

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al

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

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Docket Nos. 50-445
50-446

(Application for
Operating License)

ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES
TO CFUR AND REQUESTS TO PRODUCE

COMES NOW CFUR, one of the Intervenor in the above-styled and numbered proceeding, and files this, its Answers to Applicants' First Set of Interrogatories To CFUR And Requests To Produce.

Due to the very early stage of this licensing proceeding, CFUR is unable at this time to provide complete responses to each of said Interrogatories from Applicants. CFUR has not had the opportunity to conduct any discovery on its behalf, which is a necessary prerequisite to preparing for the upcoming licensing hearing and consequently to responding fully to Applicants' Interrogatories regarding CFUR's participation at that hearing. Because of the foregoing factors, CFUR makes the following Answers without waiving its right to supplement its Answers or object to said Interrogatories which may be required by subsequent developments.

CERTIFICATE

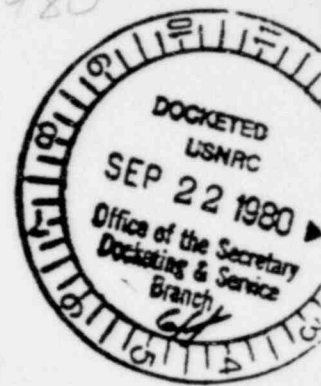
I declare (or certify, verify, or state) under penalty of perjury that the following Answers to Applicants' First Set of Interrogatories To CFUR And Requests To Produce are true and correct.

Executed on this 15th day of September, 1980.

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Richard L. Fouke
Richard L. Fouke

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ANSWERS

1. These are our own words as accepted by the ASLB.
2. Due to the early stage of this licensing proceeding and due to the absence of discovery from Applicants, CFUR is not able at this time to respond fully. A partial document list includes: Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1979; Report of CFUR's Position On Each Contention, April 10, 1980; and Transcript, Pre-Hearing Conference, April 30, 1980.
3. CFUR has prepared no report at this time other than CFUR's Position on Contention 4, A, May 12, 1980. Report of CFUR's Position On Each Contention which was a group effort.
4. No.
5. Persons associated with CFUR have met with persons associated with other intervening parties, as well as with persons associated with Applicants and the Staff. While matters touching Contention 2 may have been discussed, none of these meetings was for the purpose of discussing Contention 2. Further, since there is no relevancy to this

interrogatory, CFUR contends that the overly broad inquiry about these meetings constitutes an impermissible, undue burden on and harassment of CFUR.

6. None
7. Yes. The extent of CFUR's participation is unknown at this time.
8. Unknown at this time.
9. Unknown at this time.
10. See response to 9.
11. Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1979 and Report of CFUR's Position On Each Contention, April 10, 1980. CFUR has not ruled out the possibility of including additional reports and/or deleting reports.
12. Since Interrogatory 12 is ambiguous and confusing, CFUR is unable to understand it and is therefore unable to respond. Should Applicants be inquiring about legal theories of CFUR, such an inquiry is clearly improper under 10 CFR §2.740(b)(2).
13. Unknown at this time.
14. Not applicable.
15. CFUR objects to this Interrogatory on the grounds stated in response to 12.
16. Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1980 and Report of CFUR's Position On Each Contention, April 10, 1980. CFUR has not ruled out the possibility of including computer codes and/or deleting computer codes.

17. CFUR objects to this Interrogatory on the grounds stated in response to 12.
18. Unknown at this time.
19. Not applicable.
20. CFUR objects to this Interrogatory on the grounds stated in response to 12.
21. Unknown at this time.
22. Not applicable.
23. CFUR objects to this Interrogatory on the grounds stated in response to 12.
24. Applicants must comply with all applicable statutes and regulations. Applicants must also prove that the physical realm of operation is replicable and predictable in accordance with what is stated in the report and/or computer code.
25. Applicants must comply with all applicable statutes and regulations. Applicants must also prove that the physical realm of operation is replicable and predictable in accordance with what is stated in the report and/or computer code by independent means.
26. CFUR objects to this Interrogatory on the grounds stated in response to 12.
27. Applicants must comply with all applicable statutes and regulations. Applicants must also prove suitable verification.
28. The Staff must comply with all applicable statutes and regulations. The Staff must also evaluate Applicant's proof and independently verify same.

