

AFFIDAVIT OF
LOUIS F. FIKAR

THE STATE OF TEXAS :
 :
COUNTY OF DALLAS :

BEFORE ME, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared LOUIS F. FIKAR, who by me being duly sworn upon his oath deposes and says:

My name is Louis F. Fikar. I reside in Fort Worth, Tarrant County, Texas. I retired from Texas Utilities Generating Company effective July 1, 1985. At the time of my retirement, I was Executive Vice President of the Company. I held that position since 1978.

In 1978, Management Analysis Company ("MAC") reviewed the Quality Assurance Program and other aspects of the TUGCO organization at the Comanche Peak Steam Electric Station. This review was requested by Perry G. Brittain, the then President of TUGCO. I attended both pre- and post-audit meetings with representatives of MAC and was interviewed by MAC representatives in connection with their review. Sometime in May of 1978, I received a copy of the report prepared by MAC in connection with their work at Comanche Peak which I thoroughly reviewed at that time. I also recall meeting with Messrs. P. G. Brittain and R. J. Gary to discuss the recommendations and findings which resulted from the MAC review. I retained a copy of the report in my office and gave my copy to R. A. Wooldridge sometime in late May or early June, 1985.

In 1980, I was aware that CASE, the Intervenor in the Comanche Peak licensing proceedings, requested information concerning QA audits at Comanche Peak. In the process of responding to those requests, I recall a question being

raised as to whether or not the discovery applied to the MAC report. It was my opinion that it did not and I so stated. I do not recall any further discussion or question about this matter at the time, nor do I recall any discussions with any attorney or other Company officer about this matter.

I did not believe that the MAC report was subject to CASE's discovery requests because it was not then and, to my knowledge, never had been a part of the Comanche Peak plant records. It was performed solely for the use of senior TUGCO management for its purpose in assessing the TUGCO program for carrying out its commitments. It was not an audit in the usual sense of that word and certainly did not constitute the type of an audit that would be useful in satisfying NRC requirements to audit a quality assurance program. From a corporate standpoint, confidentiality of the results of the review had, to my knowledge, been maintained since the report was delivered in 1978. I recall discussions in 1978 with P. G. Brittain and R. J. Gary to the effect that the results of the report should not be published or made available generally to employees at the Comanche Peak site or elsewhere. The three of us were generally aware of the possibility that the performance of the review might be taken as an indication that management was critical of the existing TUGCO organization at Comanche Peak. This was not the case and distribution was restricted to only those persons who needed to have the report in order for us to properly assess MAC's recommendations and findings. In my judgment, I felt the MAC report was a proprietary document made solely for the benefit of the senior management of TUGCO and, therefore, was confidential and not to be a public document. Since the results of the MAC report were generally favorable to the TUGCO organization and the QA program at Comanche Peak and a number of MAC's recommendations had already been or were being implemented, the findings in the MAC report itself had nothing to do with my belief that the report should not be produced in response to the requests for information.

I do not recall any discussions concerning the discoverability of the MAC report again until a conversation that I had with R. A. Wooldridge sometime in mid-May, 1985.

Louis F. Fikar
LOUIS F. FIKAR

SUBSCRIBED AND SWORN TO before me by the said LOUIS F. FIKAR on this, the 7TH day of AUGUST, 1985.

Kay Whittemore
Notary Public in and for Dallas
County, Texas

My Commission Expires:

7-1-89