

RELATED CORRESPONDENCE

6/24/85

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

In the Matter of  
  
TEXAS UTILITIES ELECTRIC  
COMPANY, et al.  
  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

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Docket Nos. 50-445  
and 50-44601  
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(Application for an  
Operating License)  
  
OF SECRETARY  
ING & SERVICE  
BRANCH

CASE'S INTERROGATORIES  
TO APPLICANTS AND REQUESTS TO PRODUCE

RE: THE MAC REPORT AND ISSUES RAISED BY THE MAC REPORT

Pursuant to the attached 6/13/85 Motion for Discovery Regarding the MAC Report and Issues Raised by the MAC Report, please answer the following interrogatories and requests for documents in the manner set forth herewith:

1. Each interrogatory should be answered fully in writing, under oath or affirmation, and should include a sworn statement of the truthfulness of the answer, signed by the specific individual who answered and has personal knowledge of the matter under discussion.
2. Each interrogatory or document response should include all pertinent information known to: Applicants, their officers, directors, or employees, their agents, advisors, or counsel. (The term "Applicants," as it always has, includes all owners of Comanche Peak, not just the primary owner.)

The term "employees" is to be construed in the broad sense of the word, including specifically (but not limited to): Brown and Root, Gibbs & Hill, Ebasco, Cygna, O. B. Cannon, any consultants,

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sub-contractors, and anyone else performing work or services on behalf of the Applicants or their agents or sub-contractors.

3. The terms "documents" and "documentation" shall be construed in the broad sense of the words and shall include any and all writings, drawings, graphs, charts, photographs, reports, studies, audits, microfiche, slides, internal memoranda, informal notes, handwritten notes, tape recordings, procedures, specifications, calculations, analyses, and any other data compilations from which information can be obtained. Include print-outs of any and all such information which is contained on computer discs or in computerized files or similar files.

The term "documents" shall also include any and all contracts, letters of understanding, letters of intent, purchase orders, statement of protocol, statement of scope, any and all other related or similar documents, and all other pertinent information.

4. Each document provided should include a sworn statement of its authenticity, signed by each specific individual who answered and has personal knowledge of the document.
5. Answer each interrogatory in the order in which it is asked, numbered to correspond to the number of the interrogatory. Do not combine answers.
6. Identify the person providing each answer, response, or document.
7. These interrogatories and requests for documents shall be continuing in nature, pursuant to 10 CFR 2.740(e) and the past

directives of the Licensing Board. Because of the time restrictions under which we are presently working, we request that supplementation be made on an expedited basis.

8. For each item supplied in response to a request for documents, identify it by the specific question number to which it is in response. If the item is excerpted from a document, identify it also by the name of the document. Please also provide the copies in the correct order (rather than in reverse order).

CASE'S INTERROGATORIES TO APPLICANTS AND REQUESTS TO PRODUCE

CASE has attempted not to request information which has already been provided. However, if any information which is requested has already been provided, please indicate the date of the cover letter by which such information was provided.

1. On page 2 of Applicants' 5/29/85 cover letter, it is stated that the MAC Report was discovered "in gathering data for a prudence audit being performed for TUEC," and other relevant details are given.

Provide the following regarding such prudence audit:

- (a) What company/companies or organization(s) is/are performing the prudence audit?
- (b) Provide the name (and company/organization and title) of each individual who is performing such prudence audit for the company/organization in (a) preceding.
- (c) What organizations affiliated with Applicants (TUSI, Brown & Root, Ebasco, PSE, etc.) are involved with such prudence audit, and what is the extent of their involvement?
- (d) Provide the name (and organization and title) of each individual with each of the organizations in (c) preceding who is primarily or actively involved with such prudence audit.

