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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD '85 SEP -3 P2:14

Before Administrative Judges:

Morton B. Margulies, Chairman
Gustave A. Linenberger, Jr.
Dr. Oscar H. Paris

OFFICE OF SECRETARY
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In the Matter of
GEORGIA POWER COMPANY, et al.
(Vogtle Electric Generating
Plant, Units 1 and 2)

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

September 3, 1985

MEMORANDUM AND ORDER
(Ruling on Motion for Summary Disposition
of Contention 11 re: Steam Generators)

Introduction

In their Contention, Joint Intervenors Campaign for a Prosperous Georgia and Georgians Against Nuclear Energy allege that Applicants have not adequately dealt with steam generator tube rupture considerations in the Vogtle Electric Generating Plant (VEGP), based upon historical experience and the inclusion of steam generator problems in the NRC Report NUREG-0606, Vol. 4, No. 3, "Unresolved Safety Issues Summary", September 1982. On July 5, 1985 Applicants filed a motion for summary disposition of this contention in accordance with 10 CFR 2.749. The NRC Staff (Staff) filed a response on July 30, 1985 in support of this

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motion. No response was received from Joint Intervenors. For the reasons discussed below, we grant the motion.

Discussion

Contention 11 states as follows:

Applicants have not demonstrated their basis for confidence that no unacceptable radiation releases will occur as the result of steam generator tube failures occasioned by vibration-induced fatigue cracking and by bubble collapse within the Vogtle steam generators.

Georgia Power Company, et al. (Vogtle Electric Generating Plant, Units 1 and 2), LBP-84-35, 20 NRC 887, 908 (1984).

With respect to the granting of a motion for summary disposition on the pleadings, 10 CFR 2.749(d) provides in part as follows:

The presiding officer shall provide the decision sought if the filings in the proceeding, depositions, answers to interrogatories, and admissions on file, together with the statements of the parties and the affidavits, if any, show that the moving party is entitled to a decision as a matter of law.

Applicants' motion is accompanied by a list of fifteen alleged material facts as to which no genuine issue exists. The motion is also accompanied by an affidavit in support of these facts, along with the professional qualifications of the affiant. These qualifications indicate to us that the affiant may have held positions more aligned with the collecting, organizing and relaying of information than with contributing to its origin. Despite this, we have found no fault with

the content of the affidavit. In summary, the statement of facts not in issue establishes the following:

- ° VEGP utilizes Westinghouse Model F inverted U-tube steam generators that employ a top feedring and an auxiliary feedwater supply in addition to the main feedwater supply;
- ° Vibration induced fatigue cracking is a phenomenon that has only been observed in once-through steam generators and has not been observed in any Westinghouse designed generators. A Westinghouse partial full scale test program has confirmed that in the Model F design vibration amplitudes are too small for concern with respect to fatigue failure; VEGP technical specification limitations and in-service inspection requirements will make tube rupture even more unlikely;
- ° Water hammer induced by steam bubble collapse was previously designated by the NRC as unresolved safety issue (USI) A-1 [not cited by Applicants, but see NUREG-0410, "NRC Program for the Resolution of Generic Issues Related to Nuclear Power Plants", January 1978]. USI A-1 is now considered by the NRC to have been resolved; the NRC has found that no water hammer event has generated an emergency condition nor resulted in a radioactive release [see NUREG-0927, "Evaluation of Waterhammer Occurrence in Nuclear Power Plants-Technical Findings Relevant to Unresolved Safety Issue A-1" (Rev. 1, March 1984), and NUREG-0993, "Regulatory Analysis for USI A-1 Waterhammer" (Rev. 1, 1984)]; and,
- ° Design modifications are described that minimize steam bubble collapse in the Model F steam generators as well as the likelihood for water hammer occurrence; these measures have been adopted at VEGP.

The Staff's response supported Applicants' motion. Relying upon its two affiants (whose qualification we find acceptable), Staff concluded that vibration induced fatigue and steam-bubble-collapse-water-hammer phenomena are adequately protected against in VEGP by

virtue of design features and the meeting of NRC imposed requirements. Thus, Applicants' motion should be granted.

Joint Intervenors filed no response to Applicants' motion. 10 CFR 2.749(a) provides in part:

All material facts set forth in the statement requested to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party.


In reaching our finding, we do not rely upon admissions that result from Joint Intervenors' failure to file a response, as permitted by 10 CFR 2.749(a). During discovery, Joint Intervenors raised an issue of fretting induced tube wear, unrelated to the failure mechanisms addressed by the contention. Staff and Applicants point out that fretting has only been a problem in preheat type steam generators (not used in VEGP), and that design reviews indicate that it should not be of concern at VEGP. Additionally, they both note that fretting is not an issue in this contention. We agree.

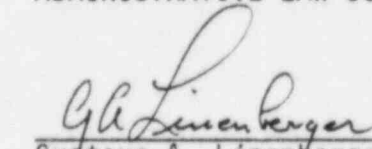
Our assessment of these matters has led the Board to conclude that Applicants' list of material facts devoid of litigable issues is sufficiently complete and sufficiently well-supported by affidavits as to be dispositive of Applicants' motion. From our review of the undisputed material facts of record, we find that Joint Intervenors' contention is without merit.

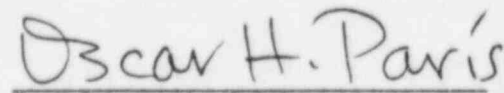
Order

Based upon all of the foregoing, the Board grants Applicants' motion for summary disposition of Contention 11 and hereby orders that the contention is dismissed.

THE ATOMIC SAFETY AND
LICENSING BOARD


Morton B. Margulies, Chairman
ADMINISTRATIVE LAW JUDGE


Gustave A. Linenberger, Jr.
ADMINISTRATIVE JUDGE


Dr. Oscar H. Paris
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 3rd day of September, 1985.