervisors is limited to Comstock and Newberg Inspector personnel.

Specific Interrogatory No. 17 states:

17. Please describe in detail the circumstances and procedures, if any, under which Quality Control inspection criteria may be waived.

Objections:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As framed, this interrogatory is so amorphous that Applicant cannot determine the subject matter of the information which the Intervenors seek nor whether that information is

within the scope of permissible discovery as limited to the issues raised by Intervenor's Amended QA Contention and the Joint Stipulation. Applicant cannot respond in any meaningful fashion with information regarding "inspection criteria" because this term is vague and ambiguous, and undefineable in the context of this interrogatory and these limited proceedings. Specific Interrogatory No. 18 states:

18. With respect to each NRC Staff inspection report regarding quality assurance at Braidwood, please identify, and make available for inspection and copying, all correspondence by and between the NRC Staff and Commonwealth Edison or its contractors regarding such inspection and any corrective action.

Objection

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding each NRC Staff inspection report regarding quality assurance at Braidwood, without regard to the specific deficiencies alleged and the specific inspection reports identified and relied on in the Amended QA Contention.

Specific Interrogatory No. 19 states:

19. Please provide the names, titles, addresses, telephone numbers and date of employment for all persons who have been employed in or responsible for the Quality Assurance and Quality Control Programs of Edison and of each contractor, including but not limited to all quality control inspectors and supervisors. For each such person no longer employed in

Quality Assurance/Quality Control, indicate the reason for termination. For each such person involuntarily terminated, describe in detail the circumstances of termination.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding all of Edison's and Edison's contractors' quality assurance/quality control program personnel. With respect to such personnel, the Joint Stipulation has limited such issues to Intervenor's allegations of harassment by supervisors of Comstock Quality Control Inspectors.

Specific Interrogatory No. 20 states:

20. Please identify in detail all documents, including correspondence, reports, minutes of meetings or notes of oral conversations, reflecting disagreements, disputes or differences of opinion between Quality Control Inspectors and their supervisors or Commonwealth Edison or its contractors' management. Include the subject, date, names of persons involved and resolution for each instance so reflected.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory is impermissibly beyond the scope of this proceeding,

because it seeks identification of "all documents" from or to any QC Inspectors/supervisors reflecting any "disagreements, disputes or differences of opinion," whereas these proceedings have been limited by the Joint Stipulation to Intervenors' allegations of harassment by supervisors of Comstock Quality Control Inspectors.

Specific Interrogatory No. 22 states:

22. Please identify any complaints or suggestions by workers known to Commonwealth Edison or its contractors regarding substandard workmanship, quality assurance deficiencies, deficiencies in plant design and construction, pressure to perform or approve faulty workmanship, or harassment and intimidation. Include the date, name, title, address and telephone number of the source, subject and resolution or other action taken for each.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information beyond the scope of this proceeding, because it seeks identification of "any complaints or suggestions" related to a variety of general topics, including QA deficiencies, design and construction deficiencies, and substandard workmanship, and is not limited to the specific Comstock QC allegations contained in the Joint Stipulation. Such generic subjects are not at issue in this proceeding, nor are generic allegations of "harassment and intimidation."

Specific Interrogatory No. 23 states:

23. What are the bases for your responses to Nos. 13-22? Please identify all documents, physical evidence, testimony, or oral statements by any person and legal authority on which you rely in support of your position.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "B" above, this interrogatory impermissibly seeks the "legal authority" for Applicant's position.

Without waiving the foregoing objection, Applicant states that this interrogatory does not apply to the extent that Applicant has objected to Interrogatory Nos. 13-22. To the extent that this interrogatory relates to the portions of Specific Interrogatory Nos. 13-22 to which Applicant has not interposed objections, then Applicant's "bases" for its responses shall be produced together with its responses.

