

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

12/26/83
DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ~~83~~ DEC 30 A9:39

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
Docket Nos. PR 80-445
and 50-446

CASE'S ANSWER TO NRC STAFF MOTION
TO REOPEN RECORD TO ADMIT
THE AFFIDAVIT OF DR. JAI RAJ N. RAJAN

On December 13, 1983, the NRC Staff filed its Motion to Reopen Record to Admit the Affidavit of Dr. Jai Raj N. Rajan; attached to that motion was the Affidavit of Jai Raj N. Rajan on Support No. CC-1-028-039-S33R.

In his affidavit, Dr. Rajan finally admits that his calculations for this support were in error (without ever admitting that CASE witness Jack Doyle was correct in this regard).

However, Dr. Rajan's affidavit is noteworthy in other aspects, to which we call the Board's attention.

Background regarding this matter can be found in CASE's 8/22/83 Proposed Findings of Fact and Conclusions of Law (Walsh/Doyle Allegations); see especially pages IX - 7 through 13. Including in this citation are quotations from Tr. 6651-6655, which state, in part:

DR. RAJAN: "... we did not go to the extent of exactly determining the stresses ... (our analysis showed) We came close to allowable ... when we looked at the support and we made a determination, we found that it is either within allowable, or close to allowable, and it is still in the iterative design cycle."

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CASE did not receive Dr. Rajan's calculations for five months after the Board ordered the Staff to supply them (on October 15, 1983, the Saturday afternoon before hearings began on the following Monday, October 17). After receipt of Jack Doyle's affidavit (attached to CASE's 11/4/83 Response to NRC Staff's Affidavits on Open Items Relating to Walsh/Doyle Allegations), Dr. Rajan stated in his affidavit:

"... it was my understanding that the design for this support at the time of the SIT inspection had been changed to correspond to the configuration shown in my calculational notes for this support (and in Figure 4, Detail A of Mr. Doyle's affidavit). Because of my understanding of this support's configuration, my calculations were based on the assumption that the support design was equivalent to that shown in my calculational notes and Figure 4, Detail A. . .

"Upon further review of my files, and following discussions with Mr. John Finneron (sic), Pipe Support Engineering Supervisor at CPSES, Applicants, I am unable to find any materials which document the support configuration for Support No. CC-1-028-039-S33R which I modeled in my calculations. Therefore, I conclude that my calculations for this support are not appropriate to this support." (Emphases added.)

Dr. Rajan then indicates that Applicants have modified the support design, so there's no problem anyway.

A review of the record regarding this matter shows that Dr. Rajan's testimony in this regard was shifting at best. Further, Dr. Rajan's affidavit raises still further questions which should be answered: How did Dr. Rajan come to have his "understanding" to begin with? To what extent was he relying on what Applicants told him? To what extent has he relied (or have other NRC Staff witnesses relied) on what Applicants have told them, rather than upon documentation, regarding other matters raised in these proceedings? What role did NRC Staff witness Taylor have in all this? Have NRC Staff witnesses made other errors such as this, regarding which they have testified in these proceedings and upon which the Board will rely in making its decisions?

As indicated in the transcript (see page IX - 11 of CASE's Proposed Findings), other such supports are typically handled in the same manner that this one is. What exactly does this mean? Dr. Rajan states in his affidavit (page 2):

" . . . I now understand that Applicants have modified the support design so that the use of flange steel members is no longer employed. Instead, tube steel members are now utilized in this support's design. . ."
(Emphasis added.)

There is no indication that other similarly designed and constructed supports have been changed; only that this one support was changed. Are there others with the same problem which have not been changed, which are already constructed and still in place at Comanche Peak? What assurance does the Board have, one way or another, regarding this?

Further, it appears from Dr. Rajan's statement above that he is still relying on Applicants for his "understanding" of the present configuration and design of this support. It does not say that he personally looked at the support and saw that tube steel members are now utilized instead of flange steel members. It does not even say that Dr. Rajan saw any documentation that even this one support had actually been changed.

Under the circumstances, of what use to the Board is Dr. Rajan's current "understanding"? What assurance is there that his current understanding is any more accurate than his former erroneous understanding?

CONCLUSIONS

CASE believes that Dr. Rajan's affidavit should be admitted into evidence for the limited purpose of supporting CASE witness Jack Doyle's statements

that Dr. Rajan's calculations were in error and that were the correct calculations used, a severe problem would still have existed with this support, and to help complete the record regarding the credibility and/or competence of NRC Staff witnesses.

CASE does not support the acceptance of Dr. Rajan's affidavit as offering any proof or assurance that the design or configuration of this particular support has been changed or that other similar supports have been changed, for the reasons stated herein.

Respectfully submitted,

Juanita Ellis

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE's ANSWER TO NRC STAFF MOTION TO REOPEN RECORD TO ADMIT THE AFFIDAVIT OF

DR. JAI RAJ N. RAJAN

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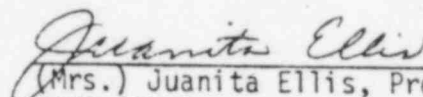
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