

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES ELECTRIC  
COMPANY, et al.

(Comanche Peak Steam Electric  
Station, Units 1 and 2)

Docket Nos. 50-445  
and 50-446

(Application for an  
Operating License)

AFFIDAVIT OF CASE WITNESS  
JACK DOYLE

This response is more critical than the usual exchange of documents because the scope of Cygna's role has already been reduced by Applicants (see Board's 9/17/85 Memorandum (Cygna Review of Revised Designs)), and this effort is effectively the coup de grace in eliminating one area of potential credible discord in an environment of harmony being orchestrated by Applicants.

Before becoming involved in the basic elements of this affidavit, I would like to first comment on one of the statements in the Board Memorandum (see Board's 9/9/86 Memorandum and Order (Questions About Cygna's Continuing Role), statement which appears on page 2):

"At first, Cygna's testimony followed guidelines developed between it and Applicants and made findings generally favorable to Applicants' design. However, Cygna's witnesses always testified in a manner that we consider forthright and helpful. Witnesses Bjorkman and Williams were particularly helpful. Their technical testimony was so carefully presented and technically persuasive that Jack Doyle, a CASE witness, withdrew some of his prefiled testimony based on analyses of these witnesses."

While the Board's statement is accurate in its conclusion, it is not complete in the background leading to such conclusions.

Moving ahead for a moment, the Cygna position at the conclusion of the May 2, 1984, hearings is best understood by recalling this exchange between Mrs. Ellis and Cygna's attorney, starting on line 13, Tr. page 13591, through line 3, Tr. page 13592:

"MR. PIGOTT: Is your question whether or not we found anything in these last five to eight, ten days, or whatever it is, of the hearing and preparation of the hearing that would rise to the level otherwise of a Part 21 or a 55(e) disclosure item?

"Is that your question?

"MS. ELLIS: Well, that ultimately would be the question, I guess. I don't know that at this point I would want to push Cygna into making that statement one way or another until they had a chance to review the record.

"MR. PIGOTT: There's no push. We found no such item to disclose as of the date we are sitting here.

"MS. ELLIS: I think that answers my question fully. Thank you."

It is especially significant that, while not pushed, Mr. Pigott volunteered that as of May 2, 1984, Cygna found no problems which could have reached the level of requiring a 10 CFR Part 21 or 50.55(e). The recent year-long flood of potential 10 CFR 50.55(e)'s by Applicants prove how far astray Cygna was when Mr. Pigott made his May 2 declaration (see attached SDAR CP-86-36 under cover letter of 10/17/86 from Applicants to NRC Region IV; see also CASE 11/4/86 letter to Board attaching selected potential 50.55(e) notifications, all of which appear to have some design implications.)

Cygna, during and beyond the February 1984 hearings, was somewhat less than candid; for example, see CASE's 11/2/84 Third Motion for Summary Disposition, Regarding Lack of Independence and/or Credibility of Cygna. In

fact, Cygna, rather than addressing the issues, put on a dancing exhibition. During the interim between the February and April 1984 hearings, Ms. Williams prefiled her testimony, which was so flawed that CASE had little problem in assailing its accuracy. At this point, Ms. Williams revised and resubmitted her prefiled testimony. The new testimony was still flawed, which resulted in my intention to testify. In April 1984, after four days of hearings, Cygna's witness Dr. Bjorkman was converging on the realities of the procedures used by Applicants to arrive at their support design. For this reason, in addition to the fact that Cygna was becoming aware of two critical factors: (1) CASE was not going to sit by while Cygna exhibited their dancing abilities in lieu of rational technical response and (2) Cygna had to consider its own reputation and the jeopardy resulting from attempting to defend the indefensible, it appeared that a change of attitude was forthcoming.

As a result of the above, I became convinced that from this point on that as long as the proper protocol was in place, we could, as time progressed, depend more and more on the Cygna Corporation to act as professional engineers and not professional dancers. So I opted to withdraw all of my prefiled testimony except that which related to what was, in effect, covert collusion.

