

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)

}
Docket No. 50-466
}



NRC STAFF RESPONSE TO ADDITIONAL CONTENTION FILED BY THE FRAMSONS

The NRC Staff opposes the admission of the additional contention filed on April 13, 1979 in the captioned proceeding by Robert and Madeline Framson. The contention alleges that the Final Supplement to the Final Environmental Statement (NUREG-0470) in this proceeding fails to discuss the consequences of a meltdown in the spent fuel pool at Allens Creek. The basis for the contention is the Framson's review of a West German report which analyzes the consequences of an accident in which all of the water in a spent fuel pool would be lost by some means which is not specified.

The report in question is entitled "Studies on Comparing the Greatest Possible Failure Sequences in a Reprocessing Installation and in a Nuclear Power Plant (AB-290)". It was prepared in August, 1976 for the West German government as a preliminary working paper by the West German Institute for Reactor Safety (IRS). As a preliminary paper, it was treated as confidential by West Germany and through international

95005210

7906210 417 G

agreement was transmitted to the NRC for internal use only. It was translated by the NRC in December, 1977. The Petitioner is probably unaware that in November, 1977, the West German Society for Reactor Safety, as successor to the IRS, published its "Critical Comments on Work Report AB-290." This second report is, as the document indicates, "a reworking and detailed explanation of the report whereby the latest state of art and application data are used as the basis." (p. 1). The report is a total revision of the AB-290 and concludes that "a melt accident is out of the question for the fuel element pool. . ." (p. 2). The NRC received permission from the German Ministry of the Interior to release these reports on March 1, 1979. Therefore, both reports are enclosed for the information of the Board and the parties. However, the essential point to be made is that the report cited by the Petitioners no longer represents the views of the German agency which prepared it. Since the contention is bottomed exclusively on the results of AB-290, there is no remaining basis for the contention.

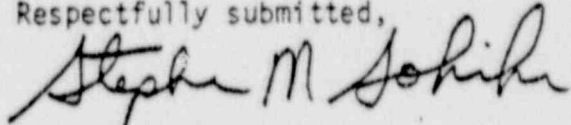
Further, nowhere in AB-290 or in the Petitioners' proffered contention, is there any explanation as to how such an accident could occur at Allens Creek. Indeed, since the second report indicates that a meltdown in the fuel pool is out of the question, such an explanation would appear to be crucial. In fact, the Petitioners do not even allege that a fuel

95005211

pool meltdown could occur at Allens Creek; the contention focuses solely on consequences of such an event if it occurred.

For the above reasons, the Staff urges that the Petitioners' additional contention be denied.

Respectfully submitted,



Stephen M. Sohinki
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 2nd day of May, 1979

95005212

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
HOUSTON LIGHTING & POWER COMPANY) Docket No. 50-466
(Allens Creek Nuclear Generating)
Station, Unit 1))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO ADDITIONAL CONTENTION FILED BY THE FRAMSONS" 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, through deposit in the Nuclear Regulatory Commission's internal mail system, this 2nd day of May, 1979:

Sheldon J. Wolfe, Esq., Chairman *
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. E. Leonard Cheatum
Route 3, Box 350A
Watkinsville, Georgia 30677

Mr. Gustave A. Linenberger
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

R. Gordon Gooch, Esq.
Baker & Botts
1701 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

J. Gregory Copeland, Esq.
Baker & Botts
One Shell Plaza
Houston, Texas 77002

Jack Newman, Esq.
Lowenstein, Reis, Newman & Axelrad
1025 Connecticut Avenue, N.W.
Washington, D. C. 20037

Richard Lowerre, Esq.
Asst. Attorney General for the
State of Texas
P. O. Box 12548
Capitol Station
Austin, Texas 78711

Hon. Jerry Sliva, Mayor
City of Wallis, Texas 77485

Hon. John R. Mikeska
Austin County Judge
P. O. Box 310
Bellville, Texas 77418

Atomic Safety and Licensing
Appeal Board*
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

95005213

Atomic Safety and Licensing
Board Panel *
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section *
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. John F. Doherty
4438 1/2 Leeland Avenue
Houston, Texas 77023

Mr. and Mrs. Robert S. Framson
4822 Waynesboro Drive
Houston, Texas 77035

Mr. F. H. Potthoff, III
1814 Pine Village
Houston, Texas 77080

D. Marrack
420 Mulberry Lane
Bellaire, Texas 77401

Mr. Jean-Claude De Bremaecker
2128 Addison
Houston, Texas 77030

Carro Hinderstein
8739 Link Terrace
Houston, Texas 77025

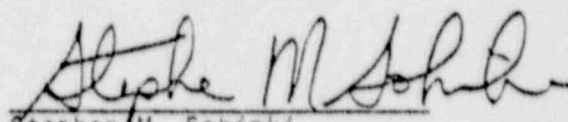
James Scott, Jr., Esq.
Texas Public Interest
Research Group, Inc.
Box 237 UC
University of Houston
Houston, Texas 77004

Brenda A. McCorkle
6140 Darnell
Houston, Texas 77074

Mr. Wayne Rentfro
P.O. Box 1335
Rosenberg, Texas 77471

Ms. Kathryn Hooker
1424 Kipling
Houston, Texas 77006

National Lawyers Guild
Houston Chapter
4803 Montrose Blvd.
Suite 11
Houston, Texas 77006


Stephen M. Sohinki
Counsel for NRC Staff

95005214