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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of:

TEXAS UTILITIES STEAM GENERATING COMPANY

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

Location: Bethesda, Maryland

Pages: 13,965 - 14,014

Date: Wednesday, August 22, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATOR COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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In the matter of:	:
	:
TEXAS UTILITIES GENERATING	:
COMPANY, et. al.	:
	:
(Comanche Peak Steam Electric	:
Station, Units 1 & 2)	:
	:
-----	X

Conference Call  
4th Floor  
4350 East West Highway  
Bethesda, Maryland

Wednesday, August 22, 1984

Hearing in the above-entitled matter  
convened at 10:00 a.m., pursuant to adjournment.

BEFORE:

JUDGE PETER BLOCH, ESQ.  
Chairman, Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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APPEARANCES:

On behalf of the Applicants:

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On behalf of the Intervenor Citizens  
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P R O C E E D I N G S

1 JUDGE BLOCH: This is Peter Bloch, Chairman of  
2 the Licensing Board for the operating license case  
3 involving Texas Utilities Generating Company, et. al.  
4 Texas Utilities Electric Company et. al, Comanche Peak  
5 Steam Electric Station, Units 1 & 2. The principal  
6 purpose of this morning's call is to discuss CASE's  
7 motion for additional time in which to respond to  
8 applicant's motion for summary disposition on  
9 designs/design/QA issues filed on August 13, 1984. We  
10 also may handle some miscellaneous procedural matters.

11 On this issue, I think it might be best for  
12 the staff to begin since I have information that the  
13 staff may not be filing on the time schedule that Mrs.  
14 Ellis expects.

15 MR. MIZUNO: This is Mr. Mizuno. The staff  
16 does not approve of Mrs. Ellis's motion for an  
17 extension of time, and the staff is also at this point  
18 not able to file by the August 23rd date that it had  
19 previously thought it would be able to embark on the  
20 first group of summary disposition motions. At this  
21 time we are still unable to give a revised schedule for  
22 submitting them. There are several reasons for the  
23 staff's inability to miss the schedule. I don't know  
24 whether we have to go into that now, or whether the  
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1 board wants to have it documented.

2 JUDGE BLOCH: Unless Applicants ask, I'm not  
3 interested in documenting the reasons. I am interested  
4 in being able to make sure our predictions, so that  
5 Mrs. Ellis doesn't have to file extensive documents  
6 about issues that may not be real, since her deadline,  
7 we stated was based on the staff's progress.

8 MR. MIZUNO: Right. I believe that we have  
9 been keeping Mrs. Ellis up to date as to when we have  
10 coming.

11 I think we told her last week, Mr. Treby,  
12 this week...early this week that we wouldn't be making  
13 the filing date of the 27th.

14 JUDGE BLOCH: Okay, but how did she come to  
15 believe that you were going to file this whole batch of  
16 things a week ago, which is why she filed this motion  
17 to not have to meet that rush schedule?

18 MR. TREBY: This is Mr. Treby. I had had a  
19 conversation with Mrs. Ellis some time, I believe it  
20 was the end of July, and it was our anticipation that  
21 based on the eight or so motions listed here, were  
22 going to be able to be completed on the schedule that I  
23 indicated to her. That is, some time the week of August  
24 the 13th. This was shortly after we had had an earlier  
25 conference call in which we had discussed the matter

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1 that Mrs. Ellis should be filing in advance of the  
2 staff's filing, and that we had indicated that we would  
3 keep her abreast of what our schedule was. In  
4 furtherance of that, I indicated which one we thought  
5 we would get done first, in our target deadline. That's  
6 how she got the list that she sent out in her motion.

7 MS. ELLIS: Yes. This is Mrs. Ellis. In the  
8 conversations, I believe, was it yesterday, Stuart,  
9 where you had indicated that it didn't look like you  
10 all were going to be able to get them out on the time  
11 schedule you had indicated.

12 MR. TREBY: That's correct.

13 MS. ELLIS: I wasn't aware until this morning,  
14 that the time had been moved back past the end of  
15 the month.

16 JUDGE BLOCH: Would applicants wish to comment  
17 on these developments?

18 MR. HORIN: The applicants would like the  
19 staff to put on the record the reasons for their not  
20 being able to meet the schedule they thought they  
21 would.

22 MR. MIZUNO: There are primarily three  
23 different reasons. The first is that there are still  
24 some open items from those motions which requires  
25 further review, I believe at the site, which I think is

1 being conducted tomorrow and Friday. That's one reason.  
2 The second reason is that we had committed to the board  
3 to try to respond to CASE's responses, prior to putting  
4 in our own response. That has slipped us somewhat. So,  
5 Mrs. Ellis's comment on why should Mark Walsh's  
6 comments have been somewhat comprehensive in  
7 interpreting the summary disposition, not all of them.  
8 That had caused some slip. The final reason is because  
9 the resources of staff consultate are limited, and we  
10 currently have four attorneys working on various things  
11 that are due at the end of the month. That has resulted  
12 in us not being able to put any research into working  
13 with the staff on their summary disposition motion and  
14 their accompanying affidavit, supporting affidavit.

15 JUDGE BLOCH: Mr. Horin, it's still your ball.

16 MR. HORIN: Mr. Chairman. Applicants...we have  
17 several points we would like to make. Where we are  
18 going to be headed that we are going to ask the board  
19 to reconsider its approach of connecting up Mrs. Ellis'  
20 clock schedule with the staff, the schedule for filing.

21 We have already gone through this exercise  
22 for several months now, and CASE has been given, what I  
23 would characterize at this point, as extraordinary  
24 extense of time to...on our motion. Initially we did  
25 not oppose to what we thought to be another drawn out

1           scheule for responding, because we recognized that  
2           there was quite a bit of work to be performed. But, at  
3           this point, it has become unreasonable, and applicants  
4           are being prejudiced by CASE's failure to provide  
5           responses, even on a schedule that would provide for  
6           her to respond over three months now, since some of  
7           these motions were originally filed.

8                     JUDGE BLOCH: Mr. Horin, would it serve  
9           applicant's purposes if we required that there be  
10          informal telephone discussions among the parties, which  
11          the board might attend, as we did with the CYGNA  
12          people, so that CASE can surface as many of its  
13          substantive concerns as early as possible, so that the  
14          staff will be informed?

15                    MR. HORIN: No. It wouldn't. The time for that  
16          sort of exercise is long past. I think that we have had  
17          numerous telephone conversations on which both the  
18          staff and applicants, and CASE have participated  
19          regarding questions from CASE. We have had questions  
20          from the staff, and transcribed meetings which  
21          transcripts of those have been provided to Mrs. Ellis.  
22          In fact, they have been invited to attend, if they  
23          wish, and they did attend at least one of them. I don't  
24          think that would serve any purpose at this point. I  
25          think both sides have their own opinions as to what the

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issue they wish to raise are in areas they wish to inquire into. I don't see that there would be anything to be gained by that.

JUDGE BLOCH: Okay. Now, the only, as I understand it, the only answers that CASE will be delaying beyond August 27, Mrs. Ellis will correct me if I am wrong, are on the quality assurance for design, and on the Richman's. Is that right, Mrs. Ellis?