Specific Interrogatory No. 25 states:

25. Subsequent to these NRC findings, did Pullman institute a stop work order involving HVAC work? If so, please describe in detail and explain why this problem occurred. Describe in detail any corrective action taken. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, of this interrogatory renders it far broader than the scope of the Amended QA Contention, because it seeks information concerning any Pullman stop work orders involving HVAC work whether or not such stop work orders were predicated on the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 27 states:

27. Subsequent to these NRC findings, was a supplemental 50.55(e) report made regarding piping components for specification break items? If so, please describe in detail the circumstances and explain why this problem occurred and what corrective action was taken. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information far beyond the scope of the Amended QA Contention. "Specification break items" are not at issue in these limited proceedings.

Specific Interrogatory No. 29 states:

29. Subsequent to these NRC findings, did Pullman fail to institute corrective action to establish compliance with AWS D1.1 inspection requirements? If so, please describe in detail the circumstances and explain why this problem occurred and corrective action taken. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information far beyond the scope of the Amended QA Contention, because it requests information concerning any Pullman failure to institute "corrective action to establish compliance with AWS D1.1 inspection requirements." compliance with AWS D1.1 inspection requirements generically are not at issue in these limited proceedings.

Specific Interrogatory No. 30 states:

30. Did Phillips-Getschow ever fail to implement effective corrective action to verify past installations of large bore piping components? If so, please describe in detail the circumstances and explain why this problem occurred and further corrective action taken. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory is far broader than the scope of the specific deficiencies alleged in the Amended QA Contention because it requests information concerning any failure of Phillips-Getschow at any time "to implement effective corrective action to verify past

installations of large bore piping components" rather than information limited to the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 31 states:

31. Subsequent to NRC identification of the need for Phillips-Getschow to involve Quality Control in heat number traceability and sample inspections, were problems identified requiring items of large and small bore pipe to be removed? Were problems identified with inaccessible pipe? Were problems identified with lack of documentation identifying components installed? If so, please describe in detail the circumstances and explain why this problem occurred and all corrective action taken. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information and documents concerning large and small bore pipe whether or not such "problems" fall within the specific NRC findings as to material traceability verification deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 32 states:

32. Has Sargent and Lundy ever approved deficient contractor programs at Braidwood? If so, please describe in detail each instance and any and all corrective action taken with respect to such instance. Identify any and all corrective action taken with respect to such instance. Identify any and all documents which reflect such instances and such corrective action. Has the NRC ever identified such instances? If so, please describe in detail and identify any documents which reflect such instances and any corrective action taken.

Specific Interrogatory No. 33 states:

33. Has Commonwealth Edison management ever approved deficient contractor programs at Braidwood? If so, please describe in detail each instance and any and all corrective action taken with respect to such instance. Identify any and all documents which reflect such instances and such corrective action. Has the NRC ever identified such instances? If so, please describe in detail and identify any documents which reflect such instances and any corrective action taken.

Specific Interrogatory No. 34 states:

34. Has Commonwealth Edison Quality Assurance ever approved deficient contractor programs at Braidwood? If so, please describe in detail each instance and any and all corrective action taken with respect to such instance. Identify any and all documents which reflect such instances and such corrective action. Has the NRC ever identified such instances? If so, please describe in detail and identify any documents which reflect such instances and all corrective action taken.

Objections:

Applicant objects to and declines to answer the underscored portions of these interrogatories and moves concurrently herewith for entry of a protective order on the following grounds:

The reference to the approval of "deficient contractor programs" is so vague and ambiguous that Applicant cannot determine the subject matter of the information sought, nor whether such information would fall within the specific issues raised by the Amended QA Contention.

Specific Interrogatory No. 36 states:

36. Please describe in detail any programs at Commonwealth Edison's LaSalle and Byron nuclear plants which provide for the field verification of correct piping components installed. Has such a program been required at Braidwood? If so, please describe in detail and identify any documents which reflect such a program. If not, please explain why not. Has the NRC

ever identified a failure to require such a program at Braidwood? If so, please describe in detail such identification and any response and any corrective action by Commonwealth Edison and identify any documents which reflect such identification, response and corrective actions.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, any information regarding field verification programs at Commonwealth Edison's LaSalle or Byron nuclear plants are beyond the scope of the Amended QA Contention.

