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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-445 and
TEXAS UTILITIES ELECTRIC)	50-446 -02
COMPANY, ET AL.)	
)	(Application for
(Comanche Peak Steam Electric)	Operating Licenses)
Station, Units 1 and 2))	

APPLICANTS' REPLY TO CASE'S ANSWER TO
APPLICANTS' MOTION FOR SUMMARY DISPOSITION
REGARDING THE UPPER LATERAL RESTRAINT BEAM

I. INTRODUCTION

Texas Utilities Electric Company, et al. ("Applicants") hereby submit their reply to "CASE's Answer to Applicants' Statement of Material Facts as to Which There is no Genuine Issue Regarding the Upper Lateral Restraint Beam," filed August 29, 1984. Applicants filed their motion for summary disposition on this topic on May 20, 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. 13,955). As demonstrated 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)).¹

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 Order², 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". As demonstrated below, there clearly is sufficient information before the Board for it to reach a reasoned decision on this issue.

Further, CASE fails in the instant answer to adhere to the Board's admonition in its Memorandum and Order that CASE demonstrate why its objections are relevant to the issues.³ More

¹ We note that CASE has failed to file a statement of material facts as to which it contends there is a genuine issue to be heard, as required by 10 C.F.R. §2.759(a). We do not stand on this technicality, however, but note that this failure makes it all the more difficult to discern precisely what CASE's assertions are.

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

³ Memorandum and Order at 6.

importantly, CASE also fails, contrary to the Board's further admonition, to demonstrate that its points of disagreement with Applicants constitute important issues that affect the public safety.⁴ In short, CASE's answer makes it extremely difficult to discern whether, and if so what, additional questions need be answered for the Board to reach a reasoned decision. In fact, the Board requested Applicants' assistance in resolving these issues in the conference call during which it requested that Applicants respond to CASE's answers (Tr. 13,993). Accordingly, in accordance with the Board's request we address below each of CASE's assertions which we perceive to require clarification and/or rebuttal to assist the Board in reaching a sound decision.⁵

B. Applicants Reply to CASE's Answer

Applicants focus here on CASE's assertions which are clearly relevant to the issues at hand. As already noted, CASE generally does not demonstrate why its arguments should be considered to raise important safety questions. Thus, it is difficult to predict whether the Board might consider any particular argument to

⁴ Id. at 7.

⁵ In support of the instant Reply we attach hereto the "Affidavit of Robert C. Iotti In Support of Applicants' Reply to CASE's Answer to Applicants' Motion for Summary Disposition Regarding the Upper Lateral Restraint Beam," ("Iotti Affidavit").

raise an important issue. Accordingly, we have addressed each potentially relevant issue regardless of its apparent lack of safety significance.

1. Purpose of Upper and Lower Lateral Restraints

The upper and lower lateral restraints provide a restraining mechanism for the steam generator under certain postulated conditions (Applicants' First Statement of Material Fact). CASE makes two comments regarding this statement. First, CASE asserts that the "primary purpose" of the upper lateral restraint is "restraining the concrete walls". That assertion is simply false. (Iotti Affidavit at 2-3.) Second, CASE disagrees with the inclusion of the lower lateral restraint in Applicants' analyses because it was not the subject of "concern and testimony", although admitting CASE addressed it in its original testimony (Affidavit at 2). However, CASE does not, and indeed, cannot, contend that its inclusion in the analysis is not appropriate (Iotti Affidavit at 3). Thus, CASE provides no sound basis for disputing Applicants' first statement of material fact. Accordingly, the Board should accept that statement.

2. Scope of Applicants' Analysis

Applicants' analysis examined the effects of a LOCA and a main steam line break on the upper and lower lateral restraints and steam generator compartment walls (Applicants' Second Statement of Material Fact). CASE incorrectly asserts that Applicants

did not consider LOCA effects, forces on the concrete walls or shear stresses in the bolts or beam (Affidavit at 3-4). Each of CASE's assertions are false. That LOCA effects and the forces on the concrete walls were considered is obvious from Applicants' motion. Further, CASE incorrectly assumed that Applicants did not consider shear stresses on the bolts and beams.⁶ These effects were evaluated and found acceptable. (Iotti Affidavit at 3-5.)

Finally, CASE argues that the mere performance of the analyses for the restraints indicates that the original design process was inadequate (Affidavit at 4-6). CASE misconstrues the purpose of the analyses. Only because the Board could not find that the design of the upper lateral restraint was adequate in the face of "possibly conflicting" viewpoints did Applicants undertake their detailed analyses.⁷ Applicants' analyses satisfied the commitments made by Applicants in their February 3, 1984, Plan to Respond to Memorandum and Order (Quality Assurance for Design) (at 6, Item 8). These analyses demonstrate not only the adequacy of the design but confirm the validity of the judgment employed in the original design. (Iotti Affidavit at

⁶ At no point during the lengthy discovery process on Applicants' motions did CASE request any information regarding the upper lateral restraint. [In fact, Applicants had provided to CASE with our motion the computer analyses that had been performed.] For CASE now to claim that Applicants did not evaluate certain effects simply because they were not expressly addressed in the motion is disingenuous.