MS. ELLIS: I don't know at this point. As we indicated in our motion, I wish we could give you something firmer on that, but these are very difficult matters that the staff has indicated, and we also are very limited in our people that we have available to work on...

JUDGE BLOCH: Maybe I misunderstood your motion. I thought that was what the motion was saying.

MS. ELLIS: That was the specific things that we mentioned in the motion. The other things, we had not really specified specifically, I don't believe, when we would be able to respond to them. That's on page 6 of the motion. We discussed that these are the ones we planned to work on right away. But, I think on...

MR. HORIN: Mrs. Ellis, still there?

JUDGE BLOCH: I think, Mrs. Ellis?



1 MS. ELLIS: Yes. I'm looking for the reference  
2 here for you.

3 On the top of page 9, I think we indicated,  
4 you know, that it is really not possible for us to  
5 state with absolute precision when we will be able to  
6 reply to all of this. They are very difficult, and as  
7 we mentioned there are some items that are still open.  
8 We are still getting some things.

9 JUDGE BLOCH: Okay, which matters are affected  
10 by those open things?

11 MS. ELLIS: Okay. The specific ones that were  
12 attached to our answer to the applicants, our letter to  
13 the applicants, dated August 13th, regarding open  
14 discovery items for motions for summary disposition.

15 MR. HORIN: Mrs. Ellis, I noted only two items  
16 in that letter.

17 MS. ELLIS: I'll get to the rest of it. On  
18 page 2 of that item, we indicated regarding the A500  
19 Steel matter, which there is indeed still an open item  
20 where they are supposed to supply specific supports to  
21 certain criteria which we gave the applicants on July  
22 29th. We still need those.

23 JUDGE BLOCH: Okay. Mr. Horin, is that  
24 correct? Do you have a time schedule for supplying  
25 that?



1 MR. HORIN: I'm going to be there at the site  
2 tomorrow, and I have instructed them to have that  
3 available for me when I get down there. So, I will  
4 agree with Mrs. Ellis that that has not been provided.

5 JUDGE BLOCH: So we, of course, will not  
6 require you to file on that until you have got that  
7 sample, and have a reasonable time to study it. So,  
8 aside from that, are there other matters that are open?

9 MS. ELLIS: There was another one, I believe,  
10 Judge.

11 MR. HORIN: That was the safety factors in  
12 which, I believe four out of 44 references are still  
13 outstanding.

14 JUDGE BLOCH: Is that right, Mrs. Ellis?

15 MR. HORIN: In fact, there are only a few of  
16 those I see as no cause for delay in preparing,  
17 preparation.

18 MS. ELLIS: On that one...also there are some  
19 things...

20 JUDGE BLOCH: Wait, let's clarify that. Is Mr.  
21 Horin right?

22 MS. ELLIS: There are some items that are  
23 still open. I don't know without having seen the items  
24 whether they are cause for delay or not.

25 JUDGE BLOCH: Mr. Horin, what are these items?

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1 MR. HORIN: There were over 40 references...

2 JUDGE BLOCH: I don't want to know that. I  
3 want to know what is left.

4 MR. HORIN: I don't know the specific titles  
5 of the items.

6 JUDGE BLOCH: Unless I know what they are, I  
7 can't tell whether they are cause for delay.

8 MR. HORIN: Well, I believe that the fact that  
9 we have already provided virtually all of those, is  
10 certainly no cause delaying the preparation of that. We  
11 are still obtaining those documents, but I don't  
12 believe a small fraction alone, gives justification for  
13 a wholesale long extension of time.

14 JUDGE BLOCH: Could you tell us what these  
15 references are. Because, for some things it wouldn't  
16 give any justification, and for others it would. What  
17 are these references that they are asking?

18 MR. HORIN: They are different reports or  
19 studies that were referenced for different purposes in  
20 the motion for summary disposition on safety factors. I  
21 don't have the list in front of me.

22 JUDGE BLOCH: Unless there is a substantial  
23 misstatement about that, Mrs. Ellis, in which case you  
24 will notify us, I don't think that the outstanding four  
25 references are reasons for not answering. You can

1 supplement if you learn anything from those references  
2 that you would like to add. I don't think that is a  
3 reason for not answering.

4 MS. ELLIS: Well, we are not really delaying  
5 on answering this anyway. On the safety factors, there  
6 is one other point. I think that as we are answering  
7 some of these others, it's becoming obvious that some  
8 of the safety factors that applicants are relying on  
9 may not in fact exist, and this may impact our answer  
10 on the safety factors. I think that at this point Mr.  
11 Walsh is working on the Richman insert answer, which is  
12 one of the things he is most concerned about.

13 The other...

14 JUDGE BLOCH: Why don't you reference in your  
15 safety factors filing those other areas where case  
16 believes it will be showing the safety factors have  
17 been eroded. Then, you will, we will look at those  
18 other answers to see whether you have demonstrated  
19 that. In other words, file it, but reference what you  
20 are still working on.

21 MS. ELLIS: Okay. We will see what we can do  
22 on getting something off on that. You would like to  
23 have something in hand on it right away, in other  
24 words...

25 JUDGE BLOCH: Well, I think it is certainly

1 going to facilitate the staff. At this point, the staff  
2 is now committed to review your filings in their  
3 responses. I would like to have them see your finished  
4 filing so they can do that. I think that is the maximum  
5 use the board can make of your filing, because the  
6 staff's analysis should be helpful to us in deciding the  
7 weight to place on your filings. I think their analysis  
8 can often be helpful to us. I'm not saying that it is  
9 determinative. It certainly can't be. That's not the  
10 way these proceedings work. But, we want to see their  
11 analysis.

12 Now, it sounds to me like we should have a  
13 firm target of concluding all of these by August 27th,  
14 except for QA for design, Richmans, and A500. On the QA  
15 for design, the board has asked for further information  
16 from CYGNA, which we consider to be important for our  
17 evaluation of QA for design. Mr. Horin, have you been  
18 in touch with them to say, to see what their schedule  
19 is on supplying that information?

20 MR. HORIN: Which information is this? Refresh  
21 my memory.

22 JUDGE BLOCH: We made a call to you, and my  
23 memory is not as fresh on exactly what I asked. They  
24 were supposed to memorialize the request, and I haven't  
25 seen a memorandum of the request.

1 MR. HORIN: I recall, you mentioned at one  
2 point you had requested the schedule for closing out  
3 certain open items.

4 JUDGE BLOCH: Okay. This was earlier than  
5 that I believe. The problem was that for three of the,  
6 for three of the design groups, we did not see on the  
7 chec lists that were used by CYGNA an indication that  
8 they had examined the extent of delay between the  
9 finding of nonconformances and the resolution of  
10 nonconformances.

11 MR. HORIN: That does not ring a bell with me.

12 JUDGE BLOCH: I'm sure you would have  
13 remembered that, had I told you. I recollect having  
14 called one of applicants' people, but I can't tell you  
15 who it was. Mr. Reynolds, is that more familiar to you?

