



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555



March 4, 1981

Alan S. Rosenthal, Esq., Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. John H. Buck
Atomic Safety and Licensing
Appeal Board
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Washington, DC 20555

Dr. W. Reed Johnson
Atomic Safety and Licensing
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U.S. Nuclear Regulatory Commission
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In the Matter of
Public Service Company of New Hampshire, et al.
(Seabrook Station, Units 1 and 2)
Docket Nos. 50-443, 50-444

Gentlemen:

Yesterday, Board witness Dr. Mihailo Trifunac telephoned me in response to my letter to him of February 20, 1981 (attached hereto), which transmitted to him the Staff's prefiled direct testimony in this remanded seismic proceeding.

Dr. Trifunac asked three questions that I am hereby conveying to the Appeal Board. First, Dr. Trifunac requested a one-week to ten-day extension for the filing of his testimony, which is currently due on March 16, 1981. I am pleased to add that I have been in contact with counsel for NECNP and the Permittee and no party opposes a one-week extension for the due date of Dr. Trifunac's testimony to March 23, 1981 (two weeks prior to the scheduled commencement of the evidentiary hearing).

Second, my February 20, 1981 letter stated that the hearing was scheduled to commence on Monday, April 6, 1981. In the telephone call, Dr. Trifunac stated that the classes that he instructs are on Monday and Wednesday this term. Thus, he stated that he would not be able to appear at the evidentiary hearing, without interrupting his teaching responsibilities, until Thursday, April 9, 1981. In that regard, by "Order" dated February 17, 1981, the Appeal Board had requested that the parties confer among themselves with

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a view toward reaching agreement, if possible, on (1) which of the two remanded issues should be first heard, and (2) the order of presentation of testimony on each of these issues. The parties have conferred, and have agreed, particularly in consideration of Dr. Trifunac's schedule, that the acceleration issue (with respect to which Dr. Trifunac is a Board witness) should be heard second. As the Appeal Board noted in its February 17, 1981 Order, by the terms of the Commission's remand order "the NRC Staff appears to have the burden of going forward" on the question of the consistency of the Staff's methodology for correlating vibratory ground motion, with Appendix A, to 10 C.F.R. Part 100." The parties also have agreed upon the order of presentation of that issue as Staff, followed by Board witness Dr. Trifunac.

As to the order of presentation of testimony on the first issue, *i.e.*, the factual validity of Dr. Chinnery's methodology, the parties are not able to reach agreement. It is NECNP's position that the Permittee has the burden of going forward and the burden of proof on the Chinnery issue. The Permittee believes, in essence, that wherever the burden of proof lies, the burden of going forward is on Dr. Chinnery, who should testify first. If the Staff is required to go first on the question of the consistency of its methodology for correlating vibratory ground acceleration, the Staff believes Dr. Chinnery should testify first on the question of the factual validity of his methodology. The Staff and Permittee have agreed that if Dr. Chinnery is to go first, the Permittee would go second, with the Staff going last on this issue. Thus, the order of presentation on the first issue will have to be determined by the Appeal Board.

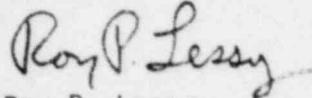
Dr. Trifunac also had three questions concerning two formulae used by Dr. Chinnery appearing in the article by Chinnery and Rogers "Earthquake Statistics in Southern New England," appearing in Earthquake Notes, Vol. XLIV, Nos. 3-4, pp. 89-102, July-December, 1973. I stated to Dr. Trifunac that I would transmit the questions to the Appeal Board, and that the Board would advise him of the form and method of response. Dr. Trifunac's questions concern the formulas: $\log N_c = 4.30 - 0.57I$ (for Southern New England) and $\log N_c = 4.00 - 0.57I$ (for Boston-New Hampshire Region).

His questions are:

- (1) What is the definition of " N_c "?
- (2) As to the numbers "4.00" and "4.30," what is the period of time over which the equations apply?