In short, I withdrew my testimony not because Cygna was completely candid prior to the withdrawal, but because I felt Cygna was undergoing an irreversible and continuing conversion to candid responses. We still feel the same today. Cygna, due to their past participation, has become a vital

link in the understanding of the plant as originally designed and offered for licensing vs. the plant that will be offered for operation. Cygna is now the only somewhat independent source of information available for these hearings in relation to pipe supports, piping systems, cable tray supports, etc.

## I.

In order to properly address Cygna's continuing role in these proceedings, it is first necessary to determine the direction of the hearing activities. While it is true that much positive activity has resulted from Applicants' finally recognizing the problems as outlined by (1) the MAC Report, (2) CASE, (3) Cygna, (4) the NRC's TRT, and (5) the Board, this technical redirection has been accompanied by a new Applicants' program to evade culpability and responsibility; and in fact, Applicants are attempting to render moot the historical background generated by over four years of hearings and generally institutionalize stonewalling, as will be shown below.

## II.

Coupled with the direction of the hearings, additional reasons to retain Cygna in these proceedings involved two principles. The first of these is to determine what Cygna has to say in reference to the allegations they have authored (for example, mass participation, among others). Beyond this, Cygna's role in these proceedings is not complete without their

commentary on the CASE allegations, including Applicants' understanding of, the disposition of, and the root cause and generic implications of the problems; we believe this can only be achieved through the sworn witnesses, not the unsworn diversionists (the attorneys).

### III.

Now, as to redirection, at least two principle elements of these proceedings requested by the Board but never supplied by the Applicants remain open, and they are: (1) management's role in the breakdown of design (and construction) QA/QC, and (2) the root cause of the problems. The two open questions listed above require a third answer: have problems in fact been found, and to what extent? Applicants' concept that there are no real problems but that modifications are only a concession to expediency to save time is merely an evasion of the issues, and is the principle argument for requiring that all sworn participants to these hearings remain available until these questions are satisfactorily answered.

### IV.

In reference to the third point resulting from the two open questions mentioned above, Applicants have maintained since the September 1982 hearings that the instability problems involved a minor number of the total supports at CPSES. For that matter, the Applicants were still maintaining that less than 1/2 of 1% of the supports were unstable in May 1983 (see 5/19/83 hearing transcript at Tr. page 7087, et seq.), but now we find that



Applicants have shimmed 700 box frames, substituted straps for 700 U-bolts, and cinched up an additional 700 U-bolts (see April 30, 1986, Memorandum of April 25, 1986, Comanche Peak owners meeting, attached to Mr. Roisman's 10/30/86 letter to the Board, at page 3) -- yet Applicants have not modified their position to this Board in reference to the significance of instability, although the above numbers would indicate that there were significantly more than 1/2 of 1% of the supports which were unstable at Comanche Peak. This memorandum also calls into question the categories of problems established by Applicants and the assignment of the various supports being modified to each of the categories, those categories being (1) prudent, (2) recent industry practice, (3) adjustment, and (4) cumulative effects (see attached SDAR CP-86-36 under cover letter of 10/17/86 from Applicants' Mr. W. G. Counsil to NRC Region IV's Eric H. Johnson, page 1 of 2 and Attachment). CASE will address this problem with the selection of categories and assignments of problems to the various categories at a later date.

#### V.

The point of deviation from direction may be best understood if we consider one of the three above questions, and that is root cause. Of all the factors of concern in these hearings, root cause is perhaps prime because management's role in the problem, and in fact defining the problem itself, are dependent on whether or not the question of root cause is being addressed.

