

253.

RELATED CORRESPONDENCE

8/14/85

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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)

EX-100-100-100-100-100

Docket Nos. 50-4450L
and 50-4460L

DOCKETED
USNRC

'85 AUG 19 P12:05

(Application for an
Operating License)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CASE'S MOTION FOR IMMEDIATE BOARD ORDER
FOR APPLICANTS TO PRESERVE EVIDENCE

CASE (Citizens Association for Sound Energy), Intervenor herein, hereby files this, its Motion for Immediate Board Order for Applicants to Preserve Evidence. Further, because of the importance of this matter and the urgency of the problem, CASE moves that the Board order immediate responses from Applicants and the NRC Staff so that the Board can make an expedited decision.

CASE finds itself in an urgent situation which requires immediate action on the part of the Licensing Board, in CASE's opinion. The Applicants are proposing to (and will, if the Board does not take immediate action) destroy the evidence of their fatally flawed design/design QA of pipe supports. They propose to tear down and rebuild -- and thereby destroy the as-built configuration of -- the large-bore pipe supports if they are unable to easily prove (which they obviously cannot) that the original design was adequate. (See: 6/14/85 Transcript of NRC Staff/Applicants meeting, Volume II, Afternoon Session, pages 182/6-189/10, 193/4-195/2, 203/13-204/25, 250/25-251/2, especially 183/3-14, 185/18-25, 194/3-195/2, 203/16-21, 250/25-251/2; see also CPRT Plan, Appendix A, page 13 of 58, II.4., which lacks specificity.)

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This situation has become extremely urgent because of the position taken by the NRC Technical Review Team (TRT) in its NRC Staff Evaluation (released in Dallas on 8/13/85). If the Board does not take any action with regard to this particular matter before it either accepts or rejects the Applicants' CPRT Plan, it will be too late to order an inspection and evaluation of the as-built configuration which resulted from the original flawed design because it will have been destroyed.

Further, by this action, Applicants will have removed many of the already-known safety-related design deficiencies identified in the licensing proceedings by CASE and Cygna (some of which is not yet in the record) as well as construction deficiencies identified by the TRT.

CASE has presented to the Licensing Board, in the process of these proceedings, a relatively small sample (albeit admittedly unscientific) of pipe support drawings, calculations, and documentation, etc., exhibiting design/design QA deficiencies; additional sampling has been performed by Cygna Energy Services, again identifying design/design QA deficiencies. Construction deficiencies have been identified on large-bore pipe supports by the TRT (see SSER No. 11, pages 0-18 and 0-19, for example).

The exclusion of this valuable data would undoubtedly skew the remaining samples (design and construction) towards acceptance on false premises. This would also rob CASE and the Licensing Board of valuable evidence relevant and material to CASE's Contention 5.

In addition, Applicants' actions would rob the Board and CASE of a potentially very valuable testing method (e.g., should Stone & Webster be unable to quickly prove the acceptability of a particular pipe support by analyses and therefore remove it and replace it with another design, such

support could be used for destructive testing of the welds). Further, it would rob the Board and CASE of the ability to test Applicants' QA/QC program regarding their as-built/vendor certified pipe support program, etc., through Staff walkdowns or other verification methods.

CASE believes that it is imperative for the Board to act NOW to take control of this case. We contend that the Licensing Board (not the NRC Staff or the Applicants) should be responsible for overseeing the conduct of any reinspection -- and that any such reinspection should be performed under strict independent protocol-controlled procedures so that the Board, the parties, and the public can have some degree of confidence in the results of such reinspection. Further, CASE maintains that the Board must act now to assure that relevant and material evidence is preserved -- before the Board makes its decision on the adequacy or inadequacy of the Applicants' CPRT Plan.

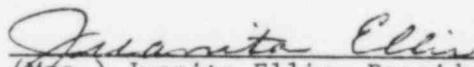
CASE is not asking that the analyses which Stone & Webster is apparently already performing be discontinued or even delayed. We ask only that Applicants be ordered NOT to remove any difficult-to-analyze or deficient pipe supports until the Board issues a specific order to the contrary. Thus, CASE's request would not harm any party; however, a denial of CASE's request would irreparably harm CASE's due process rights and the Board's ability to render a well-informed judgement.

In conclusion:

For the reasons discussed herein, CASE moves that the Licensing Board:

- (1) Order Applicants to preserve the original large-bore pipe supports in place and in a condition which would allow complete verification and testing;
- (2) Order immediate responses from Applicants and the NRC Staff to CASE's instant pleading; and
- (3) Make an expedited decision on CASE's Motion.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
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Energy)

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