

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWER AUTHORITY OF THE STATE)	Docket No. 50-549
OF NEW YORK)	
)	
(Greene County Nuclear Power)	
Plant))	



NRC STAFF RESPONSE IN SUPPORT OF APPLICANT'S
MOTION FOR SUMMARY DISPOSITION

Pursuant to 10 CFR §2.730(c), the NRC Staff (Staff) is responding to the "Applicant's Motion for Summary Disposition" (Motion) filed on December 4, 1978. For the reasons found in the Staff's Motion for Summary Disposition, and the Staff's pre-filed testimony relating to the radiological contentions, the Staff supports the Applicant's Motion.

Although the Staff supports the Applicant's Motion, certain statements found in the affidavits accompanying the Applicant's Motion, while consistent with the Staff's conclusions, do not fully reflect the Staff's position on a certain contentions. These statements are identified and the Staff's positions are set forth in the affidavits accompanying this response.

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The Staff's position on each contention which is the subject of Applicant's Motion is set forth below.

Greene County Contention I.A - Security

The Staff's Motion for Summary Disposition on this contention supports the Applicant's Motion.

Greene County Unstipulated Contention I.C. and Mid-Hudson Nuclear Opponents Stipulated Contention 2 - Site Geology

The Staff supports the Applicant's Motion with regard to these contentions. As stated in Messrs. Caldwell's and Kelleher's affidavit, the Staff conclusion is compatible with, but does not rest on, the data collected from borings made in the Hudson River referred to in affidavit No. 1 of John H. Peck (Par. 7).

MHNO Stipulated Contention 2, Cementon Civic Association, Stipulated Contention I.C., Columbia County, Stipulated Contention 6, Arthur L. Reuter and Columbia Survival Committee Stipulated Contention 8 - Seismic Design and Quarrying Activities

The Staff supports the Applicant's Motion with respect to this contention. See: Kelleher affidavit.

Citizens to Preserve Hudson Valley (CPHV) Stipulated
Contention I.B.2 - Missile Protection

The Staff supports the Applicant's Motion with respect to this contention. See: Watt Affidavit No. 1, Greenberg, Litton and Rinaldi Affidavits.

CPHV Stipulated Contention I.B.4 - Valve Submergence

The Staff supports the Applicant's Motion with respect to this contention. As stated in Mr. Watt's affidavit No. 2, the Staff understands the Applicant's commitment to be that all safety related valve motors located inside containment will be located above the maximum possible water level. While the Applicant may place the valves above the water level, this is not required by the Staff.

CPHV I.B.5 - Systems Separation

The Staff supports the Applicant's Motion with respect to this contention. See Joyce and Burwell Affidavits.

Columbia County Survival Committee and
Arthur L. Reuter, Stipulated Contention 5A - Aircraft Hazards
Analysis.

The Staff's Motion for Summary Disposition supports the Applicant's Motion on this contention.

CPHV Stipulated Contention I.B.1 - External Flooding

The Staff's Motion for Summary Disposition supports the Applicant's Motion on this contention.

CPHV Stipulated Contention I.B.6 - Occupational Exposure

The Staff supports the Applicant's Motion with respect to this contention. See: Murphy affidavit.

CPHV I.A - Exclusion Area

The Staff concluded in section 2.1.2 of the Safety Evaluation Report related to the construction of Greene County Nuclear Power Plant Supplement No. 1 (September 1978) (NUREG-0283) that "the applicant has the legal means to acquire by eminent domain or other proceedings the full ownership of all site property needed to establish the exclusion area described in the application". See: Burwell Affidavit. Accordingly, the Staff supports the Applicant's motion with respect to this contention.

Respectfully submitted,

Barry H. Smith

Barry H. Smith
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 19th day of December, 1978.

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In the Matter of)	
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(Greene County Nuclear Power)	
Plant))	

AFFIDAVIT OF DONALD M. CALDWELL AND JOHN KELLEHER

I, Donald M. Caldwell, being first duly sworn, do depose and state:

1. I am a Geologist with the Geosciences Branch, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.

I, John Kelleher, being first duly sworn, do depose and state:

3. I am a Seismologist with the Geosciences Branch, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

4. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.

5. The statement which follows concerns Greene County et al., Unstipulated Contention I.C. and Shirley A. Brand and Mid-Hudson Nuclear Opponents' Stipulated Contention 2.