16 MR. REYNOLDS: Not at all.

17 JUDGE BLOCH: Well, my apology. I have asked  
18 them for that, and we wanted greater documentation of  
19 the dates which the nonconformances were found and  
20 resolved. They gave us, in one table on ITT Grinnell,  
21 the dates on which certain nonconformances were  
22 resolved, and we found, Dr. McCullum found the dates in  
23 which those items had arisen. We were able to make a  
24 comparison. But, we were asking for greater help when  
25 they get to the other three design groups.



1 MR. HORIN: I don't know what to say. I don't  
2 know anything about it.

3 JUDGE BLOCH: Okay, maybe you people can just  
4 check into what the schedule would be on that. I also  
5 asked for a schedule from CYGNA on when they are going  
6 to resolve those open items. They said it was  
7 interactive with TUGCO. You had certain items you had  
8 to give to them. Can we get a schedule on the  
9 resolution of those two open items in the CYGNA report?

10 MR. REYNOLDS: Let me suggest that we talk to  
11 Williams, or Mr. Pigott. Then, if we have questions  
12 between us, we can call the board back and try to  
13 clarify exactly what the board wants.

14 JUDGE BLOCH: Great. Alright. I do want to  
15 have that information be part of the analysis of the  
16 delay for QA for design. So, I think it would be  
17 helpful for setting a deadline for Mrs. Ellis if we  
18 find out when that additional information may be  
19 supplied by CYGNA. Now, the person I called on that was  
20 Mr Pigott, and I had understood he was going to write a  
21 memorandum that would inform everybody within one week  
22 of what I had asked for. That I haven't seen, so I have  
23 to be in touch with Mr. Pigott about that.

24 On the Richman's, do you have a specific  
25 comment, Mr. Horin?



1 MR. HORIN: I do not know what Mrs. Ellis's  
2 reasons for delay might be on that.

3 JUDGE BLOCH: May I ask the staff whether a  
4 discussion about the progress that the intervenors have  
5 made on the Richmans is going to be helpful to them in  
6 reaching their conclusions. Would they be interested in  
7 some informal conferences to see the nature of the work  
8 that is being done?

9 MR. MIZUNO: Do you know where Mrs. Ellis, and  
10 Mark Walsh and Jack Dill (phonetic) have a problem with  
11 the applicants' response?

12 JUDGE BLOCH: Yeah. The areas that they are  
13 analyzing in depth, and what they have found so far, so  
14 that you people can be abreast of them, and not be  
15 delayed after you have finished most of your work. Mrs.  
16 Ellis, can you understate to make sure the staff is  
17 informed, and that the applicants know what you have  
18 told them?

19 MS. ELLIS: I'll attempt to. I would like to  
20 say that that is a very awkward procedure for CASE at  
21 this point, because we have so little time to work on  
22 this, if we have, for instance, a conference call in  
23 the evening, it takes about, let's say 1/6 of the  
24 amount of time that we may have to work during the  
25 whole week on it.

1 JUDGE BLOCH: Well, maybe you don't have to do  
2 it by conference call. It is possible that Mr. Walsh  
3 has already outlined the major parts of his concerns,  
4 and has a notion of why he thinks particular documents  
5 are going to be helpful to him, and what he is looking  
6 at. It is a question of just a summary of the major  
7 points that he thinks the staff is going to have to  
8 wind up analyzing because of the work he is doing.

9 MS. ELLIS: Okay. There are some things  
10 regarding the Richmans. In looking back at my notes of  
11 the August 6th conference call. As I said, I don't have  
12 yet the transcript from it. But, in looking back at the  
13 notes, we asked for some information on cynched up  
14 U-bolts, axial restraints, Richman inserts, and  
15 stability during the August 6th conference call. Now,  
16 we received something in the mail yesterday. I haven't  
17 even had a chance to look at. I don't know what it is.

18 JUDGE BLOCH: Mr. Horin, do you think that is  
19 the complete response that is relevant to Richman, or  
20 don't you know what it is?

21 MR. HORIN: No. I know what it is. That is  
22 complete response to what information she had requested  
23 with respect to Richman. There was one open item, which  
24 I should receive today, and that Mrs. Ellis would have  
25 to do with the axial restraints, I believe. But, that

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1 will be complete as of the entire set of requests from  
2 Mrs. Ellis will be complete as of today, once I get the  
3 information.

4 MS. ELLIS: As I said, we haven't had a chance  
5 to review that. So, I'm not sure what the status is on  
6 those. But, at any rate, we don't just receive them and  
7 sit right down and write an answer. We do have to have  
8 time to look at these answers and to analyze. So those  
9 four are, we do have some information of which we  
10 either just received, or I assume, will be receiving on  
11 those that are still open, on those particular four.  
12 Also, there is another matter, which as I mentioned, we  
13 need to get into regarding, I believe, stability from  
14 that conference call. Before we do that, there is  
15 another matter we mentioned in our motion...

16 JUDGE BLOCH: What do you mean we have to get  
17 into stability. What does that mean?

18 MS. ELLIS: It's the one I mentioned at the  
19 very beginning in the off the record discussion, where  
20 we have reached an impasse on their supply of the  
21 documents we requested.

22 JUDGE BLOCH: Okay. Let's now put that on the  
23 record.

24 MS. ELLIS: Alright. This has to do with the  
25 stability affidavits. On page 11, it discusses some ITT

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1 Grinnell interoffice memorandum. There were some  
2 attachments, there was attachment A1, A2, and A3 to the  
3 applicants' affidavit. In our discussions regarding  
4 these, on page, on attachment A, which is dated April  
5 2, 1982, there is a memorandum, and an internal  
6 memorandum to the on-site ITT Grinnell representative  
7 from his home office. It references a request for  
8 information dated October 12, 1981, which is also  
9 attached. In this memorandum, it states a general  
10 answer can not be generated per the above request for  
11 the following reason. And, among those reasons was  
12 listed, could you define the stability problem in  
13 greater detail, what is the weld configuration, do you  
14 have two or three assemblies of this type, or 2,000?  
15 Then he suggests that they contact...

16 JUDGE BLOCH: Okay. So, you want the followup  
17 memoranda, as being essential to your understanding.

18 MS. ELLIS: Right. The followup information in  
19 the internal memoranda, any further...anything  
20 subsequent to that that has to do with this particular  
21 matter, whether it is an ITT or a two or three back and  
22 forth, anything that has to do with this issue.

23 JUDGE BLOCH: Mr. Horin, what's your problem  
24 in providing that?

25 MR. HORIN: As I explained to Mrs. Ellis on

1 the conference call, applicants provided that  
2 information to demonstrate the fact that we had  
3 identified this facility issue in early 1981, and  
4 continued to follow up on it. We described the entire  
5 process for the resolution of the facility issue from  
6 the process standpoint. My point to Mrs. Ellis was that  
7 for those purposes, and that's the purpose, the only  
8 purpose on which we relied on those other memoranda in  
9 our statement of material facts. Subsequent, if there  
10 are any at all...

