

November 21, 1989

BEFORE THE UNITED STATES NUCLEAR REGULATORY COMMISSION

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In the Matter of)	
)	
Public Service Company of)	
New Hampshire, et al.)	Docket No. 50-443
)	
(Seabrook Station, Units 1 & 2))	
)	
_____)	

NECNP'S SAPL'S AND MASSACHUSETTS ATTORNEY GENERAL'S
 OBJECTION TO PROPOSED NO SIGNIFICANT HAZARDS DETERMINATION
 AND REQUEST FOR A HEARING ON PROPOSED AMENDMENT
 TO SEABROOK'S LOW POWER OPERATING LICENSE

Introduction

On October 26, 1989, the Nuclear Regulatory Commission ("NRC" or "Commission") published in the Federal Register a notice that it is considering the issuance of an amendment to the Seabrook low power operating license.¹ Pursuant to the proposed amendment, Applicants would cross-connect the plant's Instrument Air System, outside containment, to the Containment Building Compressed Air System, which is located inside the containment.

The New England Coalition on Nuclear Pollution, the Massachusetts Attorney General, and the Seacoast Anti-Pollution League (hereafter "Petitioners") hereby request a hearing on the proposed low power license, because it is is neither logical nor

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¹ 54 Fed. Reg. 43,634-36. The Federal Register notice is Attachment 1 to "Intervenors' Motion to Reopen the Record and Admit Late-Filed Contention Regarding Proposed Amendment of Seabrook Operating License Application," dated November 17, 1989. That pleading and its four attachments are attached and incorporated herein.

justifiable on safety grounds.² Petitioners also object to the NRC's determination that the proposed amendment poses no significant hazards, on the ground that it is not supported by an adequate analysis under 10 C.F.R. § 50.92.

I. The No Significant Hazards Determination Is Unsupported By a Valid Analysis.

In the October 26 notice, the NRC states that it has made a proposed determination that the request for amendment involves no significant hazards consideration. This is based on a finding, pursuant to 10 C.F.R. § 50.92, that "operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety." As discussed in the "Joint Affidavit of Gregory C. Minor and Steven C. Sholly Regarding New Hampshire Yankee's September 21, 1989 Operating License Amendment Request (Plant Instrument Air Cross-Connect to Containment Building Air System, NYN-89116), dated November 17, 1989 (hereafter "Minor/Sholly

² Petitioners, who are also Intervenors in the Seabrook full power operating license proceeding, believe that the proposed action is not properly characterized as a low power license amendment, but is in reality an amendment to the application for a full power license for Seabrook. Therefore, on November 17, 1989, they filed with the Licensing Board the attached motion to reopen the record and admit a late-filed contention challenging the proposed amendment to the application. The instant hearing request is being filed for the purpose of protecting Petitioners' hearing rights in the event they are unable to obtain a hearing on this matter in the course of the full power operating license for Seabrook.

Affidavit")³, New Hampshire Yankee's analysis of whether these criteria are met is deficient because it fails to address the critical question of whether the proposed design change could increase the probability of accidents already reviewed or introduce new accidents not already reviewed; nor does NHY's application of September 21, 1989,⁴ provide sufficient information such that the NRC staff could independently evaluate these matters. NHY's purported evaluation "utilizing the criteria specified in § 50.92" is framed entirely in terms of the consequences of accidents, and provides no discussion of accident probabilities other than the unsupported statement that accident probabilities will not be affected. Such conclusory statements, with no stated underlying technical basis, cannot be accepted in lieu of an actual analysis. For example, NHY does not identify which accidents were evaluated (if any), their probability before and after the modification, or any other factor related to the probability of accidents and how they may be affected by the proposed design change. No basis is provided to accept NHY's conclusory statement that no significant changes in probability occur as a result

³ The Minor/Sholly Affidavit is Attachment 2 to "Intervenors' Motion to Reopen the Record and Admit Late-Filed Contention Regarding Proposed Amendment of Seabrook Operating License Application."

