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RELATED CORRESPONDENCE

5/30/84

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.

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

EXHIBIT

Docket Nos. 50-445-1 and -2
and 50-446-1 and -2

50-445-1
50-446-1

CASE'S PARTIAL ANSWER TO APPLICANTS' NINTH SET
OF INTERROGATORIES TO CASE AND REQUESTS TO PRODUCE

50-445-2
50-446-2

Pursuant to 10 CFR 2.740b and 2.741, CASE (Citizens Association for Sound Energy), Intervenor herein, hereby files this, its Partial Answer to Applicants' Ninth Set of Interrogatories to CASE and Requests to Produce.

As stated in off- and on-the-record discussions last week, CASE had not responded earlier to these particular interrogatories because of an oversight; in hurriedly scanning Applicants' Ninth Set (received during the week just prior to our last hearing session), we had overlooked the last portion of the interrogatories and assumed that (as was the case with the first portion) they all dealt with the issue of intimidation. (The Board had previously ruled that, since CASE had responded verbally during a conference call that we did not yet know who our witnesses would be or other similar details regarding the intimidation issue, it was not required that we respond on the issue of intimidation until we had sufficient information to supplement our verbal response. As indicated in the on-the-record conference call last Thursday (5/24/84), the issue of intimidation as defined by the Board will be handled for CASE by Anthony Roisman of Trial Lawyers for Public Justice.) We apologize to Applicants, the Board and other parties for this oversight.

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CASE's responses herein are to Applicants' Question 13-9, beginning on page 7 of Applicants' Ninth Set, wherein Applicants request that CASE update responses to previous interrogatories by Applicants; they do not include responses regarding the intimidation issue (see discussion on page 1 of this pleading). Also, these responses are in addition to previous responses.

Applicants' First Set of Interrogatories

2. Documents which have already been supplied (or will be supplied in advance of hearings, in accordance with Board Order) to Applicants which have been (or will be requested to be) admitted as exhibits or into evidence in these proceedings. Documents which will be used in responding to Board ordered pleadings or responses to Motions for Summary Disposition; we do not yet know what these documents may be, but they will be provided at the time such responses are filed.
3. No, except what is already in the record, or what may be prepared for use in future hearings or in responding to Board ordered pleadings or responses to Motions for Summary Disposition; we do not yet know what these additional documents may be, but they will be provided at the time such responses are filed.
6. We do not know the answers to this question at this time; we will supply the answers as soon as possible (which, due to time constraints under which we usually have to work, will probably not be until the time we are required to provide prefiled testimony).

With regard to the documents relied upon by CASE's witnesses during the February and March hearings, Applicants have already received copies of all such documents, with the exception of the two

little books on which Darlene Stiner relied; copies of these are in the mail to CASE at this time, according to a telephone conversation we had with Mrs. Stiner this past week-end, and will be forwarded to Applicants as soon as they are received.

7. This question seems to be almost identical to Question 6, and the answer is the same.

8. Same as answers to 3. and 6. preceding.

13. Yes.

a. Virtually all of them.

b. We have not made a detailed analysis of the specific ways (and would object to having to prepare such an analysis at this time); however, in general, CASE believes that numerous generic problems in construction and design have gone unidentified and uncorrected at Comanche Peak; further, we believe that intimidation, harassment, threatening, and firing of Quality Control Inspectors and other employees at Comanche Peak is so widespread and pervasive at Comanche Peak that it has permeated the entire work force as well as the quality of the final product installed at the plant, to the point that problems (in some instances, major problems) have been built into the basic design and construction of the plant such that it would be extremely difficult and probably impossible for one to identify, much less correct, those problems at this point in time -- thus rendering the quality of construction and design at Comanche Peak indeterminate (at best) or totally inadequate, thereby making it impossible for the Licensing Board to grant Applicants an operating license.

- c. Documents already submitted and to be submitted into the record in these proceedings; and testimony of past and future witnesses in these proceedings. Applicants already have been supplied copies of such documents and testimony already in the record, and will be supplied with copies of such testimony and documents as soon as they are prepared and known to CASE. (As stated earlier, due to the time constraints under which we have to work, this will probably not be until the Board-ordered time for filing prefiled testimony.)