29. CFUR objects to this Interrogatory on the grounds stated in response to 12.
30. See responses to 24 and 27.
31. See responses to 25 and 28.
32. CFUR objects to this Interrogatory on the grounds stated in response to 12.
33. Sufficient to comply with responses to 24 and 27.
34. See response to 2.
35. CFUR objects to this Interrogatory on the grounds stated in response to 12.
36. Yes.
37. See responses to 11 and 16.
38. The details of the nature and substance of CFUR's challenges are not complete and are contingent on CFUR's discover which has not begun.
39. CFUR objects to this Interrogatory on the grounds stated in response to 12.
40. Portions of Applicants' FSAR have been reviewed.
 - a. Yes.
 - b. See responses to 11 and 16.
 - c. CFUR objects to this Interrogatory on the grounds stated in response to 12.
41. No.
42. Not applicable.
43. CFUR is unable to answer this Interrogatory because the word "review" is ambiguous in this context.
44. Not applicable.

45. Not applicable.
46. CFUR objects to this Interrogatory on the grounds stated in response to 12.
47. CFUR does not know the Applicants' purpose.
48. Not applicable.
49. CFUR objects to this Interrogatory on the grounds stated in response to 12.
50. Unknown at this time.
51. Unknown at this time.
52. CFUR objects to this Interrogatory on the grounds stated in response to 12.
53. Not applicable.
54. CFUR objects to this Interrogatory on the grounds stated in response to 12.
55. Not applicable.
56. CFUR objects to this Interrogatory on the grounds stated in response to 12.
57. Unknown at this time.
58. Not applicable.
59. Not applicable.
60. No.
62. See responses to 11 and 16.
62. CFUR objects to this Interrogatory on the grounds stated in response to 12.
63. CFUR is unable to answer this Interrogatory because the words "NRC requirements" are ambiguous in this context. Since the second part of Interrogatory 63 is ambiguous, CFUR objects to this Interrogatory on the grounds stated in response to 12.

64. The Applicants' failure to adhere to the QA/QC required and the construction practices employed, including but not limited to concrete work, mortar blocks, steel, fracture toughness testing, expansion joints, placement of the reactor vessel for Unit 2, welding, inspection and testing, materials used, craft labor qualifications and working conditions affecting QA/QC, and training and organizing of QA/QC personnel, have raised substantial questions as to the adequacy of the construction of the facility.
65. Supplement To Petition For Leave To Intervene by Citizens For Fair Utility Regulation (CFUR), May 7, 1979; Report of CFUR's Position On Each Contention, April 10, 1980; and Transcript, Pre-Hearing Conference, April 30, 1980.
66. CFUR is in the process of preparing, but has not completed, a trend analysis on I & E reports.
67. CFUR has met with other intervenors, as well as with the Staff and the Applicants, for the purpose of discussing Contention 5. Since there is no relevancy to this Interrogatory, CFUR contends that the overly broad inquiry about these meetings constitutes an impermissible, undue burden on and harassment of CFUR.
68. CFUR has had one or more contacts with one or more individuals with respect to Contentions 5, 7 and 8. Certain impressions and/or conclusions were reached as a result of these contacts which have contributed to the position that CFUR has taken. CFUR intends to make available the

names of individuals who first of all have been determined to have substantive information and second of all agree to present direct testimony.

