

April 1, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of	)	
	)	
TEXAS UTILITIES GENERATING	)	Docket Nos. 50-445 and
COMPANY, <u>et al.</u>	)	50-446
	)	
(Comanche Peak Steam Electric	)	(Application for
Station, Units 1 and 2)	)	Operating Licenses)

APPLICANTS' (1) RESPONSES TO REQUESTS TO  
PRODUCE, (2) SUPPLEMENTATION OF ANSWERS TO CASE'S  
EIGHTH SET OF INTERROGATORIES AND REQUESTS TO PRODUCE,  
AND (3) MOTION FOR PROTECTIVE ORDER

Pursuant to 10 C.F.R. § 2.741(d), Texas Utilities Generating Co., et al. ("Applicants") hereby submit their response to the requests for production of documents set forth in CASE's Eighth Set of Interrogatories and Requests to Produce, served March 1, 1982. 1/ Applicants also hereby supplement their answers to certain interrogatories posed in CASE's Eighth Set, in accordance with agreements reached in the March 26, 1982, telephone conference between all parties and the Atomic Safety and Licensing Board ("Board") in this proceeding. In addition, Applicants ~~mc~~ the Board to issue a Protective Order directing that discovery of certain documents be had in the manner proposed by Applicants.

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1/ Applicants provide these responses on the schedule provided for in 10 C.F.R. § 2.741(d). In their March 16, 1982 answers to CASE's Interrogatories, Applicants indicated that their responses to these requests to produce would be provided by March 29, 1982. However, that schedule was premised on the original cut-off date for discovery of March 29 which the Board since has extended to May 3, 1982. See Revised Schedule, March 25, 1982.

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I. APPLICANTS' RESPONSES TO CASE'S  
REQUESTS TO PRODUCE 2/

- 1.b. As stated in Applicants' March 16, 1982 response to this Interrogatory, neither Brown & Root nor Texas Utilities attended the referenced January 11, 1982 meeting or are aware if such a meeting was ever held. Thus, there are no documents within the scope of this request.
- 1.c. Applicants will provide for inspection and copying the requested documents.
- 1.d. Applicants have provided all documents of which we are aware.
2. Applicants will provide for inspection and copying the Certificates of Authorization which expired January 8, 1982 and the renewal Certificates which Applicants recently received.
- 3.c. No survey report was transmitted to Applicants or Brown & Root regarding the September, 1978 survey. Standard practice in issuing ASME Certificates of Authorization is that no survey report is issued when there are no unresolved questions following the survey, as was the case in this instance.
4. See Applicants' March 16, 1982 response.
5. Applicants will provide for inspection and copying Audit Report Nos. TCP-30 through 34, and 37, together with responses and evaluations for these TCP Audits. Audit Nos. TCP-35 and 36 have been performed, however the audit reports have not yet been issued. Applicants will make those reports available when they are issued. Applicants will also provide the responses and evaluations for TCP Audits which have been completed since our last response.
7. See Applicants' March 16, 1982 response.

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2/ The procedures for inspection and copying of the documents requested by CASE are as set forth in Applicants' March 4, 1981 response to CASE's Fourth Set.

12. Applicants' review of their records has revealed four audits by Hartford Steam Boiler, rather than three, as previously indicated. Applicants will provide for inspection and copying these audit reports and Brown & Root responses to the reports for which responses were required.

13. See Applicants' March 16, 1982 response.

14.a. CASE has already received the requested document.

14.c. Applicants will provide for inspection and copying the following documents:

Concrete Pour Package

Concrete pour card, material requisitions, inspection reports, concrete placement plan, concrete placement summary, batch tickets, letters to Brown & Root rejecting loads of concrete, reports on comprehensive tests of concrete, daily curing verification report and NCR-C-1418.

Applicants are providing verified copies of these documents for CASE's inspection. Applicants move the Board to issue a Protective Order denying CASE's request to review the originals of all documents. See Motion for Protective Order, infra.

15.b. Applicants will provide for inspection and copying the following documents:

Concrete Pour Package

Concrete pour card, concrete placement plan, Gibbs & Hill letters transmitting engineering approvals, memorandum regarding embeds for pour 201-4812-007, pipe department checklists, material requisitions, inspection reports, report on compressive tests of concrete, daily curing verification report, concrete placement summary, letters to Brown & Root rejecting concrete loads, batch tickets and defective concrete report, NCR-C-1824, and NCR-C-1824 Revs. 1 and 2.

Reports

"Concrete Honeycombing, Unit 2 Steam Generator Compartments, Concrete Placement No. 201-4812-007," CPSES Report.

"Final Concrete Evaluation of Refueling Pool Structure at Comanche Peak Unit 2, Glen Rose, Texas," by Richard A. Muenow, P.E.

"Unit 2 Refueling Pool Core Wall Concrete," Gibbs & Hill (and supporting calculations).