⁷ Applicants' motion at 2-3.

5.) Thus, CASE's assertion that Applicants' recent analysis suggests in any way that the original design effort was inadequate is unfounded.⁸

In sum, CASE has presented no valid basis for questioning Applicants' second statement of material fact. Accordingly, the Board should accept Applicants' second statement.

3. Assumptions Underlying Applicants' Analyses

Applicants' third statement of material fact identifies the assumptions underlying Applicants' analyses, noting the conservatism present in those assumptions (Applicants' Third Statement of Material Fact). CASE apparently believes that Applicants meant that every individual assumption in their analysis was conservative (Affidavit at 7-12). Reading the entire statement clearly shows that the overall analytical technique was conservative. Many individual assumptions are, therefore, conservative, although some simply represent requirements. CASE's belief to the contrary is in error. (Iotti Affidavit at 5-6.)

⁸ Similarly, CASE's argument that because further analyses of the upper lateral restraint was undertaken its design should have been reported as a significant deficiency pursuant to 10 C.F.R. §50.55(e) is without merit. No deficiency in the design of the upper lateral restraint has ever been found. Indeed, the Board never found the design to be inadequate. The performance of further analyses to resolve what the Board believed to be conflicting opinions does not indicate that the original design was inadequate. Thus, no condition requiring action pursuant to 10 C.F.R. §50.55(e) ever existed.

Further, each of CASE's assertions regarding Applicants' individual assumptions are incorrect. CASE first erroneously assumes that the maximum accident temperature can occur simultaneously with jet impingement loads and, thus, Applicants assumption to that effect is not conservative (Iotti Affidavit at 6). CASE next asserts that Applicants' assumption that the maximum temperatures of the upper and lower lateral restraints occur simultaneously is "unconservative" (Affidavit at 9). Contrary to the implication of CASE's assertion, the difference in timing of maximum temperatures of the two beams for the LOCA scenario is inconsequential. Further, the peak temperature assumptions for both beams in the main steam line break scenario are conservative. (Iotti Affidavit at 7-8.) Finally, CASE's assertion that Applicants assumed incorrect concrete strengths is false. Had CASE read Applicants' affidavit more carefully, CASE would have recognized that Applicants had utilized appropriate concrete strengths (Iotti Affidavit at 8). The remainder of CASE's discussion regarding this statement of material fact is comprised of unfounded speculation. Thus, the Board should find that CASE presents no valid basis for disputing Applicants' third statement of material fact.

4. Stresses in Concrete And Reinforcing Steel

Applicants' fourth statement of material fact demonstrates that the stresses in the concrete and reinforcing steel are within allowable stress limits of the walls. CASE claims,

incorrectly, that Applicants did not consider certain stresses (Iotti Affidavit at 9). Thus, the Board should find CASE has presented no basis for questioning Applicants' fourth statement.

5. Timing of Mechanical and Thermal Expansion Loads

This fifth statement of material fact concerns the fact that the restraints have already resisted the maximum mechanical loads before the thermal expansion loads reach a maximum. CASE apparently would have Applicants postulate a scenario in which the mechanical loads occur after the thermal expansion effects have reached their maximum (Affidavit at 13). CASE points to no NRC requirement that would require consideration of the scenarios (simultaneous or sequential LOCA and main steam line break) it envisions. Such unique accident scenarios are inconsistent with NRC regulatory requirements. (Iotti Affidavit at 9-10.) CASE's assertions in that regard are, therefore, beyond the jurisdiction of the Board. 10 C.F.R. §2.758. Finally, CASE's claim that under the scenarios Applicants' considered the peak mechanical and thermal loads may coincide is unfounded (Iotti Affidavit at 9-10).

Again, CASE has presented no evidence which demonstrates that any aspect of Applicants' statement of material fact is incorrect, and the Board should so find.

6. Stresses Within Beam

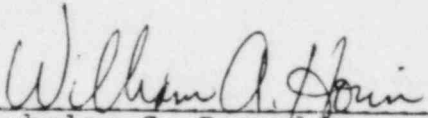
CASE again postulates an accident scenario which is not realistic and which is inconsistent with applicable regulatory requirements (Affidavit at 13). CASE fails to demonstrate that Applicants' sixth statement of material fact concerning the timing of the mechanical and thermal stresses within the beams is inappropriate (Iotti Affidavit at 13). Thus, the Board should accept Applicants' sixth statement of material fact.

Finally, CASE's generalized assertions that the original design of the restraints have been shown to be improper are unfounded. Similarly, CASE's claim that the mere performance of complex analyses is evidence that the original design effort was flawed is meritless. The analyses were performed to respond to specific unanswered questions which arose in the hearing process. In fact, in another context, reasonable technical people would have answered these questions using appropriate technical judgment without having to resort to such complex analyses. (Iotti Affidavit at 10-11.)

III. CONCLUSION

For the foregoing reasons, the Board should find that there is sufficient evidence before it to reach a reasoned decision on CASE's allegations regarding the upper lateral restraint beam and that evidence demonstrates that Applicants' practice is appropriate and based on sound engineering principles.

Respectfully submitted,



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