11 JUDGE BLOCH: Mr. Horin, may I ask is this in  
12 the motion on QA for design?

13 MR. HORIN: No. This is in the stability  
14 motion.

15 JUDGE BLOCH: Okay. It sounds.

16 MR. HORIN: That's a reference for QA for  
17 design.

18 JUDGE BLOCH: Okay. So the substance of the  
19 conclusions in the memorardum were not being used by  
20 you, though. Is that the point?

21 MR. HORIN: That's the point. We had relied on  
22 those to show the process involved. Mrs. Ellis's  
23 request, in my opinion was not relevant to the point  
24 which we were trying to make with those documents, and  
25 that she disputed the adequacy of the process. She can



1 do that with the documents we have provided, because  
2 those are the ones we felt demonstrated what had  
3 occurred.

4 JUDGE BLOCH: The reason that's important is  
5 that her request is for documents on which you relied  
6 in your filing, is that right? You are saying you only  
7 relied on this one document and not on the follow up  
8 document?

9 MR. HORIN: Well, I didn't even say if there  
10 were any follow up documents. I relied on that document  
11 and a prior memorandum to demonstrate where the process  
12 that occurred, in deliberating over the facility, and  
13 not with respect to the substance.

14 MS. ELLIS: Judge Bloch, there is a...

15 JUDGE BLOCH: Wait a minute. Is Mr. Horin  
16 finished on his discussion?

17 MR. HORIN: Yes

18 MS. ELLIS: There is a statement in  
19 applicants' material facts, item 4, where they state  
20 applicants properly identified and acted to correct  
21 potential instabilities and pipe supports at Comanche  
22 Peak in the normal course of the design process. We  
23 think that this information is certainly relevant to  
24 the materials in that particular statement.

25 MR. HORIN: That or this material fact



1 statement I am referring to?

2 JUDGE BLOCH: You want to find out how they  
3 actually carried out that responsibility, Mrs. Ellis.

4 MS. ELLIS: Right.

5 JUDGE BLOCH: Is that the point?

6 MS. ELLIS: Yes, it is.

7 JUDGE BLOCH: I'd like to know if the staff is  
8 interested in seeing this internal analysis  
9 information?

10 MR. MIZUNO: Yes.

11 JUDGE BLOCH: If the staff wants to see it,  
12 then it seems to me it ought to be delivered to the  
13 parties.

14 MR. REYNOLDS: Could we learn why the staff  
15 wants to see it?

16 MR. MIZUNO: Because CASE points to you that  
17 it is part of their...

18 JUDGE BLOCH: No. CASE hasn't been told if  
19 they can get it yet. My question is whether the staff  
20 thinks it wants the analysis that was done internally  
21 on stability problems.

22 MR. MIZUNO: Not at all. I don't see why we  
23 have to have it right now. We don't have an independent  
24 need for it other than the fact that if CASE is going  
25 to get it, then we would also like to be provided a

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1 copy.

2 JUDGE BLOCH: Okay. I thought possibly you  
3 would have an independent need to see the way in which  
4 the applicants dealt with this analysis.

5 MR. MIZUNO: We are having a meeting. Part of  
6 the reason for the people going down tomorrow, having a  
7 meeting tomorrow and Friday to talk about the summary  
8 disposition motion on stability, and the staff, the two  
9 staff people that are reviewing that summary  
10 disposition motion have their own set of questions. I  
11 have not discussed with them those questions, and they  
12 may very well ask for that. But, I was just asking for  
13 materials if they were going to be provided to CASE  
14 that we also be provided a copy. That was my only  
15 reason for asking it. I do not intend to say that. I  
16 saw a need for it now, as part of the staff's analysis.  
17 Because, I don't know what the staff wants to look at.

18 JUDGE BLOCH: So you will tell them about the  
19 existence of those documents, so they will know whether  
20 or not to request them.

21 Mr. Horin, if this were during the discovery  
22 period, as a hypothetical, would those documents be  
23 available to CASE, or is the argument that you're  
24 making at this time, this late stage in the case they  
25 should not be made available.

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1 MR. HORIN: It's a two prong argument at this  
2 late stage. They, I think CASE needs to show a clear  
3 need for that information to respond for motion for  
4 summary disposition. I think that they cannot show that  
5 clear need, because the specific material facts, which  
6 Mrs. Ellis quoted to the board, those stick to the  
7 schedule, and the process of the resolution of the  
8 stability questions, and not to the technical  
9 resolution, the technical analyses that may have been  
10 performed. That is the only purpose that applicants  
11 use those documents for.

12 JUDGE BLOCH: Okay. Mrs. Ellis.

13 MS. ELLIS: Excuse me. I think that there is a  
14 misconception of what we are asking for here. We're not  
15 asking just for analyses or anything like that that  
16 might have been done. We are asking for any memorandum  
17 or any further discussions or any memos or any phone  
18 calls that have been documented, anything like that  
19 that went back and forth, either internally with ITT  
20 Grinnell, or with ITT Grinnell and someone else,  
21 involved with the applicants, or internally with the  
22 applicants. Promptly, I identified and acted to correct  
23 these potential instabilities. There is a great time  
24 lag there between the April 1982 memorandum, and  
25 September of 1982, when the applicants acted. If there

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1 is no documentation which exists, that in itself, we  
2 believe is significant. If there is further  
3 documentation, we believe we should be provided.

4 JUDGE BLOCH: Mr. Reynolds and Mr. Horin, this  
5 was the issue on which the board made adverse findings  
6 on, December 27, 1983. The issue of whether there was  
7 prompt quality assurance, with respect to stability  
8 issues, seems to me clear that Mrs. Ellis's request  
9 should be granted, because the record would not be  
10 adequate unless the efforts of the applicants to  
11 promptly deal with the stability questions is  
12 demonstrated on the record. That's the one most  
13 important area of promptness of QA for design that the  
14 board has been interested in. So, I will have to grant  
15 Mrs. Ellis's request on this.

16 So, Mr. Horin, is there any other relief that  
17 the applicants request. We are going to ask Mrs. Ellis.

18 MS. ELLIS: Excuse me, one more thing.

19 JUDGE BLOCH: Yes.

20 MS. ELLIS: One more point that is in our  
21 motion is that Mr. Walsh and Mr. Doyle. Mr. Walsh,  
22 specifically in his affidavit states that he believes  
23 that the CYGNA report, which we just recently received,  
24 contains information important for the resolution for  
25 these motions for summary disposition.

1 Last night, he sat down and went through,  
2 identified some specific documents which he would like  
3 to have in regard to several of these motions for  
4 summary disposition from the CYGNA report. This is a  
5 new report, which has just been received recently, and  
6 we haven't really had an opportunity to review it.

7 JUDGE BLOCH: Alright. I think the proper way  
8 to respond on that, Mrs. Ellis, and the applicants will  
9 correct me if they have a problem with this, is that  
10 you should indicate in your response for summary  
11 disposition.

12 MS. ELLIS: Uh huh.

13 JUDGE BLOCH: That there are particular  
14 matters raised by the motion on which you are not able  
15 to respond at this time, because certain documents are  
16 needed with respect to the CYGNA report. You will  
17 demonstrate that that need is relevant and germane, and  
18 that you, therefore, can't respond properly without  
19 those documents. Now, I would urge that you also file a  
20 discovery request with reasonable speed, so that  
21 everyone will be informed of what those documents are,  
22 and try to remedy it if there is genuine issue of fact  
23 that can't be resolved properly without that.

