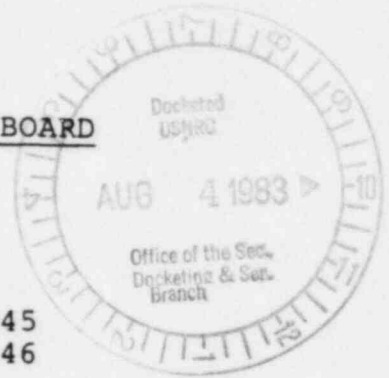


August 2, 1983

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, et al.) 50-446
)
(Comanche Peak Steam Electric) (Application for
Station, Units 1 and 2)) Operating Licenses)

APPLICANTS' MOTION FOR CLARIFICATION
OF MEMORANDUM AND ORDER ON
THERMAL STRESS AND PIPE SUPPORTS

On July 6, 1983, the Board issued a Memorandum and Order in which it concluded that thermal stress created in pipe supports as a result of the restrained thermal expansion of those supports in a LOCA environment need not be evaluated in the design of individual supports. Applicants agree with the conclusion reached by the Board in its Memorandum and Order. However, we request that the Board clarify a comment made in that Memorandum and Order regarding a recent revision to the ASME Code. As described below, that comment is premised on an erroneous factual basis.

I. Motion for Clarification

In its Memorandum and Order, the Board concluded that neither the ASME Code nor NRC Regulations requires that thermal stress in pipe supports be evaluated in the design of individual supports. In reaching that conclusion, the Board declined to consider a revision to the ASME Code in

DS03

1982 regarding consideration of thermal stress in pipe supports. Although the edition of the Code applicable to Comanche Peak predates the 1982 revision, Applicants and the NRC Staff urged the Board to consider the revision as providing further explanation and clarification of the treatment of thermal stress in the Code. The Board determined, however, that it was unnecessary for it to rely on that revision to reach its decision. Memorandum and Order at 8, n. 3. Nevertheless, the Board stated, gratuitously, that if it had determined it was necessary to rely on that revision to reach its conclusion, it "would have been troubled about the appropriateness of relying on a Code revision that has been promulgated during the pendency of this issue in this case by a committee chaired by a consultant to the applicant." Id. Applicants submit that this statement is erroneous and inappropriate, and that it should be deleted from the Memorandum and Order.

The revision to the Code to which the Board refers was published as an editorial revision in the Winter 1982 Addenda to the 1980 Edition of the ASME Code (see CASE Exhibit 768; Tr. 5225-26). However, the revision was passed in March 1982, by the main committee of the ASME (Tr. 5216, 5226). The allegations in this proceeding regarding consideration of thermal stress in pipe support design were not raised until July 1982 (Tr. 3073). Thus, the Board's inference that the revision to the Code was at all influenced by the raising of

these allegations in this proceeding is unfounded and should be deleted from its Memorandum and Order.

Further, even had that clarification to the Code been considered and passed by ASME during the pendency of litigation on the issue in this case, there is absolutely no basis for the Board to impugn, either directly or indirectly, the integrity of Applicants, their consultant and the ASME. The offensive implication of the Board's statement is that Applicants, their expert witnesses and the ASME (a body of highly qualified and independent professional engineers) would alter ^{*/} a provision of the ASME Code in order to affect the outcome of a matter pending in an NRC proceeding. Such an implication is wholly improper and unfounded, and should be deleted from the Memorandum and Order.

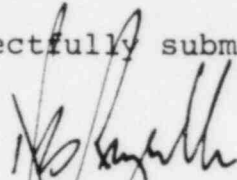
II. Conclusion

For the foregoing reasons, Applicants urge the Board to clarify its Memorandum and Order on thermal stress by revising Note 3 (at p. 8) to reflect the facts in the

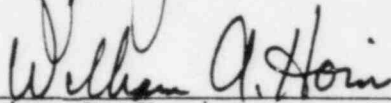
^{*/} In any event, it is puzzling why the Board should have been "troubled" with a Code revision that was merely an editorial change to clarify the intent of an engineering principle in the Code, particularly where the clarification is consistent with the Board's own interpretation of the Code provisions which were so clarified (Tr. 5216, 5226).

record properly, deleting the suggestion that it would be inappropriate to rely on the 1982 revision to the ASME Code.

Respectfully submitted,



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August 2, 1983

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NUCLEAR REGULATORY COMMISSION

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)	
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Motion For Clarification Of Memorandum and Order on Thermal Stress and Pipe Supports," in the above-captioned matter were served upon the following persons by mail, first class postage prepaid, this 2nd day of August 1983.

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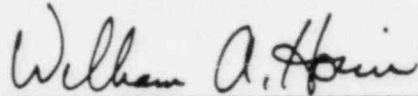
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