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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 MAY 21 11:24

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.

(Comanche Peak Steam Electric Station
Station, Units 1 and 2)

VS
THE UNITED STATES OF AMERICA

Docket Nos. 50-445-1
and 50-446-1

CASE'S MOTION FOR DISCOVERY REGARDING
APPLICANTS' 4/11/84 RESPONSE TO PARTIAL
INITIAL DECISION REGARDING A500 STEEL

On April 11, 1984, Applicants filed their Response to Partial Initial Decision Regarding A500 Steel /1/. In the Board's 10/6/83 Partial Initial Decision (page 8), Applicants were ordered to file analyses demonstrating that pipe supports manufactured with A500 Steel for Comanche Peak have adequate safety margins; the Board also stated that the other parties and participants would have 15 days from the date of filing of the analyses to file their responses.

CASE received Applicants' Response on 4/12/84. Under the Board's ruling that time in hearings and the week-ends immediately preceding hearings were to be excluded in counting time for filings, the date for CASE to respond to Applicants' Response was 5/10/84. Following the off-the-record conference call with the Board Chairman, the Staff, and the Applicants on 5/17/84, the writer did some further digging to determine when the parties were advised that we wanted discovery on the A500 Steel matter. There are two specific items which I found which indicate: (1) From 4/18/84 conference call transcript: "We attempted to call Mr. Horin

/1/ Board's 10/6/83 Partial Initial Decision (Change in Material Properties for A500 Steel).

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yesterday" (which would have been Tuesday, 4/17/84). "We attempted to catch him or get back to him regarding the A500 steel matter." (Tr. 12,128/10-13.) (2) My notes from the 4/16/84 off-the-record conference call (copy of applicable page attached) indicate regarding A500 Steel: Typewritten notes outlining what we wanted to cover in the call /2/: "Want discovery on A500 steel answer just filed by Apps. This was contemplated in Board's 10/25/83 Order. Want to see basis and documents." Handwritten notes regarding what was discussed in the call: "file disc. req. -- call first with specifics." (= file discovery request; call Applicants first and give them specifics, try to work out informally if possible).

It should be noted that at no time during any of those discussions did anyone object to CASE's request for discovery regarding this matter. Further, there was at no time any mention of Applicants' Response either being, or being treated as, a Motion for Summary Disposition, and CASE certainly did not consider it as such. We therefore assumed that (although obviously there might be objections by Applicants to specific portions of our requests) there were no objections to our having discovery regarding Applicants' A500 Steel Response.

Following the hearings which ended 5/3/84, CASE was heavily involved in responding to Applicants' 4/5/84 Motion for Summary Disposition of Certain CASE Allegations Regarding AWS and ASME Code Provisions Related to Welding Issues which was due to be filed 5/9/84 (which we had not had time to work on previously because of necessary preparations for hearings)./3/ On 5/10/84, CASE briefly discussed our discovery requests regarding A500 Steel with Mr. Horin and indicated that, since there were several items

/2/ This was an instance when we were better prepared for the conference call and had prepared typewritten notes in advance.

involved, we would send a listing of them to him by overnight mail so that he would have them in hand when we talked further. The letter to Mr. Horin to which were attached our discovery requests was taken to the Main Post Office on 5/10/84 and received at the service window at 3:56 P.M. marked "MUST DELIVER FRI. 5/11/84" (see attached mail receipt).

We offer this detailed background due to the fact that there appear to be some differences in recollections regarding these matters. As can be seen from the preceding, CASE has at all times acted responsibly and in good faith in this matter. Further, it should be remembered that Applicants did not respond for six months to the Board's Order. Applicants chose not to respond during the time when there were some four months between hearings but waited to file their response until we were on a stringent and extremely heavy time schedule in preparation for hearings on very difficult, time-consuming, detailed technical issues. It is obvious from Applicants' response that they were not spending that time in doing the analyses which the Board had ordered. There is no good reason Applicants could not and should not have responded to the Board's order in a timely fashion. CASE submits that this was a deliberate and calculated move on Applicants' part to cut down on the time CASE could devote to discovery and to make it more difficult for CASE to respond.

/3/ Our Answer was filed on 5/14/84 in order to allow CASE time to file a response to Applicants' 5/1/84 proposal regarding possible settlement of certain design and design QA Aspects of CASE's Contention 5; see CASE's 5/10/84 letter to William A. Horin (Discovery Requests -- A500 Steel), and CASE's 5/11/84 letter to Nicholas S. Reynolds (Possible Settlement Regarding Certain Design and Design QA Aspects of CASE's Contention 5).