## VI.

For a long time now, CASE and the Board have been patiently waiting for Applicants to define the root cause issues /1/. The Applicants have been deflecting all questions with the stock answer that the time was not yet ripe, and all questions would be satisfied by the CPRT at its conclusion. This argument was forwarded, in fact, in April 1986; for example, in the "Project Monitoring and Evaluation Report for the CPSES," prepared by GDS Associates, Inc., for two of the minor partners in Comanche Peak. See attached April 1986 report, page 10, item 8, under the heading of Pipe Supports, which states, in part (referring to the response to question 6 and the approximately "30 per cent of 9,000 supports for large bore pipes" which will be modified):

"8. What caused this problem?

"The CPRT is examining the root causes of the problem and will make a report to the NRC when its assessment is complete."

## VII.

The pronouncements by Applicants discussed in the preceding have little basis in fact, but are rather part of the legal game of weaving words into a web designed to support positions taken under the doctrine of plausible deniability /2/ (using arguments which are in reality irrelevant, but which

/1/ See, for example: Board's 8/29/85 Memorandum and Order (Proposal for Governance of this Case), page 5, item 7; Board's 6/6/86 Memorandum (Definition of "Root cause"); and Board's 6/26/86 Memorandum (Board Concerns), pages 3 through 5.

/2/ These word games are not in compliance with the desires of the Board (see Board's 11/25/85 Memorandum and Order (Reconsideration of Misrepresentation Memorandum), page 4: "What is not permitted is a simplification of the process that creates an appearance or gives rise to honest inferences that are different from reality."

are designed to sound plausible, in an attempt to show that one is not culpable). The first prerequisite of this legal game is to distract attention until the proper words are developed which are to be utilized to establish plausibility. The apparent reference to the CPRT effort as being the future source of cataloguing root cause is the distraction in this issue. In other words, Applicants are attempting to distract everybody's attention until it's too late. They're saying, in effect, "We can't answer that, Judge, you've got to wait till we're all done and then we'll give you the answer." Then when Applicants (or CPRT) say they didn't find any root causes, and the Board says, "but we want the root causes," Applicants will say, "It's too late; we've got a plant totally built, safe, ready to operate, and if you don't give us a license, we'll go to the Appeal Board."

This same philosophy is exhibited in Applicants' 10/27/86 Views Concerning the Present Role of Cygna, where Applicants only promise that Cygna's Phase IV report will state whether or not Cygna's concerns (including root causes and generic implications of those concerns) have been, or will be, adequately addressed by the CPRT, Stone & Webster, Ebasco/Impell, et al.

#### VIII.

Evidence of the above may be noted in Applicants' 10/6/86 Response to Board Memorandum of 8/8/86 (Assistance to the Board) /3/, at pages 6 and 7:

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/3/ In response to the Board's question "To what extent are Applicants investigating failure of QA/QC for design or construction on portions of the plant that are now being redesigned or reconstructed and for which the original QA/QC program is consequently no longer directly relevant?"



"(i) With respect to the piping and pipe support matters within the Stone & Webster scope as set forth in DSAP IX, there will be little or no investigation of any failures of design QA/QC, since no such investigation is expected to be necessary in order to determine that the final design meets design criteria and commitments and is such that the facility is capable of being operated safely.

"(ii) With respect to the cable tray and conduit matters within the scope of DSAP VIII, the answer is expected to be the same, for the same reasons.

"(iii) With respect to any other areas of design in which a decision may be made to engage in redesign or requalification of design, there will be such investigation of any failure of design QA/QC as may be required in order to determine the scope of the redesign or requalification effort necessary to make the same determination. However, the Applicants' present expectation is that, when completed, essentially 100% of the safety significant design will have been reviewed and that, as a result, reliance upon root cause will not be required to defend any lesser scope of review. (For this reason, in design, it is believed that the set alluded to in sub-part one of the footnote to this question is a null set.)" /4/

(See also remaining items on page 7, et seq.; copies of pages 6 through 11 are attached for the Board's convenience.)

As noted in item (i) above, no history of QA/QC for the items addressed by Stone & Webster has been attempted, and none will be required as decreed by Applicants. This is further reinforced at items (ii), (iii), et seq. Thus, even if Cygna accepts its diminished role, this Board should not.

