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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of)

GEORGIA POWER CO.)
et al.)

(Vogtle Electric Generating Plant,)
Units 1 and 2))

Docket Nos. 50-424
50-425
(OL)

NRC STAFF REPLY TO CPG/GANE RESPONSE TO
MEMORANDUM AND ORDER ON SPECIAL PREHEARING CONFERENCE

I. INTRODUCTION

Intervenors Campaign for a Prosperous Georgia (CPG)/Georgians Against Nuclear Energy (GANE), filed a "Response to Memorandum and Order on Special Prehearing Conference," on September 27, 1984. (CPG/GANE Response) The CPG/GANE Response objects to Licensing Board rulings which (a) excluded admission as a litigable issue in this proceeding Contention 10.2 and (b) admitted Contention 11 only in a restated and narrowed form.

The CPG/GANE Response is in effect a motion for reconsideration of the Board's Special Prehearing Conference Order dated September 5, 1984. Since 10 C.F.R. § 2.752(c) does not provide for replies to such motions, Applicant on October 5, 1984 sought leave to file a reply. CPG/GANE had no objection to Applicant's motion. Similarly, the NRC staff had no objection provided it be permitted an opportunity to reply to CPG/GANE's September 27th filing within five days after receipt of Applicant's reply. Applicant's reply,

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dated October 12, 1984, was received by the Staff on October 16, 1984. For the reasons stated below, the NRC staff recommends that the CPG/GANE motion for reconsideration be denied.

II. DISCUSSION

A. Contention 10.2

Contention 10.2 asserts that synergistic effects in environmental qualification have not been considered by Applicants. This assertion is without merit. 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." Applicant in a response dated May 7, 1984, argued that it complied with this directive and had identified cable as such equipment. Applicant further noted that Intervenor did not identify any equipment for which synergistic effects should have, but had not, been considered. The Board in its Special Prehearing Conference Order agreed that Intervenor had failed to identify any equipment or component alleged to be susceptible to synergism, and on that basis denied the Contention as lacking a specific basis.

CPG/GANE now claims that their Proposed 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). However, CPG/GANE has again failed 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." Thus, no basis is provided to reconsider the Board's ruling that this Contention lacked specific basis.

In the case of cable, CPG/GANE also claim that an affidavit which Applicant prepared in an attempt to assuage Intervenors' concerns did not indicate certain test parameters. This assertion is irrelevant to the admissibility of the contention. The contention was denied by the Board because Intervenors' contention did not acknowledge or address Applicants' testing program.

For all the above reasons, the Intervenors have failed to make a showing that the Board's previous order denying admission of Contention 10.2 was in error.

B. Contention 11

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

Applicant responded to this assertion by referring to the specific sections of the FSAR that address 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 NRC 760, 773 (1977) which requires that contentions founded upon USI's particularly state why the USI has relevance to the safety of the subject facility.

The Board restated Intervenors' Proposed Contention 11 and narrowed its scope to address only bubble collapse or vibration-induced fatigue cracking mechanisms for tube degradation.

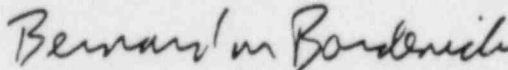
Intervenors latest filing, which implicitly argues for admission of a broader Contention, merely challenges the Board's ruling on this Contention by simply repeating assertions previously advanced. The Commission has held that repetition of arguments previously presented does not present a basis for reconsideration. Nuclear Engineering Company, Inc. (Sheffield, Illinois Low-Level Radioactive Waste Disposal Site), CLI-80-1, 11 NRC 1, 5-6 (1980) and cases cited at 11 NRC 1. 5.

For this reason, the Intervenors have totally failed to make a showing that the Board should reconsider its previous decision which admitted a narrower Contention 11 than that sought by Intervenors.

III. CONCLUSION

For the reasons set out above, the CPG/GANE motion for reconsideration should be denied.

Respectfully submitted,



Bernard N. Bordenick
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 22nd day of October, 1984.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REPLY TO CPG/GANE RESPONSE TO MEMORANDUM AND ORDER ON SPECIAL PREHEARING CONFERENCE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, or, as indicated by a double asterisk, by hand delivery, this 22nd day of October, 1984:

Morton B. Margulies, Esq., Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris*
Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Carol A. Stangler
425 Euclid Terrace, N.E.
Atlanta, GA 30307

Ernest L. Blake, Jr. Esq.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

Mr. Gustave A. Linenberger, Jr.*
Administrative Judge
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Deppish Kirkland, III, Esq.
Joel R. Dichter, Esq.
Consumers Utility Counsel
Suite 225
William Oliver Building
32 Peachtree Street, N.W.
Atlanta, GA 30303

Douglas C. Teper
1253 Lenox Circle
Atlanta, GA 30306

Jeanne Shorthouse
507 Atlanta Avenue
Atlanta, GA 30315

Dan Feig
1130 Atlanta Avenue
Atlanta, GA 30307

Atomic Safety and Licensing
Board Panel*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

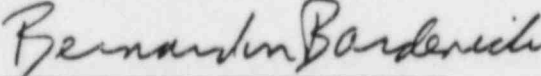
James E. Joiner, Esq.
Troutman, Sanders, Lockerman,
& Ashmore
127 Peachtree Street, N.W.
Atlanta, GA 30043

Tim Johnson
Executive Director
Educational Campaign for
a Prosperous Georgia
175 Trinity Avenue, S.W.
Atlanta, GA 30303

Laurie Fowler, Esq.
Legal Environmental Assistance
Foundation
1102 Healey Building
57 Forsyth Street, N.W.
Atlanta, GA 30303

Atomic Safety and Licensing
Appeal Board Panel*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ruble A. Thomas
Southern Company Services, Inc.
P.O. Box 2625
Birmingham, AL 35202


Bernard N. Bordenick
Counsel for NRC Staff