

HARMON, CURRAN & TOUSLEY

2001 S STREET, N.W.

SUITE 430

WASHINGTON, D.C. 20009-1125

'89 NOV 22 P12:02

GAIL MCGREEVY HARMON
DIANE CURRAN
DEAN R. TOUSLEY
ANNE SPIELBERG
SANDRA K. PFAU*
JANNE G. GALLAGHER, of counsel

TELEPHONE
(202) 528-3500
FAX
(202) 528-6918

November 21, 1989

*Not Admitted in D.C.

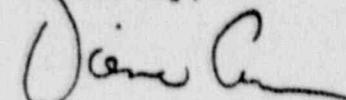
Ivan W. Smith, Chairman
Dr. Richard F. Cole
Dr. Kenneth A. McCollum
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Administrative Judges:

On November 17, on behalf of NECNP, SAPL, and the Massachusetts Attorney General, I filed a motion to reopen the record and admit a late-filed contention regarding a proposed modification to the Seabrook instrument and containment air systems. I have since discovered that a discussion of whether the motion satisfies 10 C.F.R. § 2.714(a)(1)(iii) was inadvertently omitted from the pleading. I am enclosing a revised page 8 of the motion, which now contains a brief paragraph addressing that standard.

This is also to inform you that although the Intervenor believe the proposed design change constitutes an amendment to the full power operating license application rather than an amendment to the low power license, we have nevertheless requested a license amendment hearing pursuant to the terms of the Federal Register notice dated October 26, 1989. This request is made solely for the purpose of protecting our interest in litigating the merits of the proposal, should we not prevail in our attempt to obtain a hearing in the full power operating license case. A copy of the hearing request is enclosed herewith, and has been sent to each of the parties.

Sincerely,


Diane Curran

cc: Seabrook service list

8912050220 891121
PDR ADOCK 05000443
G PDR

0503

Third, because of the contradictions and omissions in the license amendment application, discovery and cross-examination will be required to fully ventilate the merits of the application.

Intervenors' participation in this proceeding may reasonably be expected to lead to the development of a sound record. This contention is supported by an affidavit by two qualified experts which outlines the matters to which they would testify in an evidentiary hearing. Thus, Intervenors have demonstrated that they have the technical resources to fully ventilate the issues raised in their contention.

Finally, it is simply unclear to what extent litigation of this contention will broaden or delay the Seabrook operating license proceeding. If it is true that the proposed cross-connect will not be in use during plant operation, the design change can be rejected very quickly on the ground that it is without logical basis. If, on the other hand, the cross-connect is to be used during full power operation, it will be necessary to litigate the adequacy of the safety analysis underlying the proposal. While this litigation will take longer, it should not be unduly cumbersome because it involves discrete safety systems.