

RELATED CORRESPONDENCE

DOCKETED  
USNRC

March 12, 1984  
MAR 13 09:35

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket Nos. 50-445 and
TEXAS UTILITIES ELECTRIC	)	50-446
COMPANY, ET AL.	)	
	)	(Application for
(Comanche Peak Steam Electric	)	Operating Licenses)
Station, Units 1 and 2)	)	

APPLICANTS' ANSWER TO CASE'S MOTION  
REGARDING CROSS-EXAMINATION OF CYGNA

Pursuant to 10 C.F.R. 2.730(c), Texas Utilities Electric Company, et al. ("Applicants") hereby submit their answer to CASE's "Motion Regarding CASE's Summary of Cross-Examination Areas Supplied to Cygna on February 22, 1984," dated February 29, 1984. For the reasons set forth below, Applicants oppose CASE's motion and urge the Board to deny the motion in its entirety.

I. INTRODUCTION

On February 22, 1984, during the hearing regarding the Cygna Report, the parties agreed that, given the detailed nature of the technical issues sought to be pursued by CASE, the hearing would be most efficiently conducted if CASE were to provide to Cygna a list of technical matters it intended to pursue. Accordingly,

8403140020 840312  
PDR ADOCK C5000445  
PDR

DS03

CASE provided such a list later that day. These Cygna questions are scheduled to be addressed during the hearing commencing March 19, 1984.

CASE now seeks to supplement the list of matters it intends to pursue with the Cygna witnesses. CASE identifies two new areas of questioning which it would pursue with Cygna, viz., (1) the relationship between an NCR (previously litigated in this proceeding) concerning minimum pipe wall requirements and an observation by Cygna regarding a pipe analyst's use of an incorrect wall thickness in a segment of a pipe stress problem, and (2) a matter presently being addressed by the NRC Staff regarding the effect of "heavy fittings" on piping and support stress analyses. For the reasons discussed below, Applicants submit that neither matter is relevant to or otherwise appropriate for pursuit in the context of the Cygna Report.

## II. APPLICANTS' ANSWER TO CASE'S MOTION

### A. General

Before addressing each of the matters raised by CASE, Applicants note that we support the Board's efforts to encourage the parties and Cygna to discuss informally the matters to be pursued by CASE and to conduct further communications prior to the next hearing session regarding Cygna's position on those matters. We believe such efforts, if pursued in good faith by all parties, can result in clarification of the issues and possible elimination of the need to litigate certain matters. We

also believe it is appropriate that the Board allow CASE to supplement the matters it intends to raise if good cause exists for not having raised the matter previously and the question is relevant to the Cygna Report. In this instance, however, the matters CASE seeks to pursue are both irrelevant to and, in fact, not otherwise appropriate for pursuit in the context of the Cygna Report. Further, CASE has shown no good cause for not raising at least one of these issues earlier. Accordingly, we urge the Board to deny CASE's motion. We also ask that the Board inform the parties orally of its decision (prior to issuing a written Order) to expedite consideration, if necessary, of these matters.

B. Piping Minimum Wall Thickness

CASE argues in its motion that a situation involving noncompliance with minimum pipe wall criteria, which had been identified on an NCR, litigated in the proceeding and disposed of by the Board<sup>1</sup> is related to observation PI-01-01 in the Cygna Report. That observation involved a piping stress analyst's use of an incorrect pipe wall thickness in one segment of a pipe stress problem. CASE contends that this observation suggests that the NCR regarding minimum pipe wall thickness "was not adequately addressed and dispositioned" (Motion at 2), and moves the Board to allow it to supplement the list of issues it intends to raise with Cygna with this matter (Motion at 4).

---

<sup>1</sup> Proposed Initial Decision (Concerning aspects of construction quality control, emergency planning and Board questions), July 29, 1983 at 46-47.

