

October 23, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 OCT 26 P3:35

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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In the Matter of)	
)	
TEXAS UTILITIES ELECTRIC)	Docket Nos. 50-445/2
COMPANY, <u>et al.</u>)	50-446/2
)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

NRC STAFF MOTION FOR POSTPONEMENT OF HEARING

At the close of the October 1-2, 1984 hearing session, the Atomic Safety and Licensing Board ("Board") tentatively scheduled a hearing session for the week of October 22-26, 1984. Tr. 19,260. The major subjects of the hearing session, as modified by the Board's "Memorandum (Testimony of O. B. Cannon Witnesses)" (October 4, 1984), were (1) the testimony of Messrs. J. J. Norris, R. B. Roth, and J. J. Lipinsky regarding an O. B. Cannon Company report authored by Mr. Lipinsky on protective coatings at CPSES; and (2) the testimony of Applicants' witness Mr. Thomas Brandt regarding "travelers" for the fuel pool and refueling canal stainless steel liners. In a telephone conference call on October 11, 1984, the Board rescheduled the hearing session to October 29 through November 2, 1984. Tr. 19,279-90.

The Staff finalized its position regarding the schedule for addressing the remaining issues in this proceeding on October 19, 1984, and the Staff's position is set forth in the "NRC Staff Report to the Licensing Board on Status and Schedule for Addressing Hearing Issues" (October 19, 1984) ("Staff Status Report") and in the accompanying affidavit of Mr. Vincent S.

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Noonan ("Noonan Affidavit"). The essence of the Staff's position set forth in its October 19, 1984 filing was ". . .the Staff believes that it is important to assure a comprehensive and coherent record on the overall quality assurance issue and the many sub issues [one of these sub issues is "intimidation"], and in order to do so, the Board should await the completion of the TRT review before additional hearing sessions are held.^{2/}" Staff Status Report at 3 (footnote deleted). The Staff further stated "that the most productive method of resolving the overall hearing issues is to permit the Staff to conclude its TRT effort, develop its overall position on the basis of its review, and then present that overall position to the Board at an appropriate time." Id. Consistent with the stated position of the Staff, it is important to await the development of a Staff position before holding any further evidentiary hearings on either technical or "intimidation" issues, including the issues scheduled for October 29 through November 2, 1984.

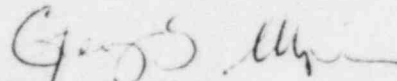
The ongoing work of the TRT addresses many of the intimidation allegations which have been raised during the course of the intimidation hearings from both the standpoint of the technical issues involved, as well as from the standpoint of an overall assessment of the management's commitment to quality control and quality assurance at CPSES. While this is different than "intimidation" as defined in the Staff's "Proposed Standard for Litigating Allegations of Intimidation" (June 12, 1984), these programmatic issues are closely akin to the allegations of management discouragement or disregard of quality currently being considered by the Board in the intimidation hearing sessions. Moreover, as part of its work, the TRT is considering the facts underlying many of the allegations

of intimidation. For example, the TRT is conducting an inquiry into the Applicants' document control program and QC procedures for the fuel pool, refueling canal, and reactor cavity stainless steel liners, a matter specifically involving the "travelers." With respect to O. B. Cannon, the TRT is assessing the adequacy of the Applicants' protective coatings QC inspection program. While it is true that the Staff is not specifically investigating the question of why Mr. J. J. Lipinsky changed his mind, the results of the TRT review of the Applicants' management and their commitment to their QA/QC program may have relevance to reasons underlying Mr. Lipinsky's change of position.

The Staff will not reach any conclusions on these matters until the completion of the TRT review. It would not be an efficient use of Staff resources or the resources of the Board or the other parties' if hearings were held on matters such as O. B. Cannon and the stainless steel liners, which may then need to be reconsidered upon completion of the TRT effort. Hearing sessions where the Staff is unable to present the results of its inspections and its position on contested matters tends to result in the disjointed presentation of evidence without an overall context. The Staff submits that this proceeding has progressed to such an extent that it is essential that individual issues and allegations be placed in the overall context. The most productive method for resolving the overall hearing issues is to await the completion of the Staff's Technical Review Team ("TRT") review of the CPSES plant and the development of the Staff position on the safety matters at CPSES, before undertaking additional hearings. Noonan Affidavit, Paragraph 2. The Staff respectfully requests the Board

to postpone the hearing currently scheduled for October 29-November 2, 1984, until the Staff's TRT completes its review of CPSES and the Staff develops a position of the overall issues in this proceeding.

Respectfully submitted,



Geary S. Mizuno
Counsel for NRC Staff

Dated in Bethesda, Maryland
this 23rd day of October, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR POSTPONEMENT OF HEARING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or deposit in the Nuclear Regulatory Commission's internal mail system (*), or by express mail or overnight delivery (**), or by hand delivery (***), this 23rd day of October, 1984:

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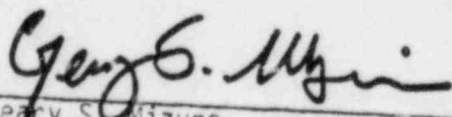
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