

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY & LICENSING BOARD

March 15, 1982

In the Matter of:

HOUSTON LIGHTING & POWER CO.  
(Allens Creek Nuclear Generating  
Station, Unit 1)

Docket No. 50-466 CP

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*emp*

INTERVENOR DOHERTY'S MOTION TO SUBPOENA QUADREX CORPORATION  
EMPLOYEE WITNESSES FOR THE APRIL 1982 HEARINGS

John F. Doherty, Intervenor in the above proceedings now files this motion for the Board to subpoena employees of the Quadrex Corporation, identified in two Quadrex documents submitted by Applicant in these proceedings, and would be controlled by the Board. Authority for the subpoena of a Board witness lies in the Appeal Board's decision ALAB-382, Consumers Power Company, Midland Plant, Units 1 and 2, 5 NRC 603-608, 1977, at 607, where it stated:

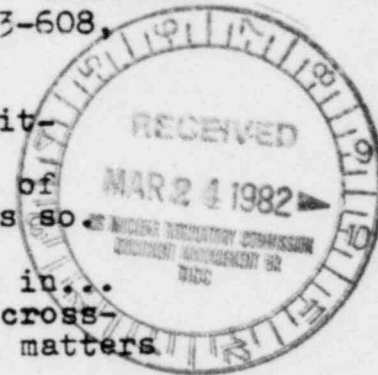
Nothing...precludes a Board from calling witnesses where it finds a genuine need for their testimony or from utilizing Commission payments of the usual witness fees and expenses when it does so.

[T]he subjects which the witness may address in... testimony would be controlled by the Board and cross-examination by any party would be restricted to matters in the witness's direct presentation.

[T]he Board's authority in this respect should be exercised with circumspection where the witness it desires to hear would have been sponsored by one of the parties but for financial considerations.

Resumption of this proceedings is based on a filing by this Intervenor of December 7, 1981, and the Board's Order of January 28, 1982. Declining to leave the issue of the Quadrex Report's implications for the ACNGS, as urged by Staff and Applicant, it stated at p.3:

If problems due to B&R's actions or inaction were encountered at STP despite HL&P's supervision the Board most certainly wants to know what specific corrective or preventative procedures HL&P will follow to assure that the problems will not recur at Allens Creek.



*DSO<sup>13</sup>  
50/1*

In response to this, this Intervenor would urge that the testimony of the actual authors of the Quadrex Report on the STNP, and the lately submitted Quadrex Report on the ACNGS are necessary to have a clear understanding of both B&R deficiencies despite HL&P supervision and to gain an idea of what specific corrective or preventative procedures should be followed to prevent problem recurrence at Allens Creek.

Specifically, the two reports are at times difficult to understand, terse, and subject to interpretation. As an example of this last point, consider the fact that Applicant considered a "Most Serious Finding", to be a failure by Quadrex to observe evidence sufficient to conclude a particular systems function existed, <sup>\*</sup>/ where other interpretations are quite possible. In addition, the Report covers seven engineering disciplines, using language frequently idiosyncratic to it. In addition, the Board and parties may gain additional information from being able to examine the persons who made the replies to the various report questions. These persons thus possess first hand experience with the replies which will permit them to fill out the (at times) sparse replies placed in the text of the Report.

Applicant will present two witnesses according to its Counsel, Mr. Copeland on March 12th. These are Mr. Goldberg of HL&P and Mr. Sas of Ebasco. Hence the Board and parties will not have the benefit of talking with any of the report's authors, themselves. While it is true, TexPIRG Additional Contention 31 has had a primary airing, the Quadrex Report, with its many determinations has vastly increased the scope of the Contention, such that there is serious doubt these witnesses can provide the detail and understanding that the actual authors would provide for this important issue.

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<sup>\*</sup>/Applicant's answer to Interrogatory 22, this Intervenor's first set of Quadrex related Interrogatories, March 8, 1982.

On the issue of Applicant technical qualifications, the Board and this Intervenor have been deprived of a full airing, because of an evident decision or omission by the Applicant and perhaps the staff to not mention the report. This was noted by the Board in its Order of January 28, 1982 on p. 3. Here, this Intervenor urges that he not perhaps be subjected to the same happening by moving the Board require the appearance of ten witnesses all of whom have personal knowledge of the reports findings. By making these witnesses available to itself and the parties, the issue may certainly be aired fully.

Below, the names of each witness are presented, with the section of the Quadrex Report they authored. Those marked with an asterisk, also authored part of the shorter Quadrex Report on Ebasco design work at Allens Creek. The letters in the last column refer to sections, in this Intervenor's "Motion for Additional Evidence on TexPIRG Additional Contention - 31, (Applicant's Technical Qualifications) of December 7, 1981.

<u>WITNESS NAME</u>	<u>DISCIPLINE</u>	<u>DEC. 7, 1981 MOTION SEC.</u>
O. Houssain*	Civil/Structural	D, O
J. Nardello	Computer Codes	G
D. G. Scapini	Electrical	N
Ram Bhat	Heating, Ventilation & Air Cond.	F, M
D. Munson	Mechanical Analysis	F, N
E. Willey*	Mechanical	N
R. Uffer*	Nuclear	D, F
Gene Essewein*	Piping	J
H. Booth	Radiological	G, J

For the reason stated above, this Intervenor moves the Board subpoena on its own, the above witnesses, all of whom are authors in-part of the Quadrex Report on the South Texas Nuclear Project.

Respectfully,  
*John F. Doherty*, 3/15/82  
John F. Doherty

CERTIFICATE OF SERVICE: Certification of Service for this motion is with the enclosed, "INTERVENOR DOHERTY'S SIXTH SET OF INTERROGATORIES TO APPLICANT WITH REGARD TO TEXPIRG ADDITIONAL CONTENTION 31 AND QUADREX RELATED MATTERS.