

Filed: January 4, 1984

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 & 2) )

Docket Nos. 50-443 OL  
50-444 OL

APPLICANTS' MEMORANDUM IN RESPONSE TO  
BOARD ORDER OF 12/23/83  
(Regarding Status of Deferred Contentions)

Pursuant to the Board's Order of December 20, 1983,  
the Applicants submit this memorandum describing the  
status of the four contentions that were deferred for  
litigation purposes at the Applicants' request.

Manual Reactor Trip  
(Contention NECNP I.D.2)

This contention was admitted by the Order of the  
Board on September 13, 1982 (Public Service Company of  
New Hampshire (Seabrook Station, Units 1 and 2), LBP-

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82-76, 16 NRC 1029. 1052 (1982)); at that time, the contention related to eleven or twelve functions as to which testing at power was not proposed for Seabrook. A motion for summary disposition was filed by the Applicants on February 11, 1983; opposition was filed only by NECNP (on March 24, 1983). In its opposition, NECNP withdrew the contention as to all functions other than the so-called manual reactor trip, and it opposed allowance of the motion as to that item solely on the basis of the so-called Salem event. (Id. at 11-14.) The Salem event involved the failure of portions of the automatic reactor trip function at the Salem plant. NUREG-1000, Vol. 1, at p. 1-1. At the time of the pre-hearing conference of April 7, 1983, the Salem event was under study by the Staff.

At that pre-hearing conference, the Staff urged deferral of consideration of the pending motion for summary disposition, in which deferral the Applicants acquiesced. On April 13, 1983, NECNP formally reworded the contention in recognition of its limited scope and on May 11, 1983, the Board formally ordered that supplemental responses to the motion for summary disposition by NECNP should be filed within 20 days of

the "Staff study [of the generic implications of the Salem event]."

On May 31, 1983, NUREG-1000, Volume 1 was served on the Board and parties. As described in the letter of Mr. Perlis transmitting that document, it was a portion of the Staff study referred to by the Board, and it was to be followed by the publication of a "Volume 2" containing the Staff's recommendations for licensee or applicant actions believed to be required as a result of the Salem event. On June 6, 1983, the Board issued another Order, adjusting the time for NECNP's supplemental response to the pending motion for summary disposition to 20 days after the service of "Volume 2."

On July 8, 1983, the Staff issued a document called Generic Letter 83-28, which contained the "required actions" for particular types of plant designs.

(Unfortunately, this document was not served upon the Board and parties.) On November 4, 1983, the Applicants submitted their response to Generic Letter 83-28 (Seabrook Letter SBN-576), which, inter alia, described a change to the design of the automatic reactor trip system such that the shunt trip device of the Main Reactor Breakers, previously actuated only in

the case of a manual reactor trip signal, would now also be actuated by the automatic reactor trip system. SBN-576, Items 4.1 & 4.3. (As a result of this change, the shunt trip device will now be tested at power, since the Seabrook design calls for (and always has called for) the automatic reactor trip system to be tested at power.) Letter SBN-576 was served on all parties to the Operating License proceeding.

On December 23, 1983, Volume 2 of NUREG-1000 was served upon the Board and parties. The substantive content of Volume 2 is that same as that of Generic Letter 83-28.

Presumably, the next step in the litigation of this contention, as per the Board's order of June 6, 1983, is the filing by NECNP of any supplemental response to the pending motion for summary disposition of Contention NECNP I.D.2, which response is due January 17, 1984. Thereafter the pending motion will be ripe for a ruling.

(We suspect that this contention will be withdrawn, since the design change effected perforce Generic Letter 83-28 essentially renders it moot. If it is not, the Applicants propose the filing of a

supplemental affidavit in support of the motion describing the nature and effect of the change.)

Control Room Design  
(Contention NH-10)

This contention was admitted by the Order of the Board of September 13, 1982. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-82-76, 16 NRC 1029, 1040-41 (1982). In answers to interrogatories (filed January 17, 1983), the New Hampshire Attorney General ("NHAG") stated that it had no present deficiencies of the Seabrook control room design in mind that it wished to litigate, but rather that the contention was premised solely on the then-unfinished state of the so-called Detailed Control Room Design Review ("DCRDR") being performed by the Applicants in response to NUREG-0737. Id. at 4-7. (All other parties indicated in their responses to interrogatories that they did not intend to litigate this contention.) On that basis, the Applicants suggested the deferral of litigation of the contention by letter to the Board and parties dated June 13, 1983.

