

DOCKETED
USNRC

June 10, 1983 ⁸³ JUN 13 P1:45

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANTS' ANSWER TO CASE'S MOTION TO
REOPEN RECORD REGARDING UPPER LATERAL RESTRAINT

On June 4, 1983, CASE filed a motion seeking to reopen the record regarding the design of the upper lateral steam generator support, a matter addressed in detail during the May 1983, hearing session. In support of its motion, CASE has submitted an affidavit alleging a "potential problem," which it represents cannot be further specified without the production by Applicants of additional documents. As demonstrated below, this motion is simply another in a long series of "potential problems" which CASE seeks to raise at the last minute based on nothing more than mere suspicion and vague speculation. The Board should deny CASE's motion and direct CASE again to refrain from raising spurious questions that have no basis in fact.

8306150366 830610
PDR ADOCK 05000445
G PDR

DS03

I. APPLICANTS' ANSWER TO CASE'S MOTION

CASE has a long history of raising "issues" in this proceeding at the last minute without meaningful specification of the concern and without demonstrating why such matters could not have been raised at an earlier date or why the matter is significant from the standpoint of the public health and safety. In this instance, CASE even admits that whatever concern it had on this matter arose no later than May 19, 1983. Yet CASE waited more than two weeks to formally pursue its "concern," transmitting material for receipt by the parties only a week before the next hearing session. Such disregard for the orderly conduct of these proceedings should not be countenanced by the Board. The status of these proceedings is such that any attempt to raise new matters must clearly present a significant, well-founded issue with serious implications for the public health and safety. CASE has failed to demonstrate that such an issue exists in this instance.

This matter is simply another example of CASE's attempts to litigate all aspects of the design and construction of the plant by challenging any information that comes to its attention which it is unable fully to understand by claiming it is "new and potentially significant information." In this instance, CASE

supports its claim by an affidavit that simply alleges a "potential problem." The affidavit is founded only on unsupported assertions that there "could be a problem" with the constraint of contraction of the reactor coolant loop, the dimension of which "we [CASE] currently don't know." To rectify the wholly speculative nature of its claims, CASE would have the Applicants produce yet more "documents" (in addition to the tens of thousands of pages already produced). Such trial by speculation must be put to end by this Board.

CASE's use of such unsupported assertions in this instance is even more egregious in that material already in the record in this proceeding wholly discounts those claims. Applicants' Exhibit 157, which is a drawing of the steam generator upper lateral support arrangement at Comanche Peak, indicates first that clearances are provided between the steam generator and the upper lateral supports when the system is in the hot position, and second that clearances are also provided in the cold position. Notes 3 and 4 of Applicants' Exhibit 157 expressly provide that minimum and maximum gaps for the cold position must be provided. These gaps are measured and verified during the hot functional testing performed well in advance of fuel loading. This will assure that no constraint of the thermal movement (either expansion or contraction) of the steam generator by these lateral supports will occur.

Further, all vertical supports for the reactor coolant loop components at Comanche Peak are designed to allow for thermal growth of the system. See FSAR §5.4.14.2. In particular, the vertical supports for both the reactor coolant pump¹ and steam generator provide for thermal movement of the system during heatup and cooldown. See FSAR §§5.4.14.2.2 and 5.4.14.2 3. The typical designs for the reactor coolant pump and steam generator supports are shown in FSAR Figures 5.4-13 and 14. These designs allow for movement of the system in the direction of thermal expansion of the reactor coolant system. Id. Interestingly, Mr. Doyle appears to recognize the nature of the design of these supports (Affidavit at 2) but fails to address its significance to his allegations.

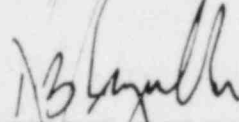
In sum, the record is clear that neither the steam generator nor the reactor coolant pumps are "locked in place" as Mr. Doyle alleges. Rather, the thermal expansion and contraction of the reactor coolant system under normal operating conditions is accounted for both by design clearances and component support design. Mr. Doyle's concern regarding constraint of this thermal expansion and contraction is unfounded.

¹ Mr. Doyle's reference to "recirculating pumps" is not accurate. The PWR design at Comanche Peak utilizes reactor coolant pumps to perform the functions apparently attributed by Mr. Doyle to recirculating pumps.

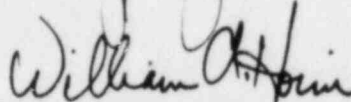
II. CONCLUSION

For the foregoing reasons, Applicants oppose CASE's motion and urge the Board to deny it in its entirety. Further, we urge the Board to admonish CASE from continuing to raise "new issues" premised on unfounded speculation and suspicion.

Respectfully submitted,



Nicholas S. Reynolds



William A. Horin

DEBEVOISE & LIBERMAN
1200 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 857-9817

Counsel for Applicants

June 10, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating Licenses)

CERTIFICATE OF SERVICE

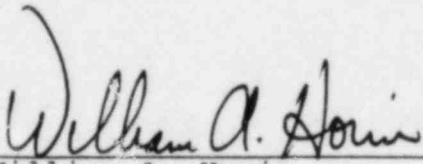
I hereby certify that copies of the foregoing "Applicants' Answer To CASE's Motion To Reopen Record Regarding Upper Lateral Restraint," in the above-captioned matter were served upon the following persons by hand delivery (*), express delivery (**), or by deposit in the United States mail, first class postage prepaid, this 10th day of June 1983.

* Peter B. Bloch, Esq. Chairman, Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Chairman, Atomic Safety and Licensing Appeal Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555
** Dr. Walter H. Jordan 881 W. Outer Drive Oak Ridge, Tennessee 37830	* Lucinda Minton, Esq. Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555
** Dr. Kenneth A. McCollom Dean, Division of Engineering Architecture and Technology Oklahoma State University Stillwater, Oklahoma 74074	* Marjorie U. Rothschild, Esq. Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555
Chairman, Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555	** David J. Preister, Esq. Assistant Attorney General Environmental Protection Division P.O. Box 12548 Capitol Station Austin, Texas 78711

Mr. John Collins
Regional Administrator,
Region IV
U.S. Nuclear Regulatory
Commission
611 Ryan Plaza Drive
Suite 1000
Arlington, Texas 76011

Mr. Scott W. Stucky
Docketing & Service Branch
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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



William A. Horin

cc: Homer C. Schmidt
Spencer C. Relyea, Esq.