Beyond this, Applicants have, by their own decree (thereby usurping the Board's authority), rendered all questions on root cause to be at present premature and we believe ultimately moot, as we noted above. See Applicants' 7/28/86 Responses to CASE's 6/30/86 Interrogatories and Request for Documents and Motion for Protective Order, where statement similar to the following found on page 14 are used throughout: "Until those

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/4/ Applicants' use of the words "safety significant" are without meaning since it is Applicants alone who determine what is safety significant.

submissions, whether in the form of CPRT Results Reports or otherwise, are advanced, these questions are by definition premature." (However, in this instance, Applicants went ahead and answered the question anyway.)

See also Applicants' 9/5/86 Responses to CASE's 7/29/86 Interrogatories and Request for Documents and Motion for a Protective Order, pages 12 through 14, responses to questions 11.b. and 11.c.; and pages 87 through 100, especially responses to questions 86(2), 86(3), 86(5), 86(7), 87 (first paragraph, top of page 93), 88.a, 88.b, 88.c, 88.d.

However, Applicants in their unauthorized 9/12/86 Response to Board's Memorandum and Order (Management Issues Under Contention 5; CASE Request of July 2, 1986) of September 2, 1986, state the following at page 7:

"In furtherance of that [Applicants'] interpretation, therefore, and of our belief regarding the spirit and intent of the Board's September 2 Memorandum, the Applicants will undertake to reinvigorate their effort to insure root cause analysis takes into account the Board's expression of its views and that -- to the extent information with regard thereto is developed -- it is made available."

Such statement is not compatible with Applicants' 10/6/86 statement, because without a historical background, there is no procedure to determine root cause.

#### IX.

Applicants have taken the initiative and now, by their own decree, state what they will or will not answer (regardless of the Board's clearly and often stated concerns), which words are ambiguous and which words are not. For example, "directly or indirectly relevant" as used by this Board

is (according to Applicants) ambiguous (see Footnote 7, page 6, of Applicants' 9/12/86 Response to Board's Memorandum and Order (Management Issues Under Contention 5; CASE Request of July 2, 1986) of September 2, 1986). Applicants have also decreed that the term "Walsh/Doyle allegations" is ambiguous (see page 8, Applicants' 7/28/86 Responses to CASE's 6/30/86 Interrogatories and Request for Documents and Motion for Protective Order). Applicants also do not seem equipped to handle the words "generic issue" (see page 10, last paragraph, Applicants' 7/28/86 Responses to CASE's 6/30/86 Interrogatories). But in Applicants' 9/5/86 Responses to CASE's 7/29/86 Interrogatories and Request for Documents and Motion for a Protective Order, Applicants have no problem with "addressed generically" that appears on page 93, response to question 87(1); they have no problem with "generic modification" which appears on page 94, response to question 87(3); they have no problem with "generic issue" which they use on page 95, response to questions 87(6 and 7); nor do they have a problem with "all generic technical issues" /5/ used on page 97, response to question 87(10). But on the other hand, Applicants seem to have no problem whatever with the undefined phrase "no safety-significance" and therefore use that phrase ad nauseum to attempt to prove that all problems are irrelevant. Could it be that Applicants' inability to understand certain words and phrases is not due to a lack of understanding, but a lack of desire to respond?

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/5/ It should be noted that Applicants' attitude applies not only to the design issues, but also to the basic terminology they themselves use in the CPRT Program Plan; see CASE's 10/15/86 Motion to Compel regarding Applicants' 9/26/86 answers to CASE's First and Second sets of interrogatories, especially pages 17 through 19, item C.

It is indeed an indictment of the system designed to protect the health and safety of the public when the applicant tries to establish that the determination of the issue of safety will be, not on the technical issues or motivation of the potential operator, but rather by whom is perceived as the winner in a game of Scrabble with the rules of the game controlled by Applicants alone. This process insures that the doubts concerning the safety of CPSES in particular, and nuclear power in general, is deserved.

