

1/18/83

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR
AN OPERATING LICENSE FOR
COMANCHE PEAK STEAM ELECTRIC
STATION UNITS #1 AND #2
(CPSES)

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Docket Nos. 50-445
and 50-446
OF
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CASE'S MOTION FOR
BOARD ORDER FOR NRC STAFF AND APPLICANTS
TO PROVIDE DOCUMENTS

Pursuant to 2.730, CASE (Citizens Association for Sound Energy), Intervenor herein, hereby files this, its Motion for Board Order for NRC Staff and Applicants to Provide Documents.

BACKGROUND

There have been several times during these proceedings when CASE has called potentially significant documents to the attention of the Licensing Board. The most recent of these was the December 3, 1982, Recommended Decision by an Administrative Law Judge of the U. S. Department of Labor regarding the illegal discharge of Charles A. Atchison, who testified as a CASE witness in the operating license hearings for Comanche Peak.

In the Board's January 4, 1983, Memorandum and Order, the Board accepted that document (CASE Exhibit 738) into evidence and stated:

"...we are surprised that only the Intervenor called this matter to the Board's attention on December 14, 1982 and filed a copy on that date. We have previously admonished both the Applicants and the Staff that they have an affirmative duty to inform the Board promptly of new facts or developments. ^{12/} This Recommended Decision is a potentially significant matter which Applicants and Staff should have immediately forwarded to this Board..."

Footnote "^{12/} Order dated October 20, 1981."

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There are other matters of a potentially significant nature which CASE wishes to call to the attention of the Licensing Board, which we believe should be supplied to the Board so that they will be aware of what is transpiring.

Comanche Peak Independent Design Verification Program (IDVP)

Under cover letter of Nov. 17, 1982, subject: Meeting with Texas Utilities Generating Company (TUGCO) on Comanche Peak Independent Design Verification Program (IDVP), S. B. Burwell, Project Manager, Licensing Branch No. 1, Division of Licensing, NRC, Washington, D.C., advised that there would be a meeting on November 18, 1982, in Bethesda, Maryland, to discuss applicant's plans for an independent design verification program. CASE received this meeting notice too late to have anyone attend should we have so desired.

Under cover letter of December 1, 1982 (received by CASE Dec. 6, 1982), Mr. Burwell sent a similar notice of a meeting to be held in Bethesda on December 16, 1982, "To discuss applicant's plans for an independent design verification program." Listed as participants to be at this meeting for the NRC Staff were: H. Denton, R. Vollmer, D. Eisenhut, T. Novak, J. Collins, R. Mattson, B. J. Youngblood, S. Burwell, and E. Jordan. CASE Board member Kathy Welch, who was in the process of relocating in New York at that time, attended the meeting on behalf of CASE, as an observer, and made very brief comments at the end of the meeting and handed the participants a copy of some CASE Comments^{1/}. We have also requested that the NRC provide us with copies of their summary notes of the meeting and any other handwritten notes or information about the meeting; the Staff agreed to provide us with the typed summary notes of the meeting when they are available during the usual course of events. In addition, we requested advance notification of any future meetings between the Staff and the Applicants regarding this matter, which is pertinent to CASE's Contention 5 and specifically to the Walsh/Doyle allegations. To date, we have heard nothing further in this regard, although

^{1/} See Attachment 13 to CASE's Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982.

it was suggested during the meeting that Applicants' Antonio Vega would be happy to come back and discuss the matter in detail (probably at least a half of a day) with the NRC. (presumably especially with Ted Sullivan, who also attended the meeting for the NRC as the engineering analyst who will be looking closely at the pipe supports and any problems associated with them).

During the meeting, it was brought out that there had recently been a review of Comanche Peak by the Institute for Nuclear Power Organizations (INPO); that this review was in two Phases. Phase 1 was an independent self-assessment of Comanche Peak by Sergeant Lundy (not sure of spelling) and TUGCO; that there were a number of problems found; that some of those problems had already been corrected, but that additional design checks were needed on some of their structural areas; that the Applicants disagreed with that assessment. Phase 2 is to be an effort to ascertain what the Applicants need to do to improve the problem areas, and that's being worked on (or was at that time being worked on) for the final report. We believe that this report, in whatever form it currently is, should be forwarded immediately to the Board and CASE, and we so move.

It was also brought out during the meeting that Antonio Vega recently had done an audit on NPSI hanger designs (Kathy Welch had the impression that it had been within the two or three weeks immediately prior to the December 16 meeting). Obviously, this is also pertinent to the issues in these proceedings, and CASE believes they should also be provided.

Additionally, it was indicated that Dave Smith, with INPO, was to be looking at various reports about the INPO review and specifically whether the INPO report was a good job or a whitewash and if any new types of criteria were needed for Comanche Peak.

