

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC 8/16/83

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'83 AUG 23 A11:08

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)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket Nos. 50-445
and 50-446

CASE'S ANSWER TO
APPLICANTS' MOTION FOR CLARIFICATION
OF MEMORANDUM AND ORDER ON
THERMAL STRESS AND PIPE SUPPORTS

Pursuant to 10 CFR 2.730(c), CASE (Citizens Association for Sound Energy), Intervenor herein, hereby files this, its Answer to Applicants' Motion for Clarification of Memorandum and Order on Thermal Stress and Pipe Supports, filed by Applicants on 8/2/83 and received by CASE on 8/6/83.

First, the Board should be aware that the record regarding when the so-called "editorial revision" to the ASME Code was actually prepared, passed, or published is not as clear in the record as Applicants would have it believe. In their 8/2/83 Motion, Applicants state:

"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." (Emphases in the original.)

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As Applicants stated, this issue was raised in these hearings in July 1982 (testimony of Mark Anthony Walsh, CASE Exhibit 659, 7/28/82). However, as stated by Mr. Walsh in his testimony (page 3):

"For six months (from September until sometime in February), our team worked on each and every pipe support, testing for LOCA conditions. On March 3, 1982 a TUSI management meeting was held, where representatives from TUSI, Gibbs & Hill, Westinghouse and Black & Vetch discussed the inclusion of LOCA in pipe support designs. In a memo dated March 8, 1982 which summarized the conclusions arrived at during the March 3rd meeting, it was stated that ASME section 3, subsection NF would be interpreted as not requiring the consideration of any thermal expansion in the event of a LOCA for pipe support design evaluations. In fact, the Code explicitly states in that section that such thermal expansion must be looked into." (Emphases in the original.)

Thus, although Applicants' statement is technically correct in this regard, it is also misleading. The fact is that the March 8th memo which deleted LOCA from consideration at Comanche Peak immediately followed the strong objections of Messrs. Walsh and Doyle about LOCA's being excluded. Thus, although Mr. Walsh and Mr. Doyle had not yet expressed their concerns in these proceedings, they had expressed their strong concern and objections at Comanche Peak. It just so happens that the March 8th memo coincides with the time when the Applicants claim that the "editorial revision" was passed by the main committee of the ASME. Is this mere coincidence? CASE has no way of knowing for certain.

It should also be noted that, in his discussion regarding the revision to the Code (Tr. 5216, 5219-5220, 5224-5228), Applicants' witness Mr. Reedy stated that:

". . . a revision to the Code that was passed by the main committee of the ASME last March.

"There was an editorial rewrite of the whole NF design document for design of pipe supports. In that document that was passed in March,

it states very clearly -- extremely clearly -- that thermal stresses need not be evaluated for any type of component support.

"That is a clear statement passed by the committee as an editorial change. . . ."

"Q: You stated about a revision to the Code. Is that being used at Comanche Peak?

"BY WITNESS REEDY: A: Any change to the Code that has been put into -- that has been published in ASME is allowed to be used anywhere, even though the code of record might be quite some bit earlier.

"This is common, and it is practice everywhere, because it's necessary. To my knowledge, the new addenda is not being used. However, the editorial change that was made is strictly editorial. And it's a clarification, if you want to put it that way. But it's an editorial change, and anyone can use it. . . ."

"Q: Did they change from thermal stress to some other name?

"BY WITNESS REEDY: A: They did not change the name. However, in this editorial rewrite, as I recall, they changed the definition, because the definition in Class I where the definition was taken from, there were some examples, and the examples were inappropriate for Subsection NF.

"My recollection is that the committee changed the examples. . . .

". . . The revision in the code, which was passed as an editorial revision, meaning no technical change, and that's the wording that was used in passing this provision, was an editorial gathering of the data.

"Appendix 17 was taken out of the appendices and moved over into the main body of the code. Then many of the paragraphs had to be renumbered.

"They reorganized how different Class I, II and III supports would be addressed. They clarified definitions.

"They made much clearer statements that thermal stress is not to be evaluated for any component supports."

It is also very interesting to note that when Mr. Walsh, who was cross-examining as an expert for CASE, sought to inquire as to whether or not the revision of the code to which Mr. Reedy had been referring was discussed at

the March 3 meeting where the decision was made to exclude LOCA from consideration at Comanche Peak, Applicants' attorney objected and Mr. Reedy took it from there (Tr. 5225/16-5227/8):

"BY MR. WALSH: Q: Mr. Krishnan, was that revision of the code brought out in the March 3rd meeting?