On July 7, 1983, the Applicants submitted a report of the conclusions of their DCRDR to the Staff; a copy



was provided to NHAG. A meeting was held at the Seabrook site to discuss the findings of the DCRDR on July 26-29, 1983; NHAG was invited to attend and participate, and its consultant on this topic (Dr. Stephen T. Fan) did so. During the course of the meeting, Dr. Fan requested that he be furnished with copies of a number of documents; these were prepared and furnished to him. On August 11, 1983, a "follow-up" report was sent to the Staff; a copy was provided to NHAG.

If this contention is to be pursued, the logical next step is for NHAG to furnish substantive responses to the Applicants' interrogatories. To that end, having first consulted with NHAG, the Applicants have previously filed a "Motion to Compel Supplementary Answers to Interrogatories from the New Hampshire Attorney General (Contention NH-10)" on December 21, 1983. (Counsel for NHAG indicated to counsel for the Applicants, prior to the filing of that motion, that he agreed as to the logical next step, and he agreed to advise promptly whether the DCRDR had satisfied the concerns that engendered this contention, in which case it can be withdrawn.) Depending upon the responses to

the interrogatories, this contention will be ripe either for a motion for summary disposition or evidentiary hearings.

Shift Supervisor Training  
(Contention NECNP III.3)

This contention was admitted by the Order of the Board of November 17, 1982. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-82-106, 16 NRC 1649, 1661 (1982). Litigation regarding it was deferred at the Applicants' request by letter to the Board and parties dated June 13, 1983.

The Applicants' commitment to the Staff is to supply the information thought to be that relevant to this contention by March 31, 1984. The Applicants presently expect to submit this information before the end of January, 1984. At that time the contention should be ripe for a motion for summary disposition.

Protective Action On-Site  
(Contention NH-21)

This contention was admitted by the Order of the Board of September 13, 1982. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-82-76, 16 NRC 1029, 1046 (1982). On February 14, 1983, the Applicants filed a motion for summary disposition,

which was opposed by NHAG by a pleading filed March 23, 1983. (It was not opposed by any other party.)

Consideration of the motion at the pre-hearing conference of April 7, 1983, however, was deferred at the request of the Staff pending issuance by the Staff of a supplement to the Safety Evaluation Report ("SER") covering its scope.

The SER supplement was issued on May 11, 1983, and, on the basis of its conclusions, the Staff opposed the pending motion for summary disposition as to four items only (one being the submission of certain letters of agreement with local agencies, and three being the submission of additional information). On June 13, 1983, the Applicants withdrew the motion pro tanto the Staff's opposition, and on June 30, 1983, the motion was allowed by the Board to the extent not withdrawn. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-83-32A, 17 NRC 1170, 1172-74 (1983). The Board ordered that the contention be re-worded to reflect its limited scope. Id. at 1174.

The Applicants presently have all of the instruments and information required for this contention in hand and expect to submit the additional

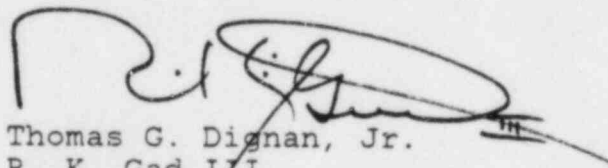


materials called for to the Staff within two weeks (with, of course, copies to the parties). The Applicants will at that time renew the motion for summary disposition as to the remaining aspects of this contention and, presumably, NHAG will respond.

Conclusion

For the foregoing reasons, the Applicants respectfully submit that action on the four deferred contentions is presently on-going in a timely fashion. The only action presently required from the Board to facilitate the resolution of these contentions is allowance of the "Motion to Compel Supplementary Answers to Interrogatories from the New Hampshire Attorney General (Contention NH-10)." The Applicants expect portions of these contentions to be withdrawn; it intends to bring any portions not withdrawn on for summary disposition in due course.

Respectfully submitted,



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*Dated: January 4, 1984*

CERTIFICATE OF SERVICE

I, R. K. Gad III, one of the attorneys for the Applicants herein, hereby certify that on January 4, 1984, I made service of the within "APPLICANTS' MEMORANDUM IN RESPONSE TO BOARD ORDER OF 12/23/83 (Regarding Status of Deferred Contentions)" by mailing copies thereof, postage prepaid, to:

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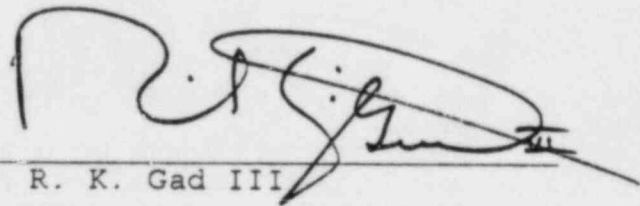
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