The FSAR System Compliance Verification Program was also discussed; it apparently has been in the concept phase for two years, but the Texas Utilities

procedure for conduct of the program was dated 12/9/82. Apparently some of the items identified have been taken care of but some have not been; also, the final report is not yet out, although there is apparently a monthly status report about it.

And at one point in the meeting, someone with the NRC asked the Applicants if they had done an analysis of this pipe support problem. The answer was yes, that it had just recently been completed. It was also stated by the Applicants at one point in the meeting that the reason they had gone in and done the service water system was because of the ASLB hearings.

And finally, it was indicated that the NRC's independent review of pipe support design has been completed, and that TUGCO did not (at that time) know the results.

Our details regarding all of this are necessarily sketchy, because CASE was primarily there as an observer and therefore couldn't ask many questions we would like to have been able to, and because Kathy Welch has tried to send a summary of the meeting and the documents received at the meeting to us several times, but the Post Office has returned Kathy Welch's mailings or they simply have not been received here. (We have had some problem receiving mail not only from Kathy Welch, but also at one point during December from the NRC Arlington office and the Applicants; they sent us the envelopes which the Post Office had marked "Returned to Sender - Moved; left no address," although the address was correct. We are trying to get this straightened out with the Post Office and hope we now have done so.)

At any rate, obviously these matters are pertinent to these proceedings and should have been provided to the Licensing Board promptly.

Defective Steam Generators

As indicated in the attached 1/18/83 DALLAS MORNING NEWS article, apparently there are problems with the four Unit 1 steam generators at Comanche Peak, which are of the Westinghouse D-4 type. See details in attached article. Obviously,

this is also a potentially significant item which should have been reported promptly to the Licensing Board by Applicants and NRC Staff.

Other Investigation and Inspection Reports

It is becoming obvious that neither the NRC Staff nor the Applicants have any intention of advising the Licensing Board in these proceedings of the findings contained in Investigation and Inspection Reports (see CASE's 12/14/82 Motion to Supplement CASE Exhibits; and CASE's 12/21/82 Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982, pages 12-17). Therefore, CASE will be forwarding in the near future additional reports pertinent to the issues at hand in these proceedings.

Further, CASE will emphatically oppose any future efforts of the NRC Staff to have CASE's Exhibits deleted from the record in favor of the Staff's late-filed exhibits which would not be introduced into evidence except for CASE.

MOTION

For the reasons set forth herein, CASE hereby moves that the Licensing Board order Applicants and/or NRC Staff to immediately provide (in whatever form they presently exist) the following documents and information to the Licensing Board and CASE:

1. The following items discussed at the 12/16/82 meeting in Bethesda:
 - (a) Copies of NRC summary notes of the 12/16/82 meeting, including any handwritten notes or information about the meeting;
 - (b) Information regarding any planned future meetings between Applicants and NRC Staff in regard to this subject;
 - (c) Information regarding any meetings between the Applicants and the NRC Staff in regard to this subject which may have taken place since the 12/16/82 meeting;

- (d) The recent review of Comanche Peak by the Institute for Nuclear Power Organizations (INPO);
 - (e) The recent audit done by Antonio Vega on NPSI hanger designs;
 - (f) Any results, including handwritten notes, of Dave Smith's (INPO) review regarding various reports about the INPO review and whether the INPO report was a good job or a whitewash and if any new types of criteria were needed for Comanche Peak;
 - (g) Copies of the concept, procedures, reports regarding, notes concerning (including handwritten notes), preliminary report, final report, monthly status reports, regarding the FSAR System Compliance Verification Program;
 - (h) Applicants' analysis of the pipe support problem; and
 - (i) The NRC's independent review of pipe support design, including handwritten notes, draft report, final report, etc.
2. All information in the possession of or of which Applicants and the NRC Staff have knowledge regarding defective Unit 1 steam generators at Comanche Peak, including reports, draft reports, handwritten notes, etc.
 3. Other Investigation and Inspection Reports by the NRC applicable and pertinent to the matters and issues at hand in these proceedings.
 4. Any other potentially significant matters pertinent to the issues in these proceedings which are known by the Applicants and/or the NRC Staff (with the Licensing Board, not the Applicants and Staff deciding what is or is not truly significant).

The Licensing Board has been very lenient with the Applicants and NRC Staff in this matter. The Board has emphasized time and again to both Applicants and Staff that they are to "inform the Board promptly of new facts or developments." Yet it continues to be CASE, not the Applicants or the Staff, who has to bear the extra burden of ferreting out (as best we can with our limited resources) these potentially significant matters.

