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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BOARD BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES ELECTRIC)
COMPANY, et al.)
)
(Comanche Peak Steam Electric)
Station, Units 1 and 2))

Docket Nos. 50-445 and)
50-446)
(Application for)
Operating Licenses)

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APPLICANTS' REPLY TO CASE'S ANSWER TO
APPLICANTS' MOTION FOR SUMMARY
DISPOSITION REGARDING DIFFERENTIAL
DISPLACEMENT OF LARGE-FRAMED, WALL-TO-WALL
AND FLOOR-TO-CEILING PIPE SUPPORTS

I. INTRODUCTION

Texas Utilities Electric Company, et al. ("Applicants") hereby submit their reply to "CASE's Answer to Applicants' Motion for Summary Disposition of Certain CASE Allegations Regarding Differential Displacement of Large-Framed, Wall-to-Wall and Floor-to-Ceiling Pipe Supports," ("CASE's Answer") filed August 27, 1984. The Board authorized Applicants to submit replies to CASE's answers to Applicants' motions for summary disposition in the August 22, 1984 conference call (Tr. 13,995). As set forth below, CASE has failed to demonstrate the existence of a genuine issue regarding the material facts set forth in Applicants' motion. Accordingly, the Board should render the decision sought by Applicants.

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II. APPLICANTS' REPLY TO CASE'S MOTION

A. General

CASE's answer to Applicants' motion fails to demonstrate the existence of a genuine issue regarding any of the material facts set forth in Applicants' motion. Thus, under the usual standard for granting summary disposition, Applicants would be entitled to judgment as a matter of law (see 10 C.F.R. § 2.749(d)).

The Board has, however, established a more lenient standard in this phase of the proceeding for granting summary disposition. As the Board noted in its June 29, 1984, Memorandum and Order¹, the Board intends to ask questions, request briefs or otherwise seek to clarify matters so as to determine whether sufficient information is available to make a "reasoned decision." Accordingly, we address below each of CASE's assertions with respect to Applicants' statement of material facts which we perceive to require clarification and/or rebuttal to assist the Board in reaching a sound decision. We believe there clearly is sufficient information before the Board for it to reach a reasoned decision on this issue. Before responding to CASE's answer, however, Applicants note that CASE fails in many instances to adhere to the Board's admonition in its Memorandum and Order that CASE demonstrate why its objections are relevant

¹ Memorandum and Order (Written-Filing Decisions # 1; some AWS-ASME Issues) (June 29, 1984) at 2-3 ("Memorandum and Order").

to the issues.² Further, CASE fails to demonstrate the existence of important issues that affect the public safety.³

B. Applicants' Reply to CASE's Arguments

Applicants focus below only on those arguments of CASE which are at least superficially relevant to the issues at hand. In addressing each issue we follow the numbering format set forth in the Affidavit of Mark Walsh ("Walsh Affidavit") which is CASE's Answer.

At the outset, on several occasions in his Affidavit, Walsh comments that he has not reviewed specific documents or back-up calculations related to a specific point. (See e.g., Walsh Affidavit at 1, and 3-6.) In that Applicants' motion for summary disposition on this issue was filed on June 22, 1984, CASE has had ample opportunity to request any additional documents needed. Applicants have provided CASE with all documents that it requested regarding Applicants' motion. In its August 13, 1984 letter to Mr. Horin regarding outstanding discovery items related to motions for summary disposition, CASE did not raise any outstanding items related to the instant motion. Accordingly, Walsh's complaint that he has failed to examine documentation associated with this issue is not reflective of any deficiency in Applicants' submittal or actions and should be given no consideration in resolving this motion. Indeed, it should be noted that CASE has had drawings associated with some of the pertinent supports for over two years, see e.g., CASE Exhibit

² Memorandum and Order at 6.

³ Id. at 7.

669B Attachments 7c and 7d which contain the drawings of two of the supports discussed. Despite CASE's review and analysis of these and other such supports, CASE has failed to demonstrate through calculations that even one of these type supports were, are or would be in an overstressed condition.

1. Statement of Material Fact 1:

In late 1981 Applicants identified four floor-to-ceiling supports designed by PSE without slip joints as being inconsistent with PSE guidelines. The PSE guidelines state that such large-framed supports should have slip-joints, the purpose being to negate the need to analyze differential displacements of the supports between floor and ceiling or between walls. ["Affidavit of R.C. Iotti and J.C. Finneran, Jr. Regarding Differential Displacement of Large Frame Pipe Supports" ("Applicants Affidavit") at 3.]

Walsh's concerns regarding this fact are that Applicants failed to state (1) which four supports it had identified in late 1981 as being contrary to PSE guidelines and (2) when in 1981 they were identified. Walsh alleges that "the specific date is important since there were no PSE guidelines prior to late 1981." He further states (without any substantiation) that the supports in question were designed and constructed without even knowing the applicable code. (Walsh Affidavit at 2-3.)

