

05/29/79

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )

TEXAS UTILITIES GENERATING )  
COMPANY, ET AL. )

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

Docket Nos. 50-445  
50-446

MOTION FOR LEAVE TO AMEND  
SUPPLEMENT TO PETITION FOR LEAVE TO INTERVENE  
BY CITIZENS FOR FAIR UTILITY REGULATION (CFUR)

NOW COMES CFUR and files on this 29th day of May, 1979 this its Motion for Leave to Amend<sup>1</sup> Supplement to Petition for Leave to Intervene for the sole purpose of clarification of the aforementioned Supplement. The reason for this clarification is that CFUR learned after the Pre-hearing Conference on May 22, 1979 that its Supplement was not worded in such a way as to easily determine CFUR's issues, even to the point that some of CFUR's issues had been misunderstood by various parties. CFUR hereby sets forth clarifications of its issues, because CFUR has a better understanding of a proper form, with the understanding that the Supplement in all its parts serves as a basis for CFUR's issues. CFUR is not adding any issues but merely correcting the form of its Supplement so that CFUR's issues may be more easily understood.

Each Statement of CFUR's issues can be directly correlated by number with the detailed bases found in "Supplement To Petition for Leave to Intervene by Citizens for Fair Utility Regulation (CFUR)", dated May 7, 1979.

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1 This Motion supercedes CFUR's Motion served on May 22, 1979 on the Board and all parties.

CONTENTION I - A full hearing is necessary to assure that the applicant undergo extensive and direct cross-examination in order to evaluate whether or not the applicant is aware of the operational limitations of the nuclear island (NSSS) and of the extent of the assumptions made in evaluating accident sequences, as well as the various actions assumed to have been taken by operators to prevent a more serious accident from occurring.

CFUR contends that such a hearing is absolutely necessary since the applicant has relied substantially on Westinghouse for the preparation and defense of this portion of the FSAR and has thus removed the only principal means of establishing the technical qualifications of the applicant in accordance with 10CFR50.57(a)(4).

CONTENTION II.A - CFUR contends that, until all reports used in the construction of computer codes for CPSES/FSAR are suitably verified and formally accepted, any and all conclusions based upon said computer codes are invalid.

CONTENTION II.B - CFUR contends that the computer codes used in CPSES/FSAR must be tested and, if necessary, modified to accept the parameters reflecting the sequence of events at Three Mile Island and then to realistically predict the behavior observed at Three Mile Island in consideration of those parameters.

CONTENTION III.A - CFUR contends that the consequences of postulated Class 9 accidents need to be calculated because the probabilities of occurrence of these accidents cannot be accurately determined at this time, thereby removing any assurance that these accidents occur so infrequently as to allow them to be ignored.

CONTENTION III.B - CFUR contends that a hydrogen explosion accident sequence needs to be added to the list of possible accidents for which consequences will be determined for CPSES.

CONTENTION IV.A - The Applicant has failed to establish and execute a QA/QC program which adheres to the criteria in 10CFR50, Appendix B, as proved in part by the almost casual attitude of the applicant toward QA/QC in practically every critical stage of construction of CPSES to date - an attitude which permitted a pattern of repeated violations of said criteria to arise despite the fact that the applicant is charged by law with the ultimate responsibility of the QA/QC program.

CONTENTION IV.B.1 - The applicant has failed to establish a QA/QC program which adheres to the criteria in 10CFR50, Appendix B, as evidenced by a substantial amount of inferior welding detected in CPSES construction to date, as has been amply documented in numerous NRC Inspection Reports.

CONTENTION IV.B.2 - An allegation of fraudulent practices with respect to Cadwelds used in CPSES construction, whereby improper materials were introduced in order to fool the inspector, has been made, which, if true, violates the requirement of 10CFR50, Appendix B, Criterion IX. When this allegation is taken in context with the NRC Inspection Reports' documented evidence of inferior welding and the use of unqualified personnel, the level of credibility is promoted to the point where CFUR contends the allegation should be investigated by the applicant under the direction of the NRC staff to the satisfaction of the Atomic Licensing Board before an operating license is issued for CPSES.

