

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges  
Charles Bechhoefer, Chairman  
Dr. James C. Lamb  
Frederick J. Shon

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In the Matter of  
  
HOUSTON LIGHTING AND  
POWER COMPANY, ET AL.  
  
(South Texas Project  
Units 1 and 2)

Docket Nos. STN 50-498 OL  
STN 50-499 OL  
  
ASLBP No. 79-421-07 OL  
  
February 14, 1986

MEMORANDUM AND ORDER  
(Permitting Withdrawal of CCANP Contention 3)

On January 17, 1986, CCANP, the intervenor in this operating license proceeding, filed a motion to withdraw its Contention 3. That contention concerned overpressurization of Westinghouse reactors (such as those used at the South Texas Project). The Applicants support the withdrawal motion and the Staff offers no objection.

When the contention was originally accepted, in 1979, overpressurization of Westinghouse reactors represented an unresolved generic safety issue. At the same time, we pointed to a new report on this subject (NUREG-0224), to which no party or petitioner had drawn our attention, which purported to resolve the generic issue. LBP-79-10, 9 NRC 439, 449-51 (1979). In their response to the withdrawal motion, the Applicants advise that, as stated in NUREG-0224, Task Action Plan (TAP)

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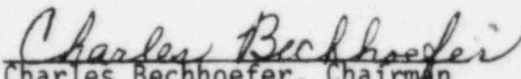
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A-26 was designed to develop acceptance criteria for overpressurization protection systems for low temperature events, and was completed by the Staff's adoption of Branch Technical Position (BTP) RSB 5-2, "Overpressurization Protection of Pressurized Water Reactors While Operating at Low Temperatures." In NRC's "Unresolved Safety Issues Summary" (NUREG-0606, August 16, 1985, at p. 8), the overpressurization issue (A-26) is included among the generic issues for which technical resolution is complete. The Applicants further advise that BTP RSB 5-2 has been incorporated into the NRC Standard Review Plan (NUREG-0800, Rev. 0 (July 1981), at p. 5.2.2-7) and that STP is committed to comply with BTP RSB 5-2.

We have examined BTP RSB 5-2, as incorporated into the Standard Review Plan; and, while not exploring its substance in any detail, we find that it represents a "plausible" method for resolving the overpressurization problem. See Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-491, 8 NRC 245, 248-49 n. 7 (1978); Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-732, 17 NRC 1076, 1110-13 (1983); Pennsylvania Power and Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), LBP-79-6, 9 NRC 291, 311 (1979). Since the Applicants have committed to follow that methodology, we find no basis for further exploration of whether additional limitations on operation of STP to account for overpressurization should be imposed. We accordingly grant CCANP's motion to withdraw Contention 3 and dismiss that contention.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 14th day of February, 1986