X.

We have stood by patiently waiting for the cooperation between the Applicants, NRC Staff, and CASE on the design issues to evolve as was sought by this Board for 2-1/2 years while Applicants have abused the summary disposition process and seized the initiative to force procedures to flow in the directions they desire.

XI.

These proceedings effectively require that all participants not bound by Applicants' decrees remain a part of the proceedings until such time as the Board has the answers required to determine if CPSES can be operated in a safe and open manner.

XII.

When I first became involved in these proceedings, I believed that the greatest hazard to the health and safety of the public resulting from

nuclear power was to be caused from deviations from proper technical procedures. However, I am now, as a result of these proceedings, convinced that an even more serious contributor to potential disaster is devious management. On this point there is no argument, since we have at least two cases in point: Three Mile Island; and Chernobyl. In both cases, the extent of the accident was a result, not of the design of the facility, but of the arrogance of the plant management, who placed personal interest above the public interest.



I have read the foregoing affidavit, which was prepared under my personal direction, and it is true and correct to the best of my knowledge and belief.

(Signed) Jack J. Doyle  
Date: Nov 1 1986

STATE OF Worcester  
COUNTY OF Massachusetts

On this, the 1 day of November, 1986, personally appeared Jack J. Doyle, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed.

Subscribed and sworn before me on the 1 day of November, 1986.

Alexander L. Malone  
Notary Public in and for the  
State of Massachusetts

My Commission Expires: MY COMMISSION EXPIRES MARCH 12, 1993

ATTACHMENTS TO AFFIDAVIT OF CASE WITNESS JACK DOYLE

SDAR CP-86-36 under cover letter of 10/17/86 From Applicants to NRC Region IV -- see affidavit at pages 2 and 6

April 1986 report "Project Monitoring and Evaluation Report for the CPSES," prepared for two of the minor owners in Comanche Peak, page 10, item 8, under heading of Pipe Supports -- see affidavit at page 7

Applicants' 10/6/86 Response to Board Memorandum of 8/8/86 (Assistance to the Board), pages 6 through 11 -- see affidavit at pages 8 and 9

TEXAS UTILITIES GENERATING COMPANY  
KEYWAY TOWER - 400 NORTH OLIVE STREET, L.B. 51 - DALLAS, TEXAS 75201

October 17, 1986

WILLIAM G. COUNSEL  
EXECUTIVE VICE PRESIDENT

Mr. Eric H. Johnson, Director  
Division of Reactor Safety and Projects  
U. S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, TX 76012

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)  
DOCKET NOS. 50-445 AND 50-446  
LARGE BORE PIPING AND SUPPORTS  
SDAR: CP-86-36 (INTERIM REPORT)

Dear Mr. Johnson:

On June 9, 1986, we notified you of a reportable item involving the scope of plant modifications resulting from the project's pipe support reverification program (see TXX-4844). This is a follow-up interim report on a reportable item under the provision of 10CFR50.55(e). We have submitted interim reports logged TXX-4958 and TXX-5033, dated August 13, 1986, and September 26, 1986, respectively.

In order to provide more accurate results and scheduling information, the scope of this issue has been revised to delete small bore (2" and less) ASME Class 2 and 3 piping and supports that are not part of the large bore or Class 1 stress problems. An additional reportable item - identified as SDAR CP-86-72, Small Bore Piping and Supports, - has been issued to encompass these scope deletions (see TXX-6042).

The continuing engineering evaluation for large bore piping and supports has identified the following additional instances which are considered reportable pursuant to 10CFR50.55(e). These instances are within modification category 4 "Cumulative Effects" and are further defined as follows:

1. Fluid Transients:  
Original design activities considered the effects of fluid transients in only three systems. During the requalification program, additional systems have been identified and analyzed wherein the effects of fluid transients have resulted in increased pipe support loads. Modifications of these supports will be required.
2. Support Stability:  
Original design requirements for specific support types did not include adequate provisions to assure support stability. Specifically, measures were not provided to preclude axial movement or rotation of the piping to an "unqualified position". An "unqualified position" results from movement or drifting of the support to a position other than that assumed in the piping stress analysis.

