

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'82 MAY 11 A9:38

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

STATEMENT OF MATERIAL FACTS AS
TO WHICH THERE IS NO
GENUINE ISSUE TO BE HEARD

Pursuant to 10 CFR §2.749(a), Applicants hereby set forth a statement of material facts as to which there is no genuine issue to be heard:

QA/QC Organization At Comanche Peak

1. Applicants have established a QA/QC program during the construction phase at Comanche Peak which assigns QA/QC functions among TUGCO/TUSI, Gibbs & Hill, Inc., the Architect-Engineer, Brown & Root, Inc., the Construction Manager/Constructor and Westinghouse Electric Corporation, the nuclear steam supply system supplier. Affidavit of David N. Chapman at 2-3.
2. TUGCO, as the lead applicant, has ultimate responsibility for quality assurance activities at Comanche Peak. TUSI is designated by TUGCO to have the authority to conduct the required support activities for implementation of the QA

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program at the site. Affidavit of David N. Chapman at 3-4.

3. Interfaces among participating organizations in the QA program have been established for QA functions at Comanche Peak. Affidavit of David N. Chapman at 9.

Satisfaction of 10 CFR Part 50, Appendix B Criteria

4. The QA program at Comanche Peak establishes procedures and requirements to address each of the criteria set forth in 10 CFR Part 50, Appendix B. Affidavit of Antonio Vega at 2.
5. The CPSES QA program is described in the CPSES Quality Assurance Plan, attached to the Affidavit of Antonio Vega, and the Final Safety Analysis Report ("FSAR"), admitted as Applicants' Exhibit 3 in this proceeding. Affidavit of Antonio Vega at 2.

Disposition of NRC I&E Reports

6. All but two matters raised in I&E Reports as "unresolved items," or in Notices of Violation and Deviation which are cited by CASE as pertinent to Contention 5 have been resolved and that resolution verified by the NRC Staff. Affidavit of Susan L. Spencer at 4.
7. The resolution of those matters has been in subsequent I&E Reports or in SER Supplement No. 1, § 8.4.4, p. 8-1. Affidavit of Susan L. Spencer at 5.
8. The unresolved matters involve a failure to follow certain procedures for the inspection of coatings, and a concrete pour on Unit 1 dome. Affidavit of Susan L. Spencer at 5.

9. The unresolved matters concerning the procedures for the inspection of coatings has been the subject of ongoing corrective actions by the Applicants and is subject to verification by the NRC Staff. Applicants have revised their procedures to assure that this type of problem does not recur. Affidavit of Susan L. Spencer at 12-13.
10. The unresolved matters concerning the concrete pour on the Unit 1 dome will be the subject of resolution following completion of standard Structural Integrity Tests on both primary reactor containments of Units 1 and 2. Affidavit of Susan L. Spencer at 9-11. The only item raised by the NRC Staff concerning Quality Assurance with respect to this matter has been closed-out. Affidavit of Susan L. Spencer at 11.
11. Two other issues raised by CASE, involving honeycombing in the Unit 2 steam generator compartment and placement of the Unit 2 reactor vessel, have been resolved and the resolution verified by the NRC Staff. Affidavit of Susan L. Spencer at 5-9.

Brown & Root ASME Certificates of Authorization for Comanche Peak

12. Each matter raised by the ASME Survey Team at the October 12-14, 1981 survey of the Brown & Root ASME QA

Program at Comanche Peak was addressed and corrective action taken by Brown & Root. Affidavit of R. J. Vurpillat at 2.

13. Brown & Root has taken measures to assure that matters identified by the ASME Survey Team will not recur. Affidavit of R. J. Vurpillat at 2.
14. Brown & Root has taken corrective actions in response to the findings of the ASME Survey Team at the January 18-20, 1982 resurvey and the Authorized Nuclear Inspector has verified completion of these items. Affidavit of R. J. Vurpillat at 17.
15. The Brown & Root ASME Certificates of Authorization for Comanche Peak were reissued on March 15, 1982. Affidavit of R. J. Vurpillat at 20.
16. Each of the actions taken by Brown & Root in response to the ASME Survey Team findings at both the October 12-14, 1981 survey and the January 18-20, 1982 resurvey resolved those findings satisfactorily. Affidavit of Roger F. Reedy at 28.
17. Brown & Root has demonstrated to the proper authorities (ASME and the Authorized Inspection Agency) implementation of an appropriate QA program for ASME Code work up to the present time. Affidavit of Roger F. Reedy at 28.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Motion for Summary Disposition of CASE's Contention 5," in the above-captioned matter were served upon the following persons by overnight delivery (*) or by deposit in the United States mail, first class postage prepaid this 10rd day of May, 1982:

* Marshall E. Miller, 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. Kenneth A. McCollom Dean, Division of Engineering Architecture and Technology Oklahoma State University Stillwater, Oklahoma 74074	* Marjorie Ulman Rothschild, Esq. Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555
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William A. Horin

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cc: Homer C. Schmidt
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