"Reactor 2 Concrete Investigation," TUSI Engineering.

Correspondence on Significant Deficiency Analysis Report 79-13

Letter to NRC transmitting 10 C.F.R. § 50.55(e) formal report and associated correspondence.

Applicants are providing verified copies of these documents for CASE's inspection. Applicants move the Board to issue a Protective Order denying CASE's request to review the originals of all documents. See Motion for Protective Order, infra.

17. Applicants will make available for viewing the two video tapes referenced in the supplementary response to this Interrogatory, set forth below. CASE may arrange for viewing these tapes when it makes an appointment for inspecting documents.
- 18.c. As clarified in Applicants' March 30, 1982 telephone conversation with CASE, Applicants will provide for inspection and copying the requested documents.
- 19.b. and d.

There are no documents which pertain to these requests. The management actions and instructions regarding worker ratios were transmitted at meetings or by telephone with no written records made thereof. Applicants will provide for inspection and copying CPSES crew ratio studies which reflect implementation of those worker ratios.

In addition, to assist CASE in understanding our response, Applicants will provide for inspection and copying a sampling of various management reports. Also, Applicants invite CASE to meet with Comanche Peak project management to discuss how the project is managed and to respond to any questions CASE might have. Applicants believe that this would provide an opportunity for CASE better to understand management activities as they relate to Contention 5.

## II. APPLICANTS' SUPPLEMENTATION OF RESPONSES TO CASE'S INTERROGATORIES

In accordance with agreements reached in the March 26, 1982 telephone conference between the parties and the Board, Applicants provide the following additional responses:

### Interrogatories in CASE's Eighth Set

17.(20 and 24) Yes. There are two video tapes in addition to those previously supplied to CASE.

17.(21 and 25) These tapes are kept in the Dallas offices of Texas Utilities Generating Company.

18.b. As stated in our March 16, 1982, response to CASE's Eighth Set of Interrogatories, TUGCO has always maintained ultimate responsibility for QA/QC at Comanche Peak. Initially, Brown & Root was responsible for assuring the quality of work performed by Brown & Root and their contractors.

As indicated in the documents provided in response to Question 18.c., TUGCO took over direct management of most activities because we were dissatisfied with Brown & Root's QA management at that time and their implementation of their QA Program. As early as 1976, we had become concerned over Brown & Root's QA Program implementation related to their suppliers. Also, at that time, it appeared to TUGCO that Brown & Root management needed to be more diligent in enforcing



Quality requirements. In response to these concerns, TUGCO first placed a restraining order on Brown & Root vendor release inspections, requiring TUGCO supervision of these activities. This was in October, 1977.

Over the next few months, the benefit of such direct involvement became obvious. Consequently, in January, 1978, we assumed direct management of all non-ASME related QA/QC work involving CPSES for which Brown & Root originally had been responsible. Work subject to ASME Boiler and Pressure Vessel Code, Section III, continued under Brown & Root's Certificates of Authorization. Applicants consider this arrangement to be acceptable in that ASME Code work is subject to an additional level of inspection by an independent third party.

In sum, the principal purpose of the QA/QC reorganization was to develop a construction QA Program which would be tailored specifically and be responsive to the needs of the Comanche Peak project.

- 19.a. The specific management actions were, as described in Applicants' original response, to provide guidelines for the ratio of helpers to journeymen, journeymen to foremen and foremen to general foremen. Applicants provided the additional language from I&E Report No. 80-25 to show that the NRC had no specific regulatory concern which required additional measures to be taken.

19.b. and d.

See response to CASE's requests to produce, supra.

- 19.e. CASE also sought clarification of Applicants' response to Interrogatory 19.e. Accordingly, Applicants provide the following additional information:

Applicants have not performed any specific "assessments" of the actions referred to in our answer to Interrogatory 19.c. Applicants' management discusses these matters at regular meetings but has not performed any "assessment" as described by CASE.

- 19.f. Applicants utilize the various documents produced in response to Interrogatories 19.b. and d. to evaluate whether the subject management actions are being properly implemented. No documents have been prepared by Applicants for the purpose of evaluating the effectiveness of those actions.

Information Requested in CASE's Motion  
For Reconsideration of Extension of Time For  
Discovery on Contention 5

The following information is provided in response to requests made in CASE's March 22, 1982 Motion for Reconsideration of Extension of Time for Discovery on Contention 5.

Item 1     In order to expedite the discovery process, Applicants will produce the requested TGH audits, as indicated in the March 26, 1982 conference call between the parties and the Board.

However, Applicants do not believe that the audits of Gibbs & Hill (TGH series) performed by Applicants at Gibbs & Hill's New York offices fall within the scope of audits requested in CASE's First Set of Interrogatories.