CONTENTION IV..1 - The Applicant has failed to establish a QA/QC Program which adheres to the criteria in 10CFR50, Appendix B, as evidenced by a number of violations regarding the quality and installation of the steel used in CPSES construction to date, violations which have been detected and amply documented in NRC Inspection Reports.

CONTENTION IV.C.2 - An allegation has been made that reinforcing steel around penetrations has broken when attempts were made to bend it, which if true,

indicates the quality of the steel is in question and violates one or more of the following requirements of 10CFR50, Appendix A, Criterion 51 and Appendix B, Criteria IV, VII and VIII. When this allegation is taken in context with the NRC Inspection Reports documented evidence of violations in regard to the quality and installation of the steel used in CPSES, the level of credibility is promoted to the point where CFUR contends that the allegation should be investigated by the applicant under the direction of the NRC staff to the satisfaction of the Atomic Licensing Board before an operating license is issued for CPSES.

CONTENTION IV.D - The applicant has failed to evaluate the consequences of the drawdown of the groundwater under CPSES and CFUR contends that the effects on all parties need to be delineated.

CONTENTION IV.E - The applicant has failed to establish a QA/QC Program which adheres to the Criteria in 10CFR50, Appendix B, as evidenced by an overwhelming number of inferior and unsafe practices regarding concrete used in CPSES construction to date, which have resulted in repeated violations of 10CFR50, Appendix B, as amply documented by NRC Inspection Reports (especially in the following areas: use of inferior materials, lack of consolidation, hiring of unqualified personnel, improper curing, inadequate testing and falsification of test documents).

CONTENTION IV.F - An allegation has been made that an expansion joint between the Auxillary Building and Containment Unit 2 contains a structural defect that was not corrected before concrete was poured over the defective part, which if true, raises serious questions as to the safety of the structures involved, and violates 10CFR50, Appendix A, Criterion 50, as well as 10CFR50, Appendix B, Criterion II. When this allegation is taken in context with the numerous NRC Inspection Reports citing consistent violations by the applicant of the Criteria in 10CFR50, Appendix B, the level of credibility is promoted

to the point where CFUR contends that the allegation should be investigated by the applicant under the direction of the NRC staff to the satisfaction of the Atomic Licensing Board before an operating license is issued for CPSES.

CONTENTION IV.G - The applicant has failed to establish a QA/QC program which adheres to the criteria in 10CFR50, Appendix B, as is demonstrated by the fact that the applicant allowed fracture toughness testing on the reactor vessel, steam generators and pressurizers for both units to be conducted by the supplier of those same components (Westinghouse), a practice which clearly violates the spirit of 10CFR50, Appendix B, and, furthermore, contradicts the position taken by the NRC in NRC Report 75-06, where in regard to Brown and Root Quality Assurance testing in a less critical area, it was implied that a commitment to independent testing of critical components is incumbent on the applicant.

CONTENTION IV.H.1 - The applicant's failure to adhere to the quality assurance/quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10CFR Part 50, raises substantial questions as to the commitment of the applicant to conduct an effective QA/QC program during the operation of CPSES, thereby creating the necessity for special operating conditions before an operating license is issued for CPSES.

CONTENTION IV.H.2 - The applicant has calculated the consequences of small accidents but has ignored accidents with large consequences, thereby critically compromising the effectiveness of even a well-intentioned QA/QC program, since any properly conducted QA/QC program incorporates reminders to the plant employees and supervisors of the possible consequences of any mistakes on their part and does not belittle--in their minds--the consequences of large accidents.