⁴ New Hampshire Yankee Letter No. NYN-89116, from Ted Feigenbaum to the NRC Document Control Desk, re: "Request for License Amendment; Plant Instrument Air Cross-Connect to Containment Building Air System," Enclosure 2, at 1. NYN-89116 is Attachment 3 to "Intervenors' Motion to Reopen the Record and Admit Late-Filed Contention Regarding Proposed Amendment of Seabrook Operating License Application."

of the proposed design change.⁵

II. Petitioners Are Entitled to a Prior Hearing on the Proposed License Amendment.

As discussed above, NHY has failed to satisfy the criteria in 10 C.F.R. § 50.92 for the granting of an operating license amendment prior to hearing. Therefore, Petitioners request the NRC to hold a hearing on the proposed amendment before it is granted. As discussed below, Petitioners satisfy the NRC's criteria for admission of intervenors to NRC licensing proceedings.

A. Nature of Petitioners' right under the Act to be made party to the proceeding

Petitioners are entitled to a hearing under Section 189a of the Atomic Energy Act, 42 U.S.C. § 2239(a), because they are parties whose interest in the safe operation of the Seabrook nuclear power plant may be affected by the issuance of the proposed license amendment.

B. Nature and extent of Petitioners' property, financial, or other interest in the proceeding

Petitioners represent Seabrook area residents with health, safety, financial and property interests that would be threatened by the unsafe design and operation of the Seabrook reactor. The New England Coalition on Nuclear Pollution is a non-profit educational organization incorporated under the laws of Vermont, with some 450 members and supporting groups throughout New England, including the New Hampshire seacoast. The Seacoast Anti-Pollution League is a nonprofit corporation organized under New

⁵ Minor/Sholly Affidavit, par. 17.

Hampshire law, with approximately 1,000 members who reside principally in the seacoast areas of New Hampshire and northeastern Massachusetts. The Massachusetts Attorney General represents the interests of all Massachusetts citizens, including the thousands who live in the general vicinity of the Seabrook reactor. All of the Petitioners have been active intervenors in the Seabrook licensing case since the early 1970's.

C. Possible effect of any order which may be entered in the proceeding on the petitioners' interest

The proposed amendment would affect Petitioners' interest in the safe operation of Seabrook by exacerbating the potential for containment leakage without an apparent compensating benefits.⁶ Moreover, the proposed amendment is so illogical as to raise questions about NHY's ability to evaluate and resolve safety and design problems at Seabrook.

Petitioners's concerns about the illogic and poor safety justification for the proposed amendment are detailed in the Minor/Sholly Affidavit at pars. 8-19. In summary, while the alleged purpose of the cross-connect is to provide greater reliability during full-power operation, the application states that the air-operated valve in the cross-connect line will be closed during Modes 1-4, which are the operational modes.⁷ Thus,

⁶ As stated in the FSAR, "[a]dditional containment penetrations and containment isolation valves introduce additional unnecessary potential pathways for radioactive leakage following a postulated accident." FSAR at 7.1-23, Attachment 4 to "Intervenors' Motion to Reopen the Record and Admit Late-Filed Contention Regarding Proposed Amendment of Seabrook Operating License Application."

⁷ Minor/Sholly Affidavit, pars. 11-14.

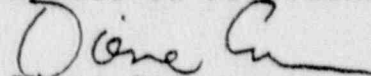
the cross-connect will only be operable when the plant is shut down.

Moreover, the application is not supported by an adequate safety analysis. First, it fails to address the crucial question of whether the proposed design change could increase the probability of accidents already reviewed or introduce new accidents not already reviewed; nor does the request provide sufficient information such that the NRC staff could independently evaluate these matters.⁸ The application also fails to evaluate systems interactions questions that are raised by the cross-connect.⁹

CONCLUSION

For the foregoing reasons, the Commission should rescind its proposed no significant hazards determination and grant a prior hearing to Petitioners on the proposed operating license amendment.

Respectfully submitted on
behalf of Petitioners,



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⁸ Minor/Sholly Affidavit, par. 17.

⁹ Id., par. 18.

SEABROOK SERVICE LIST

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