

August 14, 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
HOUSTON LIGHTING & POWER COMPANY
(Allens Creek Nuclear Generating
Station, Unit 1)

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Docket No. 50-466



NRC STAFF RESPONSE TO CONTENTION #40 AND AMENDMENTS TO
PREVIOUSLY SUBMITTED CONTENTIONS OF JOHN F. DOHERTY

By pleading dated July 24, 1979, Intervenor John F. Doherty filed amendments to his previously submitted Contentions Nos. 23, 24 and 26, and also filed a new Contention No. 40. By pleading of July 31, 1979, amendments to Contentions 28, 34 and 38 were submitted.^{1/} The NRC Staff responds to the admissibility of these contentions as follows:

Amendment to Contention No. 23

The amendment to Contention 23 is not actually an amendment but simply a repetition of Contention 23 filed previously. The original contention asserted that a LOCA caused by pressure transient or coolant flow blockage had not been addressed in the design basis accident (DBA) and that the ACNGS ECCS design is inadequate to mitigate such an accident.

^{1/} The Staff previously filed a response to Mr. Doherty's contentions 9 through 39 on June 27, 1979.

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The "amendment" repeats the assertion that a pressure transient could cause a large or small pipe break LOCA and that the ECCS should be designed to mitigate such an accident. To the extent that the contention asserts that the provisions of Appendix K of Part 50 are inadequate because they do not require accommodation of a pipe break at more than 1.02% power, this is a challenge to the regulations, not permitted in a licensing proceeding without a showing that the rule will not serve the purpose intended due to special circumstances. (10 CFR §2.758).

Therefore, the amendment adds nothing to the original contention, and the Staff remains opposed to the admission of this contention as an issue in controversy.

Amendment to Contention 24

This is also essentially a repetition of Mr. Doherty's original Contention 24. He alleges that in case of a control rod drop accident, there is a risk that the peak energy limit of 280 cal/gr. will be exceeded. The basis for this contention appears to be Mr. Doherty's belief (based upon a reading of NEDO 10,527) that the maximum reactivity worth of each rod should be 1.4%. However, Mr. Doherty seems to have ignored the June 27, 1979 Staff response to this contention, which made clear that there is no issue to litigate with respect to rod worth. As the Staff stated:

This contention has no factual basis and should be dismissed since Intervenor is misinformed as to the rod worth reactivity in ACNGS. In the SER Supp. 2, §15.3.2, the maximum rod worth is shown as 1%. This is less than the Intervenor asserts is necessary. Therefore, the Intervenor has not presented a litigable issue.

Therefore, we continue to oppose the admission of this contention as an issue in controversy.

Amendment to Contention 26

The amendment submitted here is not an amendment but, rather, an entirely new contention. Therefore, the Staff assumes Mr. Doherty has withdrawn Contention 26 previously filed and has substituted a different one.

Contention No. 26 asserted in essence, that inspection procedures for the reactor vessel stud bolt integrity are inadequate. The "amendment" submitted raises an issue about the quality assurance and integrity of the stud bolts themselves during ATWS. The contention now asserted alleges that neither the magnitude of stress on the reactor head nor the adequacy of the maximum tensile strength of the bolts has been sufficiently considered in connection with ATWS and therefore the safety analysis for ACNGS is deficient. The Staff supports (new) Contention 26 as valid for litigation in this proceeding.

Contention 40

This contention asserts that releases from an accident at the Allens Creek plant will exceed the 10 CFR §100 guidelines. The basis stated for this assertion is

a Board notification concerning releases from TMI issued July 2, 1979, and the statement that ACNGS and TMI are similar in regard to source terms and "other factors" not defined.

Since the Board notification states that the TMI releases could affect site suitability criteria and that no conclusion has been reached as to the relevancy of the information to other sites, the Staff supports this contention at this time.

Amendment to Contention 28

This amendment asserts an entirely new issue, not previously raised in the original contention. Therefore, the Staff considers the new allegation to be a substitution of subject matter for the former contention.