The minimum pipe wall matter referred to by CASE is wholly irrelevant to Cygna's observation PI-01-01. The minimum wall thickness matter involved piping which satisfied ASME Code wall thickness specifications when manufactured and received on site but, because of various construction-related activities (e.g., preparation for welding, back-grinding, arc strikes during welding), may no longer have complied with minimum wall thickness requirements. This piping was subjected to extensive examination by a highly-qualified NDE (nondestructive examination) organization and reevaluated and repaired, if necessary, on an individual wall basis (Tr. 2097-2098). In contrast, the observation by Cygna simply involved a piping analyst's use of an incorrect wall thickness value for input into one segment of a pipe stress problem. Cygna indicated in its review of the observation that the probable cause of the error was simply an oversight. In addition, Cygna concluded, based on a review of all remaining segments of the subject stress problem and a review of all segments of another pipe stress problem (38 total piping segments), that the error was isolated. (Cygna Report, Observation Record Review PI-01-01, sh. 1.).<sup>2</sup>

In sum, the two occurrences are wholly unrelated. The minimum wall NCR discussed by CASE was a construction-related hardware deficiency, routinely identified, documented and

---

<sup>2</sup> Cygna also determined, by independent calculation, that even had this error gone undetected it would have had no design impact (Cygna Report, Observation Record Review PI-01-01, sh. 1).

dispositioned pursuant to controls established by the quality assurance program. Cygna's Observation PI-01-01, however, concerned an isolated oversight by a piping analyst in performing a pipe stress analysis. There simply is no causal connection or other relationship between the two events.

In addition, CASE has provided no explanation for not having raised this issue earlier. CASE received the Cygna Report more than two months prior to the hearing and litigated the issue of the minimum pipe wall NCR more than eighteen months ago. Thus, CASE had ample opportunity to raise this question when first asked to do so. The Board should find that CASE has not demonstrated good cause for failing to identify this issue when it initially listed the topics it intended to pursue.

For the foregoing reasons the Board should deny CASE's motion to pursue the piping minimum wall question. We urge the Board to rule on this matter expeditiously to assist in clarifying the issues to be addressed at the next hearing.

#### C. Overthickness in Pipe Fittings

CASE also moves the Board to permit it to supplement the list of questions it intends to pursue with Cygna with a matter, now being pursued by the NRC Staff, concerning the effect of overthickness in pipe fittings on piping and pipe support design.<sup>3</sup> CASE does not specify the purpose of such inquiry,

---

<sup>3</sup> Another matter contained in Mr. Walsh's affidavit is an assertion that Applicants use "'thin wall pipe in many  
(footnote continued)



suggesting only that the matter is related to Observation PI-01-01, discussed above (Walsh Affidavit at 1). Apparently, CASE would have Cygna "address" this matter along with the other design questions already presented to Cygna (Motion at 4; Walsh Affidavit at 2-3). For the reasons discussed below, we believe inquiry into this area with Cygna is inappropriate and CASE's motion in this regard should be denied.

1. Relevance to Observation PI-01-01

The question of the effect of overthickness in pipe fittings is unrelated to the Cygna Observation cited by CASE. As already noted, that observation concerned an isolated instance in which a pipe stress analyst employed an incorrect value of pipe thickness for one segment of a pipe stress problem. In contrast, the overthickness of pipe fittings question is a condition, apparently resulting from certain manufacturing techniques used to assure that minimum wall thickness requirements are met, that is not likely to be known to piping analysts who employ nominal wall thicknesses in their analyses (see Attachment to January 27, 1984 letter from Knighton (NRC) to Woolever (Duquesne Light),

---

(footnote continued from previous page)

instances" (Affidavit at 2). This assertion lacks sufficient specification to formulate a response. However, even assuming the assertion is correct, no information is presented to suggest the matter would have any impact on safety (e.g. that Applicants do not properly consider pipe wall thicknesses) or is relevant to the Cygna Report. Accordingly, the Board should find that topic to be irrelevant to the Cygna Report and not a proper topic for pursuit in that context.

attached to Walsh affidavit, at 4). Thus, there is no relationship between the pipe fittings question and Observation PI-01-01. Accordingly, the Board should find that the fittings question is irrelevant to Cygna Observation PI-01-01.