CASE'S SPECIFIC DISCOVERY REQUESTS

Following the off-the-record conference call with the Board and parties this morning, CASE perceives the need to clarify with some specificity our discovery requests.

1. Re: Page 5, footnote 6 (of Applicants' 4/11/84 Response):

Documentation showing the contract dates for all piping on which the tube steel supports are placed.

Applicants refer to the Board's determination that the contract date for the piping on which the support is placed governs Code Case applicability, and Applicants rely on this contract date in making their arguments. CASE is asking for documentation of those contract dates because:

- (1) It is our understanding that the PSE Group was formed after the contract date Applicants are relying on, and that NPSI was not involved prior to 1977 or so. This presents the possibility that Applicants should have applied the later code case to begin with.

- (2) Section III, Division I, Subsection NA, Section NA-1140 addresses EFFECTIVE DATES OF CODE EDITIONS, ADDENDA, AND CASES, and states, in part:

"(c) The Code Edition, including Addenda, which is mandatory on the contract date for a component shall determine the mandatory rules for the manufacturer and installation of that component, including its materials, parts, and appurtenances. Earlier editions shall not be used.

"(d) The Code Edition, including Addenda, which is mandatory on the contract date for core support structures and component supports shall determine the mandatory rules for manufacture and

installation of core support structures and component supports including their materials. Earlier editions shall not be used.

"(e) The contract date for an entire nuclear power system does not govern the Code Edition, Addenda, and Cases applicable to the component, core support structure, and component supports.

"(g) Caution is advised when using Addenda or Cases that are less restrictive than former requirements without having assurance that they are acceptable to the enforcement authorities having jurisdiction at the nuclear plant site."

Thus, it is obvious that discovery regarding the contract dates for piping on which the tube steel supports are placed is vitally important to the issues at hand, and necessary for CASE to adequately respond to Applicants' Response.

2. Re: Page 5, footnote 6: The signed contract dates with documentation for ITT Grinnell, NPSI, and PSE; i.e., dates when they had the pipe supports within their scope of work. (Answer for each.)

This is important to the issues at hand, and necessary for CASE to adequately respond to Applicants' Response for the same reasons as discussed in 1. above.

3. Re: Page 5, footnote 6: Dates of approved Revision 0 to the design criteria for NPSI, ITT Grinnell, and PSE for Comanche Peak. (Answer for each.)

This is important to the issues at hand, and necessary for CASE to adequately respond to Applicants' Response for the same reasons as discussed in 1. above. In addition, it is CASE's understanding that the PSE design criteria did not come out until about 1982, which could affect what is applicable.

4. Re: Page 5, footnote 6: Documentation showing mutual consent of owner, manufacturer and installer.

Applicants, in an off-the-record conference call today, stated that they are not relying in any way on the statement referenced and that it was just included, as indicated, "For the Board's information." However, if they are not relying on it, it is not supportive of their arguments or designed to influence the Board's thinking and decision, why is it contained in their pleading? Further, it is required for the use of a code case.

For the Board's information, it should also be noted that NA-1140(f) which Applicants reference states:

"Code Editions, Addenda, and Cases which have not become mandatory on the contract date for a component may be used by mutual consent of the Owner or his agent and Manufacturer or Installer on or after the dates permitted by (a) through (d) above. It is permitted to use specific provisions within an Edition or Addenda provided that all related requirements are met." (Emphasis added; footnotes omitted.)

For the Board's further information, it should be noted that the 11/18/83 ASME Interpretive Letter to Texas Utilities (Finneran Affidavit, Attachment) to which Applicants refer, states, in part (page 2 of 2):

"Question 3: If a component support is ordered under a Design Specification which required compliance with an Edition and Addenda of the Code which was issued prior to final approval of Case N-71-10, and the contract date for the support is after the date of Council approval of Case N-71-10, does the Code allow the construction of the support under the provisions of Case N-71-9?

"Reply 3: Yes, in accordance with NA/NCA-1140." (Last emphasis added.)

5. Re: Page 14, first full paragraph: Dated documentation showing how the Applicants considered the significance of the revised

yield values.

Here we are asking for supportive documentation as to when and how "... Applicants first considered the significance of the revised yield values set forth in Code Case N-71-10 ...". If no such documentation exists, it will affect CASE's response to Applicants' pleading in this regard.

6. Re: Page 16, first full paragraph: That portion of the design criteria from PSE, NPSI, and ITT Grinnell that indicates level B allowables are to be used with level C loads. (Answer for each.)