24 Mr. Horin, is there any problem with what we  
25 have done?



1  
2 MR. HORIN: Yes, Mr. Chairman. The CYGNA  
3 report, Mr. Wade can correct me if I am wrong, was  
4 distributed to all of the parties, at least six weeks  
5 ago. Mrs. Ellis represents a motion that we are  
6 addressing today, that Mr. Walsh has had no more time  
7 than just scan a few pages of the CYGNA report. I  
8 believe our motion is dated the 13th. That Mrs. Ellis  
9 and Mr. Walsh would have had no more time than to just  
10 scan a report in over a month of time demonstrates a  
11 lack of effort to inquire into, you know, matters that  
12 they believe may be relevant. I think that because of  
13 that delay on their part, I think that there is really  
14 no cause for granting discovery on that. We have had...

15 JUDGE BLOCH: Alright. What I said, Mr. Horin,  
16 was that if there was something in the CYGNA report  
17 that made them believe there are essential documents,  
18 so that you have not demonstrated that there is no  
19 genuine issue of fact, that they would mention that.  
20 The only purpose of filing a discovery request at this  
21 point is that they may request documents, and it will  
22 be clear to you that you haven't demonstrated the  
23 absence of a genuine issue of fact.

24 MR. REYNOLDS: Mr. Chairman, this is Mr.  
25 Reynolds.

JUDGE BLOCH: Yes.



1 MR. REYNOLDS: I would object to the procedure  
2 on other grounds. That is, it creates yet another round  
3 of pleading. That, in my opinion is unnecessary. I can  
4 predict with a great deal of certainty, that Mrs. Ellis  
5 will have areas in her summary disposition interest,  
6 where she claims that we can't proceed because there  
7 are documents relevant to the CYGNA report that are  
8 also relevant here. That means that we have to respond,  
9 the staff has to respond, the board has to rule, the  
10 board discovery, more documents, more delay.

11 Isn't it time to hold feet to the fire and  
12 get on with it?

13 JUDGE BLOCH: My problem is, Mr. Reynolds,  
14 Section 2.749C, which provides the intervener's with  
15 the right to show as for reasons stated, that they  
16 cannot present by affidavit facts essential to justify  
17 the opposition. Now, are they going to have to show why  
18 those facts are relevant and important. But, it seems  
19 to me they have got the right under the summary  
20 disposition proceeding, which is the framework for  
21 going forward.

22 MR. REYNOLDS: First, the summary disposition  
23 procedure also contemplates timely responses by the  
24 parties, not three month, four month delays.

25 JUDGE BLOCH: Okay. Now, on the other hand, we

1 have a large volume of responses to make, and the board  
2 has greater discretion than it ordinarily has to grant  
3 you summary disposition motion. We will only be  
4 upholding CASE on 2.749C if we think that we can't  
5 reach a reason conclusion on the issue unless we see  
6 those documents.

7 MR. REYNOLDS: Well, do you contemplate that  
8 such a response by CASE will call for responsive  
9 pleadings from Applicants and staff?

10 JUDGE BLOCH: Usually there are no such  
11 responsive pleadings. The only circumstance for  
12 responsive pleadings are with the discretion of the  
13 board in this case. Because, the board feels that it  
14 needs assistance. Now, in fact, we asked applicants  
15 whether they chose to respond to the last two CASE, to  
16 the CASE filings in response, so far, and I haven't  
17 heard from the applicants about that.

18 MR. HORIN: The applicants do intend to  
19 respond. There are several matters which CASE raised  
20 which we think require a response.

21 JUDGE BLOCH: What time period is reasonable  
22 there?

23 MR. HORIN: We would anticipate filing, at  
24 least to the view that Mrs. Ellis has responded, by the  
25 end of next week, I believe.

1 JUDGE BLOCH: If that was an answer to a  
2 motion for summary disposition, would that be timely?

3 MR. HORIN: Pardon?

4 JUDGE BLOCH: Would the time of the trial be  
5 within the limits to filing an answer for summary  
6 dispositon?

7 MR. HORIN: Perhaps for future filings.

8 JUDGE BLOCH: No. On this one.

9 MR. HORIN: I don't have the date that she  
10 filed, but I think that if we would have known that was  
11 the schedule the board would have liked, we might  
12 have...

13 JUDGE BLOCH: Well, I'm just wondering if you  
14 are holding the intervenors to a higher standard than  
15 you are yourselves. I mean, these are complex technical  
16 issues, and you are trying to respond.

17 MR. HORIN: Certainly not. I think the point  
18 which the applicants wish to respond to, with respect  
19 to CASE's motion, a matter which CASE has raised, which  
20 are, in our opinion, irrelevant to the motions that we  
21 have filed. I think, because they are technical  
22 matters, applicants response would be able to assist  
23 the board and recognize that those are irrelevant  
24 points that CASE is trying to raise. I think we need  
25 to, and we are not asking for an inornate amount of

1 time. I think that the regulations call for a 20 day  
2 response to motions for summary disposition. I would  
3 say that if applicants provide responses by the end of  
4 next week, that's approximately within that time frame.

5 JUDGE BLOCH: Okay. Now, we have authorized  
6 these replies. They are not of right. The reason we  
7 have authorized them is that in our review of CASE's  
8 responses, we saw technical issues that we were not  
9 sure, were or were not relevant. That is really the  
10 reason that we wanted a further response.

11 MR. HORIN: That's the applicants follow also,  
12 and that's why we would provide response.

13 JUDGE BLOCH: Okay. Now, Mr. Horin. In our  
14 addition to our asking for CASE to respond on all of  
15 the matters except for QA for design and Richmans and  
16 A500...

17 MS. ELLIS: Judge Bloch.

18 JUDGE BLOCH: Yes, Mrs. Ellis.

19 MS. ELLIS: We may need to pursue this further  
20 when we have had a chance to review the applicants  
21 answer which we just received yesterday. We are not  
22 ready to stipulate at this point that this is, indeed  
23 the answer to everything that we have asked for.

24 JUDGE BLOCH: I agree. But, what I have said,  
25 what I am going to say that except for QA for design,

1 Richmans, and A500, we would like you to respond by  
2 August 27. Is that going to be feasible.

3 MS. ELLIS: Given the number of them, I really  
4 doubt it. In fact, the ones that we asked for  
5 information on in the conference call, I would suspect  
6 that those we will not be able to answer that quickly,  
7 because it does take some time. We are going to be  
8 working on answering these others, we won't have time  
9 to be doing both at the same time. The ones that we  
10 have asked for information on were sinched up U-bolts,  
11 axial restraints, and the Richmans, which is already  
12 included, and the stability. The stability, we just  
13 ordered this morning that they supply this.

14 JUDGE BLOCH: They sinched-up U-bolts is also  
15 an open matter in the CYGNA report, and it seems to me,  
16 kind of pointless until CYGNA has finished that  
17 analysis to go forward with that motion. There is no  
18 way the board could grant summary disposition on  
19 sinched up U-Bolts without waiting for that response.  
20 Now, what were the others?

