## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	S s	
HOUSTON LIGHTING & POWER COMPANY	3 107 107 10	
(Allens Creek Nuclear Generating Station, Unit No. 1)	2000	

Docket No. 50-465

APPLICANT'S MOTION FOR SUMMARY DISPOSITION ON INTERVENOR MC CORKLE'S CONTENTION NO. 17

Applicant moves the Board under 10 CFR § 2.749 to grant summary disposition with respect to Intervenor McCorkle's Contention No. 17 relating to containment leakage. As shown in the accompanying statement of material facts as to which there is no genuine issue to be heard, and the affidavit of Guy Martin and Walter Malec, there is no genuine issue to try in this proceeding and Applicant is entitled under § 2.749 to have the Contention summarily dismissed as a matter of law.

The Contention

McCorkle's Contention No. 17 states:

The containment as designed will allow excessive leakage to bypass the filtration systems. The Power company admits that 20 percent of the leakage would not even be filtered.

8008190349

527

## Argument

In Contention No. 17 Intervenor McCorkle alleges that the ACNGS containment is designed to allow 20 percent of the leakage to bypass the filtration systems. As the attached affidavit demonstrates, the containment design does not allow 20 percent of leakage to bypass the filtration system. Intervenor's concern apparently stems from an outdated statement in the original SER Section 6.2.3, p. 6-29. (Deposition Tr. 26) This statement, however, does not reflect the design modifications to the ACNGS leakage prevention systems described in PSAR Section 15 and Appendix 15A. As the attached Affidavit demonstrates, unfiltered containment leakage will be far below the percentage alleged by the Intervenor.

The Applicant has analyzed the potential leakage pathways through containment penetrations and, under design basis accident conditions, the amount of leakage which will be expected. The latter (the design leak rate) will be 0.5 percent by weight of the contained atmosphere per day at peak pressure. This will limit off-site doses in the event of an accident to well below 10 CFR Part 100 allowable limits. Applicant's analysis further estimates that, of the total amount of containment leakage, only .0195 percent per day of containment atmosphere will be unfiltered. This will result in total unfiltered containment leakage far below the 20% claimed by intervenor.

-2-

Finally, extensive pre-operational testing will be performed in accordance with the requirements of 10 CFR, Appendix J, to ensure actual containment leakage is within NRC requirements.

Accordingly, Intervenor McCorkle has not raised a genuine issue of material fact to be heard on this issue and Applicant is entitled to summary disposition as a matter of law.