6. We hereby incorporate into this affidavit our testimony filed on November 8, 1978 concerning Greene County et al., Unstipulated Contention I.C. and Shirley A. Brand and Mid-Hudson Nuclear Opponents' Stipulated Contention 2 in its entirety, and the statements of professional qualifications attached thereto.

7. After reviewing Mr. Peck's affidavit No. 1 submitted with Applicant's Motion for Summary Disposition, we find that the affidavit is consistent with our testimony incorporated by reference herein; however, we want to clarify below the Staff's position concerning the borings made in the Hudson River.

8. As stated in the Staff's testimony (Caldwell and Kelleher), we have concluded that the geologic section beneath the Hudson River is similar to that in the site area, and that capable faults do not exist beneath the River. This conclusion is based on an understanding of the tectonic evolution of the region, an evaluation of the regional seismicity, and the results of geological investigations at the site and in the surrounding vicinity. Our conclusion is compatible with that of Mr. John H. Peck as stated in his affidavit attached to Applicant's Motion for Summary Disposition, but it does not rest on the data collected from borings made in the Hudson River referred to in paragraph 7 of Mr. John H. Peck's affidavit No. 1.

We hereby certify that the above statement is true and correct to the best of our knowledge and belief.

Donald M. Caldwell
Donald M. Caldwell

John Kelleher
John Kelleher

Subscribed and sworn to
before me this 18th day of
DECEMBER, 1978.

Radice C. Sides
Notary Public

My Commission expires: July 1, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

POWER AUTHORITY OF THE STATE
OF NEW YORK

(Greene County Nuclear Power
Plant)

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Docket No. 50-549

AFFIDAVIT OF JOHN KELLEHER


I, John Kelleher, being first duly sworn, do depose and state:

1. I am a Seismologist with the Geosciences Branch, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Cementon Civic Association, Stipulated Contention I.C., Columbia County, Stipulated Contention 6, and Arthur L. Reuter and Columbia County Survival Committee, Stipulated Contention 8.

4. I hereby incorporate into this affidavit my testimony filed on November 8, 1978 concerning Cementon Civic Association, Stipulated Contention I.C., Columbia County, Stipulated Contention 6, and Arthur L. Reuter and Columbia County Survival Committee, Stipulated Contention 8 in its entirety, and the statement of professional qualifications attached thereto.

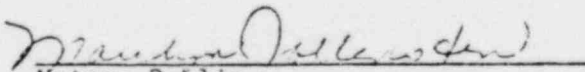
5. After independently reviewing affidavit No. 2 of Mr. John H. Peck submitted with Applicant's Motion for Summary Disposition, I find that Applicant's affidavit is consistent with those stated by me in my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.



John Kelleher

Subscribed and sworn to
before me this 15th day of
December, 1978.



Notary Public

My Commission expires July 1, 1982.

UNITED STATES OF AMERICA
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In the Matter of)
)
POWER AUTHORITY OF THE STATE) Docket No. 50-549
OF NEW YORK)
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AFFIDAVIT NO. 1 OF JAMES J. WATT

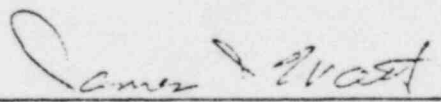
I, James J. Watt, being first duly sworn, do depose and state:

1. I am a Reactor Engineer in the Reactor Systems Branch, Division of Systems Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2.
4. I prepared those portions of the "Supplemental Testimony of NRC Staff in Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2," which relate to missile protection inside containment and the statement of professional qualifications attached thereto.

5. I hereby incorporate into this affidavit my testimony filed on November 7, 1978 concerning Contention I.B.2 in its entirety, and the statement of professional qualifications attached thereto.

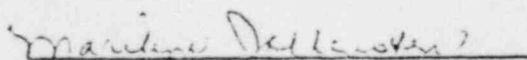
6. After reviewing those portions of affidavit No. 1 of Mr. William Willoughby, II submitted with Applicant's Motion for Summary Disposition which relate to missile protection inside containment, I find that the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.



James J. Watt

Subscribed and sworn to before
me this 15th day of December, 1978.