21 MS. ELLIS: The other one was stability, which  
22 is one that we just, you just ordered the applicants to  
23 supply some information on this morning, which  
24 obviously, we don't have yet.

25 JUDGE BLOCH: Okay.



1 MS. ELLIS: The other one that we asked for  
2 information on in the conference call was axial  
3 restraint.

4 JUDGE BLOCH: And, do you have that  
5 information?

6 MS. ELLIS: I don't know if that was part of  
7 what was provided yesterday. Did you know, Bill, if  
8 that was?

9 MR. HORIN: There were two or three requests  
10 regarding axial restraints. We provided all but one of  
11 those with that letter. The other is the item you will  
12 be receiving today, in which I can work out tonight.

13 MS. ELLIS: So, we still do not have that at  
14 this point and time, either.

15 MR. HORIN: I don't believe that that is any  
16 reason for delay. We have provided all but that item  
17 with respect to that motion now.

18 JUDGE BLOCH: If that item is essential, Mrs.  
19 Ellis, the same thing would apply as we stated before.  
20 You will show why it is essential, and that will be a  
21 ground for denying summary disposition.

22 MS. ELLIS: Alright.

23 JUDGE BLOCH: So, I see five items that we  
24 would like to have additional time for CASE on, but  
25 only five. The others should be done by August 27th.

1 The five are the cynched up U-bolts, QA for design,  
2 Richmans, A500, and stability. Now, I think of those,  
3 you, the applicants believe that you now have  
4 everything you need on the Richmans. So, I'd like that  
5 to be completed by Septemeber 10.

6 JUDGE BLOCH: Right. Now, September 10 is  
7 actually the first day of the hearings, so I guess we  
8 better make it September 7th.

9 MS. ELLIS: I don't imagine that I will be  
10 attending the hearing, if that has anything to do with  
11 the board's order, unless the board needs it.

12 JUDGE BLOCH: Well, if you want until  
13 September 10, then it doesn't matter.

14 MS. ELLIS: That would be very helpful for us.

15 JUDGE BLOCH: Alright. Why don't you take till  
16 September 10?

17 MS. ELLIS: Alright. That's on the Richmans.

18 JUDGE BLOCH: On the Richmans. On the other  
19 items, we will set deadlines as soon as we have been  
20 informed that the information has been turned over.

21 MS. ELLIS: Alright. That will be on the A500,  
22 the QA for design. Now, we do have some additional...

23 JUDGE BLOCH: Actually, let me build in an  
24 incentive there. On those items, we are, I think all of  
25 the information to be turned over is really major in

1 importance. We will allow the full 20 days provided for  
2 in the rules for each. That means, as soon as  
3 applicants have placed those things in your hands, you  
4 will have the 20 days provided for in the rules, and  
5 only those 20 days.

6 MS. ELLIS: Okay. Now, that would be 20 days  
7 to put it in the mail, right, for overnite delivery.

8 JUDGE BLOCH: Yeah. But, you should put it in  
9 for overnite delivery.

10 MS. ELLIS: That would be on the...now the QA  
11 for design, there are some additional questions which  
12 we have on that one.

13 JUDGE BLOCH: Okay. Do the applicants agree  
14 that those have to be turned over. I don't know what  
15 those questions are.

16 MR. HORIN: Mr. Chairman, I don't know if you  
17 have seen Mrs. Ellis's request, but she filed a letter  
18 6 weeks, requesting informally, discovery with respect  
19 to 142 items. The letter is, I believe, dated the 15th,  
20 that's 6 weeks after applicants filed their motion.  
21 Applicants intend to inform Mrs. Ellis that that, the  
22 wholly unreasonable response, and that it would be  
23 unduly burdensome on applicants. We would have to spend  
24 hundreds of hours obtaining all of those documents, and  
25 it would take, Mrs. Ellis, months, even to simulate

1 that material.

2 JUDGE BLOCH: Mrs. Ellis, I think what you  
3 will have to do is use the absence of those documents  
4 as a reason for denying summary disposition. You will  
5 have to show why the board should not consider that the  
6 record is adequate, and cannot reach a reasoned  
7 conclusion without those documents.

8 MS. ELLIS: Alright. On the A500 steel matter,  
9 that will be 20 days after we received the document?

10 JUDGE BLOCH: That's correct.

11 MR. HORIN: Before we ask, does that put Mrs.  
12 Ellis on the August 27th schedule for the design QA?

13 JUDGE BLOCH: No. Because the documents  
14 outstanding there, that the board was referring to are  
15 the CYGNA documents. The response to the board's  
16 questions to Mr. Pigott indicating whether the  
17 checklist that CYGNA used for three of the four piping  
18 contractors included this matter, and asking for more  
19 thorough documentation on the basis for concluding that  
20 there was reasonably prompt resolution of QA design  
21 deficiencies.

22 MR. HORIN: Mrs. Ellis's schedule is what  
23 then?

24 JUDGE BLOCH: Her schedule is 20 days after  
25 she receives the response from CYGNA.

1 MS. ELLIS: On the A500 steel then, it would  
2 be 20 days after we get the information which is still  
3 outstanding?

4 JUDGE BLOCH: That's correct.

5 MS. ELLIS: On the Richman inserts, 20 days  
6 from the time we received the information which is  
7 outstanding.

8 JUDGE BLOCH: That's right. Now, you may have  
9 that now, right?

10 MS. ELLIS: I don't know.

11 JUDGE BLOCH: Wait a second. On the Richmans  
12 we already set a deadline with you, just now.

13 MS. ELLIS: Let's see...

14 JUDGE BLOCH: That's the 10th of September.

15 MS. ELLIS: I'm sorry. Okay. September 10th on  
16 the Richman. On the sinched-up U-bolts...

17 JUDGE BLOCH: That will be 20 days from the  
18 time that CYGNA completes its analysis.

19 MS. ELLIS: And also, we have some outstanding  
20 requests on that.

21 JUDGE BLOCH: Okay. Now, are those admitted by  
22 the applicants to be valid outstanding requests?

23 MS. ELLIS: Unless it was included in the  
24 information we just got yesterday.

25 JUDGE BLOCH: On the cynched up U-bolts. Do



1 you think they are a valid outstanding request that  
2 Mrs. Ellis had?

3 MR. HORIN: I believe that the only  
4 outstanding request on that was material that we  
5 provided with a letter that she received yesterday.

6 JUDGE BLOCH: Okay.

7 MR. HORIN: Again, the only thing...

8 JUDGE BLOCH: In that event, the only thing  
9 you will do with missing documents other than the CYGNA  
10 analysis of the sinched-up U-bolts is that you will use  
11 them as grounds for denying summary disposition.

12 MS. ELLIS: Alright.

13 MR. HORIN: What is her schedule, then, for  
14 sinched-up U-bolts?

15 JUDGE BLOCH: Twenty days from the time she  
16 gets the CYGNA analysis. That sounds to me like that's  
17 going to be the last one she's going to be doing. It  
18 sounds to me like that's the most delayed one.