- (3) What is the surface area in square kilometers that have been calculated for "Southern New England" and the "Boston-New Hampshire Region"?

Sincerely,



Roy P. Lessy
Deputy Assistant Chief
Hearing Counsel

Attachment: As Stated

cc: (w/attachment)
Ivan W. Smith, Esq.
Joseph F. Tubridy, Esq.
Dr. Ernest O. Salo
Dr. Kenneth A. McCollom
Robert A. Backus, Esq.
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Atomic Safety and Licensing Board Panel
Atomic Safety and Licensing Appeal Board
Docketing and Service Section



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 20, 1981

Dr. Mihailo Trifunac
1488 Old House Road
Pasadena, CA 91107

In the Matter of
Public Service Company of New Hampshire, et al.
(Seabrook Station, Units 1 and 2)
Docket Nos. 50-443, 50-444

Dear Dr. Trifunac:

You may recall that the presiding Atomic Safety and Licensing Appeal Board granted the request of the New England Coalition on Nuclear Pollution that you be called as a Board witness in this proceeding. In the words of the Appeal Board:

The request of the New England Coalition on Nuclear Pollution ("NECNP") that Dr. Mihailo Trifunac be called to testify as a Board witness is granted. In such capacity, Dr. Trifunac will be under the protection of the Board. Any party to the proceeding may cross-examine him. Inasmuch as he previously had testified in this proceeding on behalf of the Coalition (and will be now called as a Board witness only because of his consultant relationship with the Advisory Committee on Reactor Safeguards), the Coalition will not be permitted to pose leading questions to him. 1/

The Appeal Board's "Memorandum and Order" also provided that your prepared written testimony "on the second issue identified at p. 4 of the Commission's September 25 [1980] remand order" 2/ was to be filed on or before March 16, 1981. That issue was identified by the Commission as follows:

The Appeal Board shall also reopen the record to take more evidence on the consistency of Appendix A and staff's methodology for correlating vibratory motion

1/ Unpublished "Memorandum and Order," pp. 1-2 (November 6, 1980).

2/ Id., p. 3 (November 6, 1980).

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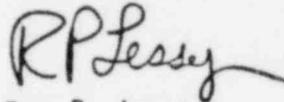
with the SSE. In particular, the parties should provide a discussion of the relation between the mean of the maximum ground acceleration and the maximum effective ground acceleration. The Appeal Board should also reconsider its opinion on this matter. 3/

I have enclosed a copy of the Staff testimony (of Dr. Leon Reiter, Dr. Robert E. Jackson and Mr. James P. Knight) that was filed this week (February 17, 1981) in this proceeding. As you will note, portions of that testimony address "the second issue" as above delineated.

As to the mechanics of filing your testimony as a Board witness, permit me to suggest the following procedure. Inasmuch as the evidentiary hearing is scheduled to commence in Nashua, New Hampshire, on April 6, 1981, I suggest that you send two copies of your testimony to me. I will then send one copy by hand-delivery directly to the presiding Appeal Board. The other copy will be xeroxed and hand-delivered to counsel for NECNP, express-mailed to counsel for the Permittee, and mailed first class to all other parties on the service list. Because of the relatively short time between the filing of your testimony and the commencement of the evidentiary hearing, I suggest that your testimony be sent so as to arrive in Washington, D. C., as close as possible to the filing date of March 16, 1981.

As to your deposition, a copy of the transcript was sent to you for review and signature during your recent trip to India. Inasmuch as there may have been a problem in transmittal, another copy (together with my previous transmittal letter) is also enclosed.

Sincerely,



Roy P. Lessy
Deputy Assistant Chief
Hearing Counsel

Enclosures
As Stated

cc: See Page Three

3/ "Order," CLI-80-33, 12 NRC 295, 298 (1980).

cc w/o encl:

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Dr. W. Reed Johnson
Ivan W. Smith, Esq.
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