

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '84 OCT 31 P12:50

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

SECRETARY
DOCKETING & SERVICE
BRANCH

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))	

OPPOSITION TO CASE'S MOTION
FOR PRODUCTION OF DOCUMENTS

Applicants oppose CASE's motion for production of documents concerning the termination of James Cole. The motion asserts two bases for CASE's "good faith" belief that Mr. Cole was terminated for document falsification and argues that the discovery it seeks is "potentially" important to CASE's contention that Ms. Neumeier improperly was pressured into signing-off missing hold points on the liner plate travelers. CASE's assertions are groundless, and its argument falls of its own weight.

The two bases for CASE's contentions concerning Mr. Cole's termination are: the unfounded speculation of a "CASE document reviewer" that Mr. Cole was terminated for falsification of documents and an internal Brown & Root memorandum summarizing an investigation of allegations made by Avril Dillingham, Jr., a former employee at the site. The speculation of the unnamed reviewer cannot support CASE's position; indeed, it's not evidence

of anything, and it must be disregarded by the Board. The investigative report cited by CASE actually undercuts its position. In pertinent part, the report states:

Mr. Dillingham told us he knew of only one specific instance, described below, where documentation could not be produced to verify a hold point. He was careful to state in the interview that even this one incident did not involve "false documentation," as alleged in the letter. Mr. Dillingham cited no instance of false documentation during the interview.

The only specific incident cited by Mr. Dillingham in the interview involved an NCR written by James Cole, B&R QC inspector. Mr. Dillingham said that in the incident in question, a stainless hanger had been hung over the weld, covering it up. When Mr. Cole went to the weld location for final inspection, he could not find the traveler verifying that a previous weld inspection had been performed. At the time, the traveler had been temporarily misplaced by the Boilermaker department. Since Mr. Cole did not have the traveler to verify that a previous inspection had been performed, he properly wrote an NCR, requiring removal of the hanger and reinspection of the weld. Thus, although Mr. Dillingham was apparently concerned about the misplaced traveler, he believed that B&R QC (Mr. Cole) responded in accordance with procedure, and Mr. Dillingham stated to us that no problem exists today with the weld.

Attachment to CASE's Motion, p. 20.

This report clearly does not support CASE's "contention" that Mr. Cole falsified documents. To the contrary, it states unequivocally that Mr. Dillingham does not know of any misconduct by Mr. Cole, and, thus, it cannot provide the factual predicate for the discovery CASE is seeking.

Finally, CASE argues that the discovery it seeks is "potentially" important to CASE's contention concerning Ms. Neumeyer. CASE's argument, however, is unavailing. In contrast to Ms. Neumeyer, who was asked to update certain travelers based on inspections completed and verified by other inspectors, Mr. Cole actually performed the inspections and signed the travelers based on his own work. This critical difference in the functions performed by the two inspectors vitiates CASE's argument that the reasons for Mr. Cole's termination will "shed important light" in the Neumeyer controversy.

This Board was convened to adjudicate the issue of whether there was pervasive harassment and intimidation of Quality Control Inspectors. In a 2-1 decision, the Board permitted CASE to raise new contentions concerning the liner plate travelers. CASE's current motion is nothing more than an attempt to digress even further from the harassment and intimidation issue. As such, the motion should be denied.

Respectfully submitted,

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October 30, 1984

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UNITED STATES OF AMERICA '84 OCT 31 P12:51
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES ELECTRIC)	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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Opposition To CASE's Motion For Production Of Documents" in the above-captioned matter were served upon the following persons by hand-delivery on October 31 1984, or by overnight delivery,* or deposit in the United States mail,** first class, postage prepaid, this 31st day of October, 1984:

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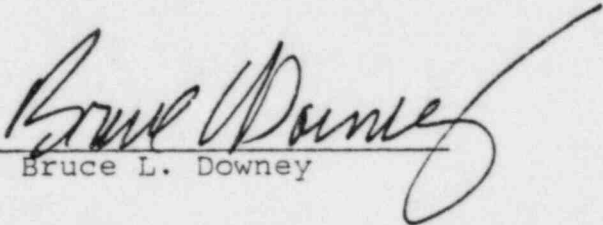
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