19 MS. ELLIS: Also, on the axial restraint,  
20 unless that was included in the, as you mentioned  
21 yesterday, then from the time we received the  
22 information that we request.

23 JUDGE BLOCH: I think we included axial  
24 restraints by the ones that you had to finish by the  
25 other day, August 27th, and if there is a document you

1 don't have, you will just give that as a ground.

2 MS. ELLIS: Okay. Ability when we received the  
3 information that the board ordered today...

4 JUDGE BLOCH: That's correct.

5 MS. ELLIS: Two days from that day.

6 JUDGE BLOCH: Now, in fact, that stability  
7 portion will be cross referenced on the QA for design  
8 filing, when you make that one.

9 Because, it sounds to me like the information  
10 that you are getting is relevant both to the merits,  
11 may be relevant to the merits of the stability. More  
12 importantly, the reasons the board required it to be  
13 turned over, that it is relevant to promptness of QA  
14 for design.

15 MS. ELLIS: Alright. There are several of  
16 these that do apply in both places.

17 JUDGE BLOCH: But, to be clear, you will have  
18 to file the QA for design anyway, but just cross  
19 reference that you are going to have that item  
20 discussed in the stability answer.

21 MS. ELLIS: Alright. Okay. Alright, and...

22 JUDGE BLOCH: Well, unless you got it first,  
23 which seems somewhat likely also.

24 MS. ELLIS: Alright. Okay, those are the  
25 specific ones, then, I believe. I think that covers all

1 of the specifics of those 6 that we had disussed. Okay,  
2 the rest of them then, are due, now there is one other  
3 one before we get off of the subject of the ones that  
4 are open. There is one other discovery matter which we  
5 would like to get further information on. It's  
6 discussed in our answer, our partial answer and  
7 opposition to the fuel load. It's on page, it begins on  
8 page 12, and that has to do with the crossover leg for  
9 the main coolant system, cross over leg restraining. I  
10 don't know if everyone has had a chance really to review  
11 that, but we will...

12 JUDGE BLOCH: We know that was the subject of  
13 a violation found by the staff.

14 MS. ELLIS: Yes. As we discussed in here, we  
15 believed that this could be applicable to the  
16 upper/lower lateral restraints as well. And, we would  
17 like to ask for further discovery on this particular  
18 matter.

19 JUDGE BLOCH: We will not consider that  
20 relevant to the upper and lower lateral restraints.  
21 Those other supports are going to have to work. If they  
22 don't work, the design isn't adequate. So, we won't  
23 consider it relevant to the upper lateral restraints.  
24 Mr. Horin, what do you think about discovery on this  
25 matter?

1 MR. HORIN: Mr. Reynolds has been handling  
2 that motion.

3 MR. REYNOLDS: Are you talking about discovery  
4 on the 50/57 C?

5 JUDGE BLOCH: The, what are they, their  
6 angular restraints on the steam generator?

7 MS. ELLIS: Let's see, they are, they are  
8 referred to here as the main coolant system cross over  
9 leg restraint.

10 JUDGE BLOCH: Okay. Mr. Reynolds, if you are  
11 not prepared to respond, there is no need to now. You  
12 just received it two days ago.

13 MR. REYNOLDS: Well, let me say without fully  
14 responding that what we have here is Mrs. Reynolds,  
15 (laughter), heaven forbid.

16 MS. ELLIS: Amen.

17 MR. REYNOLDS: Again, parading staff documents  
18 before the board containing some nexus between the  
19 documents she is parading and the issues in contention.  
20 The fact is, that the staff has issued an inspection  
21 report on this matter. That doesn't make it relevant to  
22 the issue before the board in the 50/57C motion. The  
23 question before the board is, are the activities for  
24 which authorization had sought relevant to the  
25 contention before the board?

1 JUDGE BLOCH: Okay, Mr. Reynolds, I think it  
2 is entirely irrelevant to the 50/57C motion. Let me put  
3 your mind to rest on that. But, I think it may be  
4 relevant to the pending contention, that is, that there  
5 was actually a major safety system on which there were  
6 not even procedures for QC inspection. The question is,  
7 that I would like the applicants to respond to is  
8 whether or not discovery with respect that that  
9 violation is an order in this case.

10 MR. REYNOLDS: No. I think not, because  
11 discovery is only permissible when you have a  
12 contention, and that this is not accepted as relevant  
13 to the contention, or as the contention itself. Then  
14 discovery on the question is not appropriate.

15 JUDGE BLOCH: The failure to have a QC system  
16 at all on this particular portion of the safety systems  
17 of the plant is not relevant to the impending  
18 contention?

19 MR. REYNOLDS: If Mrs. Ellis cares to include  
20 this as part of the pending contention, she should file  
21 a motion to that effect. To simply throw before the  
22 board a document in the context of a totally unrelated  
23 matter shouldn't raise it to the level of something  
24 that is the subject of discovery.

25 JUDGE BLOCH: Okay. I would like you to



1 respond to that as if it were a separate request for  
2 discovery within the admitted contention. I just don't  
3 want to make Mrs. Ellis file over something she has  
4 already stated. I will agree with the applicants right  
5 now, that I don't see its relevance to the request for  
6 fuel load. But, I do think it needs to be responded to  
7 whether or not it's a matter that the board must permit  
8 discovery on, and that the board must know about as to  
9 how this event occurred, that there was no QC procedure  
10 for that part of the plant.

11 MR. REYNOLDS: We'll file that response.

12 JUDGE BLOCH: If that, in fact, occurred, you  
13 may have actually been denying the violation for all I  
14 know.

15 MR. REYNOLDS: I haven't investigated it  
16 myself.

17 JUDGE BLOCH: Okay.

18 MR. REYNOLDS: While we're on the 50/57C. If  
19 we are done with the other matters, I would just like  
20 to know whether the board contemplates another round of  
21 filings by the applicants. I don't know what a partial  
22 answer by CASE means. I, of course, would take the  
23 position that CASE has the opportunity to respond once,  
24 and it has done so.

25 JUDGE BLOCH: We're reserving our decision

1 until we see the staff response, which we understood we  
2 would receive today. Is that still the target? Mr.  
3 Treby?

4 MR. TREBY: Yes. I'm sorry, we had our  
5 (inaudible) on. Yes, we will be hand carrying our  
6 response over to the assistant's office.

7 JUDGE BLOCH: Okay. We were just waiting for  
8 that, Mr. Reynolds. If we need further information, we  
9 will be promptly in touch with you.

10 MR. REYNOLDS: Well, then we won't file  
11 anything on that.

12 JUDGE BLOCH: I think that's probably right.

13 MR. REYNOLDS: Thank you.

14 JUDGE BLOCH: That is right. Are there any  
15 other matter we need on the record?

16 MS. ELLIS: Just to be clear on the rest of  
17 these items, we are to, on the axial restraints I have  
18 a note here that says August 27th. Was that not August  
19 31st?

20 MR. HORIN: I had August 27th also.

21 JUDGE BLOCH: I had said August 27th, is  
22 August 31st the previously established target date?

23 MS. ELLIS: I was thinking the end of the  
24 month, I don't know.

25 JUDGE BLOCH: The reason I said the 27th, that

1 that had been the date that everyone was discussing.

