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November 29, 1989

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

89 DEC -4 P4:56

before the

OFFICE OF SECRETARY
DOCKETING SERVICE
WASHINGTON, D.C.

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-OL
50-444-OL

(Offsite Emergency
Planning Issues)

**APPLICANTS' ANSWER TO INTERVENORS' MOTION TO
REOPEN THE RECORD AND ADMIT LATE-FILED CONTENTION
REGARDING PROPOSED AMENDMENT OF SEABROOK
OPERATING LICENSE AMENDMENT**

Under date of November 17, 1989, counsel for the Intervenor New England Coalition on Nuclear Pollution (NECNP) has filed on behalf of NECNP and Seacoast Anti-Pollution League (SAPL) and the Attorney General of The Commonwealth of Massachusetts (MAG) a document styled, "Intervenors' Motion to Reopen the Record and Admit Late-Filed Contention Regarding Proposed Amendment of Seabrook Operating License Application" ("the Motion"). The contention which the Intervenors wish to have admitted for litigation is the following:

"Applicants' proposal to cross-connect the plant's Instrument Air System to the Containment Building Compressed Air System should be rejected because it is neither logical nor supported by an adequate safety analysis." Motion at 2.

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The gravamen of the Motion and the contention is a Federal Register Notice (a so-called "Sholly Amendment" no significant hazard consideration and opportunity for hearing notice) published on October 26, 1989, which is Attachment 1 to the Motion.¹ The Notice was issued in response to an Application for a License Amendment filed by the Applicants on September 21, 1989; a portion of the application is attached to the Motion as Attachment 3 thereto.²

Attached hereto and marked "A" is Applicants' withdrawal of the application in question which is this day being filed with the Commission.

WHEREFORE, Applicants suggest that the Motion is moot.

Respectfully submitted,



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¹Public Service Company of New Hampshire, Seabrook Station; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing, 54 Fed. Reg. 43634 (Oct. 26, 1989)

²Letter NYN-89116 (Sept. 21, 1989) from New Hampshire Yankee to NRC.

New Hampshire Yankee

Ted C. Feigenbaum
Senior Vice President and
Chief Operating Officer

NYN-89153

November 29, 1989

United States Nuclear Regulatory Commission
Washington, DC 20555

Attention: Document Control Desk

References: (a) Facility Operating License NPP-67, Docket No. 50-443
(b) Request for License Amendment; Plant Instrument Air
Cross-Connect to Containment Building Air System

Subject: Withdrawal of Request for License Amendment; Plant Instrument Air
Cross-Connect to Containment Air System

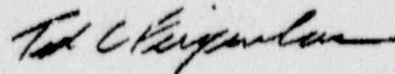
Gentlemen:

On September 21, 1989 New Hampshire Yankee submitted a request [Reference (b)] to amend the Seabrook Station Operating License (Facility Operating License NPP-67). The change proposed the addition of cross-connect piping from the Plant Instrument Air System, outside Containment, to the Containment Building Compressed Air System, inside Containment. The purpose of the proposed change was to enhance plant reliability and operational flexibility by providing a back-up air supply to the Containment Building Compressed Air System.

In light of the Intervenor's apparent attempt to litigate this issue and the heavy workload anticipated for our legal and licensing staff over the next 60 days, we have decided not to pursue this amendment at this time. New Hampshire Yankee hereby withdraws the Request for License Amendment set forth in Reference (b) above. The State of New Hampshire has been notified of the withdrawal pursuant to 10CFR50.91.

If you have any questions regarding this request, please contact Mr. Terry L. Harpster, Director of Licensing Services, at (603) 474-9521, extension 2765.

Very truly yours,



Ted C. Feigenbaum

"A"

United States Nuclear Regulatory Commission
Attention: Document Control Desk

November 29, 1989
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cc: Mr. William T. Russell
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CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on November 29, 1989, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or, where indicated, by depositing in the United States mail, first class postage paid, addressed to):

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Adjudicatory File
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Thomas G. Dignan, Jr.

(*=Ordinary U.S. First Class Mail)