## 2. General Relevance to Cygna review

The issue of overthickness of the fittings is, as a general matter, inappropriate for pursuit in connection with Cygna's review. In the first instance, the fittings matter is one of which Cygna could not have been expected to be aware.<sup>4</sup> The question also is a relatively new issue, arising from manufacturing practices which apparently satisfied applicable Codes and standards. Further, although the matter is under Staff investigation, no generic notice or bulletin has been issued by the Staff to inform applicants, licensees and other potentially interested persons of the Staff's ongoing review. In addition, the overthickness condition is observable on installed piping only by testing (e.g., ultrasonic examination) and, thus, would not have been within the scope of activities Cygna was requested or expected to perform. In short, there is no reason to expect Cygna to have reviewed or even to have been aware of what, in essence, is a manufacturing question. Finally, the overthickness condition is one that would not likely be known to the piping analysts and, thus, would not be within the scope of effects ygna

---

<sup>4</sup> Applicants have no knowledge of Cygna having reviewed this specific question. Our response is, therefore, premised on the assumption they have not.

could have examined in their piping design review. Accordingly, we submit that inquiry into this matter would not be appropriate or meaningful to the examination of the Cygna Report.

If CASE is suggesting that even if Cygna had not previously examined the fittings question it should do so now (with the matters it is already examining for the next hearing), we urge the Board to find that the question of overthickness in pipe fittings is inappropriate for review by Cygna. As already described above, that issue is beyond the scope of issues Cygna examined or could be expected to review. In short, it is irrelevant to the Cygna Report itself. Thus, such an effort simply is not appropriate for review by Cygna or consideration by the Board in the context of the Cygna Report.

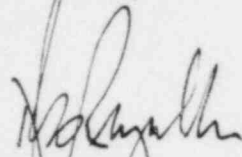
In sum, the issue of overthickness of fittings is neither related to the portion of the Cygna Report cited by CASE nor is it an appropriate issue for pursuit in the context of the Cygna Report. Accordingly, we urge the Board to deny CASE's motion to pursue this matter with Cygna. Any further pursuit of this topic would, for the reasons discussed above, simply be nonproductive and unnecessarily time-consuming.

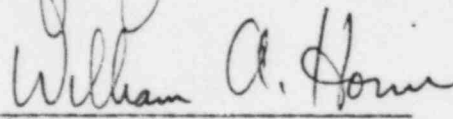


III. CONCLUSION

For the foregoing reasons, Applicants urge the Board to deny CASE's motion in its entirety.

Respectfully submitted,

  
\_\_\_\_\_  
Nicholas S. Reynolds

  
\_\_\_\_\_  
William A. Horin

Counsel for Applicants

BISHOP, LIBERMAN, COOK,  
PURCELL & REYNOLDS  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036  
(202) 857-9817

March 12, 1984

DOCKETED  
USNRC

'84 MAR 13 A9:35

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Answer to CASE's Motion Regarding Cross-Examination of Cygna" in the above-captioned matter were served upon the following persons by overnight delivery (\*), or deposit in the United States mail, first class, postage prepaid, this 12th day of March, 1984, or by hand delivery (\*\*) on the 13th day of March, 1984.

\*\*Peter B. Bloch, 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. Walter H. Jordan  
881 West Outer Drive  
Oak Ridge, Tennessee 34830

Mr. William L. Clements  
Docketing & Service Branch  
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

\*\*Stuart A. Treby, Esq.  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

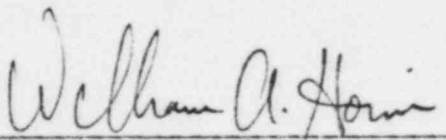
Mr. John Collins  
Regional Administrator,  
Region IV  
U.S. Nuclear Regulatory  
Commission  
611 Ryan Plaza Drive  
Suite 1000  
Arlington, Texas 76011

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

Renea Hicks, Esq.  
Assistant Attorney General  
Environmental Protection  
Division  
P.O. Box 12548  
Capitol Station  
Austin, Texas 78711

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

\*Mrs. Juanita Ellis  
President, CASE  
1426 South Polk Street  
Dallas, Texas 75224

  
\_\_\_\_\_  
William A. Horin

cc: Homer C. Schmidt  
Robert Wooldridge, Esq.