Specific support types affected by this condition include:

- a) "Zero" clearance box frames supported by struts,
- b) Long column-strut supports, and
- c) U-bolts on single struts or snubbers exhibiting overstress.

3. General Cumulative Effects:

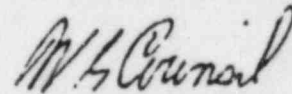
During the requalification program, all stress problems and supports have been scheduled for re-analysis and evaluation. Pipe support modifications have been required as a result of the cumulative effects of the multiple design issues. Multiple iterations would be required to isolate the effects of any specific design attribute. These iterations are costly and therefore will not be performed.

Specific issues contributing to these cumulative effects can be categorized as follows.

- a) Generic stiffness
- b) Axial rotational restraints
- c) Support mass
- d) Mass point spacing
- e) High frequency mass participation
- f) Fluid transients
- g) Support load increases due to support optimization.

The attached list shows the support modifications initiated to date. The evaluation of this issue is continuing. We anticipate submitting our next report by December 1, 1986.

Very truly yours,



W. G. Council

JCH/amb  
Attachment

c - NRC Region IV (0 + 1 copy)

Director, Inspection & Enforcement (15 copies)  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTACHMENT  
LARGE BORE PIPE SUPPORT MODIFICATIONS

<u>Unit</u>	<u>Category</u>	<u>Number of Modifications</u>	<u>Small Bore Deletions*</u>
1	Prudent	865	26
	Recent Industry Practice	1041	56
	Adjustment	97	33
	Cumulative Effects	470	32
2	Prudent	1272	4
	Recent Industry Practice	253	14
	Adjustment	90	10
	Cumulative Effects	328	74

\*These modification quantities have been subtracted from earlier report totals as a result of the revised scope of this SDAR. These small bore modifications quantities will now be reported and updated in SDAR CP-86-72.



500  
BRAZOS ELECTRIC POWER COOPERATIVE, INC.

WACO, TEXAS

TEX-LA ELECTRIC COOPERATIVE OF TEXAS, INC.

NACOGDOCHES, TEXAS

PROJECT MONITORING AND EVALUATION REPORT

FOR THE

COMANCHE PEAK STEAM ELECTRIC STATION

APRIL 1986

GDS ASSOCIATES, INC.

ATLANTA, GEORGIA



GDS Associates, Inc.

Suite 450  
2525 Cumberland Parkway  
Atlanta, Georgia 30339  
404 431-0151

April 25, 1986

Mr. John Butts, General Manager  
Tex-La Electric Cooperative of Texas, Inc.  
P. O. Box 1623  
1329 University Drive, Suite A-3  
Nacogdoches, Texas 75961

Mr. Richard McCaskill  
Executive V. P. & General Manager  
Brazos Electric Power Cooperative, Inc.  
P. O. Box 6269  
2404 LaSalle Avenue  
Waco, Texas 76706-0296

Gentlemen:

Attached is the Project Monitoring and Evaluation Report dated April 1986 for the Comanche Peak Steam Electric Station. The report contains our views and findings relative to our review of documents provided by Texas Utilities, the NRC, and others, telephone conversations, and meetings during the months of March and April. Our interpretations are based on our experience and the information available to us at this time.

On April 18, 1986 TUEC announced that commercial operation of Unit 1 by mid-1987 was no longer achievable and that prediction of an actual schedule was not possible at this time in light of the uncertainties in completion of the CPRT Program Plan and licensing hearings. A comprehensive schedule reevaluation is in progress and should be complete in June. Licensing issues are discussed in Section IV of the report.

We will continue to keep you informed of important developments as they occur.