CONTENTION V.1 - CFUR contends there is absolutely no assurance that the Spent Fuel Storage Area can withstand the effects of tornadoes--a clear violation of 10CFR50, Appendix A, Criterion 2--because the various mathematical and statistical analyses leading to the derivation of the Design Basis Tornado are perfunctory, outdated, unreliable and unacceptable, thus rendering the DBT itself outdated, unreliable, unacceptable and therefore "inappropriately considered", according to 10CFR50, Appendix A, Criterion 2.

CONTENTION V.2 - CFUR contends there is absolutely no assurance that the Spent Fuel Storage Area can withstand the effects of tornadoes--a clear violation of 10CFR50, Appendix A, Criterion 2--because as a direct consequence of (1) the loading analyses based on the DBT have themselves been "inappropriately considered" and are therefore unacceptable; additionally, said DBT loading analyses fail to "appropriately consider" a specific potential loading combination involving tornado-generated missiles, as well as the appropriateness of the use of a tornado load factor of 1.0 for loadings in combination with "normal and accident conditions," again a violation of 10CFR50, Appendix A, Criterion 2.

CONTENTION V.3 - CFUR contends there is absolutely no assurance that the Spent Fuel Storage Area can withstand the effects of tornadoes--a clear violation of 10CFR50, Appendix A, Criterion 2--because the DBT parameters used in CPSES/FSAR section 3.3.2.1 are less conservative than the parameters found in NRC 1.76.C.2, and no justification is offered, a clear contradiction of the NRC position in 1.76.C.2.

CONTENTION VI. - According to 10CFR100, Appendix A, V (parts (a)(1)(iv) and (d)(1)(i)(b) ), the rock "overbreak" and subsequent fissure repair using concrete grout which were reported in I.E. Inspection Report 75-05 make it imperative that additional testing by the applicant be made in order to determine whether or not the overexcavation and/or subsequent corrective actions have jeopardized

the ability of any and all Category I Structures to withstand seismic disturbances.

CONTENTION VII.A. - Because the applicant's statement that no hardware modifications are required to mitigate the consequences of Anticipated Transients Without Scram continues to be based on two five-year-old Westinghouse studies which are currently still under NRC review, CFUR contends that the applicant should be bound to whatever generic decision is finally made concerning Westinghouse reactors of the CPSES category--even if hardware modifications are specified and if the commission grants an exemption to applicants for an operating license submitted in this specific time frame.

CONTENTION VII.B.- CFUR insists that the current listing of unresolved safety issues affecting reactors of the CPSES category be dealt with appropriately before an operating license is issued for CPSES.

WHEREFORE, PREMISES CONSIDERED, CFUR prays that the Atomic Safety and Licensing Board will order a full and open hearing and that CFUR be accepted as an Intervenor with all of its contentions accepted as issues.

Respectfully submitted,

*Richard L. Fouke*

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Richard L. Fouke  
CFUR  
1668B Carter Drive  
Arlington, Texas 76010



CERTIFICATE OF SERVICE

I hereby certify that copies of the "Motion for Leave to Amend" have been sent to the following by deposit in the mail, on this 29th day of May, 1979:

Elizabeth S. Bowers, Esq., Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Lester Kornblith, Esq., Member  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Richard Cole, Esq., Member  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Lawrence J. Chandler, Esq.  
Office of Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Nicholas S. Reynolds, Esq.  
Devevois & Liberman  
1200 17th Street, N.W.  
Washington, DC 20036

Mrs. Juanita Ellis  
President, CASE  
1426 South Polk Street  
Dallas, TX 75224

Mr. Geoffrey M. Gay  
West Texas Legal Services  
406 W.T. Waggoner Building  
810 Houston Street  
Fort Worth, TX 76102

Richard W. Lowerre, Esq.  
Assistant Attorney General  
Environmental Protection Division  
POBox 12548, Capitol Station  
Austin, TX 78711

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Appeal Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

*Richard L. Fouke*

Richard L. Fouke  
CFUR



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