

May 12, 1983

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
50-444

NECNP MOTION TO FILE OUT OF TIME ANSWER TO NRC
STAFF AFFIDAVIT REGARDING ENVIRONMENTAL
QUALIFICATION OF ELECTRIC VALVE OPERATORS

By conference call of April 14, 1983, the Licensing Board requested from the NRC Staff an affidavit regarding NECNP Contention I.A.2 on the environmental qualification of electric valve operators inside containment at Seabrook. The Board also stated that it did not find any response to the Staff affidavit to be necessary. NECNP objected to the conference call in a filing of April 15, and requested that it be allowed to answer the affidavit within 20 days, the period allowed by NRC rules for responding to summary disposition motions. The Board responded to NECNP's objection on April 25, stating that under the NRC rules of procedure, NECNP was entitled to only ten days to respond to the Staff affidavit. NECNP's motion to reconsider this order, filed April 29, was denied by order of May 4, 1983.

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NECNP now moves the Board to accept its answer to the NRC Staff affidavit out of time. NECNP was unable to comply with the 10-day response period allowed by the Board because NECNP's consultant, Mr. Gregory C. Minor of MHB Technical Associates, was not available to assist NECNP until May 2, the deadline set by the Board for NECNP's response.

The review of the Staff affidavit involved numerous mailings and telephone conferences between Washington, D.C. and San Jose, California, where MHB Technical Associates is located. Because of the logistical difficulties in working with consultants across the country, preparation of NECNP's answer to the Staff affidavit took a full ten days.


NECNP has diligently attempted to respond to the NRC affidavit within the time period allowed by the Board. Unfortunately, we were unable to complete our review within the ten-day period set by the Board's order. As a result of our review, however, we have raised significant questions regarding the need for qualification of five of the electric valve operators inside containment. As long as NECNP's concerns remain unresolved, Applicants cannot be found to have met their burden of proving that environmental qualification requirements have been met for all electric valve operators inside containment. Therefore, in exercising its responsibility to find a reasonable assurance that NRC regulations are complied with, the Licensing Board should

consider NECNP's answer to the Staff affidavit before it rules on the Applicants' summary disposition motion regarding Contention I.A.2.

In the event the Board should decline to consider NECNP's answer to the Staff's affidavit, we ask that it nevertheless be filed in the record for purposes of appeal.

Respectfully submitted,


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Dated: May 12, 1983