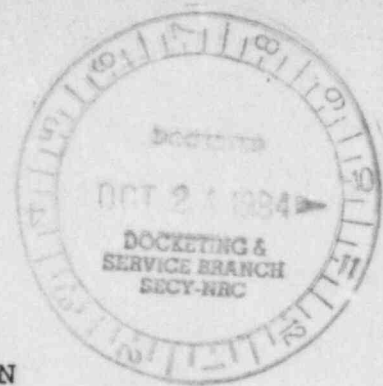


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RELATED CORRESPONDENCE



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANTS' RESPONSE TO "CASE'S MOTION FOR INTERROGATORIES AND PRODUCTION OF DOCUMENTS WITH RESPECT TO OCTOBER 3, 1984 TESTIMONY OF THOMAS C. BRANDT"

PRELIMINARY STATEMENT

Below applicants respond and object, as appropriate, to the interrogatories and requests for production of documents set forth in "CASE's Motion For Interrogatories And Production Of Documents With Respect To October 3, 1984 Testimony Of Thomas C. Brandt." As a preliminary matter, however, applicants are constrained to point out that CASE's "Motion" is not a motion at all; rather, it is nothing more than a list of discovery requests. As such, the requests are clearly untimely and should not be permitted, "except upon leave of the presiding officer for good cause shown." 10 C.F.R. § 2.740(b)(1). Nevertheless, to expedite this proceeding, applicants hereby waive their timeliness objection as to CASE's interrogatories. Applicants do object, on timeliness grounds, to the production of the matrix and draft prefiled testimony that are otherwise responsive to CASE's discovery requests 3 and 4.

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1. List all materials examined by Mr. Brandt in preparation for and presentation of his October 3, 1984 testimony.

ANSWER:

In preparation for, and during his testimony, Mr. Brandt examined (a) all travelers that CASE has alleged are deficient, (b) the construction and quality control procedures applicable to the construction and inspection of the stainless steel liner plate, (c) the NCRs attached to, and referenced in, CASE's pleading dated September 27, 1984, (d) the text of CASE's pleading dated September 27, 1984, (e) the transcript of the hearing in this proceeding for September 18, 1984, (f) the handwritten list of allegations served on applicants by intervenor during the week of September sixteenth, and (g) a matrix prepared by applicants' counsel identifying each traveler that intervenor alleges is deficient, and the specific allegations made for each such traveler.

2. List all materials relied upon by Mr. Brandt in preparation for and presentation of his October 3, 1984 testimony.

ANSWER:

In giving his testimony, Mr. Brandt relied upon the travelers, procedures and NCRs identified in his testimony.

3. Produce all documents identified in 1 and 2, except those documents already produced in this proceeding.

RESPONSE:

All documents identified in interrogatories 1 and 2 above, except for the hearing transcript and the matrix prepared by counsel were either (1) prepared by intervenor, or (2) served on the intervenor by the applicants. The applicants object to the production of the hearing transcript on the grounds that the transcript is equally available to intervenors and applicants. Applicants object to the production of the matrix prepared by counsel on the grounds that the matrix represents attorney work product, and, thus, it is not discoverable under 10 C.F.R. § 2.740(b)(2).

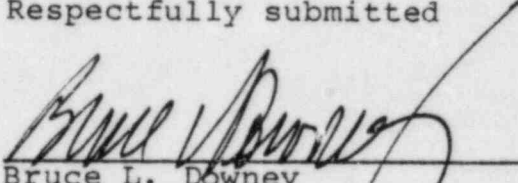
4. Produce a copy of the transcript of the testimony given by Mr. Brandt on October 3, 1984 exactly as transcribed by the court reporter.

RESPONSE:

Applicants object to the production of Mr. Brandt's draft, prefiled testimony. Such drafts are clearly attorney work product, and, thus, exempt from production under 10 C.F.R. § 2.740(b)(2). Moreover, such drafts are subject to the attorney-client privilege, and, thus, are not subject to discovery under 10 C.F.R. § 2.740(b)(1). Finally, no copy of Mr. Brandt's draft testimony exists "exactly as transcribed by the court reporter." Applicants' counsel has two copies of the draft testimony, both of which contain counsel's notes, comments, etc., which

notations and comments reflect counsel's work product and are thus not discoverable.

Respectfully submitted



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Counsel for Applicants

October 23, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES ELECTRIC) Docket Nos. 50-445-2 and
COMPANY, et al.) 50-446-2
)
(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 Interrogatories And Production Of Documents With Respect To October 3, 1984 Testimony of C. Thomas Brandt'" in the above-captioned matter were served upon the following persons by hand-delivery on October 24 1984, or by overnight delivery,* or deposit in the United States mail,** first class, postage prepaid, this 23th day of October, 1984:

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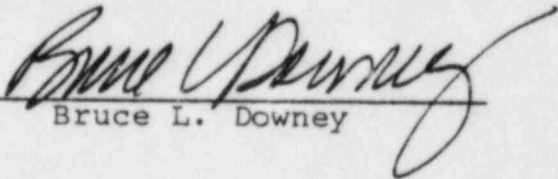
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