The new matter asserted here is the possibility that the control rod system would break loose from the reactor vessel due to cracks formed in welds and a subsequent rod ejection caused by pressure from the reactor vessel creating a reactivity insertion. The basis stated is a report of cracks discovered in partial penetration welds at the Big Rock Point nuclear plant.

The Staff opposes this contention since the Allens Creek design precludes such an event. In the ACNGS SER Section 4.2.2, p. 4-10 it is stated:

A control-rod-ejection accident, to be distinguished from the rod drop accident is precluded by a control rod housing support structure located below the reactor pressure vessel. . . This structure limits the distances that a ruptured control rod drive housing can be displaced, so that any resulting nuclear transient will not be sufficient to cause fuel rod failure.

Thus, Applicant has met the design criteria set out by the Intervenor, and no issue is raised by this contention. The Staff recommends that Contention 28 be denied.

Amendment to Contention 34

The only change submitted in this amendment is to allege that Intervenor's health and safety interests will be threatened if General Electric nuclear division goes out of business, whereas previously he had alleged that his economic interests were at risk. Otherwise this amendment substantially repeats the speculation previously advanced. No substance is provided for litigation. In any event the Applicant would still be required to meet all safety regulations contained in 10 CFR whether or not GE continues its nuclear division. For these reasons the Staff continues to oppose this contention.

Amendment to Contention 38

Intervenor asserts two issues not previously raised by Contention 38 which alleged that the ACNGS RHR should be single failure proof without use of an alternative system.

Therefore, the Staff considers the Intervenor to have withdrawn the original contention No. 38 in order to substitute this most recent one. The new contention submitted states that the RHR is inadequate because it fails to bring the plant to cold shutdown in twenty-four hours in violation of GDC 19 and 34; and that the "path through the automatic depressurization system valves to the suppression pool by the RHR provides an unnecessary and hazardous system interaction possibility."

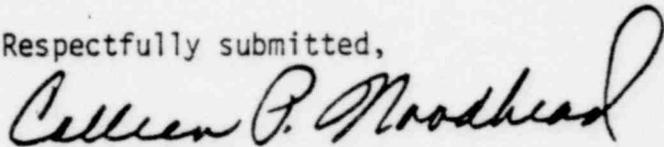
The Staff opposes both allegations asserted in new Contention 38 for the following reasons.

GDC 19 and 34 do not specify any period of time required for cold shutdown capability. Intervenor's reference to GESSAR-238 is insufficient to support his contention since the reference cited merely states that the design provides for cold shutdown in 24 hours and that the RHR meets GDC 19 and 34. It does not state that the 24-hour shutdown is required. In the Allens Creek SER Supp. 2, Section 5.4.5, which Intervenor references, it is stated that ACNGS is designed for cold shutdown in 36 hours and that the design complies with GDC 19 and 34. No showing is made that this statement is in error. There is no basis for this part of the contention. The reference to NUREG-0152 (GESSAR SER) does not support the contention since the paragraph referenced has been misinterpreted as requiring 24-hour shutdown in order to comply with GDC 19 and 34.

The second part of the contention, wherein the Intervenor asserts that the "path" of RHR through the automatic depressurization system (ADS) is hazardous, is entirely unclear. It is impossible to ascertain what "path" the Intervenor supposes the RHR to take, or the nature of the interaction to which he refers. Therefore, the issue proffered by Mr. Doherty is so vague and unspecific as to be incapable of litigation.

For the above reasons, the NRC Staff supports the admission of Contentions 40 and 26 as amended, and continues to oppose the admission of Contentions 23, 24, 28, 34 and 38 as amended.

Respectfully submitted,



Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 14th day of August, 1979.

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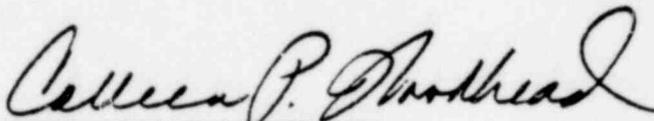
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