Yours truly,

James P. McGaughy, Jr.  
Vice President

JPMc:esp  
Attachment

cc: Brazos Board (25 copies)  
Tex-La Board (20 copies)

4. When will you be able to make a new schedule and cost estimate?

Because of the expansion of the reinspection and corrective action effort and the modifications found to be necessary, we realize the present estimate is not realistic. It would not be appropriate for us to try to make a new estimate until we have a better feel for the full scope of the CPRT effort, as well as for the pace at which the ASLB hearings will be conducted.

### Pipe Supports

5. Concerning modification of pipe supports, what do you mean when you say most are minor?

For example, we might only need to weld on a small component to a pipe to further ensure that the pipe support can't slide laterally.

6. How many pipe supports are included in the 30 percent that will be modified?

We're talking about 30 percent of 9,000 supports for large bore pipes. Of that number, we currently estimate that only about 100 will require substantial rework.

7. Are you doing this in both units?

Yes, but mostly in Unit 1.

8. What caused this problem?

The CPRT is examining the root causes of the problem and will make a report to the NRC when its assessment is complete.

9. How much will the pipe support modification effort cost?

We don't yet know.

Filed: October 6, 1986

In the Matter of

Docket Nos. 50-445-OL and  
50-446 OL

(Comanche Peak Steam  
Electric Station, Unit 1)

APPLICANTS' RESPONSE TO BOARD MEMORANDUM OF 8/8/86  
(Assistance to the Board)

In its Memorandum (Assistance to the Board) of August 8, 1986, the Board requested that the Applicants respond to several Board requests for information. Applicants advised the Board on August 22 that they would begin to provide the information called for by paragraphs 1, 2 and 3 of the request within 45 days, and that they would within the same timeframe advise the Board of their ability to provide responses to paragraphs 4 and 5. This filing contains the promised information.

must caution that -- like the CPRT investigations themselves -- the process of finding answers cannot be confined by rigid schedules which might afford insufficient time to ensure they are correct and complete.

5.

To some extent, the answer to this question will depend upon the results of ongoing investigations and therefore must abide the completion of those investigations. However, the following general descriptions of the current expectations of the CPRT program may be of assistance to the Board:

(i) With respect to the piping and pipe support matters within the Stone & Webster scope as set forth in DSAP IX, there will be little or no investigation of any failures of design QA/QC, since no such investigation is expected to be necessary in order to determine that the final design meets design criteria and commitments and is such that the facility is capable of being operated safely.

(ii) With respect to the cable tray and conduit matters within the scope of DSAP VIII, the answer is expected to be the same, for the same reasons.

(iii) With respect to any other areas of design in which a decision may be made to engage in redesign or requalification of design, there will be such investigation



of any failures of design QA/QC as may be required in order to determine the scope of the redesign or requalification effort necessary to make the same determination. However, the Applicants' present expectation is that, when completed, essentially 100% of the safety significant design will have been reviewed and that, as a result, reliance upon root cause will not be required to defend any lesser scope of review. (For this reason, in design, it is believed that the set alluded to in sub-part one of the footnote to this question is a null set.)

(iv) With respect to any areas in which "reconstruction" is undertaken on account of the findings of the on-going reinspection efforts, there will be such investigation of any failures of construction QA/QC as may be required in order to determine the scope of the "reconstruction" effort necessary to make a determination that, as constructed, the facility conforms to its design and is capable of being operated safely.

(v) With respect to any areas in which "reconstruction" is undertaken in order to conform the installed hardware to post-construction design changes, there will be no investigation of construction QA/QC, since the scope of such "reconstruction" is dictated by the change in design.

In each case, these expectations are based upon the following principles:

(i) Investigations involving failures of the historical QA/QC program are only means to an end -- i.e., the determination of the present acceptability of the construction or the design -- and not ends unto themselves.

(ii) Where corrective action is required in order to eliminate the effects of found deficiencies in either construction or design, it is the responsibility of the CPRT to define a scope of corrective action that bounds the possible effects of the identified root cause of the deficiency.