Specific Interrogatory No. 37 states:

37. Please describe in detail any programs at Braidwood and Commonwealth Edison's LaSalle nuclear plant for the re-route of small bore piping, including particularly any material differences between the programs now or in the past. Has the NRC ever identified any deficiencies in such a program at Braidwood? If so, please describe in detail such identification and any response and corrective action. Please identify any documents reflecting such programs, deficiencies, responses, and corrective actions.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding re-route of

small bore piping program(s) at the LaSalle nuclear plant, and a comparison of such program(s) with any such Braidwood program(s). Information regarding such LaSalle program(s) is plainly beyond the scope of the Amended QA Contention, as is any comparison of such program(s) to Braidwood.

Specific Interrogatory No. 38 states:

38. Please describe in detail any problems identified by Phillips-Getschow with field re-routed pipe, small bore heat number traceability and lack of Quality Control or ANI review of field addition or deletion of pipe bends or welds in or about April, 1983. What corrective actions, if any, were taken? Were these adequate? Please describe in detail and identify any documents which reflect such description. Has the NRC ever identified such problems or inadequacies? Please explain and identify any documents which reflect such identification and your response and corrective action, if any. (emphasis added).

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information concerning "any problems" "with field rerouted pipe, small bore heat number traceability, and lack of QC or ANI review of field addition or deletion of pipe bends or welds" which Phillips-Getschow or the NRC may have "ever identified." Such information is plainly beyond the scope of specific deficiencies and NRC findings alleged in the Amended QA Contention,

Specific Interrogatory No. 39 states:

39. What traveler package control system for identifying welding procedures and material consumed for HVAC components has been implemented at Braidwood? Is such a system an industry-wide standard practice? Has the NRC ever identified any deficiencies in the Braidwood HVAC program with regard to such a system? If so, please describe in detail. Please identify any documents which reflect such a system, such deficiencies and any response or corrective action.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information concerning whether the NRC may have "ever identified" and deficiencies regarding a traveler package control system. Such information is plainly beyond the scope of specific deficiencies and NRC findings alleged in the Amended QA contention.

Specific Interrogatory No. 40 states:

40. In what manner, if any, did Commonwealth Edison apply lessons learned with regard to HVAC installation from its LaSalle nuclear plant to Braidwood? Please describe in detail. Has the NRC ever identified failure by Commonwealth Edison to apply such lessons learned? If so, describe such identification. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer the this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above any information regarding "lessons learned" with regard to HVAC installation at the LaSalle nuclear plant is plainly beyond the scope of the Amended QA Contention.

Specific Interrogatory No. 41 states:

41. Has the NRC ever found that quality assurance deficiencies at Braidwood have resulted in construction of indeterminate quality in any area(s), but particularly including piping, electrical or HVAC? If so, please describe in detail the circumstances and explain why these problems occurred and what corrective action has been taken. Set forth any facts which demonstrate that such corrective action has been effective. Please identify any documents which reflect these answers.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding whether the NRC "ever found" that quality assurance deficiencies at Braidwood resulted in construction of indeterminate quality "in any area(s)", but particularly including piping, electrical or HVAC, and is not limited to the specific deficiencies alleged in the Amended QA Contention.

Specific Interrogatory No. 42 states:

42. Has Commonwealth Edison ever identified incorrect or indeterminate piping items installed at Braidwood? If so, was such identification through a sample inspection? Is it true that the Braidwood program did not require independent verification of all piping components installed? Was there ever a

potential for inadequate quality of installed piping which could result in failures during plant operations? If so as to any of these questions, please describe in detail the circumstances and explain why these problems occurred and what corrective action has been taken. Set forth any facts which demonstrate that such corrective action has been effective. Please identify any documents which reflect these answers.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding whether Edison "ever identified" certain items; whether there was "ever a potential for inadequate quality of installed piping"; and seeks "any facts which demonstrate that such corrective action has been effective and is not limited to" the specific deficiencies alleged in the Amended QA Contention. Moreover, to the extent that it asks whether there was ever "a potential for inadequate quality...which could result in failures..." this interrogatory requires Applicant to engage in sheer speculation.

