

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
UNITED STATES DEPARTMENT OF ENERGY ) Docket No. 50-537  
PROJECT MANAGEMENT CORPORATION )  
TENNESSEE VALLEY AUTHORITY )  
 )  
(Clinch River Breeder Reactor )  
Plant) )

NRC STAFF'S UPDATED ANSWERS TO NATURAL  
RESOURCES DEFENSE COUNCIL, INC. AND  
THE SIERRA CLUB REQUEST TO APPLICANTS AND STAFF  
FOR ADMISSIONS DATED JANUARY 14, 1977 (EIGHTH SET)

The Nuclear Regulatory Commission Staff ("Staff") hereby updates its March 28, 1977 and April 27, 1978 Updated Answers to Natural Resources Defense Council, Inc. and the Sierra Club Request to Applicants and Staff for Admissions, filed on January 14, 1977 (Eighth Set). Attached hereto are the Staff's answers to NRDC's and the Sierra Club's request for admissions together with the affidavit of Jerry J. Swift.

Respectfully submitted,

*Elaine I. Chan*

Elaine I. Chan  
Counsel for NRC Staff

*Geary S. Mizuno*

Geary S. Mizuno  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 11th day of April, 1983

NRC STAFF UPDATED ANSWERS TO NRDC  
REQUEST FOR ADMISSIONS DATED JANUARY 14, 1977

Contention 2

Statements 81-85

81. The use of the term "highly improbable" by the Staff/Applicant (to each as appropriate) is meant to imply a probability equal to or less than (select one):

- a)  $10^{-1}$
- b)  $10^{-2}$
- c)  $10^{-3}$
- d)  $10^{-4}$
- e)  $10^{-5}$
- f)  $10^{-6}$
- g) some lower probability

82. The use of the term "highly unlikely event" by the Staff/Applicant (to each as appropriate) is meant to imply a chance of occurrence equal to or less than (select one):

- a)  $10^{-1}$
- b)  $10^{-2}$
- c)  $10^{-3}$
- d)  $10^{-4}$
- e)  $10^{-5}$
- f)  $10^{-6}$
- g) some lower probability

83. With respect to the CRBR, the determination by the Staff/Applicant (to each as appropriate) that a CDA need not be included in the spectrum of DBA's is a subjective determination.

84. With respect to the CRBR, the determination by the Staff/Applicant (to each as appropriate) that a CDA need not be included in the spectrum of DBA's is an objective determination.

85. With respect to the CRBR, the determination by the Staff/Applicant (to each as appropriate) that a CDA need not be included in the spectrum of DBA's is based upon qualitative judgments.

Response

The Staff's previous responses are still valid.

Statement 86

86. The Staff/ Applicant (to each as appropriate) is unable to state the probability of a CRBR-CDA in quantitative terms such as, for example, less than one chance in  $10^4$  reactor years.

Response

The Staff denies this statement. The Staff provided its estimate in the Supplement to the Final Environmental Statement for CRBR NUREG-0139, October 1982.

Statements 87-95

87. It is impossible to design a 350 MW(e) LMFBR such that, within the time schedule for the CRBRP, the CDA can be objectively determined to be not credible, where credible is defined in a manner consistent with existing NRC regulations.

88. It is possible to design a 350 MW(e) LMFBR such that, within the time schedule for the CRBRP, the CDA can be objectively determined to be not credible, where credible is defined in a manner consistent with existing NRC regulations.

89. The Staff/Applicant (to each as appropriate) is unable to quantitatively determine that the probability of a CRBR-CDA is less than one chance in  $10^4$  reactor-years with a confidence level greater than 90 percent.

90. The Staff/Applicant (to each as appropriate) is unable to objectively determine that the probability of a CRBR-CDA is less than one chance in  $10^4$  reactor-years with a confidence level greater than 90 percent.

91. While some probabilistic criteria has been employed, the ultimate decision that a CRBR-CDA does not have to be considered as a DBA is based upon engineering judgment.

92. The decision that the CRBR-CDA does not have to be considered as a DBA was made in a deterministic manner as distinguished from a probabilistic manner.

93. When a decision is made in a deterministic manner, the decisionmaking process involves engineering judgment.

94. Since the decision that the CRBR-CDA does not have to be considered as a CDA was made in a deterministic manner, it is not possible to quantify the probability of the occurrence of a CDA.

95. Since the decision that the CRBR-CDA does not have to be considered as a DBA was made in a deterministic manner, the chance of occurrence of a CDA can only be stated in subjective terms such as highly improbable or extremely unlikely.

Response

The Staff's previous responses are still valid.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

UNITED STATES DEPARTMENT OF ENERGY )  
PROJECT MANAGEMENT CORPORATION )  
TENNESSEE VALLEY AUTHORITY )

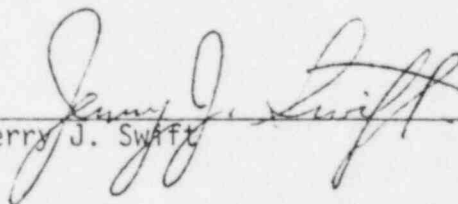
(Clinch River Breeder Reactor Plant) )

Docket No. 50-537


AFFIDAVIT OF JERRY J. SWIFT

I, Jerry J. Swift, being duly sworn, state as follows:

1. I am employed by the U.S. Nuclear Regulatory Commission as a Reactor Engineer, Clinch River Breeder Reactor Program Office, Office of Nuclear Reactor Regulation.
2. I am duly authorized to update the answers to the Eighth Set of Requests for Admissions, dated January 14, 1977, and I hereby certify that the answers given are true to the best of my knowledge.

  
\_\_\_\_\_  
Jerry J. Swift

Subscribed and sworn to before me  
this 29<sup>th</sup> day of April, 1983.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 7/1/84