- (e) What is the purpose of such prudence audit?
- (f) Who (name, organization, title) determined the purpose and scope of such audit? If such individual(s) consulted with others, provide the name, organization, and title of each such person. Include in your answer a brief discussion of how it was decided that such an audit was to be performed, the scope of such audit, what role each individual played in making such decisions, etc. (i.e., how the whole process evolved).
- (g) How was it determined which organization/individual would perform the audit; and who (name, organization, title) made such determination?
- (h) Are there any other local, state, or federal governmental bodies or agencies involved in any way with such audit (including, but not limited to, receiving copies of such audit, being updated on the progress of the audit, reviewing drafts and/or commenting on such audit, etc.)?
- (i) If the answer to (h) preceding is yes, supply complete details regarding who (name, organization, title) is involved, specifics regarding the manner and extent of such involvement, etc.
- (j) When was the prudence audit first conceived, at whose (name, organization, title) instigation was it conceived, how far along is the audit, and when is it anticipated that the audit will be completed?
- (k) For what purpose(s) will the prudence audit be used by Applicants?
- (l) What changes have been made, are being made, are anticipated, or will be made as a result of findings or concerns of the prudence audit? Give specific and complete details, including but not limited to: each such finding or concern, when each such finding or concern was identified, by whom (name, organization, title) each was identified, when and by whom the decision was made to make each such change, when each such the change was actually begun and when it is anticipated it will be completed, etc.
- (m) Which other audits, reports, analyses, etc., were reviewed or will be reviewed by prudence auditors in connection with the prudence audit?
- (n) Which other audits, reports, analyses, etc., were reviewed or will be reviewed by prudence auditors which may not be applicable to the prudence audit but which may be applicable or discoverable regarding other matters (than prudence) at issue in the operating license hearings for CPSES?

- (o) Were any other audits, reports, analyses, etc., identified which will be included in prudence audit? If so, provide complete details.
- (p) Are any of the companies working on the prudence audit contracted now or in past with Houston Lighting & Power, Brown & Root or its parent company, Halliburton? If so, provide complete details.
- (q) Are any of the companies working on the prudence audit contracted now or in past with Texas Utilities or any of its contractors, sub-contractors, agents, etc.? If so, provide complete details.
- (r) For each of the companies in answer to (p) and (q) above, provide copies of all contracts, purchase orders, letters of understanding, letters of intent, statement of protocol, statement of scope, any and all other related or similar documents, and all other pertinent information.
- (s) Provide copies of all documents (in the broad sense of the word, as defined on page 2, item 3, of this pleading) regarding your answer to items (a) through (r) preceding.

Include copies of all drafts of the prudence audit, as well as the final prudence audit itself.

- (t) Is this the only prudence audit which has been or is being performed, or which is anticipated will be performed?
- (u) If the answer to (t) preceding is no, provide the answers to (a) through (s) preceding for each such audit.

2. (a) Specifically who (name, organization within TUGCO, title) made the "search . . . of inactive and closed corporate files located in TUGCO's Dallas office"? Whose (specifically, both now and at any time previously) office was the report in?
- (b) Specifically who (name, organization/company, title, duties and responsibilities) first identified the MAC Report as being a document which Applicants should have provided in response to CASE's 1980 discovery requests?
- (c) Provide a summary of exactly when, how and by whom the MAC Report was found and the process by which the determination was made that Applicants should have provided it in response to CASE's 1980 discovery requests. Include specific details as to exactly when each action or event occurred, who (name, title, organization at the time, current title and organization) was involved, etc.

(The type of information we want includes something like: Auditor (name) with (name) company asked to see all management audits which had been performed regarding Comanche Peak. Secretary (name) brought the auditor a stack of files for review.

Auditor (name) indicated that he/she wanted a copy of the MAC Report and/or that he/she planned to consider and include it in the prudence audit. (Name), TUGCO (title), and (names) were present at the time Auditor (name) gave such indication. (Name), TUGCO (title) realized that the MAC Report should have been provided to CASE on discovery in 1980, and informed (name, title, organization), who informed (name of attorney, law firm) on (date).

