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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF REPORT TO THE LICENSING BOARD ON
STATUS AND SCHEDULE FOR ADDRESSING HEARING ISSUES

The Board requested the NRC Staff ("Staff") to submit a status report and schedule for hearing issues "pending within the Staff [that are] going to control the proceeding." Tuesday, October 2, 1984, Tr. 19,252. The Board specifically requested a report on the Staff's responses to CASE's discovery request on the EG&G, Idaho, Inc. report on intimidation ("EG&G Report"), the Applicants' filing on Transamerica Delaval, Inc. ("TDI") emergency diesel generators, the Applicants' 10 C.F.R. § 50.57(c) motion regarding a fuel loading and precriticality testing license ("Fuel Load Motion"), including a response to the Board's October 1, 1984 "Memorandum (Concerns About Start-up Quality Assurance)," and the summary disposition motions on protective coatings and pipe

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support design concerns. ^{1/} Tr. 19,261-62. While the Staff's status report is set forth later in this filing, the Staff believes that a more significant consideration for completion of this proceeding is the completion of the Technical Review Team ("TRT") review effort and the development of the Staff position based on this effort. Affidavit of Vincent S. Noonan ("Noonan Affidavit"), Paragraph 2. The TRT was established to undertake a comprehensive review of many particularized issues relating to the adequacy of the design and construction of CPSES. These issues encompass matters identified in the hearing as well as matters identified in allegations which were not raised in the CPSES licensing hearings. The TRT review of these allegations (and their logical implications) will provide the Staff with a comprehensive appreciation and assessment of safety matters at CPSES. Id.

In some instances the TRT's review and findings may bear directly on currently unresolved matters raised in the hearing, such as QA procedures in document control. In other areas the TRT effort in the course of addressing a broader issue may bear upon relatively narrow issues raised in the hearing. For example, the maximum surface roughness issue raised in the hearing may itself be a relatively narrow issue but

^{1/} The Board also requested that a report on the status of the NRC Office of Investigation's ("OI") response to the Board's September 17, 1984 Order (requesting the release of OI Investigation Reports on CPSES which were listed in Board Notification 84-149 (August 28, 1984)). Tr. 12,255. Staff Counsel stated that the Board's request for a report would be transmitted to OI, but that Staff Counsel did not represent OI, since OI reports to the Commission, and not to the Executive Director for Operations. Tr. 19,255-56. Staff Counsel has informed OI of the Board's request.

it is encompassed in the TRT consideration of the broader, more generic concern about the adequacy of protective coatings at CPSES. In still other areas, the TRT findings may bear on issues having some relevance to the overall programmatic QA issue in contention. The TRT is conducting a comprehensive evaluation of the Applicants' management of their QA and QC programs. Noonan Affidavit, Paragraph 2.

Because of the many individual issues being addressed by the TRT, and because of the relevance of these issues to the broader issue of the overall adequacy of the Applicants' QA/QC program, the Staff believes that litigation of these individual issues before the Staff has completed its review and developed its overall position can only result in an incomplete understanding of the situation at CPSES and a confusing hearing record. Id. As set forth in Mr. Noonan's affidavit, the Staff believes that it is important to assure a comprehensive and coherent record on the overall quality assurance issue and the many sub issues, and in order to do so, the Board should await the completion of the TRT review before additional hearing sessions are held. ^{2/}

For these reasons the Staff submits that the most productive method of resolving the overall hearing issues is to permit the Staff to conclude its TRT effort, develop its overall position on the basis of its review, and then present that overall position to the Board at an appropriate time. Noonan Affidavit, Paragraph 2. Indeed, to go ahead before the Staff has completed its review and developed a position on the hearing

^{2/} We believe that many of the pending Walsh/Doyle summary disposition motions can and should be completed while the Staff is completing the TRT work.

issues would be counterproductive to the Board's effort to resolve the issues in this proceeding in an effective manner.

