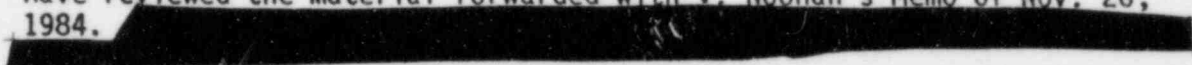






1/9/85

Note to: Jane *Applied*

From: Gene *Holler*

Subject: Commanche Peak - Alleged "U" Bolt Material False Statement

1. Have reviewed the material forwarded with V. Noonan's Memo of Nov. 26, 1984. 
2. The statement in question is, "To determine the range of torques which exists in the field, applicants inspected the torque of a randomly selected representative sample of cinched down U-bolt supports." (underlining added) (See Iotti affidavit p.10.) 
3. 
4.  applicant in its Response to Board Request for Raw Data Regarding Cinching Down U-Bolts, Nov. 9, 1984, has stated, "The U-bolt configurations employed in Unit 2 are the same as those in Unit 1 and the construction process for torquing U-bolts had remained unchanged for Units 1 and 2." (See footnote 1 of applicant's Response.)
5. 

Gene
Gene Holler

- Look up definition of words used in statements.
random, selective, etc.
- Look for "materiality".

Random

1. Having no specific pattern or design; lacking causal relationships; haphazard.
2. Statistics ...
3. Of or designating a sample drawn from a population so that each member of the population has an equal chance to be drawn.

Representative n. A person or thing serving as an example or type for others of the same classification a typical instance.

- adj. 1. Representing, depicting, portraying, or able to do so. ...
4. Exemplary of others in the same class; typical.

Sample 1. A portion, piece, or segment regarded as representative of a whole. ... statistics. A set of elements drawn from and analyzed to estimate the characteristics of a population.

- SAFETY SIGNIFICANCE

- WHETHER STATEMENT WAS FALSE OR
ITS FACT

- WHETHER STATEMENT, EVEN IF
FALSE, WAS MATERIAL



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAR 7 1986

Ms. Billie Pirner Garde
Citizens Clinic Director
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-614

Dear Ms. Garde:

This is in further response to your letter dated August 29, 1985, in which you requested, pursuant to the Freedom of Information Act, all records relevant to the NRC staff's determination of a potential material false statement on U-Bolt sample, BN 85-077, that was issued on August 20, 1985, in regard to the Comanche Peak nuclear power plant.

The documents listed on enclosed Appendix B are being placed in the NRC's Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC, in file folder FOIA-85-614 under your name.

The documents listed on enclosed Appendix C are available in other PDR files under the accession numbers indicated beside the document descriptions.

The documents listed on enclosed Appendix D are being withheld from public disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations because they contain the predecisional advice, opinions, and recommendations of the staff. Release of the withheld documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. There are no reasonably segregable portions of the withheld documents, and they are being withheld in their entirety.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The persons responsible for the denial of the documents listed on Appendix D are the undersigned and Mr. James M. Taylor, Director, Office of Inspection and Enforcement.

8604000610

Ms. Billie Pirner Garde

-2-

This denial may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,

/s/

Bonnie R. Grimsley, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX B

1. 07/23/85 Note from H. Denton to H. Thompson and V. Noonan (1 page)
2. 04/22/85 Notes on 4/22/85 meeting (2 pages)
3. 04/30/85 Memorandum from W. Paul Chen (ETEC) to V. S. Noonan (NRC),
CPSES - Assessment of Apparent Omissions in Applicant's Motion
for Summary Disposition Regarding Cinched Down U-Bolts
(6 pages)
4. 03/29/85 Note from D. Terao to V. Noonan, Potential Misleading Statement
by Applicant Regarding AWS/ASME Weld Design
(2 pages)
5. 04/03/85 Memorandum from V. Noonan to R. Bosnak, Assistance to Comanche
Peak Project w/ attached note V. Stello to W. Dircks dtd 3/27/85
6. 04/05/85 Note from V. Noonan to R. Bosnak
(1 page)
7. Undated Viewgraph: Meeting with Applicant on U-Bolt Sample
(1 page)
8. 08/06/84 Discussion on Motions for Summary Disposition Filed by
Applicant (87 pages)

APPENDIX C

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>
1. 08/20/85	Board Notification No. 85-077: Staff's Determination of Applicant's Potential Material False Statement on U-Bolt Sample (Accession #: 8508210260)
2. 11/26/84	Memorandum from V. Noonan to R. DeYoung: Comanche Peak Project Staff request for Office of Inspection and Enforcement advice on potential material false statement made by Applicants (without enclosures) (Accession #: 8412050260)
3. 03/21/85	Memorandum from J. Taylor to V. Noonan: Office of Inspection and Enforcement request for additional information through Office of Investigations (Accession #: 8508220247)
4. 04/04/85	Note from R. Vollmer to D. Eisenhut : Office of Inspection and Enforcement action pending until NRR review of technical issues (Accession #: 8508220403)
5. 06/28/85	Memorandum from V. Noonan to J. Taylor: Staff's assessment of significance of Applicant's U-Bolt sample discussed in Applicant's motion for summary disposition regarding cinched down U-bolts (Accession #: 8508220255)
6. 06/07/85	Memorandum from L. Shao to V. Noonan: Staff's assessment of significance of Applicant's U-Bolt sample discussed in Applicant's motion for summary disposition regarding cinched down U-Bolts (Accession #: 8508220262)
7. 06/07/85	Staff's assessment of significance of Applicant's U-Bolt sample discussed in Applicant's motion for summary disposition regarding cinched down U-Bolts (Accession # 8508220267)
8. 07/19/85	Memorandum from J. Taylor to V. Noonan: Office of Inspection and Enforcement determination that Applicant has not made a material false statement (Accession #: 8507310381)
9. 01/07/85	Affidavit of Robert C. Iotti and John C. Finneran, Jr., Regarding the Licensing Board's December 18, 1984 Memorandum (Accession #: 8501090396)
10. 12/18/84	Memorandum from the Board Reopening Discovery: Misleading Statement (Accession #: 8412190262)