Here we are asking for documentation of Applicants' statement. If no such documentation exists, it will affect CASE's response to Applicants' pleading in this regard.

7. Re: Page 17, first full paragraph: Dated documentation showing that the "Applicants were aware of such conservatisms at the time the A500 yield strengths were revised and thus, were satisfied that the adequacy of designs using the original yield values was assured."

We are asking for documentation of Applicants' statement. If no such documentation exists, or if Applicants' conclusions were based on preliminary drawings rather than as-built or vendor certified drawings, it will affect CASE's response in this regard.

8. List of the referenced 182 supports on page 19.

We are asking for a list of the supports which were the basis of Applicants' analysis which "demonstrates that all stresses in the sampled tube steel support members remained below

even the reduced allowable stresses" etc. We plan to utilize this list in conjunction with item 9. following.

9. Re: Page 19: Calculations and drawings for the 182 supports reviewed, at the time of the review, referenced on this page.

As mentioned in today's informal conference call, CASE does not want copies of all the calculations and drawings; however, we would like to review them, in conjunction with the list requested in item 8. preceding, and perhaps get copies of some of them. This review will encompass the complexity of the support to determine whether or not this was an adequate and representative sample. If the Applicants are relying in any way upon these supports in arguing their case, we should be allowed to review the basis for Applicants' statements and conclusions. It should be well established by now that, anytime Messrs. Walsh and/or Doyle have the opportunity to review documentation, calculations, and drawings, the results often turn out to be different from what was stated by Applicants. CASE cannot accept (and the Board should not accept) Applicants' representations absent supportive documentation.

10. Re: Page 19: Percentage of supports from ITT Grinnell, NPSI, and PSE that utilized tube steel in their original design. (Answer for each.)

It is CASE's understanding that ITT Grinnell did not use tube steel in its original design, but that field engineers made changes in which they used tube steel; i.e., modifications to supports were made by field engineers via the Component

Modification Card (CMC) process, where no permanent calculations were made prior to the change and the original design did not contain tube steel but the modifications did. Applicants' response to this question will have a bearing on CASE's response.

11. Re: Page 2 of 2 of attachment to affidavit of John C. Finneran: documents showing the Applicants are a holder of a Certificate of Authorization.

This more properly should also have asked whether Applicants receive Mechanical Engineering magazine. What we are interested in is whether or not Applicants would have been aware (and if so, how) if there had been a notification by ASME if there had been one.

12. Re: Page 1 of 2 of Attachment: Letter Applicants sent to ASME for the interpretation.
13. All documents (construed in the broad sense to include all handwritten notes, etc.; if in doubt, see definition contained within CASE's requests for documents and interrogatories) which the Applicants made while discussing the interpretation with ASME.
14. Supply the names of the individuals who were on the ASME Committee who made the code interpretation.

12., 13., and 14.: CASE is concerned about what gives the appearance of possible bias on the part of ASME regarding their interpretation. We want to emphasize that we are not making any prejudgements or accusations in this regard. However, as demonstrated below, there are certain questions which have been

raised which must be answered if CASE and the Board are to have confidence in Applicants' assertions or in ASME's interpretation. The reasons we seek reassurance in this regard are:

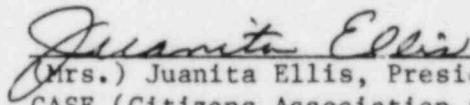
- (1) From ASME's interpretive letter attached to Applicants' pleading, it appears that Applicants' letter was dated October 25, 1983, and that ASME responded on November 18, 1983, less than a month later. Mr. Walsh requested an interpretation from ASME on May 22, 1983; ASME did not respond until May 7, 1984 -- a year after it was requested. (Mr. Walsh just received his answer, which is attached, today; at the time of our discovery request, he had received no response despite several follow-up telephone calls to ASME.) Further, it is the recollection of both Mr. Walsh and CASE that he was told verbally by phone at the time he made his request that the ASME code interpretation committee only met quarterly and that if one missed getting one's request in in time for one meeting, one had to wait for the next quarerly meeting. It appears that Applicants were under no such constraints, since they appear to have not only received their response less than a month after they filed it, but also to have filed it (and received an answer) between quarterly meetings.
- (2) The ASME response changed some words included in Mr. Walsh's request (compare attached copies of original letter to ASME with ASME's response). (At this time,

we have not assessed the substance of the changes.)
Thus, our requests in items 12. and 13. bear on this
question.

- (3) Obviously, if anyone who has testified in these
proceedings on behalf of Applicants (such as Mr. Reedy)
or who has been employed by Applicants or their agents
(such as Mr. Bressler) were on the ASME code
interpretation committee, it would raise further
questions regarding ASME's impartiality in this matter.