2 MS. ELLIS: I don't have my calendar in front  
3 of me. Is that on a Friday?

4 MR. HORIN: Monday.

5 MS. ELLIS: Monday. I had in mind the end of  
6 the month we were talking. I don't know if we can meet  
7 that deadline. We will do the best we can, but I really  
8 doubt that we will be able to do that.

9 One of our problems is that the weekend is  
10 very important to us, because it is the only time when  
11 Mark Walsh has time to really devote like a full day at  
12 a time to this.

13 JUDGE BLOCH: Your problem is that you can't  
14 type it all up by the 27th?

15 MS. ELLIS: Right. And he get it all to me,  
16 and get it typed up and get it run, and get it off in  
17 the mail, physically.

18 JUDGE BLOCH: Why don't we make it the 29th?

19 MS. ELLIS: The 29th?

20 JUDGE BLOCH: That's a Wednesday.

21 MS. ELLIS: That would be helpful. Now, the  
22 rest of the ones, other than these six that we  
23 specifically discussed, are to be also filed by that  
24 date, is that correct?

25 JUDGE BLOCH: Yes, by the 29th.

1 MS. ELLIS: Okay, and that will be in the mail  
2 for overnite delivery on the 29th.

3 JUDGE BLOCH: Okay. I would like the  
4 applicants, when they receive the CASE responses, to  
5 promptly notify us whether they intend to respond  
6 further.

7 MR. REYNOLDS: The applicants will do that.

8 JUDGE BLOCH: Incidentally, that same  
9 procedure of front notification should occur with  
10 respect to staff responses. If the staff makes a  
11 response that the applicants would like to respond to,  
12 promptly notify us. In the instance of the staff  
13 responses, we would like further justification for the  
14 reason, for wanting to respond.

15 JUDGE BLOCH: Okay, are there other matters?

16 MS. ELLIS: There is one further thing on the  
17 CYGA report. We are, we have covered that, I think in  
18 regard to the motions for summary disposition, and they  
19 reported thorough. Are we to be afforded discovery on  
20 it?

21 JUDGE BLOCH: As I understand the applicants  
22 plan, correct me if I am wrong, Mr. Reynolds. You plan  
23 to move for summary disposition on the matters related  
24 to the CYGNA report, is that correct?

25 MR. REYNOLDS: That's correct.

1 MS. ELLIS: They're going to file a motion for  
2 summary disposition on the whole CYGNA report?

3 JUDGE BLOCH: That's correct. And your  
4 response can include information that you need in order  
5 to evaluate the report. Now, I would suggest that  
6 promptly, as promptly as you can, that you formulate a  
7 list of areas of discovery, so that the applicants can  
8 decide whether or not to voluntarily turn some of those  
9 over. They may, you may indicate to them that you, why  
10 you think those documents are crucial, so that they  
11 will know whether or not to give them to you, rather  
12 than losing on their motion for summary disposition, or  
13 having to have another round later.

14 MR. REYNOLDS: Mr. Chairman, I think that is a  
15 good idea. I would suggest that Mrs. Ellis provide us  
16 with a list promptly, even before we file our motion.

17 MS. ELLIS: I object to that.

18 JUDGE BLOCH: That was what I was suggesting.

19 MR. REYNOLDS: That's what I thought.

20 MS. ELLIS: Before we know what they are  
21 saying, we are supposed to file?

22 JUDGE BLOCH: In other words, in reviewing the  
23 report you see areas, important areas to you, which  
24 there are safety issues, do you think are poorly  
25 handled or are open, or you can't decide about because



1 there is documentation missing. We're trying to get  
2 things done expeditiously. Let's not sit on that, and  
3 then spring it.

4 MS. ELLIS: We're not sitting on anything,  
5 Judge.

6 JUDGE BLOCH: But, Mr. Walsh was doing some  
7 reading of the CYGNA report.

8 MS. ELLIS: Yes. But he will stop that if we  
9 are not going to use it in these answer for summary  
10 disposition. Because, we have got to do first things  
11 first, and I think that's got to be first. We won't  
12 have an opportunity to do that until we have a motion  
13 for summary disposition to answer.

14 JUDGE BLOCH: I'm sorry. Why won't he be able  
15 to use the CYGNA report on his motions for summary  
16 disposition?

17 MS. ELLIS: If we don't have discovery on the  
18 item, the things that we would have got discovery on,  
19 we will not be able to...

20 JUDGE BLOCH: That's correct. To the extent  
21 that you are going to identify those matters in your  
22 answers on summary disposition, of course, the  
23 applicants will be on notice that those items are  
24 considered important by you. So, they would have that  
25 by August 29th.

1 I would just urge that in the interest of  
2 fairness and openness, that by August 29th any  
3 important matters in the CYGNA report that you know you  
4 need discovery on, that you tell the applicants about  
5 also. Also, by August 29th.

6 MS. ELLIS: Okay. There is one further matter  
7 that we had discussed with the staff, and we haven't  
8 had time to discuss with the applicants. We talked to  
9 the staff yesterday. If we are through with the motions  
10 for summary disposition. Anyone have anything else  
11 on...

12 JUDGE BLOCH: Anyone else have anything else  
13 on the motions for summary disposition? Okay, please  
14 continue, Mrs. Ellis.

15 MS. ELLIS: Alright. Can you hold just a  
16 moment and let me get my calendar?

17 On the welding findings, rather than have  
18 them in on August 31st, would it be possible for us to  
19 file them on, we would have said on Monday, but since  
20 that is a holiday, I guess on Tuesday, the fourth for  
21 arrival on the 5th, which would be two working days  
22 extension. Two working days for everyone else. It would  
23 mean a lot to us, being able to work on it over the  
24 weekend. The staff has indicated they had no objections  
25 to that.

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JUDGE BLOCH: Applicants?

MR. REYNOLDS: No objections, assuming that's the date for everyone.

MS. ELLIS: Yes, certainly.

JUDGE BLOCH: Mr. Reynolds, I know that the verbal response to the question was yours. Was the nonverbal response also yours?

MR. REYNOLDS: Yes. It was in contemplation of my answer.

JUDGE BLOCH: Thank you. Is there any other necessary matter for this meeting? There being none, the hearing is adjourned.

(Whereupon, at 11:30 a.m. on Wednesday, August 22, 1984, the hearing adjourned.)

1  
2  
3 CERTIFICATE OF PROCEEDINGS

4 This is to certify that the attached proceedings before  
5 the NRC.

6 In the matter of: TEXAS UTILITIES STEAM GENERATING CO.

7 (Comanche Peak Steam Electric  
8 Station, Units 1 & 2)

9 Date of Proceeding: August 22, 1984

10 Place of Proceeding: Bethesda, Maryland

11 were held as herein appears, and that this is the original  
12 transcript for the file of the Commission.  
13  
14

15 GEORGIA PINKARD  
16 Official Reporter - Typed

17 *Georgia Pinkard*  
18 Official Reporter - Signature

19  
20 *Beverly A. Hook*  
21 BEVERLY A. HOOK  
22 Transcriber