While Applicants contend that Walsh's concerns are not relevant to the material fact, Applicants will address each. First, Applicants identified the four supports as identical supports in the service water yard tunnel which were addressed in the report of the NRC Special Investigation Team ("SIT Report"). (Staff Exhibit 207.) Significantly, Applicants made clear that two of the four were the ones identified by CASE in its Exhibit 669B at Attachments 7c and 7d (Applicants Affidavit at 3-4). The

SIT Report discussed modifications of these two supports identified by CASE (Staff Exhibit 207 at 26). In short, Walsh's implication that he did not know any of the four identical supports that Applicants were referring to is simply incorrect.

Walsh's second allegation, that there were no PSE guidelines before late 1981, is also in error. Attached to "Affidavit of John C. Finneran, Jr. in Support of Applicants' Reply to CASE's Answer to Applicants' Motion for Summary Disposition Regarding Differential Displacement of Large-Framed, Wall-to-Wall and Floor-to-Ceiling Pipe Supports ("Finneran Affidavit"), is one page of Revision 1 of Section II of the PSE guidelines which reflects that guidelines regarding such large-framed supports were in place at least by January 6, 1981. In any event, even if there had been no PSE guidelines on these designs, this does not mean that the designs were inadequate. As set forth in Applicants' Affidavit (at 4-5) and not refuted by CASE's calculations, these supports were not overstressed and were in accordance with applicable allowables. This is reflective of sound engineering design practice.

Walsh's final allegation that designers did not even know which code applied, is also incorrect. Indeed, the design drawings of the four supports show on their faces the applicable code and design specifications (see e.g., CASE Exhibit 669B at Attachments 7c and 7d, drawings of two of the four supports).

2. Statement of Material Fact 2:

The four supports were conservatively designed such that the floor-to-ceiling columns could simply be cut off and the support would still be adequate. [Applicants Affidavit at 4.]

Walsh quotes the SIT Report as follows in an attempt to demonstrate an error in Applicants' statement that the four supports were so conservatively designed that they could simply be cut off and be adequate:

"During the course of the inspection, the Applicant informed the Special Inspection Team that these supports would be unable to withstand differential seismic displacements and were being redesigned." (Emphasis added.) [Walsh Affidavit at 3.]

Walsh contends that Applicants' alleged statement to the NRC Staff (as reflected in the above-quoted section of the SIT Report) does not reflect supports that could simply be cut off and be adequate. However, Walsh fails to quote the very next two sentences of the SIT Report which reflect the NRC Staff's understanding of and concurrence with Applicants' redesign, i.e., cutting off the floor-to-ceiling columns.

In subsequent discussions, the Applicant showed the Special Inspection Team component modification cards (CMC) 46174, Revision 8, and 46730, Revision 4 showing that the bottom portions of Item 25 on support SW-1-132-701-Y33R (Doyle Deposition Attachment 7C) and Item 22 on support SW-1-132-703-Y33R (Doyle Deposition Attachment 7D) respectively, are to be cut off to eliminate the floor-to-ceiling columns on the east end of each support. The Special Inspection Team concluded that the redesign resolves the concern. [Staff Exhibit 207 at 26.]

Applicants note that the above cited section of the SIT Report is quoted in CASE's Proposed Findings of Fact and Conclusions of Law (Walsh/Doyle Allegations) ("CASE's Proposed Findings") at VI-11 (August 2, 1983) which is cited in footnote 2 to Walsh's Affidavit on this very point. In short, Walsh's assertions provide no support for his position.

3. Statement of Material Fact 3:

To demonstrate the adequacy of the initial designs, using the computer code STRUDL, one of the four identical supports was analyzed using conservative assumptions and the resulting stresses in the support were all below allowables. Indeed, the actual differential seismic displacement was calculated to be .006 inches; a limited displacement of this magnitude would, as a practical reality, not be a concern for these supports. [Applicants Affidavit at 4-5.]

CASE first argues that Applicants provide no documentation to confirm that the four supports in question were identical. Walsh Affidavit at 4. In Applicants Affidavit (at 3), Applicants state that the four supports were identical. Walsh has presented nothing to refute Applicants factual assertion.

Next, Walsh states that Applicants' assertion that the four supports were adequate in the first instance is inconsistent with sections of the SIT Report, as noted above in response to Material Fact 2. However, Applicants' Affidavit clearly explains any apparent conflict by stating that after the SIT inquired about the supports, instead of performing a detailed calculation to determine the adequacy of the supports, Applicants chose to simply cut off the supports to eliminate any concerns. Subsequently, a detailed analysis was conducted and it was

determined that the supports were adequate as originally designed. (Applicants Affidavit at 4-5.) CASE presents no calculations to refute this position.⁴

4. Statement of Material Fact 4:

Applicants have reviewed all Unit 1 and common safety-related piping supports and determined that there are 26 supports spanning from wall-to-wall or floor-to-ceiling. Of these 26 supports, seven have slip-joints, four have small spans and negligible movements and are not considered large-framed supports, and the remaining 15 have been evaluated and adequately consider the potential for differential seismic displacement. [Applicants Affidavit at 5-6.]