Notary Public

My Commission expires: July 1, 1982

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POWER AUTHORITY OF THE STATE) Docket No. 50-549
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AFFIDAVIT OF MARCUS GREENBERG

I, Marcus Greenberg, being first duly sworn, do depose and state:

1. I am a Senior Systems Engineer in the Auxiliary Systems Branch, Division of Systems Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2.
4. I prepared portions of the "Supplemental Testimony of NRC Staff in Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2" relating to missile protection outside containment filed on November 7, 1978 and the statement of professional qualifications attached thereto.

5. I hereby incorporate into this affidavit my supplemental testimony in its entirety, and statement of professional qualifications.

6. After reviewing affidavit No. 1 of Mr. William Willoughby, II submitted with Applicant's Motion for Summary Disposition, I find the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.

Marcus Greenberg
Marcus Greenberg

Subscribed and sworn to before
me this 19TH day of DECEMBER, 1978.

Nadine C. Lides
Notary Public

My Commission expires: July 1, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of)
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Plant))

AFFIDAVIT OF FELIX LITTON

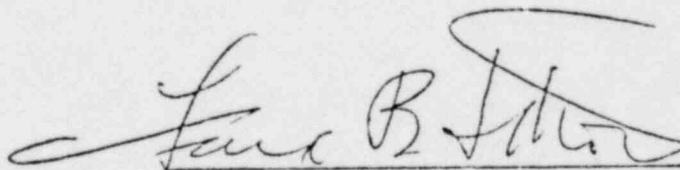
I, Felix Litton, being first duly sworn, do depose and state:

1. I am a Senior Materials Engineer in the Material Engineering Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2.
4. I prepared those portions of the "Supplemental Testimony of NRC Staff In Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2," which relate to the reactor coolant pump fly wheel and the statement of professional qualifications attached thereto.

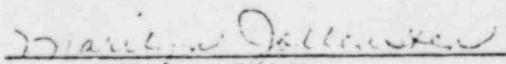
5. I hereby incorporate into this affidavit my testimony filed on November 7, 1978 concerning Contention I.B.2 in its entirety, and the statement of professional qualifications attached thereto.

6. After reviewing those portions of Mr. William Willoughby's affidavit No. 1 submitted with Applicant's Motion for Summary Disposition which relate to the reactor coolant pump I find that the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.


Felix Litton

Subscribed and sworn to before
me this 15th day of December, 1978.


Notary Public

My Commission expires: July 1, 1982

UNITED STATES OF AMERICA
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In the Matter of)
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AFFIDAVIT OF FRANK RINALDI

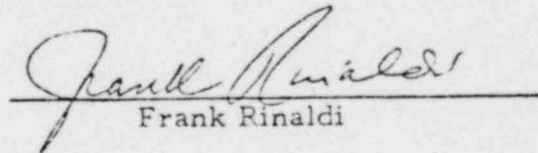
I, Frank Rinaldi, being first duly sworn, do depose and state:

1. I am a Structural Engineer in the Structural Engineering Branch, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2.
4. I prepared those portions of the "Supplemental Testimony of NRC Staff In Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.2," which relate to the adequacy of barrier protection against missiles and the statement of professional qualifications attached thereto.

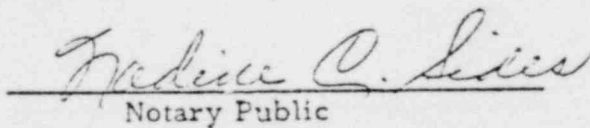
5. I hereby incorporate into this affidavit my testimony filed on November 7, 1978 concerning Contention I.B.2 in its entirety, and the statement of professional qualifications attached thereto.

6. After reviewing those portions of affidavit No. 1 of Mr. William Willoughby, II, submitted with Applicant's Motion for Summary Disposition which relate to the adequacy of barrier protection, I find that the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.


Frank Rinaldi

Subscribed and sworn to before
me this 19TH day of DECEMBER, 1978.


Notary Public

My Commission expires: July 1, 1982

UNITED STATES OF AMERICA
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
POWER AUTHORITY OF THE STATE) Docket No. 50-549
OF NEW YORK)
)
(Greene County Nuclear Power Plant))

AFFIDAVIT NO. 2 OF JAMES J. WATT

I, James J. Watt being first duly sworn, do depose and state:


1. I am a Reactor Engineer in the Reactor Systems Branch, Division of Systems Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.4.
4. I prepared the "Supplemental Testimony of NRC Staff In Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.4 (valve submergence)" and the statement of professional qualifications attached thereto filed on November 7, 1978.