- (d) Provide the exact extent of knowledge (attended initial interview regarding MAC Report, attended pre-audit meeting, attended post-audit meeting, received copy of report, knew about report, participated in internal management discussions regarding report, was aware report should have been provided to CASE on discovery, was interviewed by Mr. Wooldridge "in order to determine why the report was not produced in 1980 in response to CASE's first discovery request," etc.) of each of the individuals listed below.

(If the extent of his/her knowledge changed, give specific details as to how, why, in what way, and at what time such change occurred.)

D. N. Chapman  
R. G. Tolson  
R. V. Fleck  
J. V. Hawkins  
J. B. George  
J. T. Merritt(t)  
E. G. Gibson  
B. J. Murray  
J. J. Moorhead  
B. C. Scott  
J. P. Clarke  
R. Mann  
H. O. Kirkland  
U. D. Douglas  
D. C. Frankum  
P. Foscolo  
L. Hancock  
A. Boren  
A. Vega  
C. Beggs  
R. Gary  
L. Fiker (Fikar)  
P. Brittain

Michael Spence  
John Marshall  
Susan Spencer  
Homer Schmidt  
Thomas Brandt  
Gordon Purdy  
John Beck

Other Brown & Root personnel (list each)

Engineering personnel: David Wade, Messrs. Finneran, Iotti, Krishnan, Chang, McGrane, Seevers, any other engineering personnel (list each)

Anyone else interviewed by Mr. Wooldridge (list each)

Secretaries and/or file clerks for any of the above listed individuals (list each)

Applicants' counsel: Messrs. Wooldridge, Reynolds, Horin, Dignan, Erle Nye, any other attorneys (list each)

NRC Staff personnel: Messrs. Taylor, Crossman, Stewart, Driskill, Martin, Collins, Seidle, engineering personnel (list each), NRC counsel (list each)

Anyone with the minor owners of Comanche Peak or their agents, consultants, etc. (list each)

Cygnus (list each individual)

ANI's (list each individual)

Securities and Exchange Commission

Public Utility Commission of Texas

Any other of Applicants' witnesses who have testified or filed affidavits in these proceedings at any time (list each individual)

Any of Applicants' new (since January 1984) consultants, employees, or agents (list each individual, his/her title and organization)

(e) For each of the individuals in (d) above who had any knowledge of the MAC Report, provide the following information:

- (1) Specifically when did he/she first find out about the MAC Report? If the extent of his/her knowledge changed, specifically when did each such change occur?
- (2) How did he/she first find out about the MAC Report?
- (3) Title and organization at time he/she first found out about the MAC Report; title and organization as of December 31, 1984; title and organization at present; date of each change in title and/or organization between December 31, 1984 and the present.
- (4) If no longer employed by Applicants or their agents, provide his/her last known home and business addresses and telephone numbers.



- (5) Provide a sworn affidavit by each individual that the statements in your answer are true and correct.
- (6) Make each individual listed in (d) above or your answer to (d) above available for CASE to take his/her deposition.
- (f) (1) When the MAC Report was first received by Applicants in 1978, what distribution was made of it; who received copies of it?
- (2) Were copies of the Report distributed to others at a later time? If so, give specific and complete details as to who, when, etc.
- (3) What happened to each copy of the report in your answers to (1) and (2) above? Did the individual still have a copy at the time the report was rediscovered during the prudence audit? Did anyone (Mr. Fikar, for instance) confiscate the other copies of the Report? If so, provide specific and complete details as to who, when, etc.
- (4) Did anyone (Mr. Fikar, for instance) order the other individuals who were aware of, or had copies of, the Report not to supply them to CASE on discovery or not to advise Applicants' counsel of the Report's existence? If so, provide specific and complete details as to who, when, etc.
- Was there any discussion between or among Mr. Fikar and/or any others listed in (d) or your answer to (d) preceding as to whether or not the Report should be supplied to CASE on discovery? If so, provide specific and complete details as to who, when, the result of such discussions, etc.
- (5) To whom specifically (name, organization, title, responsibilities) was Mr. Wooldridge referring when he stated that "TUGCO management is evaluating the failure to produce this document at an earlier time..."?
- (6) To whom specifically (name, organization, title, responsibilities) was Mr. Wooldridge referring when he stated "We determined that the report was subject to discovery"?
- To whom specifically (name, organization, title, responsibilities) was Mr. Wooldridge referring when he stated "current TUGCO management concurred in that view"?
- (7) Specifically who (name, organization, title, responsibilities) did Mr. Wooldridge interview "At the direction of Mr. Spence...to determine why the report was not produced in 1980..."?