The problem is that some disquieting events have taken place in the lives of individuals who have expressed opposition to CPSES. One such example happened in 1975 when Bob Pomeroy, the ex-president of CASE and an airline pilot, was written up in an official report as being subversive by a member of the Texas Department of Public Safety with no substantiation presented when Mr. Pomeroy expressed opposition to CPSES in a speech to the Dallas City Council. This report, classifying Mr. Pomeroy as subversive, was subsequently forwarded by the Texas Department of Public Safety to Mr. Pomeroy's employer in California. The member of the Texas Department of Public Safety who wrote the report testified before the State of Texas Senate Jurisprudence Subcommittee that he felt justified in so doing because he feared Mr. Pomeroy might crash his airplane into CPSES. Blanket disclosure of the names of persons who have met with CFUR not only would subject those persons to a potential unjustified invasion of their right of privacy, the names of such non-testifying persons are not discoverable. For these reasons, CFUR will take all steps possible to avoid anything resembling a reoccurrence of the Pomeroy event and objects to supplying the Applicants any names of consultants at this time and/or until they agree to present direct testimony.

69. Yes; witnesses undetermined at this time.
70. Yes; witnesses undetermined at this time.
71. Not applicable.
72. CFUR has read portions of the construction permits for CPSES.
- a. Unknown at this time.
 - b. Not applicable.
 - c. CFUR objects to this Interrogatory on the grounds stated in response to 12.
73. Applicants have failed to adhere.
74. Applicants must comply with all applicable statutes and regulations and the spirit and intent thereof.
75. CFUR objects to this Interrogatory on the grounds state in response to 12.
76. Yes.
- a. Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1979; CFUR's Position On Contention 4.A, May 12, 1980; additional provisions may be added later.
 - b. See response to Interrogatory 76a.
 - c. CFUR objects to the Interrogatories on the grounds stated in response to 12.
77. Cease violations and take necessary and proper corrective action.
78. CFUR objects to this Interrogatory on the grounds stated in response to 12.
79. CFUR must complete discovery in order to answer this Interrogatory.

80. CFUR objects to this Interrogatory on the grounds stated in response to 12.
81. CFUR must complete discovery in order to answer this Interrogatory. Since the second part of Interrogatory is ambiguous, CFUR objects to this Interrogatory on the grounds stated in response to 12.
82. CFUR must complete discovery in order to answer this Interrogatory. Since the second part of Interrogatory 85 is ambiguous, CFUR objects to it on the grounds stated in response to 12.
83. Yes.
84. Unknown at this time.
85. Not applicable. Since the second part of Interrogatory 85 is ambiguous, CFUR objects to it on the grounds stated in response to 12.
86. Not applicable.
87. CFUR objects to this Interrogatory on the grounds stated in response to 12.
88. These are the Board's words; CFUR is unsure of their meaning.
89. These are the Board's words; CFUR is unsure of their meaning.
90. a1; a2; a3; a6; see also Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1979.
91. CFUR objects to this Interrogatory on the grounds stated in response to 12.

92. Unknown at this time; CFUR must conduct discovery in order to answer this Interrogatory.
93. These are CFUR's own words.
94. Supplement To Petition For Leave To Intervene By Citizens For Fair Utility Regulation (CFUR), May 7, 1979; Report of CFUR's Position On Each Contention, April 10, 1980; and Transcript, Pre-Hearing Conference, April 30, 1980.
95. None at this time.
96. None at this time.
97. Persons associated with CFUR have met with persons associated with other intervening parties, as well as with persons associated with Applicants and the Staff. While matters touching Contention 7 may have been discussed, none of these meetings was for the purpose of discussing Contention 7. Further, since there is no relevancy to this Interrogatory, CFUR contends that the overly broad inquiry about these meetings constitutes an impermissible, undue burden on and harassment of CFUR.
98. See response to 68.
99. Yes; unknown at this time.
100. Unknown at this time.
101. Unknown at this time.
102. Unknown at this time.
103. Unknown at this time.
104. Conduct further seismic analysis.
105. CFUR objects to this Interrogatory on the grounds states in response to 12.