5. I hereby incorporate into this affidavit my supplemental testimony and statement of professional qualifications.

6. After reviewing affidavit No. 2 of Mr. William Willoughby, II, submitted with Applicant's Motion for Summary Disposition, I find that the affidavit is consistent with my testimony incorporated by reference herein except for the statements relating to the placement of the valves.

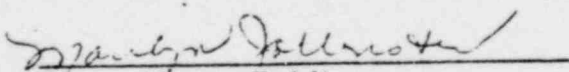
7. The Staff has reviewed the Applicant's responses to NRC questions 22.11 and 212.35 and found a commitment to only place safety related valve motors located inside containment above the maximum possible water level. The applicant is free to place the valves above the maximum possible water level, but this is not required by the NRC.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.



James J. Watt

Subscribed and sworn to before
me this 15th day of December, 1978.



Notary Public

My Commission expires: July 1, 1982

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AFFIDAVIT OF JOSEPH P. JOYCE

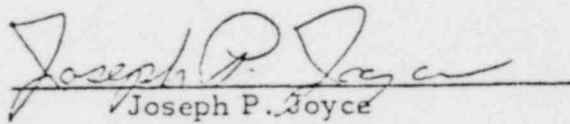
I, Joseph P. Joyce, being first duly sworn, do depose and state:

1. I am a Reactor Engineer in the Instrumentation and Control System Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555.
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.
3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.5.
4. I prepared those portions of the "Supplemental Testimony of NRC Staff In Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.5," which relate to physical separation of the electrical system and the statement of professional qualifications attached thereto.

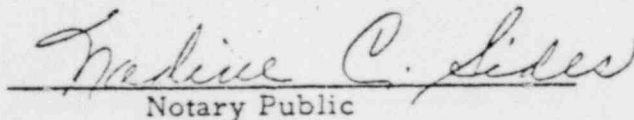
5. I hereby incorporate into this affidavit my testimony filed on November 7, 1978 concerning Contention I.B.5 in its entirety, and the statement of professional qualifications attached thereto.

6. After reviewing those portions of affidavit No. 3 of Mr. William Willoughby, II, submitted with Applicant's Motion for Summary Disposition which relate to physical separation of the electrical system, I find that the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.


Joseph P. Joyce

Subscribed and sworn to before
me this 19th day of DECEMBER, 1978.


Notary Public

My Commission expires: July 1, 1982.

UNITED STATES OF AMERICA
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AFFIDAVIT NO. 1 OF SPOTTSWOOD B. BURWELL

I, Spottswood B. Burwell, being first duly sworn, do depose and state:

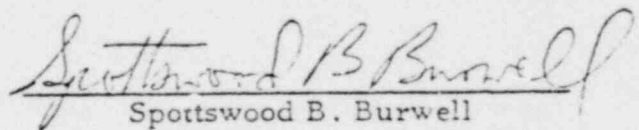
1. I am a Senior Project Manager, Light Water Reactor Branch No. 2, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555.
2. The statement which follows concerns Citizens to Preserve the Hudson Valley, Contention I.B.5.
3. As part of my duties I prepared the Safety Evaluation Report related to construction of Greene County Nuclear Power Plant, Power Authority of the State of New York (September, 1977) and Supplement No. 1 (September, 1978) thereto and I am familiar with the contents thereof.
4. I prepared those portions of the "Supplemental Testimony of NRC Staff In Response to Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.5," which relate to the Staff's consideration of physical separation of safety systems

other than the electrical system and the statement of professional qualifications attached thereto.

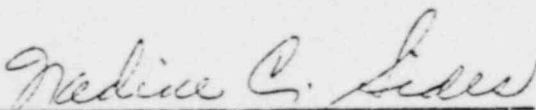
5. I hereby incorporate into this affidavit my testimony filed on November 7, 1978 concerning Contention I.B.5 in its entirety, and the statement of professional qualifications attached thereto.

6. After reviewing those portions of affidavit No. 3 of Mr. William Willoughby, II, submitted with Applicant's Motion for Summary Disposition which relate to physical separation of safety systems other than the electrical system, I find that the affidavit is consistent with my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.


Spottswood B. Burwell

Subscribed and sworn to before
me this 18TH day of DECEMBER, 1978.



