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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF

MISSISSIPPI POWER & LIGHT
COMPANY, ET AL.

(GRAND GULF NUCLEAR STATION
UNIT 1)

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DOCKET NO. 50-416
ASLBP NO. 84-497-04 LA

PETITIONER'S RESPONSE TO LICENSEE'S RESPONSE TO "FIRST
ORDER FOLLOWING PREHEARING CONFERENCE (MODIFYING BRIEFING SCHEDULE)"

Preliminary Statement

On September 23, 1983, the NRC issued Amendment No. 10 to Facility Operating License No. NPF-13 for the Grand Gulf Nuclear Station, Unit 1 ("Grand Gulf"). On November 17, 1983, Petitioner filed a petition to intervene and request for hearing on this amendment. On February 13, 1984, in response to a January 11, 1984, Order of the Atomic Safety and Licensing Board (Board) designated to preside, Petitioner filed a supplement listing three additional contentions. At the Pre-Hearing Conference held February 29, 1984, the allegations contained in the amended petition of December 11, 1983, were designated Contentions 1, 2, and 3; those in the Supplement were designated Contentions 6, 7, and 8. At the first Pre-Hearing Conference, the Board held Contentions 2 and 3 moot. In a subsequent Order dated March 2, 1984, the Board concluded that Contentions 2 and 3 might not be moot, and asked the Licensee and Staff to respond to them, as well as to Contention 1.

Argument

Contentions 1, 2, and 3, as well as 4, 5, and 6, should be considered in this proceeding. Petitioner, unlike Licensee, does not have the benefit of well-paid legal counsel. In complying with the Board Order dated February 13, 1984, Petitioner took the word "supplement" at face value. Webster's New World Dictionary defines supplement as "something added." Petitioner therefore saw no need

to repeat verbatim allegations made in paragraphs 6, 7, and 8 of the amended petition. Contrary to the assertion of Licensee believes that all six contentions meet the applicable criteria and should be heard.

Contention 1

The Licensee asserts in its response dated March 16, 1984, that a best-estimate analysis is "one which is performed utilizing the most realistic inputs and correlations available and it provides results which are as close to reality as the state-of-the-art allows." An unexpected change in peak cladding temperature has obvious implications for the safe operation of Grand Gulf. Licensee does not state that sufficient criteria were used. That the lack of sufficient analysis may be due to a lack of available information rather than the failure of Licensee to make use of all available information does not answer the contention. The contention provides reasonable specificity and should be heard.

Contention 2

Licensee answers the contention of the Petitioner by accusing Petitioner of "arbitrary" allegations. Licensee does not respond to the contention by showing that its SER assertion that 12 hours is safe is not arbitrary. The implications of a Licensee, responsible for public health and safety, answering a serious allegation in this manner bring into question whether this Licensee is fulfilling its obligations of accountability and responsibility. Contention 2 raises a litigable issue and should be heard.

Contention 3

Licensee again fails to respond to the actual Contention. Rather than providing evidence that information is available to support the SER assertion that 72 hours assures safety, Licensee states that "No basis whatsoever is provided for JULEP's speculation that 72 hours is insufficient to protect safety." This gives no assurance that the public health and safety is being protected. JULEP raised, with the required specificity, a reasonable concern. It is not, at this stage, required to prove the allegation.

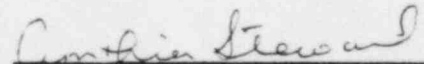
Mootness

Petitioner agrees with Staff and Board that Contentions 2 and 3 should not be considered moot. Support for this is found in the conversations between Ken Lawrence and NRC officials cited in the original and amended petitions and Sholly v. NRC, Public Law 97-415.

Conclusion

Contentions 1, 2, 3, 4, 5, and 6 should be heard. All three meet the basis and specificity requirement of 10 C.F.R. Section 2. 714. The Board, accordingly, should admit Contentions 1, 2, 3, 4, 5, and 6 and Order a Hearing.

Respectfully Submitted,


Cynthia Stewart,
Jacksonians United for Livable
Energy Policies

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IN THE MATTER OF

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(GRAND GULF NUCLEAR STATION,
UNIT 1)

I hereby certify that copies of "Petitioner's Response to Licensee's Response to 'First Order Following Prehearing Conference (Modifying Briefing Schedule,'" dated March 29, 1984, in the captioned proceeding have been served upon the following by deposit in the United States Mail this 29th day of March, 1984:

Herbert Grossman, Chairman
Atomic Safety and Licensing Board
U.S. NRC
Washington, D.C. 20555

Atomic Safety and Licensing Board
U.S. NRC
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. NRC
Washington, D.C. 20555

Mary E. Wagner, Esq.
Counsel for NRC Staff
Office of Executive Legal Director
U.S. NRC
Washington, D.C. 20555

Dr. Peter A. Morris
U.S. NRC
Washington, D.C. 20555

Mississippi Power & Light Co.
Attn: J.P. McGaughy, Jr.
Assistant Vice President
Nuclear Production
P. O. Box 1640
Jackson, MS 39205

Robert B. McGhee, Esq.
Wise, Carter, Child and Caraway
600 Heritage Building
Jackson, MS 39201

Ken Lawrence
JULEP
P.O. Box 3568
Jackson, MS 39207

Docketing and Service Branch
U.S. NRC
Washington, D.C. 20555

Atomic Safety and Licensing Appeal Board
U.S. NRC
Washington, D.C. 20555

Cynthia Ann Stewart