In conclusion, for the reasons stated herein, CASE hereby moves that
the Board order Applicants to supply the information CASE has requested on
discovery regarding the A500 Steel matter. The information requested is
essential in order for CASE to properly and adequately respond to
Applicants' 4/11/84 Response to Partial Initial Decision Regarding A500
Steel.

Respectfully submitted,


(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound
Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446

Off - record conf. call
4/16/84

Object to Staff's new testimony's being considered at upcoming hearings. Went out and talked to lots of people, reviewed lots of documents, and included lots of technical AWS/ASME code info. which will need to be addressed by Mr. Doyle. Unfair to hit him with this right before hearings. Impossible to get info to him in time and even if we did, he wouldn't have adequate time to review it and prepare for cross-examination and rebuttal if necessary.

Want discovery on documents, etc. reviewed by Staff and names of people they interviewed. Want to know how they determined what to look at, who to talk to, etc.

~~Object to~~ Cygna's new testimony. Still have not answered many of questions. Have not supplied documents. This means, even if they now supply documents, we are going to be dumped on (in more ways than one) at the last minute again, just as happened before last hearings. But we want to go ahead with hearings on Cygna; it is time to get some information in the record before they change it again. But want to have opportunity to adequately review and rebut rest of documents, if and when we get them; also cross on them. *Stipulation.*

Want discovery on A500 steel answer just filed by Apps. This was contemplated in Board's 10/25/83 Order. Want to see basis and documents.

not sure this Filing Motion to Compel ~~and~~ answers to CASE's requests for documents and answers to interrogatories today. Also haven't recd. anything relied on by witnesses. *Summary due to date -*

Filing today answer to Apps. Motion for cut off on allegations. Obviously premature. Also designed to keep the truth from Board about intimidation at CP. Would exclude anything regarding the T-shirt incident (answers to which we are just now receiving), also it is our understanding that there are people coming forward now at CP talking to the Task Force; CASE might also be in contact with some of those people.

Want discovery with Staff on documents turned over to them by Apps. regarding T-shirt incident. *Staff will send -*

Opposed to Apps. motion to have hearings during April 24 on Hayward Hutchison, etc. Want discovery (as discussed in February hearings) on tape recordings, etc. discussed by him, now that their investigation is over. Need time to engage in discovery; need time to possibly depose witnesses; constitutes surprise; need time to consider and set up witnesses to rebut; etc. *Answer will.*

Haven't received Apps. Tolson/Brandt reverse classification response; when agreed no objections to 8-day delay, was with understanding that it would be received by Friday, 4/13/84. *- mailed first class*

Change if still have to send Darwin info on item. - Wait for responses

FROM:

Juanita Ellis
1426 S. Polk
Dallas, Texas 75224

Customer Number, if any

MUST DELIVER FRI. 5/11/84

TO: William A. Horin, Esq.
Bishop, Liberman, Cook, Purcell & Reynolds
1200 - 17th St., N. W.
Washington, D. C. 20036

• U.S.G.P.O. 1983-400-104 Label 11 B, Apr. 1983

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- This receipt must be presented when a claim is filed.

EXPRESS MAIL SERVICE
Customer Receipt

— May 22, 1983

Mr. Kevin Ennis
American Society of Mechanical Engineers
345 East 47th St.
New York, N. Y. 10017

Dear Mr. Ennis:

Subject: Code Interpretation

As discussed by phone with you Friday, I would appreciate a Code interpretation of the following:

1. In NF 3213.10 of the 1974 Code with Winter Addenda, is thermal expansion of component supports or pipe supports to be considered as an example of free-end displacement?
2. In NF-3231.1(a) of the 1974 Code with Winter Addenda, does the phrase "constraint of free-end displacement" exclude those stresses due to thermal expansion as used in the above examples of free-end displacement in NF 3213.10?
3. Does thermal stress as defined in NF 3121.11 of the 1980 Code with Winter 1982 Addenda and as used in NF 1121(a) of the 1974 Code with Winter Addenda include those stresses that result from constraint of free-end displacements due to uniform distribution of temperature which could result from environmental conditions?

If you should need clarification of any of the above questions, please let me know.

I would appreciate anything you can do to expedite the interpretation.

