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RELATED CORRESPONDENCE

August 13, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY  
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BRANCH

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

APPLICANTS' ANSWER TO CASE'S INTERROGATORIES  
REGARDING PREMATURE IMPLEMENTATION OF CPRT

I. INTRODUCTION

Pursuant to 10 C.F.R. §§2.740b and 2.741, Texas Utilities Electric Company, et al. ("Applicants") hereby respond to CASE's interrogatories "Regarding Premature Implementation of CPRT," dated July 25, 1985. Applicants answer several interrogatories herein, and object to responding to others at this time.

II. DISCUSSION

On June 28, 1985, Applicants filed their "Current Management Views and Management Plan for Resolution of All Issues."<sup>1</sup>

1/ On April 26, 1985, Applicants filed their Proposed Case Management Plan, wherein we presented a general outline of the course we envisioned for the remainder of the proceeding. Applicants suggested that continued litigation of some issues in the proceeding may be mooted, i.e., rendered unnecessary, by the CPRT verification effort. The Board issued Memorandum and Order (Case Management Plan) on May 24, 1985, acknowledging that if (Footnote 1 continued on next page)

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Therein, Applicants proposed that the resolution of issues in this proceeding focus on the CPRT verification program.

Applicants argued that in view of the nature and scope of this verification program, further litigation outside the scope of the CPRT is unnecessary. In particular, Applicants submitted that the issues of harassment and intimidation in Docket-2 are mooted by the CPRT verification effort. Specifically, individual technical issues raised in Docket-2 are addressed by the CPRT Program. Further, any hardware or documentation defects that could have been caused by harassment or intimidation of QC inspectors -- assuming that it took place at all -- will also be addressed by the CPRT efforts.<sup>2</sup> (See Management Plan at 62-64.) The proposals in Applicants' Plan are still before the Board.<sup>3</sup>

The discovery process regarding Applicants' Management Plan has not been formally established. Independent of discovery, however, Applicants filed, together with their Management Plan,

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(Footnote 1 continued from previous page)

some matters are rendered moot, further litigation would be unnecessary. The Board directed Applicants to address that question in a Management Plan to be filed after relevant Staff documents became available. That Plan was filed on June 28.

2/ To the extent a question exists as to management's commitment to quality, that issue is similarly addressed by the CPRT efforts (see Management Plan at 64).

3/ Both CASE and the NRC have responded to Applicants' Management Plan. See (1) CASE's Response to the Alleged Mootness of Docket 2 Issues and Proposed Schedule for Docket 2, July 16, 1985; (2) CASE's Initial Response to Applicants' 6/28/85 Current Management Views and Management Plan for Resolution of All Issues, July 29, 1985.

the CPRT Program Plan and issue-specific action plans, and Amendment 55 to the FSAR setting forth Applicants' management structure and qualifications of principal management. Applicants have also transmitted to CASE qualifications of SRT/CPRT personnel. Applicants envisioned that with this information the parties would be in a position to respond to the general approach to the resolution of outstanding issues proposed in the Management Plan. In addition, Applicants proposed a two-phase discovery process.<sup>4</sup> First, discovery regarding generic CPRT issues would proceed with the filing of the Plan. This stage of discovery would enable the parties to specify concerns regarding the overall adequacy of the CPRT Plan to resolve outstanding issues. Second, Applicants also proposed that discovery regarding particular results reports (which document the findings and conclusions regarding issue-specific action plans) commence with the completion of those reports. This phase of discovery would allow specification of issues regarding particular verification efforts relating to outstanding issues. (See Management Plan at 73).

CASE filed its "Interrogatories Regarding Premature Implementation of CPRT," on July 25, 1985. Applicants respond below to those interrogatories. However, much of the requested information deals with implementation of the Plan, and seeks

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<sup>4</sup>/ This discovery process was proposed with respect to Docket-1. If Applicants' Management Plan is adopted, such discovery would be necessary only in Docket-1. (See Management Plan at 73.)

material which is not yet available in any meaningful form and which is not otherwise needed by CASE in order to respond regarding the overall adequacy of the Plan.

III. APPLICANTS' RESPONSE TO CASE'S  
INTERROGATORIES REGARDING PREMATURE  
IMPLEMENTATION OF CPRT

1. What reinspection effort has been completed to date on issues identified by the NRC's Technical Review Team?

Applicants' response:

The issue-specific action plans provided to CASE with the CPRT Program Plan set forth, in Section 5.0 of each plan, a schedule for completion of the activities described in the action plans, including those activities which had been completed at the time the plans were finalized. These activities include, where applicable, reinspection efforts.

Applicants object to providing further information regarding this request at this time. The exact status of the reinspection efforts are not relevant to the issue now before the Board, i.e., the viability of employing the CPRT Program Plan, including the issue-specific action plans, to resolve outstanding issues in the proceeding. Whether particular activities have been completed simply does not bear on the resolution of that question. If CASE is concerned that objections it may have to the Plan, if valid, may not be

accounted for,<sup>5</sup> CASE should note that Applicants recognize that if it is determined that there are deficiencies in the Program Plan vis a vis resolution of outstanding issues, the Plan can be revised (see Management Plan at 45). This concern, however, need not be addressed to resolve the issue of whether, overall, the CPRT Program may be utilized to resolve outstanding issues.

2. Identify each system, component, or piece of hardware which has undergone any review, or reinspection by Texas Utilities or any of its contractors.

Applicants' response:

The systems, components, or pieces of hardware to be reinspected are generally defined in the issue-specific action plans. Specific items to be reinspected, unless themselves the focus of a particular action plan, are to be selected through statistical sampling. At this time, however, all samples have not been selected. The sampling methodology is, of course, already described in the CPRT Program Plan (see Appendix D).

Applicants submit that the information presently contained in the Program Plan and the issue-specific action plans is

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5/ Applicants note the title of these interrogatories suggests such a concern ("premature implementation"), although CASE does not indicate what it intended by that phrase.

sufficient for responding to the overall adequacy of that Plan to address and resolve outstanding issues.

Applicants object to providing further material at this time. The specific items inspected will be documented in results reports for each action plan. As indicated in the Management Plan, those reports, with appropriate backup material, will be provided to CASE when completed.<sup>6</sup> However, none of those reports is completed at this time. (Applicants anticipate that the first reports will be completed in approximately six weeks.) The information which will accompany the reports is in various stages of completion. It would be an extremely inefficient use of resources to gather incomplete material for production on discovery. Persons involved in the implementation of the plans would need to devote time to gathering material outside the established process. This clearly would be an unnecessary burden on Applicants. In addition, producing such material would simply lead to confusion and have little, if any, independent utility. Applicants submit that production of completed packages, when available, would be the most efficient and meaningful means of production. Accordingly, we propose that we produce such information when completed, as originally suggested in the Management Plan.

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6/ Assuming Applicants' Management Plan is adopted, those reports would then be used to specify particular issues regarding the action plans (Management Plan at 73).

3. For each system, component, of piece of hardware which has been reviewed or reinspected identify the person, persons and/or organization conducting the reinspection.

Applicants' response:

The principal organizations or individuals overseeing the conduct of activities described in the issue-specific action plans are identified in those plans. The particular individuals performing inspections will be identified in the results reports and backup material. Applicants object, for the reasons described in the response to Question 2, to providing further information at this time.

4. For each system, component, or piece of hardware which has been reviewed or reinspected identify and produce the procedures used to conduct the reinspection or review.

Applicants' response:

Applicants have prepared and completed many of the procedures and instructions to be used in various reinspection activities. These materials are controlled and maintained in procedure and instruction manuals. Applicants will transmit shortly those manuals to CASE and will include CASE on the controlled distribution list for updates to the manuals.

5. For each system, component, or piece of hardware which has been reviewed or reinspected identify the results of the reinspection or review; if no documentation was produced to record specific findings identify for deposition the person or persons who conducted the analysis.

Applicants' response:

These results will be documented in results reports associated with each issue-specific action plan. As previously noted, these reports will be provided to CASE when completed. Applicants object, for the reasons set forth in the response to Question 2, to providing further information at this time.

6. For each system, component, or piece of hardware which has been reviewed or reinspected identify all trending documents prepared which detail the significance of the identified problems.

Applicants' response:

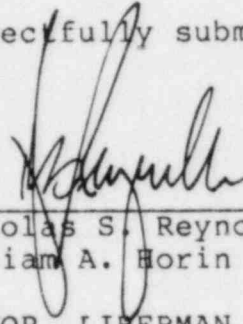
Information related to trending and assessment of the significance of findings will be included in results reports. Applicants object, for the reasons set forth in the response to Question 2, to providing further information at this time.

7. For each system, component, or piece of hardware which is to be reviewed or reinspected in the CPRT effort (including the self-initiated evaluations) provide a schedule of when such reinspection will commence.

Applicants' response:

See response to Question 1.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Answer to CASE's Interrogatories Regarding Premature Implementation of CPRT" in the above-captioned matter were served upon the following persons by express mail (\*) or deposit in the United States mail, first class, postage prepaid on the 13th day of August, 1985, or by hand delivery (\*\*) on the 14th day of August, 1985.

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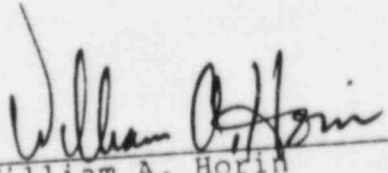
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