"MR. REYNOLDS: Objection. It is not a revision to the code. Mr. Reedy has not testified that it's a revision to the code.

"WITNESS REEDY: What I said was there was an action passed the committee. That action, to my best knowledge, has been printed in ASME, Mechanical Engineering, as required by the legal things that publish these for public comment, and the document has been sent to the printer of ASME code document, and will be published as the Winter 1982 Addenda to Subsection NF. . . What I said earlier is anything that's been published in ASME for public comment can be used, and since this was an editorial clarification, it could be used. . . The notice of that change is in Mechanical Engineering. I forget which issue, probably September issue of Mechanical Engineering.

"It was passed by the committee in March . . . March 1982. . . It has been passed by the committee. It has been announced or is being announced as a revision to the code. . . "

(Emphases added.)

Again Mr. Walsh attempted to find out whether or not the revision of the code had been discussed at the March 3 meeting (Tr. 5228/11-5229/2):

"BY MR. WALSH: Q: Was that information that we were just talking about, Mr. Krishnan, brought out in the March 3rd meeting?

"WITNESS REEDY: Can I say something here?

"I did not raise this issue before because this information is confidential to the committee until it has been passed through all the process, and I didn't feel it was appropriate and have not mentioned it to anyone until I knew it was being published.

"BY MR. WALSH: Q: Do you have a copy of that?

"BY WITNESS REEDY: A: Not with me, no.

"Q: Is there a copy at Comanche Peak?

"WITNESS REEDY: A: No."

Mr. Krishnan was never allowed to answer the question as to whether or not the revision of the code was discussed in the March 3 meeting, because of the interruptions of the attorney for Applicants and Mr. Reedy. And, as so often has happened in these proceedings, the question was not asked a third time and remains unanswered in the record. Was it coincidence that Mr. Reynolds and Mr. Reedy interrupted before Mr. Krishnan could answer? CASE has no way of knowing for certain. But this makes a second very interesting coincidence.

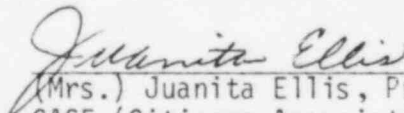
Further, with regard to Mr. Reedy's comments about the rather strange "confidential" nature of the information which he was bringing forward in the hearings, he stated that he hadn't mentioned it to anyone until he knew it was being published and that it had been or was being published in an issue (probably the September issue) of Mechanical Engineering. He further stated that he did not have a copy of the publication with him. However, following the September hearings, CASE attempted to secure a copy of the issue of Mechanical Engineering which had the information in it. It was not in the September issue; it was not in any of the issues in 1982 which were at the public library. We were unable to secure a copy of the information until the Winter 1982 Addenda to the 1980 Edition of the ASME Code came out.

Perhaps the issue which contained the article was an issue which they did not have at the library. Perhaps Mr. Reedy thought that it was being published but was mistaken. Perhaps there is some other explanation. But one thing is certain -- this is yet a third very interesting coincidence. And another thing is certain -- Applicants never supplied a copy of any magazine which contained the information discussed by Mr. Reedy in the September hearings.

CASE is not trying to make any insinuations or reach any conclusions at this time with regard to these matters. However, we submit that the record is deficient regarding these matters. We would think that Applicants would want to clear the record regarding this as quickly as possible (and CASE would like an answer to that unanswered question Mr. Krishnan never answered, now that the Applicants have brought this matter back up). If Applicants do not, we respectfully request that the Board take whatever steps are necessary to clarify and complete the record in this regard.

With regard to the Board's statement to which Applicants object (that if it had determined it was necessary to rely on the 1982 revision of the Code 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"), CASE submits that the Board's statement (based on the current record) that the revision occurred during the pendency of this issue is correct. Further, the current Board has attempted to be very fair to all parties in these proceedings. CASE believes and would hope that the Board's concern would have extended to a similar situation had a witness who was being paid as a consultant to CASE or any other party been directly involved with such a Code decision. We do not believe that the Board meant any personal offense to Mr. Reedy, but was rather concerned about being placed in such an awkward and untenable position.

Respectfully submitted,


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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE'S ANSWER TO APPLICANTS' MOTION FOR CLARIFICATION OF MEMORANDUM AND ORDER
ON THERMAL STRESS AND PIPE SUPPORTS

have been sent to the names listed below this 16th day of August, 1983,
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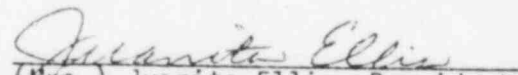
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