- (8) Specifically who (name, organization, title, responsibilities) were the "few members of company management" whom Mr. Fiker believed the report was solely prepared for?
- (9) Applicants' 6/12/85 letter stated: "Mr. Fiker further stated that he thus believed that his decision not to produce the report was justified. No advice of counsel was obtained at the time regarding the discoverability of the report."  
When did Mr. Fiker seek advice of counsel?  
Provide details of how, when, by whom (name, organization, title, responsibilities), under what circumstances, Applicants' counsel first became aware of the Report. Who specifically of Applicants' counsel was first informed of the Report?
- (10) Applicants' 6/12/85 letter states that the interviews indicated or revealed that Messrs. Fiker, Clements, Chapman, and Tolson were aware of the report, and provides some detail about the extent of such awareness.  
Did Messrs. Fiker, Clements, Chapman, and/or Tolson provide the information about his own awareness, or was the information obtained through interviews with other individuals?
- (11) Provide a comparison of the time frame when the MAC Report was rediscovered during the prudence audit to the time when recent changes were made in management (specifically, but not limited to, Messrs. Fiker, Clement, Tolson, Vega, Chapman, Purdy).  
Did any of the changes in management occur as a result of the rediscovery of the MAC Report?  
Were any of the changes in management made in whole or in part as a disciplinary measure?  
Were any of the individuals whose positions were changed or who were involved in recent management changes offered the option of resigning, retiring, being reassigned to other duties, and/or having disciplinary action taken?  
Provide specific and complete details, regarding each individual.
- (12) Were all "inactive and closed corporate files" reviewed in connection with the prudence audit?  
If so, what else was found which may be discoverable?  
If not, provide them or access to them for inspection and copying.
- (13) Do similar active or inactive/closed corporate files exist at TUSI, TUEC, TU, DP&L, TP&L, TESCO, minor owners of Comanche Peak, and/or TUGCO's offices (either in Dallas, other offices, or at the plantsite)?

If so, answer all applicable questions herein regarding those files.

If your answer is that you don't know, provide them or access to them for inspection and copying.

3. (a) Applicants' 6/12/85 letter stated: "...Applicants are taking steps to assure that no other such documents exist and to assure that a similar situation does not recur."

Specifically what steps are being taken in this regard, and by whom (name, title, organization) are they being taken?

- (b) Applicants' 6/12/85 letter stated: "We also will reiterate Applicants' obligations in this regard to those who have responsibility to provide information to the NRC and to the parties."
- (1) Who specifically will reiterate Applicants' obligations in this regard?
  - (2) Who specifically (name, title, organization) currently has "responsibility to provide information to the NRC and to the parties"?
  - (3) Who specifically (name, title, organization) in the past had "responsibility to provide information to the NRC and to the parties"? Specify the time frames during which each such individual had such responsibility.
  - (4) What is the current criteria for determining whether or not documents would be provided to CASE on discovery?
  - (5) What were the former criteria for determining whether or not documents will be provided to CASE on discovery?
  - (6) What is the current criteria for determining whether or not the NRC (both the Staff and the Licensing Board) will be advised of the existence of, or provided copies of, documents?
  - (7) What were the former criteria for determining whether or not the NRC (both the Staff and the Licensing Board) would be advised of the existence of, or provided copies of, documents?
  - (8) Specifically who (name, title, organization, duties) decided upon such criteria (both past and present)?
  - (9) How do management reviews and/or audits, QA reviews and/or audits, etc., which are performed by consultants (as opposed to being part of Applicants' formalized internal and/or vendor auditing system) fit into Applicants' overall system of quality assurance/quality control? Include in your answer (but do not limit your answer to) the following:

- (i) How and where are reports/audits such as this filed and kept? (Answer for both past and present practices/procedures.)
  - (ii) By whom (name, title, organization) are such reports/audits kept? (Answer for both past and present.)
  - (iii) What is the system of filing and distributing such reports/audits? (Answer for both past and present.)
  - (iv) Provide a copy of the distribution list (all past and present lists) for such reports/audits.
  - (v) How are the findings and concerns of such reports/audits trended? (Answer for both past and present.)
  - (vi) Provide copies of all such trending summaries/reports/analyses, etc.
  - (vii) Is/was there a listing (computerized or otherwise) of all such reports/audits?  
 If so, provide a copy of all such listings.  
 If not, by what means are such reports/audits tracked or kept up with? What assurance is there that there are not other such reports/audits which should have been, but have not been, supplied on discovery to CASE?
  - (viii) Were, or are, such procedures/practices/criteria proceduralized?  
 If so, provide copies of all such procedures (past and present).  
 If not, what assurance is there that such procedures were or will be followed consistently?
4. (a) Whose handwritten notes are shown in the margins of the MAC Report?
- (b) When were such notes made?
- (c) The handwritten notes on CASE's copy of the MAC Report were not clear, and in some instances were run so that part of the notes were off the page.  
 Provide good, clear copies of all pages with handwritten notes.
5. (a) Have any other management reviews/audits/reports (by whatever name) been performed regarding Comanche Peak?
- (b) Have any other reviews/audits/reports (by whatever name) been performed regarding QA/QC at Comanche Peak?

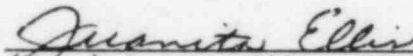
- (c) Have any other engineering reviews/audits/reports (by whatever name) been performed regarding Comanche Peak?
- (c) Provide copies of any and all such reports referenced in your answers to (a), (b), and (c) above. If such reports have already been supplied, please so indicate.
- (d) Provide a list of all consultants which have been hired to do work regarding Comanche Peak, along with a summary of what they were asked to do, how much they were paid, and all other pertinent details.

Provide copies of any and all contracts, letters of understanding, letters of intent, purchase orders, statement of protocol, statement of scope, any and all other related or similar documents, and all other pertinent information regarding each consultant listed. (If information regarding any of these consultants has already been provided, please so indicate.)

6. Provide any and all documents (in the broad sense of the word, as defined on page 2, item 3, of this pleading) relating to all of your answers to questions 1 through 5 preceding.

It is CASE's position that all of the documents which we have requested herein should be provided at no cost to CASE, since this entire pleading would not have been necessary had Applicants provided the MAC Report in a timely manner. If you do not agree with this, please advise at once and we will pursue this matter further with the Licensing Board.

Respectfully submitted,

  
\_\_\_\_\_  
(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound  
Energy)

1426 S. Polk  
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214/946-9446

cc: Service List

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 JUN 26 P12:01

In the Matter of

TEXAS UTILITIES ELECTRIC

COMPANY, et al.

(Comanche Peak Steam Electric

Station, Units 1 and 2)

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Docket No . 50-445-1

and 50-446-1

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of Board Notification and CASE's Motion for Discovery Regarding the MAC Report and Issues Raised by the MAC Report and CASE's Interrogatories to Applicants and Requests to Produce Re: The MAC Report and Issues Raised by the MAC Report

have been sent to the names listed below this 24th day of June, 1985,  
by: Express Mail where indicated by \* and First Class Mail elsewhere.

\* Administrative Judge Peter B. Bloch  
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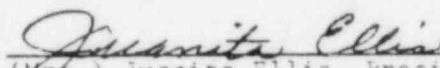
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