(iii) Except insofar as it may be a function of determining the scope of corrective action as set forth in the preceding principle, the CPRT has no responsibility to determine or declare "the appropriate remedy with respect to management personnel responsibility for [any QA/QC] breakdowns." Except insofar as may be necessary for determining the present adequacy of final designs and final construction, investigation of "the appropriate remedy with respect to management personnel responsibility for [any QA/QC] breakdowns" is not a matter within the scope of Contention 5 in this proceeding. The only "remedy" for any

extent to which the final design or construction of the facility contains deficiencies is to remedy the deficiencies.

It should be noted that, as set forth in the CPRT Program Plan, Appendix B, at 12, CPRT will issue "[a] collective evaluation of the CPRT findings, observations and conclusions that relate to the adequacy of the CPSES construction QA/QC program," and that, as set forth in the Program Plan, Appendix A, at 18, CPRT will issue "[a] final Design Adequacy Program Report documenting a Collective Evaluation related to the adequacy of the CPSES design program . . . ," the latter of which requires a statement regarding the CPRT findings, observations and conclusions relating to design QA.

It is perhaps worth noting that there is a fundamental difference between a program that tests the adequacy and acceptability of a facility and a program that singles out and tests only one aspect (such as QA/QC) of the process by which the facility was created. CPRT is the former. It is designed to lead to a conclusion that the CPSES facility is adequately designed and constructed and tested (and is therefore eligible to be licensed). It will establish reasonable assurance as to the absence of undetected, uncorrected safety significant deficiencies, either by determining that they never existed or that they have been

found. In the process, much is expected to be learned about the adequacy vel non of the original acceptance inspection program, but the purpose of the exercise will be accomplished whatever the ultimate verdict about that program might be.

A program that singled out and tested the adequacy of only the original inspection program, on the other hand, would be certain to test the original program in all respects. However, it would not test the hardware directly, nor could it assure global coverage of any indirect assessment of hardware. In addition, such a program would not (and could not) test the hypothesis of falsification of records, including any extent to which record reliability might be impaired by the hypothesized existence of harassment and intimidation of inspection personnel. Finally, should such a program lead to a negative verdict on the adequacy of the original acceptance inspection program, nothing of utility would have been accomplished, because a program like CPRT would then have to be engaged in order to

provide the requisite reasonable assurance that CPRT  
provides directly.

Respectfully submitted,

*Kathryn A. Selleck*

---

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# CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

1426 S. Polk  
Dallas, Texas 75224

214/946-9446

November 4, 1986

Docketing and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Sir:

Subject: In the Matter of  
Application of Texas Utilities Electric  
Company, et al. for An Operating License  
for Comanche Peak Steam Electric Station  
Units #1 and #2 (CPSES)  
Docket Nos. 50-445 and 50-446

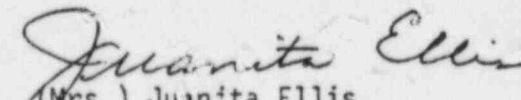
CASE's 11/4/86 Response Concerning  
the Present Role of Cygna

We are attaching the original signed and notarized affidavit of CASE Witness  
Jack Doyle, which is attached to subject pleading.

Thank you.

Respectfully submitted,

CASE (Citizens Association for Sound Energy)

  
(Mrs.) Juanita Ellis  
President

cc: Service List

Attachment



\*86 NOV -7 P1:19

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

By my signature below, I hereby certify that true and correct copies of  
CASE's 11/4/86 Response Concerning the Present Role of Cygna

Chairman, Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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Board Panel  
U. S. Nuclear Regulatory Commission  
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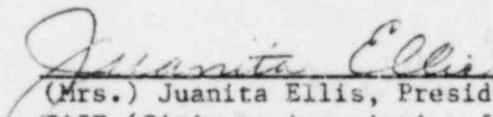
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