III. APPLICANTS' MOTION FOR PROTECTIVE ORDER

Pursuant to 10 C.F.R. § 2.740(c), Applicants move the Board to issue a Protective Order allowing Applicants to produce verified copies of certain documents rather than originals as requested by CASE. At issue are requests in Questions 14.c. and 15.b. of CASE's Eighth Set of Interrogatories and Requests to Produce that Applicants "provide the original records rather than copies" of certain documents. For the reasons set forth below, Applicants propose to produce verified copies, rather than originals of the requested documents. Applicants have attempted to reach an agreement with CASE on this matter without success. Accordingly, Applicants seek the requested protective order.

A. Good Cause Exists for Issuing  
The Protective Order

Applicants submit that good cause exists for issuance of the requested protective order. For the most part, the documents requested by CASE are required by NRC regulation to be maintained and stored in the document vault at the Comanche Peak site. Many of these documents are maintained in files which need be available for use at any time by Applicants' personnel. In addition, Applicants would need to provide an individual to remain with the documents during the entire time they are checked out of the vault. Accordingly, providing originals of the requested documents could inconvenience Applicants operations and would burden the staff at the site while the requested documents were checked out. Applicants submit that such circumstances impose unnecessary burdens, particularly where Applicants will provide, in Dallas, verified copies of the requested documents.

B. Applicants Have Exhausted Attempts to Reach  
An Informal Agreement

As the Board has requested, Applicants diligently pursued resolution of this matter with CASE before seeking Board intervention. On March 30, 1982, Applicants contacted CASE to determine what its concern was in seeking originals rather than copies. CASE indicated it was concerned with the legibility and accuracy of the copies. Applicants assured



CASE we would provide legible and true and accurate copies of the originals and explained the difficulties Applicants saw in making the originals available. CASE maintained its position.

On March 31, 1982, Applicants again contacted CASE and again explained the difficulties in providing originals. Applicants proposed that they provide verified copies of the originals, in Dallas, for inspection. CASE would not accept that proposal. Applicants indicated they would seek the instant protective order, if necessary, although they would still provide the verified copies for inspection so as not to delay discovery. CASE stated that it would contact Applicants later that day if its position changed. Applicants were not contacted.

C. Applicants Proposal Is Reasonable and Proper

Applicants submit that their proposal to provide verified copies, rather than originals, is wholly reasonable and may properly be accepted by the Board. Applicants will attest, by notarized affidavit of a qualified person, that the copies provided CASE are true and accurate reproductions of the requested documents. By so verifying, Applicants provide acceptable evidence that true copies are being provided. Regardless, Applicants are providing these documents in the manner proposed so as not to delay the discovery process pending resolution of this matter by the Board.

For the foregoing reasons, Applicants urge the Board to grant the instant motion and issue a Protective Order providing that the requested documents may be supplied in the manner proposed by Applicants.

Respectfully submitted,

Nicholas S. Reynolds  
Nicholas S. Reynolds

William A. Horin  
William A. Horin  
Debevoise & Liberman  
1200 17th Street, N.W.  
Washington, D.C. 20036  
(202)857-9817

Counsel for Applicants

April 1, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of )  
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TEXAS UTILITIES GENERATING ) Docket Nos. 50-445  
COMPANY, et al. ) 50-446  
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(Comanche Peak Steam Electric ) (Application for  
Station, Units 1 and 2) ) Operating License)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' (1) Responses to Requests to Produce, (2) Supplementation of Answers to CASE's Eighth Set of Interrogatories and Requests to Produce, and (3) Motion for Protective Order," in the above-captioned matter were served upon the following persons by overnight delivery (\*), or by deposit in the United States mail, first class postage prepaid this 1st day of April, 1982,:

Marshall E. Miller, Esq.  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Chairman, Atomic Safety and  
Licensing Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Kenneth A. McCollom  
Dean, Division of Engineering  
Architecture and Technology  
Oklahoma State University  
Stillwater, Oklahoma 74074

Marjorie Ulman Rothschild, Esq.  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Richard Cole, Member  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

David J. Preister, Esq.  
Assistant Attorney General  
Environmental Protection  
Division  
P.O. Box 12548  
Capitol Station  
Austin, Texas 78711

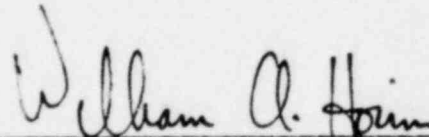
Chairman, Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

J. Marshall Gilmore, Esq.  
1060 W. Pipeline Road  
Hurst, Texas 76053

Mr. Richard Fouke  
1669-B Carter Drive  
Arlington, Texas 76010

\*Mrs. Juanita Ellis  
President, CASE  
1426 South Polk Street  
Dallas, Texas 75224

Mr. Scott W. Stucky  
Docketing & Service Branch  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20005

A handwritten signature in cursive script, reading "William A. Horin", written over a horizontal line.

William A. Horin

cc: Homer C. Schmidt  
Spencer C. Relyea, Esq.