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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket No. 50-424
GEORGIA POWER CO., <u>et al.</u>)	50-425
)	(OL)
(Vogtle Electric Generating Plant,)	
Units 1 and 2))	

APPLICANT'S REPLY TO CPG/GANE RESPONSE TO
MEMORANDUM AND ORDER ON SPECIAL PREHEARING CONFERENCE

I. Introduction

On September 27, 1984, Intervenors Campaign for a Prosperous Georgia/Georgians Against Nuclear Energy filed a "Response to Memorandum and Order on Special Prehearing Conference." This response contained objections to the Board's rulings on Contentions 10.2 and 11, and requested amendment of the Board's Prehearing Conference Order.

On October 5, 1984, Applicants filed a Motion for Leave to File Reply. The Board granted this motion on October 9, 1984. Accordingly, Applicants reply as follows.

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II. Contention 10.2

In this subcontention, Interveners alleged that synergistic effects in environmental qualification had not been considered by Applicants. Applicants responded that 10 C.F.R. § 50.49(e)(7) requires consideration of synergistic effects only "when these effects are believed to have a significant effect on equipment performance." Applicants indicated that they complied with this directive and had identified cable as such equipment. Applicants also pointed out that Interveners did not identify any equipment for which synergistic effects should have, but had not, been considered.

The Licensing Board agreed that Interveners had indeed failed to identify any equipment or component alleged to be susceptible to synergism, and it denied the contention as lacking specific basis.

Interveners now state that their contention applied to any component containing PE or PVC and assert that "it would be impossible for CPG/GANE to identify all of the components containing these materials. . . ." (Emphasis added). Applicants note, however, that Interveners have not attempted to identify any equipment or component that is subject to environmental qualification requirements, that contains PE or PVC, and for which synergism has a "significant effect on equipment performance." In such case, the Board correctly ruled that this

contention lacked specific basis.^{1/}

With respect to cable, Intervenors also assert that an affidavit which Applicants prepared in an attempt to assuage Intervenors' concerns did not indicate certain test parameters. This assertion, however, is irrelevant to the admissibility of the contention. The contention was denied because Intervenors' contention did not acknowledge or address Applicants' testing program. That the FSAR identified cable as subject to testing for synergism was simply ignored by Intervenors in their contention.

Additionally, Intervenors attempt to divert attention from their failure to satisfy pleading requirements by asserting that Applicants should have provided more information. Applicants, however, identified all equipment (cable) which Applicants believe to be susceptible to a significant synergistic effect on performance. If Intervenors believed that other equipment is subject to a significant synergistic effect, they had the burden of so stating. If Intervenors had specific

^{1/} Intervenors, as the proponent of an order admitting their contention, have the burden of persuasion. See 10 C.F.R. § 2.732. They must demonstrate that they satisfy the pleading requirements--basis and specificity. At the pleading stage, Applicants are simply not required to prove their case with respect to proposed contentions, and could not do so with respect to contentions that are too vague to provide Applicants notice of that against which Applicants need defend.

concerns with methods of testing for synergistic effects,^{2/} they should have raised such concerns in their contention. Contention 10.2 was properly rejected.

III. Contention 11

In Contention 11, Intervenors alleged that Applicants had failed to consider defects in the Vogtle steam generator system. Intervenors referred inter alia to corrosive effects that are the subject of NRC Unresolved Safety Issues (USI) A-3 through A-5.

Applicants responded by referring to the specific sections of the FSAR that addressed these problems and pointed out that Intervenors had not satisfied the pleading requirements set forth in Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-444, 6 N.R.C. 760, 773 (1977). Intervenors did not address the fashion in which Applicants dealt with these issues.

During the Prehearing Conference and in CPG's Second Amendment to Contention 11, Intervenors for the first time

^{2/} In its affidavit, Applicants did not specify synergism test parameters because such parameters did not appear to be of concern to Intervenors. The SANDIA report to which Intervenors referred addressed test sequence and the use of an inert test environment. If Intervenors had other concerns, they made no attempt to revise their contention to raise such concerns; they certainly failed to provide Applicants notice against that which Applicants had to defend.

attempted to address the Vogtle design and Applicants' FSAR. However, they did so merely by quoting sections of Applicants' FSAR; and as Applicants pointed out in its "Response to New Information Submitted by GANE and CPG in Support of Their Proposed Contentions," (June 11, 1984), the sections quoted by Intervenor were taken out of context. Intervenor provided no basis for doubting the efficacy of Applicants' use of all volatile treatment, Applicants' inspection program, and Applicants' steam generator design in minimizing corrosion. The Licensing Board agreed that Intervenor had not indicated the manner in which these specific measures were inadequate.

Intervenor now attack the Board's ruling, but they do no more than repeat the same contention and assertions. The gravamen of their complaint is that the FSAR does not unequivocally demonstrate that corrosion could not occur. In essence, they quibble with the language used in the FSAR.

Such an argument does not satisfy Intervenor's pleading responsibilities. It neither demonstrates the safety significance of this contention, nor specifies why the manner in which Applicants address corrosion is inadequate. River Bend, ALAB-444, supra, 6 N.R.C. at 773. At this pleading stage, it is the Intervenor who have the burden of persuasion. See note 1 supra. The Licensing Board was correct in rejecting Contention 11.

IV. Conclusion

For all of the foregoing reasons, Intervenors' objections to and request for amendment of the Prehearing Conference Order should be denied.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

Ernest L. Blake, Jr.

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David R. Lewis

Counsel for Applicants

Dated: October 12, 1984

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NUCLEAR REGULATORY COMMISSION

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GEORGIA POWER COMPANY)
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Units 1 and 2

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Reply to CPG/GANE Response to Memorandum and Order on Special Prehearing Conference", dated October 12, 1984, were served on those persons on the attached Service List by deposit in the United States mail, postage prepaid.

Ernest L. Blake, Jr.
Ernest L. Blake, Jr., P.C.

DATED: October 12, 1984

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