Specific Interrogatory No. 50 states:

50. In a February 1, 1984 Chicago Tribune article, NRC Region III Administrator James G. Keppler said, in part, with regard to Commonwealth Edison and Braidwood: "One has to question whether the workload has become unmanageable for the staff they have, and I've raised that for management to consider. But I have to be concerned that they are spread thin at the top" Did Mr. Keppler or the NRC raise this matter with Commonwealth Edison? Or did Edison otherwise identify such deficiencies? If so, please describe in detail the circumstances, Commonwealth Edison's response and any corrective action taken and the results. Please identify any documents which reflect the answers to these questions.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A", this interrogatory impermissibly seeks information beyond the scope of the Amended QA Contention, by inquiring as to the subject matter of a Chicago Tribune article which the Licensing Board specifically refused to admit as a part of the Contention. Order at 7, n.3. Specific Interrogatory No. 51 states:

51. In Inspection Report 83-09, at page 4, the NRC observed that Commonwealth Edison and the NRC Region III Staff discussed during enforcement conferences or otherwise, "CECo Personnel and organizational changes to strengthen the construction project management team and to increase the emphasis on quality assurance." Please describe in detail any such changes made at that time or since. Identify specifically the names, job titles and duties, qualifications, and objective performance evaluations for all persons involved in such "personnel and organizational changes," including those both before and after such changes were made. Please identify any documents which reflect these answers.

Objections:

Applicant objects to and declines to answer the underscored portion of the interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information for all persons regarding any such "personnel and organizational changes" made after a certain point in time, whether or not such changes were

predicated on the inspection report cited. It also impermissibly seeks broad-ranging information regarding the "qualifications and objective performance evaluations" for all persons involved without regard to the degree of such involvement. Moreover, disclosure of "objective performance evaluations" is an undue and potentially actionable invasion of the privacy of the person(s) involved. (See Illinois Power Co. (Clinton Power Station, Unit 1), LBP-81-61, 14 NRC 1735, 1740 (1981)).

Specific Interrogatory No. 52 states:

52. Have any quality assurance weaknesses or deficiencies at Braidwood been caused by management action or inaction? If so, please describe in detail. Have any adverse personnel actions (for example, termination, demotion, transfer or suspension) been taken by Commonwealth Edison and/or its contractors against any person(s) because of QA deficiencies or weaknesses? If so, please identify the circumstances and persons involved, including names and addresses, and identify any documents reflecting such instances and their resolution.

Objection:

Applicant objects to declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information regarding the causation of "any quality assurance...deficiencies" and "any adverse personnel actions...against any person(s) because of QA deficiencies, rather than information limited to the specific deficiencies

alleged and the specific allegations of harassment by Comstock QC supervisors contained in the Amended QC Contention and Joint Stipulation.

Specific Interrogatory No. 53 states:

53. What policies or programs are in place at Braidwood to assure compliance with the provisions of 10 CFR 50.7 prohibitions against discrimination? Please describe in detail and identify any documents which reflect this answer.

Objection:

Applicant objects to and declines to answer the underscored portion of the interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information far beyond the scope of these limited proceedings. The Amended QA Contention does not place at issue "all policies or programs in place at Braidwood" which assure compliance with 10 CFR §50.7 prohibitions against discrimination. To the extent that harassment has been admitted as an issue in the Joint Stipulation, the issue is limited to Intervenors' allegations of harassment by supervisors of the electrical contractor, L. K. Comstock Company; it does not encompass the generic topic of "discrimination".

Specific Interrogatory No. 54 states:

54. Have any complaints been made by any present or former Braidwood employee of harassment, intimidation, retaliation or other discrimination by Commonwealth Edison or any contractor because of the expression of safety or quality concerns or the performance of duty in assuring compliance with applicable

codes, specifications or procedures? If so, please describe in detail the circumstances of each such complaint, including the name and address of all persons involved, the resolution and any corrective or remedial action taken. Identify any documents which reflect this answer.

Objection:

Applicant objects to and declines to answer the underscored portion of the interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information far beyond the scope of these limited proceedings. The Amended QA Contention does not place at issue "any complaints" of "harassment, intimidation, retaliation, or other discrimination" by any Edison or contractor employee regarding safety, quality or compliance concerns. To the extent that such complaints have been admitted as an issue in the Joint Stipulation, the issue is limited solely to Intervenor's allegations of harassment by supervisors employed by the electrical contractor, L. K. Comstock Company.