Sincerely,

Mark A. Walsh

Mark A. Walsh
1426 S. Polk
Dallas, Texas 75224
214/946-9446



The American Society of Mechanical Engineers

United Engineering Center • 345 East 47th St., New York, N.Y. 10017 • 212-705-7722 • TWX-710-581-5267

May 7, 1984

Mark A. Walsh
1426 S. Polk
Dallas, Texas 75224

Subject: Section III, Division 1;
NF-1121 Rules for Supports, NF-3213.10 Free End Displacement,
NF-3231.1 Elastic Analysis 1974 Edition with Winter 1974
Addenda, NF-3121.11 Thermal Stress 1980 Edition with Winter
1982 Addenda

Reference: Your letter dated May 22, 1983
ASME File #NI 83-64

Gentlemen:

Our understanding of the questions in your inquiry and our replies are as follows:

Question 1: In NF-3213.10 of the 1974 Code with Winter 1974 Addenda, is thermal expansion of component supports or pipe supports to be considered as an example of free-end displacement?

Reply 1: No.

Question 2: In NF-3231.1(a) of the 1974 Addenda, does the phrase "constraint of free-end displacement" exclude those stresses due to thermal expansion in the supports as used in the above examples of free and displacement in NF-3213.10?

Reply 2: Yes.

Question 3: In the design of pipe supports, does thermal stress as defined in NF-3121.11 of the 1980 Code with Winter 1982 Addenda and as used in NF-1121(a) of the 1974 Code with Winter 1974 Addenda include those stresses that results from constraint of free-end displacements due to uniform distribution of temperature which could result from environmental conditions?

Reply 3: No.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Kevin Ennis', is written over the typed name.

Kevin Ennis
BPVC Assistant Secretary
(212) 705-7643

KE:CC

ASME procedures provide for reconsideration of this interpretation when or if additional information is available which the inquirer believes might affect the interpretation. Further, persons aggrieved by this interpretation may appeal to the cognizant ASME committee or subcommittee. As stated in the foreword of the code documents, ASME does not "approve," "certify," "rate," or "endorse" any item, construction, proprietary device or activity.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	}}	
	}}	
TEXAS UTILITIES ELECTRIC	}}	Docket Nos. 50-445-1
COMPANY, <u>et al.</u>	}}	and 50-446-1
(Comanche Peak Steam Electric	}}	
Station, Units 1 and 2)	}}	

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE's Motion for Discovery Regarding Applicants' 4/11/84 Response to Partial
Initial Decision Regarding A500 Steel

have been sent to the names listed below this 17th day of May, 1984,
by: Express Mail where indicated by * and First Class Mail elsewhere.

* Administrative Judge Peter B. Bloch U. S. Nuclear Regulatory Commission 4350 East/West Highway, 4th Floor Bethesda, Maryland 20814	* Nicholas S. Reynolds, Esq. Bishop, Liberman, Cook, Purcell & Reynolds 1200 - 17th St., N. W. Washington, D.C. 20036
* Ms. Ellen Ginsberg, Law Clerk U. S. Nuclear Regulatory Commission 4350 East/West Highway, 4th Floor Bethesda, Maryland 20814	* Geary S. Mizuno, Esq. Office of Executive Legal Director U. S. Nuclear Regulatory Commission Maryland National Bank Bldg. - Room 10105 7735 Old Georgetown Road Bethesda, Maryland 20814
* Dr. Kenneth A. McCollom, Dean Division of Engineering, Architecture and Technology Oklahoma State University Stillwater, Oklahoma 74074	Atomic Safety and Licensing Board Panel U. S. Nuclear Regulatory Commission Washington, D. C. 20555
* Dr. Walter H. Jordan 881 W. Outer Drive Oak Ridge, Tennessee 37830	

Alan S. Rosenthal, Esq., Chairman
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. W. Reed Johnson, Member
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Thomas S. Moore, Esq., Member
Atomic Safety and Licensing Appeal
Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Michael D. Spence, President
Texas Utilities Generating Company
Skyway Tower
400 North Olive St., L.B. 81
Dallas, Texas 75201

Docketing and Service Section
(3 copies)
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

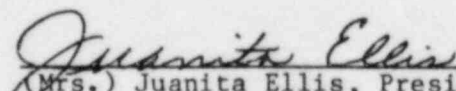
Renea Hicks, Esq.
Assistant Attorney General
Environmental Protection Division
Supreme Court Building
Austin, Texas 78711

John Collins
Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
611 Ryan Plaza Dr., Suite 1000
Arlington, Texas 76011

Lanny A. Sinkin
114 W. 7th, Suite 220
Austin, Texas 78701

Dr. David H. Boltz
2012 S. Polk
Dallas, Texas 75224

Atomic Safety and Licensing Appeal
Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555


(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk