

~~CONTAINS SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION
WITHHOLD PER 10 C.F.R. § 2.390 AND JULY 1, 2009 PROTECTIVE ORDER~~

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
Luminant Generation Co., LLC
Comanche Peak Nuclear Power Plant
Units 3 and 4
Combined License Adjudication

Docket Nos. 52-034, 52-035

Intervenor's Contentions Regarding Applicant's Submittal

Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and Request for Subpart G Hearing

Introduction

Pursuant to the Board's Order of July 1, 2009 the Intervenor hereby present their contentions regarding the Applicant's submittal of May 22, 2009 that purports to bring the COL application into compliance with 10 C.F.R. § 50.54(hh)(2). The Intervenor's contentions herein regarding the submittal are based, for the most part, on the failure of the Applicant to discuss the full spectrum of damage states to which the mitigation strategies are to apply. The failure to discuss the full spectrum of damage states does not allow an analysis of the adequacy of the mitigation strategies outlined in the submittal. Therefore, the efficacy of any particular mitigation strategy that is affected by either the size or number of fires/explosions caused by the initiating event(s) is unknown based on the information in the submittal.

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The Intervenors' original Contention Seven was one of omission that argued the COL application was deficient because it failed to address mitigative measures related to fires and explosions that cause a large loss of plant.¹ Petitioners' Contentions, pp.22-26. The Applicant's response was to develop the Mitigative Strategies Report (the May 22, 2009 submittal) that relies primarily on the guidance in NEI 06-12. However, NEI 06-12 concedes that it makes no attempt to predict the number or magnitudes of fires and explosions from an initiating event(s) or the full spectrum of damage that result therefrom. Neither does it make any quantitative or qualitative descriptions of the scale of events for which mitigative responses would be required. NEI 06-12, p.1.

Additionally, the submittal leaves for future actions significant tasks related to the mitigative measures. Many of these incomplete items are directly related to the capacity of the Applicant to adequately respond to large explosion/fire events. Moreover, the incomplete items frequently refer to "event guidelines" with no specification of the full spectrum of damage states to which the "event guidelines" apply.

Accordingly, the submittal in question is an inadequate means to determine whether the mitigative measures specified therein are adequate.

¹ Contention Seven has been the subject of briefings concerning whether it was rendered moot as a result of the presentation of the Applicant's May 22, 2009 submittal to the NRC. The Intervenors incorporate by reference the arguments and authorities cited in their mootness pleadings as such apply to the omission of discussions in the submittal regarding the full spectrum of damage states that the mitigative strategies are intended to address. However, nothing herein should be construed as a waiver of any prior Intervenor mootness argument.

Summary of Contentions

1. The submittal is deficient because it omits any reference to the numbers and magnitudes of the fires and explosions that would be expected, for example, from the impact of a large commercial airliner(s). Without such reference there is an inadequate basis to determine whether the proposed mitigative strategies are adequate to comply with 10 CFR §50.54(hh)(2). Compliance with 10 C.F.R. 50.54(hh)(2) cannot be determined without a determination of the full spectrum of damage states. At a minimum, the Applicant should be required to describe damage footprints both quantitatively and qualitatively, including composite damage footprints, that are reasonably expected with an airstrike(s) and include descriptions of anticipated physical damage, shock damage, fire damage, fire spread, radiation exposures to emergency responders and the public and other effects such as failure of structural steel. See draft regulatory guidance for the aircraft impact design regulation, 10 C.F.R. § 50.150, NEI 07-13, pp. 32-36.

2. There are at least seventeen items in the Mitigative Strategies Table which reference to LOLA "event guidelines" for the "Commitment/Strategy". However, the MST does not specify whether the LOLA "guidelines" or "event guidelines" are or will be developed based on a damage footprint of sufficient extent and severity to accommodate the likely impact(s) of large commercial airliner(s) and/ or the full spectrum of damage states irrespective of the initiating event(s). Accordingly, there is no way to determine whether the proposed mitigative strategies are adequate.

3.

(b)(4)

Without an appropriately

detailed and accurate model, the Applicant cannot demonstrate that its plan for mitigating
LOLAs can be effectively executed without subjecting on-site responders to excessive radiation
exposure. The Applicant has not conducted a dose assessment necessary to establish that the
mitigative strategies could be implemented without reliance on extraordinary or heroic actions.
Further, the Applicant has not established that the dose assessment models are adequate to do the
assessment in any event, taking into account the full spectrum of damage states.

EXEMPTION 4 LUMENANT

4.

(b)(4)

EXEMPTION 4 NIEI

5.

(b)(4)

However, there is no discussion of the number or magnitude of fires

that would require water nor the full spectrum of damage states that would require fire
suppression. There is no evidentiary support for an assumption by the Applicant that adequate
supplies or pumping capacity is available simultaneously for emergency reactor cooling, SFP
cooling and suppressing multiple fires.

EXEMPTION 4 LUMENANT

Contentions

1. The submittal is deficient because it omits any reference to the numbers and magnitudes of the fires and explosions that would be expected, for example, from the impact of a large commercial airliner(s). Without such reference there is an inadequate basis to determine whether the proposed mitigative strategies are adequate to comply with 10 CFR §50.54(hh)(2). Compliance with 10 C.F.R. 50.54(hh)(2) cannot be determined without a determination of the full spectrum of damage states. At a minimum, the Applicant should be required to describe damage footprints both quantitatively and qualitatively, including composite damage footprints, that are reasonably expected with an airstrike(s) and include descriptions of anticipated physical damage, shock damage, fire damage, fire spread, radiation exposures to emergency responders and the public and other effects such as failure of structural steel. See draft regulatory guidance for the aircraft impact design regulation, 10 C.F.R. § 50.150, NEI 07-13, pp. 32-36.

A. Legal basis for contentions of omission

10 C.F.R. § 2.309(f)(1)(v) requires the Intervenor to provide a concise statement of the facts that support their positions and upon which they intend to rely at the hearing. However, the requirements of 10 C.F.R. § 2.309(f)(1)(v), that generally call for a specification of facts or expert opinion supporting the issue raised, are not applicable to a contention of omission beyond identifying the omitted information required under the regulation in question. North Anna, LBP-08-15, 68 NRC (slip op. at 27) (quoting Pa'ina Hawaii, LLC (Materials License Application), LBP-06-12, 63 NRC 403, 414 (2006)). Thus, for a contention of omission, the Intervenor's burden is only to show the facts necessary to establish that the application omits information that

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should have been included. The facts relied on need not show that the facility cannot be safely operated, but rather that the application is incomplete. Catawba Nuclear Station, Units 1 and 2, CLI-02-28, 56 NRC 373, 383 (2002).

B. The submittal is deficient because it fails to discuss the full spectrum of damage states consistent with the loss of large areas of the plant due to explosions or fire [and fails to provide analysis demonstrating that given the full spectrum of damage states, the proposed mitigative measures are sufficient to comply with 10 C.F.R. § 50.54(hh)(2)].

10 C.F.R. § 52.80(d) mandates that the subject COL application include the means to meet the requirements of 10 C.F.R. § 50.54(hh)(2).² This regulation on its face requires that the applicant consider that there will be a loss of large areas of the plant due to fires/explosions (LOLA events). The regulation does not specify the numbers and magnitudes of the fires and explosions that the applicant is to consider. However, the Federal Register notice that announced the final adoption of 10 C.F.R. § 50.54(hh)(2) does require that the mitigative strategies response procedures consider aircraft attacks as a baseline³ for determining the scale of fires/explosions

² 10 C.F.R. 50.54(hh)(2) requires as follows: "Each licensee shall develop and implement guidance and strategies intended to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities under the circumstances associated with loss of large areas of the plant due to explosions or fire, to include strategies in the following areas: (i) Fire fighting; (ii) Operations to mitigate fuel damage; and (iii) Actions to minimize radiological release."

³ "Licensees are required to develop procedures to facilitate the rapid entry of appropriate onsite personnel as well as offsite responders into their protected areas to deal with the consequences of an aircraft impact." (74 Fed. Reg. 13957)

"Because the most well-considered plans and procedures do not guarantee that critical on-shift personnel will survive an aircraft impact, the rule requires licensees to develop, implement, and maintain procedures for an effective recall process for appropriate off-shift personnel." (74 Fed. Reg. 13957)

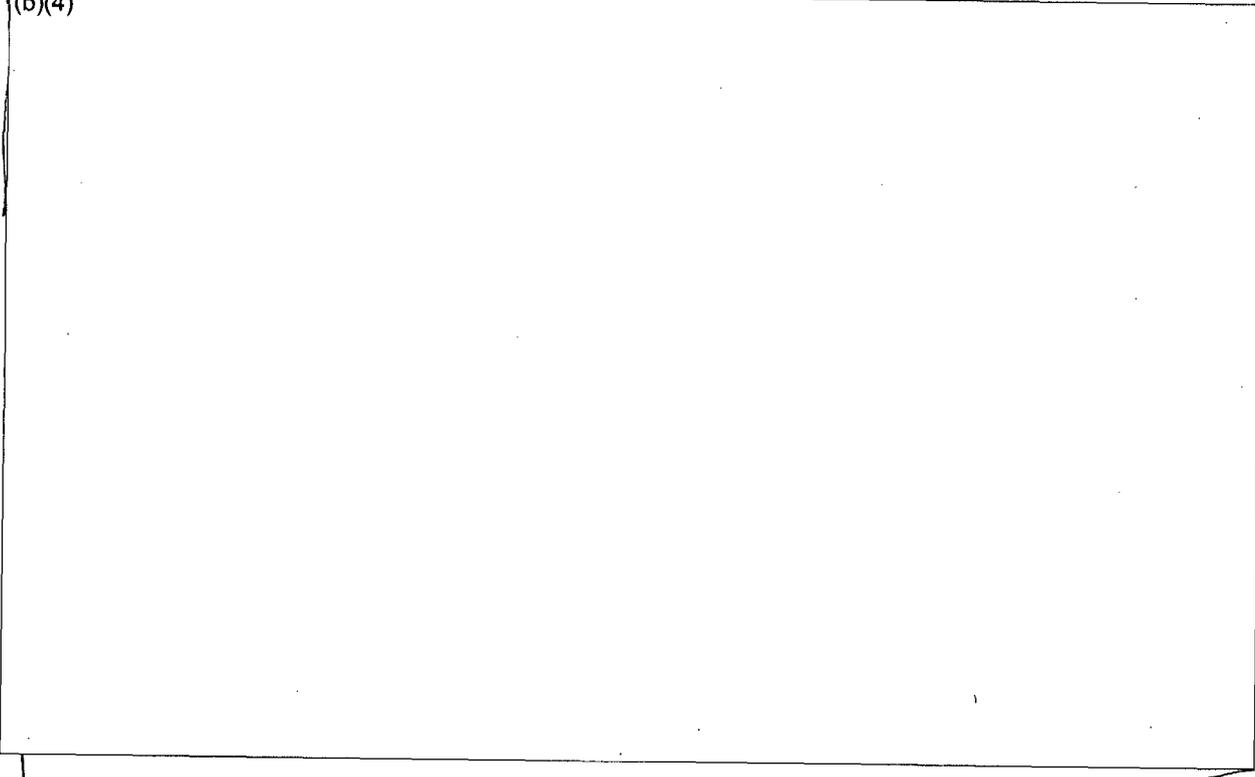
"The mitigative strategies employed by new reactors as required by this rule would also need to account for, as appropriate, the specific features of the plant design, or any design changes made as a result of an aircraft assessment that would be performed in accordance with the proposed Aircraft Impact Assessment rule (72 FR 56287; October 3, 2007)." (74 Fed. Reg. 13957)

"As discussed previously, the Commission has proposed in a separate rulemaking to require designers of new nuclear power plants (e.g., applicants for standard design certification under part 52, and applicants for combined licenses under part 52) to conduct an assessment of the effects of the impact of a large commercial aircraft on a nuclear power plant." (74 Fed. Reg. 13957)

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that would be assumed to occur and therefore addressed by the requirements of 10 C.F.R. § 50.54(hh) (2).⁴ Intervenors understand that initiating events are not necessarily limited to a single aircraft attack and recognize such could include multiple aircraft attacks in close temporal proximity with a coordinated ground attack intended to further compromise reactor containment, core cooling and/or spent fuel pool cooling and/or to disrupt efforts to suppress fires and initiate other mitigative measures. But such a recognition is not discussed in the submittal and its absence makes effective evaluation of the efficacy of the mitigative strategies impossible.

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EXEMPTION 4 LUMBERMAN J

EXEMPTION 4 NRI

“Section 50.54(hh)(2) focuses on ensuring that the nuclear power plant’s licensees will be able to implement effective mitigative measures for large fires and explosions including (but not explicitly limited to) those caused by the impacts of large commercial aircraft. (74 Fed. Reg. 13958)

⁴ “*Mitigative Strategies and Response Procedures for Potential or Actual Aircraft Attacks*. These requirements appear in new § 50.54(hh). Section 50.54(hh)(1) establishes the necessary regulatory framework to facilitate consistent application of Commission requirements for preparatory actions to be taken in the event of a potential or actual aircraft attack and mitigation strategies for loss of large areas due to fire and explosions.” 74 Fed. Reg. 13927-13928.

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The Intervenor contend that the failure of the Applicant to discuss the scale (i.e. numbers and magnitudes) of the fires and explosions anticipated from an initiating event(s) renders its submittal inadequate to meet the requirements of 10 C.F.R. § 52.80(d) and 10 C.F.R. § 50.54(hh).

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Accordingly, there is no way to determine whether the proposed mitigative strategies are actually adequate to address the numbers and magnitudes of fires and explosions that could reasonably be expected from, for example, the impact(s) of a large commercial airliner(s) into a nuclear power plant(s).⁵

The supplementary information in 74 Fed. Reg. 13926 regarding 10 C.F.R. § 50.54(hh)(2) clearly anticipates that the fire and explosions that the regulatory requirements envision would be of the magnitude that would result from the impact of a large commercial airliner. (see footnote 3). Nevertheless, the Applicant has chosen to rely upon the NEI 06-12 that makes no statements about the numbers or magnitudes of the fires or explosions that are considered. Therefore, there is no meaningful way to determine whether the mitigative strategies in the Applicant's submittal are adequate to deal with fires and explosions that would be caused by the impact of a large commercial airliner(s) or other initiating event(s).

⁵ The initiating events, irrespective of cause, are considered beyond-the-design-basis for new nuclear plants. Mitigative Strategies Report, p. 1. Beyond-design-basis "is used as a technical way to discuss accident sequences that are possible but were not fully considered in the design process because they were judged to be too unlikely. As the regulatory process strives to be as thorough as possible, "beyond design-basis" accident sequences are analyzed to fully understand the capability of a design." NRC Glossary. However, whether certain initiating events are within the original design basis is rendered irrelevant for purposes of application of 10 C.F.R. § 50.54(hh)(2). The regulatory objective now is to determine whether the mitigative response strategies are adequate notwithstanding that nuclear power plants have not been designed to withstand such impacts and the effects therefrom were not considered in the original designs.

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EXEMPTION 4 NIEI

What is the “full spectrum of potential damage states” to which the guidance refers? If the “full spectrum of potential damage states” is known sufficiently to conclude that identified response capabilities may be inadequate, why is this undefined/undescribed spectrum not utilized to accurately predict the nature and extent of damage that could be expected from the impact of a large commercial airliner(s) or similar initiating events?

Large commercial airliners are known quantities. For example, the fuel capacity of airliners is quantifiable as well as the amount of fuel that would be consumed from takeoff from various originating airports to impact into Comanche Peak Units 3 and 4. Additionally, the physics of an impact would presumably also be quantifiable. Based on these quantifiable variables the Intervenor contend that the nature and extent of the damage that reasonably could be expected from the fires and explosions resulting from the impact of a large commercial airliner are known sufficiently to tailor a response strategy appropriate thereto. The submittal may be adequate for its stated purpose but there is no way to determine such without a defined description of the event(s) to which the subject mitigative strategies apply.

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Descriptions of the effects of aircraft impacts into nuclear plants have been made in other contexts.⁶ For example, NEI 07-13 is the draft regulatory guidance for the aircraft impact design regulation, 10 C.F.R. § 50.150. This guidance document specifically differentiates between the requirements of 10 C.F.R. § 50.150 and the requirements of 10 C.F.R. § 50.54(hh). The guidance document for 10 C.F.R. § 50.150 states:

Given the number of variables in performing the required assessments, there is a range of uncertainty in the results obtained from the application of this guideline. There is obviously also an uncertainty associated with the characteristics of the aircraft impact itself. For these reasons, the methodologies described in this document are intended to provide "best estimate" results, consistent with the requirements of the final rule (10 CFR 50.150) to use realistic analyses. Treatment of uncertainties (hot shorts, spurious actuations, actual fire spread, shock effects, and estimated physical damage footprint) would overly complicate the assessments and are best addressed through 10 CFR 50.54 (h)(h) [sic] which requires all new plants to develop mitigation strategies to address loss of large areas of the plant due to fire or explosion from any cause. NEI 07-13, Rev. 7, May 2009 (public version), pp. 2-3 (emphasis added)

However, the Applicant's submittal at issue covers none of the uncertainties, such as the "hot shorts, spurious actuations, actual fire spread, shock effects and estimated physical damage footprint," that NEI 07-13 anticipates will be done as a function of compliance with 10 C.F.R. § 50.54(hh)(2).

However, NEI 07-13 describes some of the anticipated effects of an aircraft impact including damage footprint assessments. NEI 07-13, pp.29-36. The significance of these descriptions as related to the subject submittal includes the anticipated efficacy of Phase 1 fire suppression efforts when there are multiple fires, major structural damage, station blackout,

⁶ "Since September 11, 2001, the Commission has used state-of-the art technology to assess the effects of aircraft impacts on nuclear power plants. As part of a comprehensive review of security for NRC-licensed facilities, the NRC conducted detailed, site-specific engineering studies of a limited number of nuclear power plants to assess potential vulnerabilities of deliberate attacks involving large, commercial aircraft. In conducting these studies, the NRC consulted national experts from several Department of Energy laboratories using state-of-the-art structural and fire analyses. The agency also used realistic predictions of accident progression and radiological consequences." 74 Fed. Reg 28119. (Emphasis added)

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breach of containment integrity, loss of core cooling capacity and the loss of/compromised spent fuel pool cooling that could occur simultaneously. Such a scenario is not unrealistic under the damage footprint descriptions in NEI 07-13. *Id.* However, the submittal makes no projections as to the number or magnitude of explosions that could cause damage that could impair core cooling, containment or spent fuel pool cooling. Also, the submittal makes no projections as to the number or severity of fires that may have to be suppressed simultaneously in order to restore or maintain cooling of the reactor core and the spent fuel pool. This renders impossible the ability to make any conclusion regarding the adequacy of the response measures required under 10 C.F.R. § 50.54(hh).

The Applicant has provided a statement of mitigative measures without any attempt to determine whether such are adequate for the regulatory requirement of addressing fires and explosions that would result from the impact of a large commercial airliner. Thus, there is a material issue of fact between the Applicant and Intervenors. 10 C.F.R. § 2.309(f)(1)(vi). Since one of the scenarios that 10 C.F.R. § 50.54(hh)(2) is required to address is an aircraft impact, and since regulatory guidance in NEI 07-13 is now available that includes a "best-estimate" model of the resulting damage footprint from such an impact, the Applicant must establish that the proposed mitigative measures would be effective in maintaining or restoring reactor containment, core cooling, and spent fuel pool cooling capabilities following such an event.

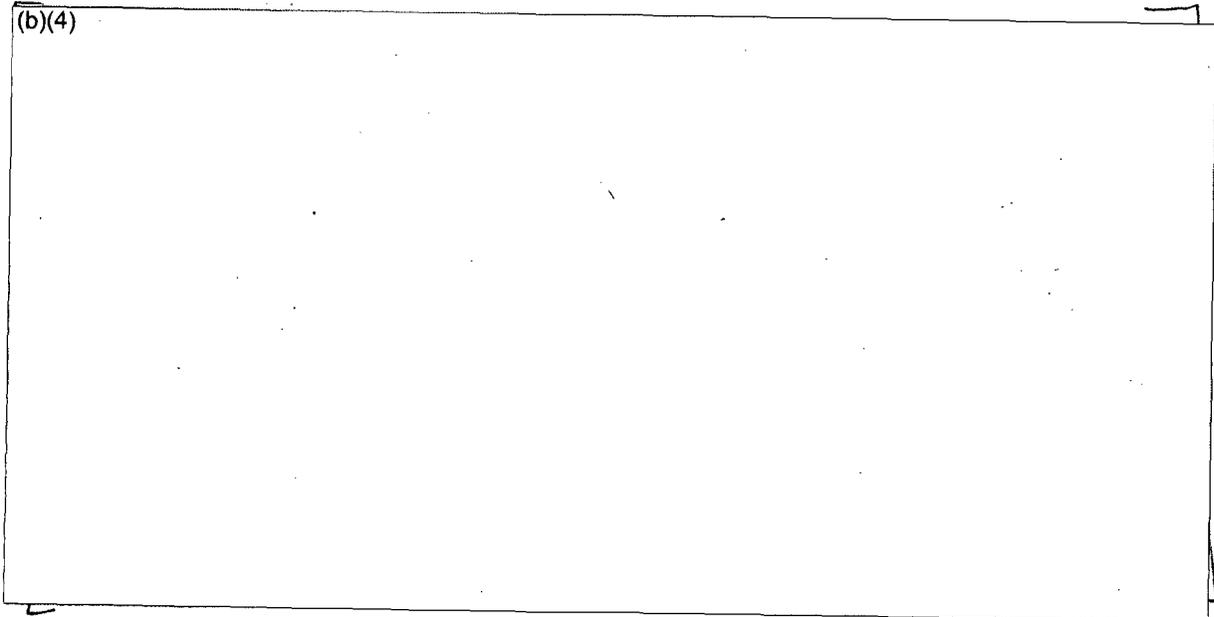
The Applicant is to provide by a preponderance of the evidence „reasonable assurance’ that public health, safety and environmental concerns are protected. *Commonwealth Edison Co.* (Zion Station, Units 1 and 2), ALAB-616, 12 NRC 419, 421 (1980). Without baseline

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assumptions about the number and magnitude of fires and explosions, there is no reasonable assurance that the mitigative strategies will be adequate. The Intervenor recognize that the Commission has discretion to deal with compliance with its regulatory requirements on a case-by-case basis. Whether the mitigative strategies proposed herein by the Applicant provide adequate protection under the Atomic Energy Act are determinations “where the Commission should be permitted to have discretion to make case-by-case judgments based on its technical expertise and on all the relevant information,” *Union of Concerned Scientists v. Nuclear Regulatory Commission*, 880 F.2d 552, 558 (D.C. Cir. 1989), “rather than by a mechanical verbal formula or a set of objective standards,” *id.* However, the Commission cannot be expected to make a reasonable case-by-case determination without an adequate starting point. In this case, that means a description in quantitative and/or qualitative terms of the magnitude of the fires and explosions that the mitigative strategies are intended to address.

2. There are at least seventeen items in the Mitigative Strategies Table which reference to LOLA “event guidelines” for the “Commitment/Strategy”.⁷ However, the MST does not

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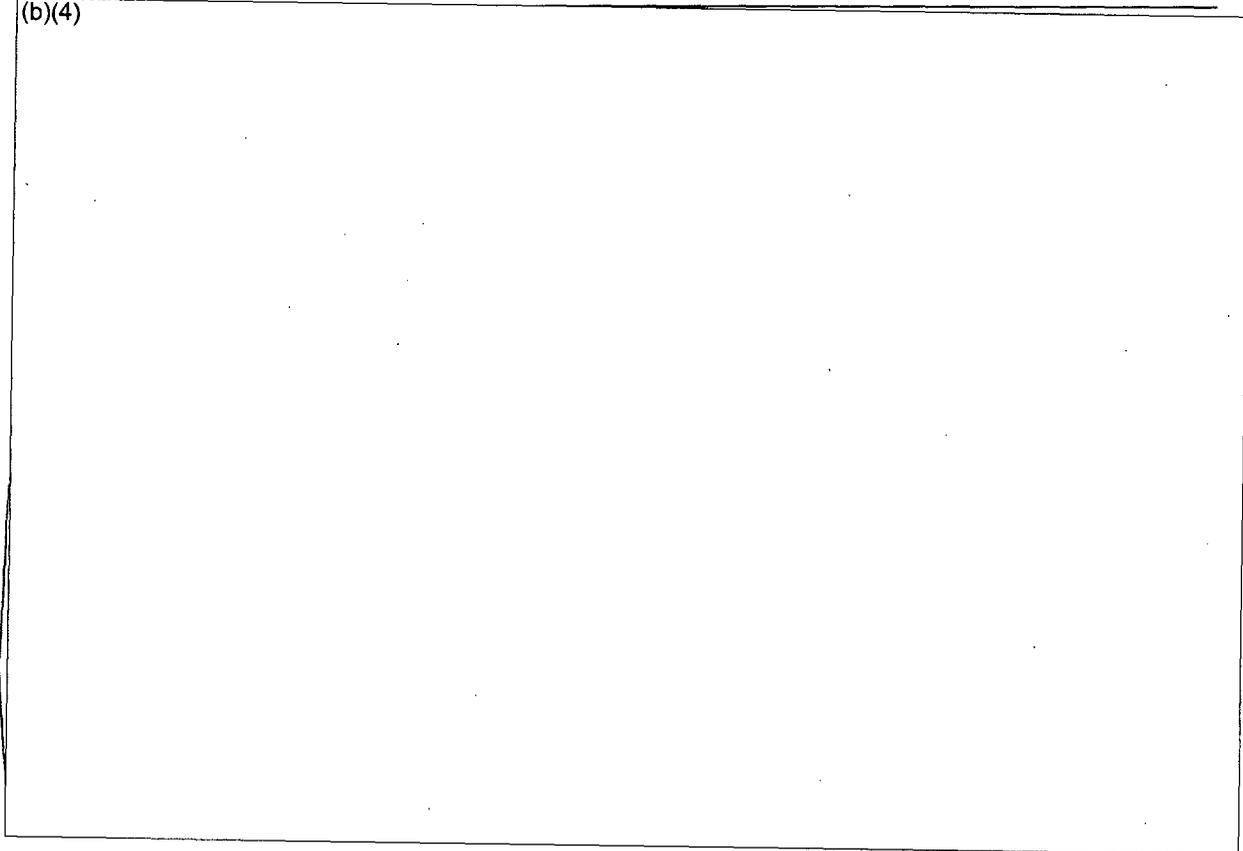
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specify whether the LOLA “guidelines” or “event guidelines” are or will be developed, based on a damage footprint of sufficient extent and severity to accommodate the likely impact(s) of large commercial airliner(s) and/ or the full spectrum of damage states irrespective of the initiating event(s). Accordingly, there is no way to determine whether the proposed mitigative strategies are adequate.

Each reference to the undefined “event guidelines” or “guidelines” corresponds to a significant functional mitigative measure, but the underlying assumptions related to the magnitude of the initiating event(s) are omitted. This omission contention addresses similar deficiencies as discussed in Contention One, *supra*. The legal authorities cited in Contention One for omission contentions are incorporated by reference. Additionally, the argument in Contention

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One regarding the relationship between determinations of efficacy of mitigative measures and the specification of the full spectrum of damage states to which apply is incorporated by reference.

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EXEMPTION 4 LUMINANS

These deficiencies in the submittal can be cured only by a comprehensive analysis that fully accounts for and discusses how each is dependent on the magnitude of the initiating event(s) to which the particular mitigative measure applies.

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EXEMPTION 4 LUMINANT

For example, what assumptions did this evaluation make regarding the full spectrum of damage states?

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Whether the Applicant's submittal is adequate in light of this contention raises a material issue of fact. 10 C.F.R. § 2.309(f)(1)(vi).

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EXEMPTION 4
LUMINANT

Without an appropriately detailed and accurate model, the Applicant cannot demonstrate that its plan for mitigating LOLAs can be effectively executed without subjecting on-site responders to excessive radiation exposure. The Applicant has not conducted a dose assessment necessary to establish that the mitigative strategies could be implemented without reliance on extraordinary or heroic actions. Further, the Applicant has not established that the dose assessment models are adequate to do the assessment in any event, taking into account the full spectrum of damage states.

The responders that will be relied on to execute the mitigative actions as detailed in the MST will likely encounter extreme and complex conditions that may well exceed those that emergency responders would be expected to encounter under the existing CPNPP emergency plan. Therefore, the burden is on the Applicant to show that the strategy for dose projection contained in the existing CPNPP emergency plan is capable of real-time, accurate dose assessment for the responders executing the complex mitigative actions required for compliance with 10 CFR §50.54(hh)(2), which by definition exceed those that licensees are required to address under existing emergency plan requirements. These actions could include manual refilling of partially drained spent fuel pools and use of portable pumps to spray fission product releases from failed containment.. Both of these actions could lead to prolonged deployment of personnel to high radiation areas.

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EXEMPTION 4 NIEI

However, it will be impossible for the ERO to make the split-second decisions necessary to implement the strategy unless the potential doses that would be incurred can be accurately and rapidly assessed. There is no indication from the CPPNP 3&4 Emergency Plan submittal how doses would be projected in LOLA mitigation scenarios. In fact, there is no apparent reference at all to how on-site (as opposed to off-site) dose projection modeling would be conducted in the Emergency Plan submittal.

Also, the Emergency Plan relies on volunteers or professional emergency responders to incur doses beyond those normally allowed for workers or the public; the LOLA strategy must address how these individuals will be identified, trained and mobilized.

Accurate on-site dose modeling is also needed to determine whether, in fact, the LOLA mitigation scenarios could credibly be executed without a reliance on extraordinary or heroic actions.

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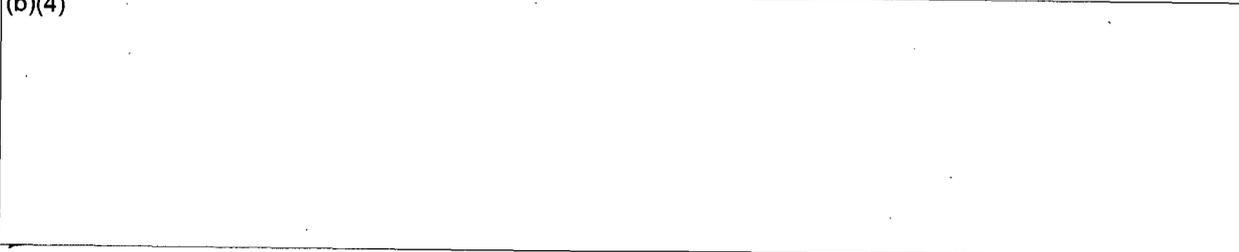
However, the CPPNP submittal neither commits to assessing the adequacy of its current dose projection approach for use in LOLA mitigation

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scenarios, nor uses the current models to “discuss the impact from dose” and thereby assess whether the mitigation scenarios can be credibly carried out without requiring extraordinary or heroic actions.

Whether the Applicant’s submittal is adequate in light of this contention raises a material issue of fact. 10 C.F.R. § 2.309(f)(1)(vi).

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ENVIRONMENTAL

In order to effectively suppress nuclear plant fires that do not respond to the mitigative measures in the applicant's submittal, extraordinary actions, either individual or collective, would be required. Presumably, the greatest hazard would be radiological exposures for those engaged in extraordinary actions. There are no procedures in the submittal to determine which individual(s) would receive higher doses of radiation above those that might reasonably be incurred by individuals carrying out the CPNPP Emergency Plan, or what information individuals would receive for training or other information disclosures about the potential magnitude of exposures that might be incurred in carrying out LOLA mitigative actions and the effects of such radiation exposures.

Intervenors incorporate by reference the arguments and authorities in Contention One regarding contentions of omission. Further, Intervenors incorporate by reference the arguments

and authorities in Contention One, Two and Three as related to determinations of the efficacy of Mitigative Strategies and the need to apply such to the full spectrum of damage states. Intervenor incorporate by reference the arguments and authorities in Contention Three regarding the adequacy of dose assessments.

Whether the Applicant's submittal is adequate in light of this contention raises a material issue of fact. 10 C.F.R. § 2.309(f)(1)(vi).

(b)(4)

However, there is no discussion of the number or magnitude of fires that would require water nor the full spectrum of damage states that would require fire suppression. There is no evidentiary support for an assumption by the Applicant that adequate supplies or pumping capacity is available simultaneously for emergency reactor cooling, SFP cooling and suppressing multiple fires.

EXEMPTED BY LUMENANT

This is an omission contention and like others related to the submittal, is based on the failure to discuss the full spectrum of damage states assumed. Accordingly, the Intervenor incorporate by reference the arguments and authorities regarding omission contentions in Contention One.

In this instance the submittal quantifies neither the number nor magnitude of fires assumed in the severe part of the damage spectrum. Nor does the submittal quantify the total pumping capacity with compromised conditions realistically anticipated under the severe part of

the damage spectrum.

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EXEMPTION 4
INTERVENOR

Additionally, the Applicant does not discuss compromised water supplies nor pumping capacity under all damage states. These omissions are material to a determination of the efficacy of the mitigative measures.

Whether the Applicant's submittal is adequate in light of this contention raises a material issue of fact. 10 C.F.R. § 2.309(f)(1)(vi).

Request for Hearing Pursuant To Subpart G, 10 C.F.R. § 2.700 et seq.

10 C.F.R. § 2.309(g) states that “[a] request for hearing and/or petition for leave to intervene may, except in a proceeding under 10 CFR 52.103, also address the selection of hearing procedures, taking into account the provisions of § 2.310.” Alternatively, 10 C.F.R. § 2.310(d) presumes use of Subpart L unless the proceeding involves “resolution of issues of material fact relating to the occurrence of a past activity, where the credibility of an eyewitness may reasonably be expected to be at issue, and/or issues of motive or intent of the party or eyewitness material to the resolution of the contested matter.”

In this case, Intervenors anticipate that the Applicant will argue that its mitigative strategies are adequate to meet the requirements of 10 C.F.R. § 50.54(hh)(2). Such an assertion sets up a material fact issue related to the assumptions about the full spectrum of damage states.

Live testimony on the contentions herein is necessary because the credibility of the witnesses sponsoring such testimony would be in issue.

Conclusion

Based on the arguments and authorities above, Intervenor urge that the contentions specified herein be admitted for adjudication and that a hearing pursuant to Subpart G, 10 C.F.R. 2.700 et seq. be ordered for these contentions.

Respectfully submitted,

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August 10, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of
Luminant Generation Company, LLC
Comanche Peak Nuclear Power Plant
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Docket Nos. 52-034 and 52-035

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2009 a copy of "Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) and Request for Subpart G Hearing" was served by the Electronic Information Exchange consistent with the Board's July 1, 2009 protective order on the following recipients:

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