UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	S
HOUSTON LIGHTING & POWER COMPANY	5000
(Allens Creek Nuclear Generating Station, Unit No. 1)	9999

Docket No. 50-466

APPLICANT'S MOTION FOR SUMMARY DISPOSITION ON INTERVENOR TEXPIRG'S CONTENTION NO. 38

Applicant moves the Board under 10 CFR § 2.749 to grant summary disposition with respect to Intervenor TexPirg's Contention No. 38 relating to use of float type switches in the SCRAM discharge volume tank. As shown in the accompanying statement of material facts as to which there is no genuine issue to be heard, and affidavit of James D. Heidt, there is no 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

TexPirg's Contention No. 38 states:

Petitioner contends the ACNGS control rod drive system is a hazard to public (and its members) safety because General Electric designed control rod systems have had defective float switches which failed to function in their SCRAM discharge volume tanks (SDVT). These switches activate the outflow of these tanks. If they fail to float, the SDVT will not empty. In the event of SCRAM, while the SDVT is filled with water, water from the hydraulic CRD system cannot escape and permit the control rod to be driven into the core as designed, because the rod's progress is slowed. From 1972 to 1974 this failure was noted at <u>Hatch I</u>, <u>Peach</u> Bottom III, Duane Arnold Energy Center and Fermi 2.

Argument

Intervenor TexPirg alleges that ACNGS will use defective float switches in the SCRAM Discharge Instrument Volume (SDIV) which will cause the SDIV not to drain, thereby causing the control rod drive system not to function properly.

Contrary to Intervenor's assertion in this contention, ACNGS will not use the type of float switches referred to by Intervenor. Instead of a float type level switch, ACNGS will use a differential pressure level transmitter system to transmit information on water level in the SDIV. This system will eliminate the problem which Intervenor raises, namely, float sinking.

Since there is no genuine issue of material fact to be litigated on this issue, Applicant is entitled to summary disposition as a matter of law.

-2-