It should be noted that there is one possible exception regarding such documents; yet to be resolved is the matter of documents supplied to CASE in the rate hearings which CASE believes to be significant, but regarding which Applicants have included wording which contains the implied threat that CASE might be sued if we supply such documents to the Licensing Board in these proceedings. Since we are under a continuing Board Order (as are all other parties, including Applicants) to inform the Board of matters which we believe may be significant for the operating license hearings, we obviously will have no choice but to pursue this matter further (if not by mutual agreement with Applicants that the offensive wording be deleted, then with the Licensing Board). We will be discussing this matter further with Applicants prior to going to the Board with it. However, Applicants should be aware that we have no intention of dropping the matter or accepting their wording. (It should also be noted that such outrageous tactics on the part of Applicants are counterproductive to any possible settlement requiring at least

some mutual trust. Such tactics will simply make it impossible for CASE to place any trust in Applicants.)

Applicants' Third Set of Interrogatories

4. This appears to be exactly the same as Question 13 of Applicants' First Set; the answer is the same.
11. Those which have been admitted into evidence in these proceedings; perhaps additional reports which have not yet been admitted as exhibits or into evidence (and which CASE itself has not yet identified).
17. Unknown at this time. We will supplement our answer when appropriate.
18. N.A.; see answer to 17. preceding.

Applicants' Fifth Set of Interrogatories

- 2-5. We believe Applicants' reference to Interrogatory 4 (Third Set) is incorrect, since that Interrogatory does not call for the identification of any I&E Reports. We assume the proper reference is to Interrogatory 11 (Third Set). We have not made the detailed analysis which Applicants request, and would object to having to perform such an analysis at this time.
- 3-5. See answer to Interrogatory 11 (Third Set) and 2-5. preceding.
- 5-5c. See CASE's 5/21/84 Motion for Enlargement of Time to File Responses to Board Order and to Applicants' Recent Motions Regarding Intimidation Matters, Scheduling, and Other Issues, specifically discussion on pages 4 through 6 concerning expected findings of fact regarding trends or patterns of non-conforming conditions. See also answer to 30-6 (Sixth

Set) herein. CASE has not made the detailed analysis for which Applicants call and would object to having to do so at this time.

21-5. The trending analysis for CPSES as compared to STNP was dropped by CASE after the Licensing Board as constituted at that time indicated that it considered it to be irrelevant for these proceedings.

Regarding the trending analysis for CPSES, see answer to 5-5c. preceding.

22-5. No. See answer to 5-5c. preceding.

23-5. N.A. We will supplement when and if appropriate.

24-5. See answer to 5-5c. preceding.

Applicants' Sixth Set of Interrogatories

1-6. a. At the present time, we are not certain of this. (In any event, CASE does not consider that the NRC Staff's position is binding on CASE.)

b. N.A.

c. N.A.

d. Yes. We have not made the detailed analyses which Applicants seek (and would object to having to do them at this time).

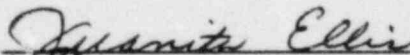
e. See Answer to d. preceding.

6-6. Yes.

7-6. We have not made the detailed analyses which Applicants seek (and would object to having to do them at this time). See answer to 5-5c. (Fifth Set) preceding.

- 8-6. Possibly; unknown for sure at this time. See answer to 5-5c. (Fifth Set) preceding.
- 9-6. We have not made the detailed analyses Applicants seek (and would object to having to do them at this time). See answer to 5-5c. (Fifth Set) preceding.
- 10-6. Probably; unknown for sure at this time. See answer to 5-5c. (Fifth Set) preceding.
- 11-6. We have not made the detailed analyses Applicants seek (and would object to having to do them at this time). See answer to 5-5c. (Fifth Set) preceding.
- 30-6. Yes.
- 31-6. See CASE's original answer. We have not made a detailed analysis at this time (and would object to having to do it at this time); see answer to 5-5c. (Fifth Set) preceding. Generally, we plan to rely on those trend analyses is to help prove what CASE perceives as a pattern by Brown & Root and Applicants of engineering away problems rather than promptly identifying and correcting them and precluding repetition of them.
- 34-6. Unknown at this time. See answer to 6. (First Set) preceding.

Respectfully submitted,



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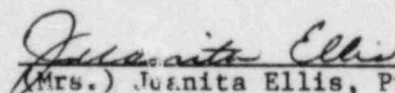
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