Walsh provides no evidence to refute this Material Fact. However, he erroneously states that of the 12 pertinent supports designed by PSE, 2/3 (8 out of 12) do not meet the PSE design guidelines. Walsh apparently chooses to ignore Applicants' statement that four of the 12 supports identified have "small spans" (under four feet, three inches) and are not considered "large-framed supports." (Applicants Affidavit at 5-6 and Attachment 1.) In that they are not "large-framed supports," the PSE guidelines for "large-framed supports" are not applicable. Accordingly, of the PSE designed supports only the four original supports identified by Applicants in late 1981 (as discussed above) did not meet the applicable PSE guidelines.

5. Statement of Material Fact 5:

None of these remaining 15 supports were designed by PSE, and all were designed prior to the time that the PSE guideline was made applicable to the other design organizations. [Applicants Affidavit at 6.]

⁴ With regard to CASE's general assertion that thermal stresses and creep must be considered, see Applicants' motion at 4-5.

Wals' contends that Applicants' statement contradicts statements made by the NRC Staff as set forth in the SIT Report (Staff Exhibit 207 at 25). (Walsh Affidavit at 5.) Applicants disagree. While the SIT Report would seem to imply that Applicants informed the Staff that neither ITT-Grinnell nor NSPI had designed wall-to-wall or floor-to-ceiling supports prior to this time, this is not the case. Indeed, Applicants had previously testified that eight additional supports located on the Service Water System fell into this category (i.e., support numbers 17-24 in Attachment 1 to Applicants Affidavit. (These supports were discussed in Applicants Exhibit 142 at 25. Applicants knew that these supports were designed by ITT. (Finneran Affidavit at 2.) When asked this question by the Staff, Applicants stated that they were unaware of any such supports which had not been previously identified; however, the only way to be sure was to conduct a 100 percent review of all supports. (Finneran Affidavit at 2.) From this discussion, the NRC Staff made the above noted statement in the SIT Report. Subsequently, Applicants did conduct a review of Unit 1 and common supports and identified an additional nine supports which fell into this category which had been designed by either ITT or NPSI; all such supports were identified in Attachment 1 to Applicants Affidavit.

6. Statement of Material Fact 6:

The PSE guideline regarding floor-to-ceiling and wall-to-wall supports is not a code or procedural requirement, but rather guidance for the designer. [Applicants Affidavit at 6.]

Walsh provides no direct evidence to refute this material fact. Although irrelevant to this fact, Walsh states that the ASME Code requires consideration of certain loads when designing supports. Walsh alleges that Applicants have provided no documents which reflect that they considered such loads. (Walsh Affidavit at 6.) Applicants stated that they have evaluated all applicable loads and the supports are adequate (Applicants Affidavit at 4-6). (With regard to Walsh's assertion that creep and restrained thermal expansion should be considered, see Applicants Motion at 4-5.) Significantly, Walsh has not provided any calculation which reflects overstressed conditions for any of the supports in question, despite that fact that this has been an issue for over two years.

7. Statements of Material Facts 7, 8 and 10:

Walsh provides nothing to refute these material facts.

8. Statement of Material Fact 9:

The seismic deflection that could occur on wall-to-slab (ceiling or floor) supports consists of vertical deflection of the slab and horizontal deflection of the wall. In that such supports are near the juncture of the slab and wall, the actual deflection realized at the support would be minimal and less than the maximum deflection realized toward the middle of the wall or slab. [Applicants Affidavit at 8.]

While Walsh notes disagreement with the second sentence, his basis for disagreement is erroneous. Specifically, his disagreement is based on wall-to-wall and floor-to-ceiling supports; the fact addresses wall-to-slab (ceiling or floor) supports.

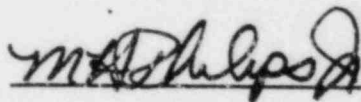
9. Three Board Questions:

Walsh contends that Applicants have not addressed the three Board questions raised in the Board Memorandum and Order of February 8, 1984 at 30, viz., "how it came about that PSE violated its own design guidelines, how this event came to be reflected in the design quality assurance system, and whether this problem was resolved promptly, as required by 10 C.F.R. Appendix B, Criterion XVI." These three questions are clearly addressed in Applicants' Affidavit (at 6-8) and Applicants' Motion (at 7-9).

III. CONCLUSION

For the foregoing reasons, the Board should find that there is sufficient evidence before it to reach a reasoned decision granting Applicants' motion for summary disposition concerning CASE's allegations regarding large-framed, wall-to-wall and floor-to-ceiling pipe supports.

Respectfully submitted,



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