

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

August 22, 1979

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'S RESPONSE TO SUPPLEMENT TO
CONTENTIONS FILED BY MADELINE AND ROBERT FRAMSON

On April 13, 1979, the Framsons filed a contention in the captioned proceeding alleging that, on the basis of a West German report (AB-290), it was necessary to consider the possibility of a spent fuel meltdown (SFM) in the captioned proceeding. The Staff responded to that contention in a pleading dated May 2, 1979, by pointing out that a second report totally revised AB-290 and concluded that "a melt accident is out of the question for the fuel element pool . . ."

In spite of that unequivocal conclusion of the second West German report, the Framsons have now filed a supplement to their SFM contention dated August 3, 1979, in which they make the bald assertion that "[i]t cannot be doubted that such a possibility of a SFM can occur." (Supplement to Contentions, p. 1). In view of the conclusion of the second German report, there is no apparent basis for this assertion, and therefore no basis upon which to admit a contention

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relating to spent fuel meltdown. In an attempt to provide such a basis, the Framsons have cited NUREG/CR-0649 entitled "Spent Fuel Heatup Following Loss of Water During Storage," March 1979. However, that report provides no such basis for a contention such as that proffered by the Framsons. The report in question assumes the loss of all cooling water covering the spent fuel elements in the pool and then goes on to deal with the time periods and mitigation techniques which are involved in coping with such an occurrence. However, as the report itself indicates, "accident initiation mechanisms, the probability of occurrence, the magnitude of radioactive release, or the public consequences are not addressed." (p. 11). Therefore, the report provides no basis to believe that there is a reasonable possibility of a loss of all makeup water in the spent fuel pool and the Framsons have not independently supplied that basis in their pleading. This contention should, therefore, be rejected by the Board.

The Framsons also assert that the Applicant has not adequately dealt with the "hazard" posed by the use of high density racks to store spent fuel at the Allens Creek facility. Once again, however, the only indication in the Framsons' pleading that such a method of storing spent fuel poses a hazard of any kind is their totally unsupported assertion that this is the case. Since there is no statement of a basis for the allegation that high density rack usage presents a hazard, this contention should be rejected by the Board.

Finally, the Framsons have raised again the issue of whether a core meltdown in the reactor could precipitate a spent fuel meltdown, and have stated that this Board should not reject the issue of spent fuel meltdown because three other Licensing Boards have admitted the issue as a contention in other

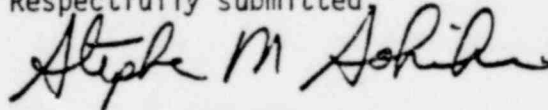
proceedings, namely, the Salem, Zion, and Comanche Peak proceedings. The short answer to the Framsons' assertion is that it is not correct. In none of the named proceedings has a contention been admitted which alleged that a spent fuel meltdown was a reasonable possibility.^{1/} The Framsons have particularly emphasized the Salem spent fuel expansion proceeding by attaching (1) materials filed by an intervenor in that proceeding and (2) attaching a list of Board questions, one of which requests that the Staff and Applicant analyze the consequences to the spent fuel pool if a core melt (Class 9 accident) occurred in the reactor at Salem. However, contrary to the Framsons' assertion, it has not been determined that this issue will be litigated in the Salem proceeding. The Staff and Applicant have both filed objections to the Board's question based upon the Commission's general policy that, for land-based power reactors, that Class 9 accidents need not be considered absent a showing of a reasonable possibility of occurrence of a particular Class 9 accident at a particular plant. See Offshore Power Systems, Inc. (Floating Nuclear Power Plants), ALAB-489, 8 NRC 194 (1978). To the extent that the Framsons wish to litigate the effect of a Class 9 accident on the spent fuel pool at Allens Creek, the Staff would raise the same objection in this proceeding.

Further, whether or not the issue of spent fuel meltdown has been litigated in other specific instances is not relevant to the question regarding whether the Framsons have provided a basis to litigate that issue in this proceeding considering the specific design of this facility.

^{1/}In the Zion proceeding, there was a contention considered which dealt with the possibility that the water in the pool might boil. However, the contention did not allege that the fuel in the pool could melt, which is an entirely different issue, since that would presume a total loss of water covering the elements in the pool and no source of additional makeup water for continued cooling.

Therefore, because the Framsons' latest pleading provides no basis for either (1) a suggestion that a spent fuel meltdown is a reasonable possibility at the Allens Creek facility or that (2) there is a hazard created by storage of spent fuel elements in high density racks, the Staff believes that the Board should reject these contentions as issues in controversy in this proceeding.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stephen M. Sohinki". The signature is fluid and cursive, with the first name "Stephen" and last name "Sohinki" clearly legible.

Stephen M. Sohinki
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 22nd day of August, 1979.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO SUPPLEMENT TO CONTENTIONS FILED BY MADELINE AND ROBERT FRAMSCN" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk by deposit in the Nuclear Regulatory Commission internal mail system, this 22nd day of August, 1979:

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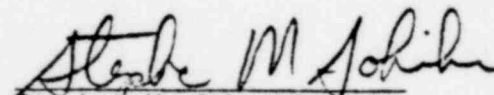
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