

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.
(Seabrook Station, Units 1 and 2)

Docket Nos. 50-443-OL
50-444-OL

APPLICANTS' RESPONSE TO THE
SUPPLEMENT TO THE PETITION
FOR LEAVE TO INTERVENE
AND FURTHER STATEMENT OF
CONTENTIONS ON BEHALF OF
THE SEACOAST ANTI-POLLUTION LEAGUE

Under date of April 20, 1982, Seacoast Anti-Pollution
League (SAPL) has filed a "Supplement to the Petition for
Leave to Intervene and Further Statement of Contentions"
(SAPL Supp.). Applicants herein respond thereto as follows:

Supplemental Contention No. 1

SAPL's first Supplemental Contention is:

"The Applicant has not established reasonable
assurance that the safety systems of the pro-
posed plant can withstand a worst case accident
analysis because of interactions with components
presently classified as non-safety, contrary to
the requirement of 10 C.F.R. Part 50." SAPL Supp.
at 1.

The entire stated "basis" for this contention is:

". . .the known potential for interaction of
safety and non-safety related components has
occurred, for example, at the accident at
Three Mile Island."

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The purpose of the "basis" requirement set forth in 10 CFR § 2.714 is, inter alia, to assure that the issues to be litigated in NRC proceedings are concrete and to put the Applicants on notice "so that they will know at least generally what they will have to defend against or oppose". Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20 (1974). The above quoted contention and statement of basis are classic violations of the Peach Bottom principal. We are unadvised as to:

1. Which "safety systems" are being talked about.
2. What "worst case accident"^{1/} is being talked about. An Applicant is not required to design against all conceivable accidents by any regulation.
3. We are unadvised as to what non-safety "components" we are talking about.
4. "10 CFR Part 50" is not the most explicit legal reference one can imagine in this context.
5. And we are unadvised on what logic SAPL equates TMI-2 with Seabrook; indeed we are unadvised how Seabrook's particular design fails to comply with regulations in any particular

The contention should be excluded as vague and without basis.

Supplemental Contention No. 2

SAPL's Supplemental Contention No. 2 is:

"The applicant has not provided assurance that safety related equipment will be able to perform adequately in an accident environment over

^{1/} We assume the hardware can withstand "analysis", and assume SAPL refers to performance during some undefined accident.

the projected lifetime of the plant".
SAPL Supp. at 1

This is as vague and unspecific as the first contention, and the basis, quoted below, does not sharpen the issue one bit.

"The basis of this contention is the need for all safety related equipment to be able to operate as required by Appendixes A, B (Criteria III and XI)^{2/}G and K of Part 50. (See also 10 C.F.R. 50.55a) Without a demonstration of safety equipment can operate in conformity with these criteria, and in a manner assuring the public health and safety in an accident environment, the standards required to be met by 10 C.F.R. 50.40 cannot be met, particularly in light of the potential for impaired functioning of safety related equipment as it ages in a radioactive environment. (See the report of the Reactor Safety Research Review Group, September 1981)."

We are wholly unadvised on what basis SAPL makes these statements as to Seabrook's design. One cannot simply make, for example, a sweeping statement that all safety related equipment fails to comply with 10 C.F.R. 50, App. A (the General Design Criteria) and satisfy the requirement of specificity in 10 C.F.R. § 2.714. The contention should be excluded.

Supplemental Contention No. 3

By its third contention SAPL seeks to raise the issue of compliance with the Commission's Interim Policy Statement of June 13, 1980. Without accepting all of SAPL's statements as to what the statement does and does not require, Applicants would have no objection to admission into litigation of a contention worded as follows:

^{2/} 10 C.F.R. 50 §§ III and IX deal with quality assurance in design and procurement document control not operation of equipment.

"The applicable requirements of the Commission's Interim Policy Statement issued June 13, 1980, 45 Fed. Reg. 40101 on Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969 have not been met."

Supplemental Contention Nos. 4 and 5

By these contentions SAPL seeks to raise the issues of Financial Qualifications and Need for Power both of which may not be gone into in light of recent amendments to the Commission's Regulations. 47 Fed. Reg. 12940 (March 26, 1982); 47 Fed. Reg. 13750 (March 31, 1982). Both contentions should be excluded.

When, as and if SAPL files a proper pleading under 10 C.F.R. § 2.758 as it indicates it might to obtain an exception to the new regulations, the Applicants will respond to it.

Supplemental Contention No. 6

SAPL adopts by reference contentions of New Hampshire and its Attorney General Nos. 4-10 and 12-16. If the Board decides to permit this procedure, but see TVA (Brown's Ferry Nuclear Plant, Units 1 and 2), LBP-76-10, 3 NRC 200, 216 (1976), the Applicants rely upon their responses to these contentions as set forth in "Applicants' Response to the Amendment and Supplement to the Petition for Leave to Intervene and Request for Hearing of the State of New Hampshire and Gregory H. Smith, Attorney General of the State of New Hampshire."

Conclusion

SAPL Supplemental Contentions Nos. 1, 2, 4 and 5 should be excluded. Contention No. 3 should be excluded as written although Applicants concede that a properly worded contention with respect to that subject matter would be admissible. As to Contention 6 we respond as set forth in the text above.

Respectfully submitted,

/s Thomas G. Dignan, Jr.

/s R. K. Gad III

/s Ropes & Gray

Thomas G. Dignan, Jr.

R. K. Gad III

Ropes & Gray

225 Franklin Street

Boston, MA 02110

Counsel for Applicants

April 26, 1982

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on April 26, 1982 I made service of the within document by mailing copies thereof, postage prepaid, to:

Robert A. Backus, Esquire
116 Lowell Street
P.O. Box 516
Manchester, NH 03105

Mr. Tomlin P. Kendrick
Executive Director
Coastal Chamber of Commerce
of New Hampshire
822 Lafayette Road
P.O. Box 596
Hampton, NH 03842

Paul A. Fritzsche, Esquire
General Counsel
Public Advocate
State House Station 112
Augusta, ME 04333

Philip Ahrens, Esquire
Assistant Attorney General
Department of the Attorney
General
Augusta, ME 04333

Jo Ann Shotwell, Esquire
Assistant Attorney General
Environmental Protection Division
Public Protection Bureau
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

William S. Jordan, III, Esquire
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Mr. Arnie Wight, Chairman
House Science and Technology
Committee
House of Representatives
Concord, NH 03301

E. Tupper Kinder, Esquire
Assistant Attorney General
Office of the Attorney General
208 State House Annex
Concord, NH 03301

Mr. Robert F. Preston
226 Winnacunnet Road
Hampton, NH 03842

Wilfred L. Sanders, Jr., Esquire
Sanders and McDermott
Professional Association
408 Lafayette Road
Hampton, NH 03842

Roy P. Lessy, Jr., Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Donald L. Herzberg, M.D.
George Margolis, M.D.
Hitchcock Hospital
Hanover, NH 03755

Ms. Patti Jacobson
3 Orange Street
Newburyport, MA 01950

Edward J. McDermott, Esquire
Sanders and McDermott
Professional Association
408 Lafayette Road
Hampton, NH 03842

Robert L. Chiesa, Esquire
Wadleigh, Starr, Peters, Dunn & Kohls
95 Market Street
Manchester, NH 03101

Rep. Nicholas J. Costello
Whitehall Road
Amesbury, MA 01913

Cooperative Members for Responsible
Investment
Box 65
Plymouth, NH 03264

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

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

/s Thomas G. Dignan, Jr.
Thomas G. Dignan, Jr.