Specific interrogatory No. 57 states:

57. In what respects are NRC requirements understood to be either minimum or maximum requirements with regard to the design and construction of Braidwood? Please explain in detail and identify any documents which reflect this answer.

Objection:

Applicant objects to and declines to answer this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, information concerning NRC requirements with regard to design and construction does not involve quality assurance matters and is plainly beyond the scope of the Amended QA Contention. Whether or not generic NRC requirements are believed by Applicant to be "either" minimum or maximum requirements have no bearing whatsoever on the specific deficiencies alleged.

Specific Interrogatory No. 58 states:

58. For each quality assurance violation or unresolved or open item referred to by Intervenor in their amended quality assurance contention (served upon all parties May 24, 1985), please describe in detail the circumstances involved, including the name and address of each person involved, the manner in which such deficiency was investigated and evaluated for significance, root cause and generic implications, the manner in which the deficiency was remedied and corrected, including any corrective action taken with regard to the existence of other related deficiencies. Set forth any facts upon which you rely to show that the deficiency and its root cause have been effectively corrected. Please identify any documents which reflect these answers.

Objections:

Applicant objects to and declines to answer the underscored portion of the interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

In order to respond in a meaningful fashion to Intervenor's request that Applicant describe "any corrective action taken with regard to the existence of other related deficiencies," Applicant would of necessity be obligated to determine first what Intervenor intend by the term "related."

The term is vague and ambiguous, and inimical to any attempt at reasonable interpretation. When considered in light of the interrogatory itself containing the term, it is impossible to determine whether Intervenors intended "related deficiencies" to mean "related" because of a commonality of persons involved, manner of investigation, root cause or generic implications, or corrective action, or all of the foregoing. When considered in light of the Amended QA Contention as admitted, it is equally impossible to determine whether the term "related deficiencies" was intended to seek information concerning the existence of deficiencies identical to those specifically alleged or merely similar in some inarticulated respect (i.e., intended ultimate function of a particular component, structure or system; physical or chronological proximity, etc.). Finally, viewed in its most expansive sense, the term plainly encompasses information far beyond the scope of the Amended QA Contention thereby invoking Objection "A".

Specific Interrogatory No. 59 states:

59. With respect to the deficiencies referred to in Interrogatory 58 above, identify in detail all documentation change and hardware changes or re-work undertaken in the course of remedial or corrective actions including numbers of items changed or reworked. Please identify any documents reflecting these answers.

Objection:

To the extent that this interrogatory requests information or documents concerning "any corrective action taken with regard to other related deficiencies" as the term was used in Interrogatory No. 58, it is not applicable.

Specific Interrogatory No. 60 states:

60. Has any member of the NRC Staff ever expressed any dispute, disagreement, or dissenting views or submitted an "inspector or inspection evaluation report" (see, Warnick deposition, Tr. 204) with respect to any quality assurance deficiency or finding about Braidwood? If so, please identify the circumstances and persons involved, including names and addresses, and identify any documents reflecting such instances and their resolution.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, this interrogatory impermissibly seeks information far beyond the scope of these limited proceedings, because it seeks information regarding any disputes, disagreements or dissenting views of NRC Staff as to any deficiency or findings about Braidwood, rather than limiting the information sought to the specific deficiencies and NRC findings identified in and relied on in the Amended QA Contention.

Specific Interrogatory No. 61 states:

61. Describe in detail the organization established to execute the quality assurance program at Braidwood, including any material changes made in such organization from the inception of construction until the present. Please identify the numbers of persons performing each QA function for Commonwealth Edison and each contractor over the life of the project. For each person, include a description of the duties assigned, the pay grade and benefits for each position as compared to non-QA positions, the opportunities for advancement both within and without the QA program for QA personnel, the length in months

of the person's prior nuclear QA or QC experience, and comparative data on the relative turnover rate for QA personnel as compared to non-QA personnel. Explain in detail the pay scale for Edison Braidwood QA personnel, including all QA managers, and all other pay scales within the Company. Please identify any documents which reflect these answers.