The Staff's status report with respect to hearing issues pending with the Staff is set forth below:

A. Discovery on EG&G Report

The Staff provided a partial response to CASE's Discovery Motion on October 16, 1984, and expects to provide additional documents on Wednesday, October 24, 1984. Noonan Affidavit, Paragraph 3. Further, the Staff has advised the other parties that the authors of the EG&G Report will be available in Bethesda, Maryland for a "Briefing Session" on November 8-9, 1984.

B. TDI Diesel Generators

The Staff efforts on TDI diesel generators to date have been directed primarily at the technical questions involving the adequacy of TDI diesel generators. Pacific Northwest Laboratories ("PNL"), the Staff's consultant retained to review the Applicants' Program for TDI diesel generators, has completed its report on the Applicants' Program. The Staff has completed its review of the PNL Report, and has issued a preliminary Supplemental Safety Evaluation Report ("SSER") on this subject. Copies of the preliminary SSER and the PNL Report were transmitted to the Board and parties on October 1, 1984. Noonan Affidavit, Paragraph 4.

The Staff is currently evaluating the adequacy of the Applicants' Vendor QA program. The Staff has also asked Applicants a set of questions regarding QA/QC with regard to TDI diesel generators and is

currently beginning an inquiry into the adequacy of Applicants' Vendor QA program as applied to TDI diesel generators. The Staff expects to complete its inquiry on Applicants' Vendor QA program and its implementation with regard to TDI diesel generators by the end of November 1984. Noonan Affidavit, Paragraph 4.

C. Fuel Load Motion

Staff currently projects to respond to the Board's October 1, 1984 "Memorandum (Concerns About Startup Quality Assurance)" by the middle of December 1984. The Staff intends to respond to other aspects of "Applicants' Supplement to Motion for Authorization Pursuant to 10 C.F.R. § 50.57(c)" (September 13, 1984) by November 2, 1984. Noonan Affidavit, Paragraph 5.

D. Summary Disposition of Piping and Pipe Support Design/QA Issues

The Staff is currently reviewing the Applicants' September 24, 1984 partial response to a set of Staff questions raised during the technical meetings held on August 8, 9, and 23, 1984. The Staff is awaiting the Applicants' remaining responses to the Staff's questions. The Staff expects to be able to complete one summary disposition motion (AWS/ASME Codes Provisions on Weld Design) by early November 1984. The Staff expects to file its responses on damping factors for OBE/SSE loading conditions, section property values, effects of gaps on seismic response, safety factors, use of generic stiffnesses, and friction forces due to small thermal movements by the end of November 1984. The Staff expects to file its responses to Applicants' summary disposition motions

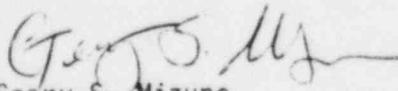
on U-bolts, Richmond inserts, stability of certain pipe support designs, the upper later restraint, wall-to-wall and floor to ceiling supports, force Distributions in axial restraints, and local displacements and stresses by the middle of December 1984. This schedule may be affected by any further filings by CASE and/or Applicants which the Board requests that the Staff respond to in its response to Applicants' summary disposition motions. Noonan Affidavit, Paragraph 6.

The remaining summary disposition motion on the overall pipe and pipe support design QA and design control process, cannot be completed until the Staff has finished its evaluation of the previously mentioned summary disposition motions, and also reviewed the findings of the TRT in the design QA/QC area. Accordingly, the Staff projects that its response on this subject will be filed by mid January 1985. Noonan Affidavit, Paragraph 6.

E. Summary Disposition of Protective Coatings Issues

Applicants have filed motions for summary disposition on the maximum surface roughness issue (June 25, 1984) and on Westinghouse component coatings (September 4, 1984). The TRT is currently completing its review of the protective coatings area, and the Staff expects to respond to Applicants' summary disposition motions on protective coatings by mid January 1985. Noonan Affidavit, Paragraph 7.

Respectfully submitted,


Geary S. Mizuno
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 19th day of October, 1984