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RELATED CORRESPONDENCE

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 OCT -3 A10:28

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

APPLICANTS' RESPONSE TO
CASE'S MOTION FOR PRODUCTION OF
DOCUMENTS AND INTERROGATORIES

Pursuant to Sections 2.740b and 2.741(d) of the NRC Rules of Practice, Applicants set forth below their responses to CASE'S Motion for Production of Documents and Interrogatories, filed by the Intervenor on September 24, 1984.

INTERROGATORY 1: Produce the original of Attachment A for examination at the hearing on October 2, 1984.

Response: Applicants are unable to produce the original of Attachment A to CASE'S Motion for Production of Documents and Interrogatories because what appears to be the document called for -- an original photostat of Ron Jones' high school transcript -- was, to the best of Applicants' knowledge, given to Intervenor's counsel at the September 20, 1984 hearing.

INTERROGATORY 2: Did Applicant or any of its employees or agents or any of its attorneys, whether retained or otherwise, bring material to the Ramada Inn on September 19th or 20th, 1984

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related to personnel matters involving Ron Jones? If so, which person or persons had possession of this material during the morning of September 20th?

Response: Yes. On the morning of September 20, 1984, Mr. Robert A. Wooldridge and Mr. Nicholas S. Reynolds, two of Applicants' counsel, were informed that Mr. Ronald James Jones, a former Comanche Peak employee, was seated in the Ramada Inn Hearing Room at the table behind Intervenor's counsel. Remarking that an attempt might be made by Intervenor to call Mr. Jones as a "surprise witness" because of claims that Jones had made previously about his treatment on the job site, and that the Board might permit Mr. Jones to testify, Messrs. Wooldridge and Reynolds asked Mr. David Chapman, a TUGCO employee, to have someone bring the file that had been compiled concerning Jones' allegations. The Jones file that was requested by Messrs. Wooldridge and Reynolds was prepared at the request of Mr. Reynolds in anticipation of litigation over those claims.

In response to Mr. Chapman's request, Mr. David Andrews, an employee of Texas Utilities Services Inc., brought the Jones file to the Ramada Inn on the morning of September 20, 1984 and was met outside the Hearing Room by Messrs. Chapman and Wooldridge. Mr. Andrews gave the file to Mr. Wooldridge.

Mr. Wooldridge took the file and put it in his briefcase. It is possible that the transcript fell out of the file. Neither Mr. Chapman nor Mr. Wooldridge knows how the document in question, Ron Jones' high school transcript, found its way on to the floor of the rear of the hearing room.

As Mr. Reynolds had already left the hearing room before the arrival of Mr. Andrews, he was not aware that the file had been delivered that morning. Other than Messrs. Wooldridge and Reynolds, no other member of Applicants' team of counsel nor any of Applicants' witnesses, other than Mr. Chapman, was aware that the Jones file had been requested or delivered. More important, at the time that Mr. Purdy found the transcript and discussed it with Mr. Davidson, neither knew of the existence of the Jones file.

At the time the matter was raised by Mr. Roisman, after the luncheon recess, Mr. Downey was unaware of the delivery of the Jones file, and neither Mr. Reynolds nor Mr. Wooldridge was in the hearing room.

INTERROGATORY 3: At the time Mr. Davidson told Mr. Purdy that the high school transcript identified in Mr. Purdy's short testimony on September 20, 1984 belonged to Ron Jones, how did Mr. Davidson know it belonged to Mr. Jones? Please explain if Mr. Davidson opened and read it or already knew to whom it belonged and if the latter, how did he know that?

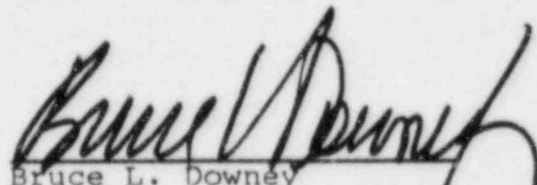
Response: Mr. Mark L. Davidson, another of Applicants' counsel, received the document in question, from Gordon Purdy, a Brown & Root employee, beside whom Mr. Davidson was seated in the last row of the audience of the September 20 hearing. Mr. Purdy handed the document to Mr. Davidson, remarking that he had just picked it up off the floor.

Mr. Purdy inquired whether Mr. Davidson had dropped the document or knew what it was. Not recognizing the document, Mr. Davidson unfolded it and read it. He then replied to Mr. Purdy that it appeared to be a photostat of a high school transcript and that it bore the name "Ronald James Jones". At no time prior to unfolding that document did Mr. Davidson have any knowledge of Mr. Jones. He had never met Mr. Jones, did not know whether Mr. Jones had made any allegations regarding the issues that are the subject matter of these proceedings and was unaware that Mr. Jones had any connection with CASE. Likewise, prior to unfolding that document, Mr. Davidson had never seen it before and had no knowledge of its contents.

Accordingly, after reading the document and commenting to Mr. Purdy that it was the transcript of some person named Jones, Mr. Davidson returned the document to Mr. Purdy and asked him if he knew the individual there named. Mr. Purdy explained to Mr. Davidson that Ron Jones was seated in the hearing room near CASE's counsel, Mr. Roisman, and might be a witness or technical expert for the Intervenor.

After this brief conversation, Mr. Purdy concluded that the document in question did not belong to Applicants or their counsel. He, therefore, gave it to Ms. Dobie Hatley, one of Intervenor's witnesses who was seated adjacent to him, suggesting that she return it to Mr. Jones. Apparently, Ms. Hatley gave the document to Mr. Roisman who, initiated the present discovery.

Respectfully submitted,



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October 2, 1984

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(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating Licenses)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Response to CASE's Motion for Production of Documents and Interrogatories" in the above-captioned matter were served upon the following persons by hand delivery (*), and deposit in the United States mail, first class, postage prepaid, this 2nd day of October, 1984:

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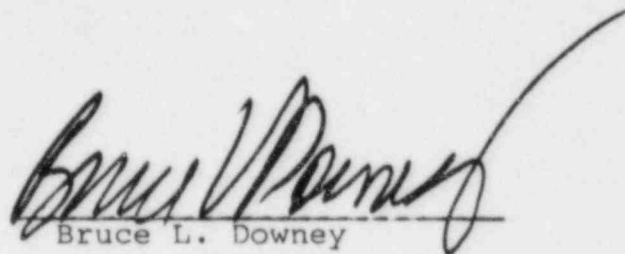
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