

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
No. 1)

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Docket No. 50-466

APPLICANT'S RESPONSE TO
JOHN F. DOHERTY'S CONTENTION #45

Applicant files this response to the motion of Intervenor, John F. Doherty, for admission into this proceeding of an untimely contention related to lateral support for the reactor core. For the reasons set out below, the motion should be denied.

First, Intervenor has failed to identify any viable basis for this contention. Intervenor's only concern described in this contention is that the ACNGS reactor design (specifically, the fuel spacer grids) "is not sufficient to withstand the lateral force applied to the core due to flashing which occurs near the end of the subcooled blowdown portion of the LOCA transient." In turn, Intervenor's sole support for the one concern is NUREG/CR-1018, "Review of LWR Fuel System Mechanical Response With Recommendations for Component Acceptance Criteria." Intervenor's critical

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reliance on NUREG/CR-1018 is totally misplaced, however.

The calculation of lateral forces which are of concern to Intervenor is a significant analytical problem only in open lattice reactor cores (i.e., certain types of PWR cores) and is not a concern in BWR cores where the fuel assemblies are enclosed in fuel channel boxes. See Section 4, p. 13 of NUREG/CR-1018 and Appendix B, "Analysis of Three-Dimensional Effects on PWR Blowdown Heat Transfer." Moreover, Intervenor's concern over the adequacy of the margins used in lateral support design is not supported, but refuted by his single reference. NUREG/CR-1018 specifically states that "Additional margin, such as discussed above for LOCA forces, is not applicable if a linear bounding analysis can be justified. Linear response analysis techniques are well defined." (p. 14). As recognized in the NUREG, General Electric does in fact employ a linear bounding analysis in calculating combined SSE and LOCA loads (p. 37).^{1/} In summary, even if Intervenor's general concerns were applicable to ACNGS, the specific remedy is still not applicable given the recognized, conservative design techniques employed.

^{1/} This methodology has been specifically approved by the NRC Staff. See letter from Olin D. Parr to G. G. Sherwood, dated May 17, 1979, approving NEDE-21175-P.

Finally, Mr. Doherty's contention is untimely filed without an adequate showing of good cause as required by 10 C.F.R., §2.714(a). Mr. Doherty's sole excuse for belatedly raising this issue is the September, 1972, publication of NUREG/CR-1018. However, as we have discussed above, NUREG/CR-1018 provides no basis to support Mr. Doherty's contention and therefore cannot be relied upon as justification for failing to file the contention on a timely basis. A petitioner has a heavy burden in justifying an untimely filing when he has failed to establish "good cause." Nuclear Fuel Services, Inc. (West Valley Reprocessing Plant) CLI-74-4, 1 NRC 273 (1975). Mr. Doherty has not carried this burden with his brief and unconvincing discussion of the other factors set forth in Section 2.714(a). Accordingly, the Board should dismiss this contention as untimely filed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicant's Response to John F. Doherty's Contention #45 in the above-captioned proceeding were served on the following by deposit in the United States mail, postage prepaid, or by hand-delivery this 18 day of DECEMBER, 1979.

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