It was only due to the unusual circumstance of one of CASE's Board members relocating that we were able to have anyone in attendance at the December 16 meeting between Applicants and Staff in Bethesda. It was only due to the digging of a newspaper reporter that we were able to find out that there were defective steam generators at Comanche Peak (although we had been aware that there were generic problems with some steam generators made by Westinghouse).

This raises another important question: Are there other potentially significant problems of which the Applicants and/or the NRC Staff are aware which CASE has not yet discovered? If so, what are they?

The Board should be aware that CASE has recently been contacted by potential whistleblowers with some concerns about Comanche Peak's construction. However, these potential whistleblowers agreed to talk to CASE only on the condition that we would not turn their concerns over to the NRC because they are convinced that the NRC will not adequately investigate their concerns or that their concerns will be covered up rather than truly corrected. CASE feels that we must respect our promise to these potential whistleblowers in this regard until such time as we can confidently assure them that the NRC will thoroughly investigate their concerns and see that the problems are truly corrected.

We cannot in good conscience tell them that this is the case at this time, because we frankly are not convinced ourselves. CASE witness Jack Doyle is firmly convinced that the reason it is taking the NRC Staff so long (five months since his deposition was taken) to analyze his concerns about the pipe support design

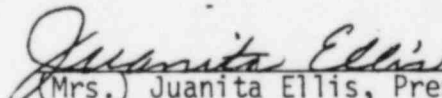
at Comanche Peak is that, even now, the Applicants are busy correcting the specific supports discussed in his testimony, thereby assuring that the NRC's report will indicate that everything's been taken care of and is fine now -- without the overall problem which is generic to the other supports at Comanche Peak ever having been analyzed or corrected. (See Affidavit being sent today.)

We would appreciate any guidance the Licensing Board may be able to provide on these matters.

We move that the Board order the Applicants and the NRC Staff to immediately provide to the Board and CASE the documents and information set forth on pages 5 and 6 of this instant motion.

We further move that Applicants and NRC Staff be ordered (again) to keep the Board (and CASE) advised of all potentially significant matters and that the Board consider sanctions for the Applicants and Staff's continued failure to so advise the Board.

Respectfully submitted,


(Mrs.) Juanita Ellis, President
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Vibrations at Glen Rose concern NRC

DALLAS MORNING NEWS

By Bill Lodge

Staff Writer of The News

1/18/83

Officials of both the U.S. Nuclear Regulatory Commission and Texas Utilities Co. have confirmed that there are vibration problems in four steam generators at the first of Comanche Peak's twin atomic reactors.

Texas Utilities is planning to begin operation of the first reactor late this year, but NRC sources said operation of generators at full power could cause radioactive water and steam to be released into the environment. The plant is under construction at a site about 80 miles southwest of Dallas near Glen Rose.

Two nuclear reactors already in operation in North Carolina and South Carolina have similar Westinghouse generators, and both have been limited by the NRC to 50 percent of full power.

Spokesmen for those plants' owners — Duke Power Co. Inc. and South Carolina Electric & Gas Co. — said Monday that they hope to win NRC approval for plans to alter the generators this year.

TEXAS UTILITIES spokesman David Chapman said Comanche Peak's owners are aware of the NRC's concern. Westinghouse will present proposals to correct the problem by Feb. 1, he said.

Utility officials do not yet know whether they will try to operate the plant before completing the corrections, Chapman said. He also said he has no estimates of cost or time required for work on the steam generators.

Westinghouse probably will pay for the corrective work at Comanche Peak, Chapman said. But, he said, "I doubt seriously if they (Westinghouse) have any obligation for consequential damages" such as construction delays.

Westinghouse's 1-year guarantee will cover the cost of fixing the generators in North Carolina and South Carolina, the utility spokesmen there said. But they said their firms have not yet determined whether replacement power will need to be purchased during the 3-month repair period or whether they can force Westinghouse to reimburse them for that cost.

CUSTOMERS OF THE damaged nuclear reactor at Three Mile Island in Pennsylvania have been paying about \$25 million per month for replacement power since the 1979 accident at that plant.

Nuclear industry consultants have estimated that the cost of a 3-month delay in completing a nuclear plant such as Comanche Peak would add between \$22.5 million and \$90 million to the cost of the plant.

One NRC source said the problem at Comanche Peak is not believed to be as severe as problems found in North Carolina and South Carolina.

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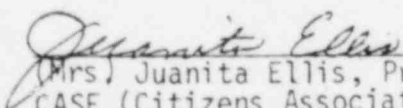
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Docket Nos. 50-445
and 50-446

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE's Motion for Board Order for NRC Staff and Applicants to Provide Documents
and CASE's Letter Forwarding Affidavit of Jack Doyle
have been sent to the names listed below this 18th day of January, 1983
by: Express Mail where indicated by * and First Class Mail elsewhere.

- | | |
|---|---|
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