Notary Public

My Commission expires: July 1, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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(Greene County Nuclear Power)
Plant))

AFFIDAVIT OF THOMAS D. MURPHY

I, Thomas D. Murphy, being first duly sworn, do depose and state:

1. I am section leader of the Radiation Protection Section, Radiological Assessment Branch, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555.

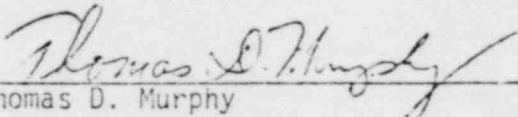
2. As part of my duties I participated in the review of the application of the Power Authority of the State of New York for a construction permit to build the Greene County Nuclear Power Plant.

3. The statement which follows concerns Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.6.

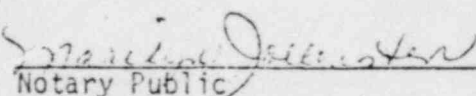
4. I hereby incorporate into this affidavit my testimony filed on November 8, 1978 concerning Contention I.B.6 in its entirety, and the statement of professional qualifications attached thereto.

5. After independently reviewing affidavit No. 3 of Mr. Andrew W. Burchas submitted with Applicant's Motion for Summary Disposition, I find that Applicant's affidavit is consistent with those stated by me in my testimony incorporated by reference herein.

I hereby certify that the above statement is true and correct to the best of my knowledge and belief.


Thomas D. Murphy

Subscribed and sworn to
before me this 15th day of
December, 1978.


Notary Public

My Commission expires July 1, 1982.

UNITED STATES OF AMERICA
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OF NEW YORK)
)
(Greene County Nuclear Power Plant))

AFFIDAVIT NO. 2 OF SPOTTSWOOD B. BURWELL

I, Spottswood B. Burwell, being first duly sworn, do depose and state:

1. I am a Senior Project Manager, Light Water Reactor Branch No. 2, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.
2. The statement which follows concerns Citizens to Preserve the Hudson Valley, Contention I.A.
3. As part of my duties I prepared the Safety Evaluation Report related to construction of Greene County Nuclear Power Plant, Power Authority of the State of New York (September, 1977) and Supplement No. 1 (September, 1978) thereto and I certify that they are true and accurate to the best of my knowledge.
4. I hereby incorporate into this affidavit my statement of professional qualifications attached to the "Supplemental Testimony of NRC Staff in Response to

Citizens to Preserve the Hudson Valley, Stipulated Contention I.B.5 (Systems Separation) filed on November 7, 1978.

Spottswood B. Burwell
Spottswood B. Burwell

Subscribed and sworn to before
me this 18th day of December, 1978.

Nadine C. Lewis
Notary Public

My Commission expires: *July 1, 1992*

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
POWER AUTHORITY OF THE STATE OF) Docket No. 50-549
NEW YORK)
(Greene County Nuclear Power Plant))

CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE IN SUPPORT OF APPLICANT'S MOTION FOR SUMMARY DISPOSITION, 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 19th day of December, 1978.

Andrew C. Goodhope, Esq., Chairman*
Atomic Safety and Licensing Board
3320 Estelle Terrace
Wheaton, Maryland 20306

Dr. George A. Ferguson
Professor of Nuclear Engineering
Howard University
Washington, D. C. 20001

Dr. Richard F. Cole*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Arthur L. Reuter, Esq.
Attorney at Law
Sharpe's Landing
Germantown, New York 12526

Mr. Peter D. G. Brown
Chairman
Mid-Hudson Nuclear Opponents
P.O. Box 666
New Paltz, New York 12561

Ms. Rosemary S. Pooler
Executive Director
New York State Consumer
Protection Board
99 Washington Avenue
Albany, New York 12210

Lewis R. Bennett, Esq.
Assistant General Manager -
General Counsel
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10010

Town of Athens
c/o Alan Francis Ruf, Esq.
Meadow, Ruf and Lalor, P.C.
8 Reed Street
Coxsackie, New York 12051

Columbia County Survival
Committee
P.O. Box 27
Germantown, New York 12526

George J. Pulver, Jr., Esq.
Bagley, Chadderdon, Pulver
& Stiefel
302 Main Street
P.O. Box 486
Catskill, New York 12414

Citizens to Preserve the Hudson
Valley
c/o Robert J. Kafin, Esq.
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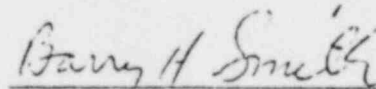
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