106. Correlation of rock overbreaks has not been accomplished at this time.
107. Not applicable.
108. CFUR objects to this Interrogatory on the grounds stated in response to 12.
109. Unknown at this time.
110. Not applicable.
111. CFUR objects to this Interrogatory on the grounds stated in response to 12.
112. CFUR has reviewed portions of Applicants' FSAR.
- a. Unknown at this time.
 - b. Not applicable.
 - c. CFUR objects to this Interrogatory on the grounds stated in response to 12. Should Applicants be inquiring about legal theories of CFUR, such an inquiry is clearly improper under 10 CFR §2.112(c).
 - d. Yes.
 - e. CFUR has reason to believe that loose rock material was thrown into the excavation prior to the pouring of concrete. Possibly others.
 - f. CFUR objects to this Interrogatory on the grounds stated in response to 12.
113. Unknown at this time.
114. CFUR objects to this Interrogatory on the grounds stated in response to 12.
115. Yes; see responses to 104 and 112.
116. CFUR objects to this Interrogatory on the grounds stated in response to 12.

117. Yes; includes IV(a)(4), but not complete at this time.
118. CFUR objects to this Interrogatory on the grounds stated in response to 12.
119. Unknown at this time.
120. Yes; see response to 104 and 112. Parenthetically CFUR disputes that fissure repair is the only subject to Contention 7.
121. CFUR objects to this Interrogatory on the grounds stated in response to 12.
122. Yes; see response to 112.
123. CFUR objects to this Interrogatory on the grounds stated in response to 12.
124. Unknown at this time;
125. CFUR objects to this Interrogatory on the grounds stated in response to 12.
126. Not applicable.
127. CFUR objects to this Interrogatory on the grounds stated in response to 12.
128. Unknown at this time.
129. CFUR objects to this Interrogatory on the grounds stated in responses to 12.
130. Unknown at this time.
131. Unknown at this time.
132. CFUR objects to this Interrogatory on the grounds stated in response to 12.
133. These are our own words as accepted by the ASLB.
134. See response to 2.

135. Not at this time.
136. No.
137. Persons associated with CFUR have met with persons associated with other intervening parties, as well as with persons associated with Applicants and the Staff. While matters touching Contention 8 may have been discussed, none of these meetings was for the purpose of discussing Contention 8. Further, since there is no relevancy to this Interrogatory, CFUR contends that the overly broad inquiry about these meetings constitutes an impermissible, undue burden on and harassment of CFUR.
138. See response to 68.
139. Yes; unknown at this time.
140. Unknown at this time.
141. Unknown at this time.
142. Not applicable.
143. CFUR has read portions of Applicants' ER-OL.
- a. Not determined at this time.
 - b. Not applicable.
 - c. CFUR objects to this Interrogatory on the grounds stated in response to 12.
144. Yes. Must conduct discovery to determine.
145. CFUR objects to this Interrogatory on the grounds stated in response 12.
146. Not determined at this time.
147. See response to 145.
148. Not determined at this time.
149. Mining, undesirable consequences on neighbors.

150. Manner and timing to ensure no infringement on neighbors
access - now and in the future.
151. See response to 145.
152. Obtain water from separate source.
153. Not determined at this time.
154. Not determined at this time.
155. See response to 145.
156. No.
157. Not applicable.
158. Not complete at this time.
159. Not applicable.
160. See response to 145.
161. Not determined at this time.
162. No.
163. See response to 145.
164. Yes. Not determined at this time.
165. See response to 145.
166. Not applicable.
167. See response to 145.

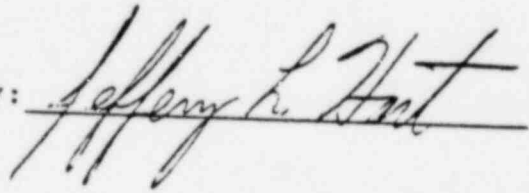
Respectfully submitted,

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By:

A handwritten signature in cursive script, appearing to read "Jeffery L. Hart", is written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Answers to Applicants' First Set of Interrogatories to CFUR And Requests To Produce, in the captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid this 15th day of September, 1980:

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