11. 04/16/85 Memorandum from A. Vietti to V. Noonan: Forthcoming Meeting with Texas Utilities
(Accession #: 8504250382)
12. 04/22/85 U-Bolt meeting Attendance (Available in BN 85-053)
(Accession #: 8505100346)
13. 04/22/85 Overview of Presentation Regarding U-Bolt Torque Sample
(Available in BN 85-053)
(Accession #: 8505100346)
14. 03/21/85 Memorandum from J. Taylor to V. Noonan: Possible Material False Statement concerning U-Bolt Supports at CPSES
(Accession #: 8508220247)
15. 01/07/85 Motion of Reconsideration of Licensing Board's Memorandum (Reopening Discovery; Misleading Statement)
(Accession #: 8501090378)
16. 06/29/84 Letter from W. Horin (TUGCO) to P. B. Bloch and K. McCollom: Applicant's Motion for Summary Disposition of CASE's Allegations Regarding Cinching Down of U-Bolts
(Accession #: 8407020516)
17. 06/29/84 Applicant's Motion for Summary Disposition of CASE's Allegations Regarding Cinching down of U-Bolts
(Accession #: 8407020527)
18. 06/22/84 Affidavit of Robert C. Lotto and John C. Finneran, Jr., Regarding Cinching down of U-Bolts
(Accession #: 8407020527)
19. 11/05/84 CASE's Answer to Applicant's Response to Board Request for Information Regarding Cinching Down U-Bolts
(Accession #: 8411090299)
20. 11/05/84 CASE's transmittal of Affidavit of CASE's Witness Jack Doyle.
(Accession #: 8411090281)
21. 11/05/84 CASE's Answer to Applicant's Response to Board Request for Information Regarding Cinching Down U-Bolts
(Accession #: 8411090299)
22. 11/09/84 Applicant's Response to Board Request for Raw Data Regarding Cinching Down U-Bolts
(Accession #: 8411130719)
23. 11/09/84 Affidavit of John C. Finneran, Jr., Regarding Information Related to Cinching Down of U-Bolts
(Accession #: 8411130722)
24. 10/24/85 Memorandum from the Board (Raw Data on U-Bolts)
(Accession #: 8410260090)

25. 10/24/84 Applicant's Response to Board Request for Information Regarding Cinching Down U-Bolts
(Accession #: 8411060557)
26. 02/03/84 Applicant's Plan to Respond to Memorandum and Order (Quality Assurance of Design)
(Accession #: 8402070227)
27. 03/13/84 Supplement to Applicant's Plan to Respond to Memorandum and Order (Quality Assurance for Design)
(Accession #: 8403150032)
28. 12/28/83 ASLB Memorandum and Order (Quality Assurance for Design)
(Accession #: 8401260285)
29. 02/08/84 ASLB Memorandum and Order (Reconsideration Concerning Quality Assurance for Design)
(Accession #: 8402090121)
30. 10/23/84 Applicant's Response to Board Request for Information Regarding Cinching Down U-Bolts
(Accession #: 8410250005)
31. 11/19/84 Applicant's Reply to CASE's Motion Concerning Information Regarding Cinching Down U-Bolts
(Accession #: 8411270189)
32. 11/19/84 Affidavit of John C. Finneran, Jr., Regarding CASE's Motion Concerning Sampling of Cinched Down U-Bolts
(Accession #: 8411270196)
33. 03/29/85 Memorandum from D. Terao to V. Noonan: Staff findings on the Discrepancy in U-Bolt Test Results
(Accession # 8504090415)
34. 04/22/85 Technical Conference between Texas Utilities and Comanche Peak Project Team, (Available in BN 85-053)
(Accession # 8505100346)

APPENDIX D

1. Undated notes of E. Holler (4 pages)
2. January 9, 1985 - Note to J. Axelrad, IE, from E. Holler, IE, Subject: Comanche Peak - Alleged "U" Bolt Material False Statement (1 page)
3. March 21, 1985 - Memorandum for W. J. Dircks, EDO, from J. M. Taylor, IE, Subject: Request for an Investigation by the Office of Investigations (1 page)
4. Undated /Unsigned memorandum to B. Hayes, OI, from W. J. Dircks, EDO, Subject: Possible Material False Statement Concerning U-Bolt Supports at Comanche Peak Steam Electric Station (1 page)