Objections:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

As reflected in Objection "A" above, the underscored portion of this interrogatory impermissibly seeks information far beyond the scope of these limited proceedings, because it seeks information regarding the compensation, prior experience, opportunities for advancement, turnover, and other personnel information for "each person" performing "each QA function" for Edison and each contractor over the life of the project. To the extent that issues concerning QA personnel have admitted as issues in this proceeding, such issues are limited to allegations of harassment by supervisors of site QC Inspectors employed by the electrical contractor, L. K. Comstock Company. Accordingly, the extraneous information sought is irrelevant and immaterial to the issues raised by the Joint Stipulation.

Moreover, this interrogatory impermissibly seeks broad-ranging confidential personnel information concerning the position and pay of specific individuals. Disclosure of this information is an undue and potentially actionable invasion of

the privacy of the person(s) involved. (See Illinois Power Company (Clinton Power Station, Unit 1) LBP-81-61, 14 NRC 1735, 1740 (1981)).

Specific Interrogatory No. 62 states:

62. For all intra-Company transfers into or out of Edison QA at Braidwood, please identify, as applicable, the previous department, position and pay of the employee immediately prior to his or her transfer to Braidwood QA; his or her position, pay and length of tenure in Braidwood QA; and the department, position and pay of the employee immediately following transfer out of Braidwood QA.

Objection:

Applicant objects to and declines to answer the underscored portion of this interrogatory and moves concurrently herewith for entry of a protective order on the following grounds:

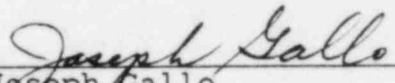
As reflected in Objection "A" above, the underscored portion of this interrogatory impermissibly seeks information far beyond the scope of these limited proceedings, because it seeks information regarding Commonwealth Edison's general employment practices with respect to QA at Braidwood, Edison's interdepartmental transfer practices, and the pay scales of Edison employees. Information regarding the transfer of Edison employees generally into or out of Braidwood is irrelevant and immaterial to the Joint Stipulation allegations of harassment by supervisors employed by the electrical contractor, L. K. Comstock Company.

Moreover, this interrogatory impermissibly seeks broad-ranging confidential personnel information concerning

compensation of specific individuals. Disclosure of this information is an undue and potentially actionable invasion of the privacy of the person(s) involved. (See Illinois Power Company (Clinton Power Staton, Unit 1) LBP-81-61, 14 NRC 1735, 1740 (1981)).

Respectfully submitted,

By 
Michael I. Miller


Joseph Gallo


Elena Z. Kezelis

Attorneys for Applicant
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)		
)		
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-456	DOCKETED
)	50-457	USNRC
(Braidwood Nuclear Power)		
Station, Units 1 and 2))		

'85 AUG -2 A11:50

CERTIFICATE OF SERVICE

I, Elena Z. Kezelis, one of the Attorneys for
Commonwealth Edison Company, certify that copies of Ap-
plicant's Objections to Intervenor's Quality Assurance
Interrogatories and Requests to Produce and Motion for Entry
of a Protective Order have been served in the above-cap-
tioned matter as follows:

OFFICE OF SECRETARY
FOR MARKETING & SERVICE
BRANCH

Service by Federal Express on July 29, 1985 for receipt on
July 30, 1985:

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Chairman
Administrative Law Judge
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Atomic Safety and Licensing
Board Panel
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

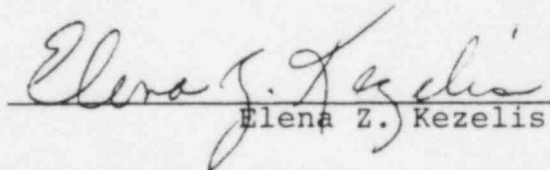
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Dated: July 30, 1985

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)		
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I, Elena Z. Kezelis, one of the Attorneys for
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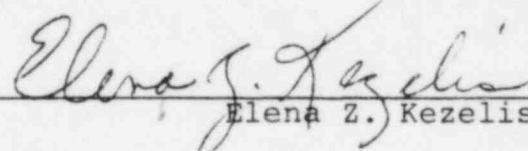
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