

March 21, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443 OL
NEW HAMPSHIRE, <u>et al.</u>)	50-444 OL
)	
(Seabrook Station, Units 1 and 2))	

NRC STAFF RESPONSE TO APPLICANTS' FIFTH MOTION FOR
SUMMARY DISPOSITION (CONTENTIONS NH-9 AND CCCNH)

I. INTRODUCTION

In its Memorandum and Order of September 13, 1982, the Board admitted the State of New Hampshire's Contention 9, which states:

The Seabrook design does not provide an adequate program for monitoring the release of radioactivity to the plant and its environs either under normal operating conditions or in pre- and post-accident circumstances. Thus, the application is not in compliance with general design criteria 63, 64 of Appendix A, 10 C.F.R. Part 50, and the requirements of NUREG-0737 and NUREG-0800.

In its response to interrogatories propounded by the NRC Staff and the Applicants, New Hampshire identified the specific items of NUREG-0737 it considers covered by this contention as Items II.B.2, II.B.3, II.F.1, III.D.1.1, III.D.3.3, and III.D.3.4. New Hampshire Response to Staff Interrogatories, p. 2; New Hampshire Response to Applicants' Interrogatories, pp. 2, 3.

On February 11, 1983, the Applicants moved for summary disposition of New Hampshire's Contention 9. The Staff herein responds to that motion,

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and concludes that summary disposition should be granted with respect to that part of the contention relating to NUREG-0737 Items II.B.2, II.F.1, III.D.1.1, III.D.3.3, and III.D.3.4.

II. DISCUSSION

The Staff review of Applicants' compliance with GDC's 63 and 64 as they relate to radioactive monitoring are contained in Section 11.5 of the Staff's Safety Evaluation Report ("SER") for Seabrook. This Section of the SER also addresses Applicants' compliance with Section 11.5 of NUREG-0800 (the Standard Review Plan). As Section 11.5.2 of the SER makes clear, the Staff review of Applicants' compliance with GDC's 63 and 64 and Section 11.5 of NUREG-0800 is not yet complete. The Staff therefore takes no position on the ultimate issue involved in Applicants' Motion for Summary Disposition (i.e., whether the contention as a whole should be dismissed).

However, the Staff has, for the most part, completed its review of the NUREG-0737 items identified by New Hampshire. The results of that review are set forth in the SER as follows:

TMI Item II.B.2 involves plant shielding to provide access to vital areas for post-accident operation. The Staff review of this item is summarized in SER Section 12.3.2. The Staff concluded for the reasons stated at p. 12-5 of the SER, that the Applicants have met the requirements of NUREG-0737, Item II.B.2.

TMI Item II.F.1 concerns 6 types of accident-monitoring instrumentation. As explained in the accompanying affidavit of Jack Hayes, for plants scheduled to receive a license to operate after June 1, 1983, the

appropriate guidelines in addressing effluent monitoring systems for accident conditions are Position C and Table 2 of Regulatory Guide 1.97, and not NUREG-0737, Items II.F.1(1) and II.F.1(2). Hayes Affidavit, ¶ 3. As explained in SER Section 11.5, the Applicants have indicated that they will comply with Regulatory Guide 1.97 in the design of their process and effluent monitoring systems. The Staff has performed a review of Items II.F.1(3) (containment high-range radiation monitor - SER Section 12.3.4.1); II.F.1(4) (containment pressure monitor - SER Section 6.2.8); II.F.1(5) (containment water level - SER Section 6.2.8); and II.F.1(6) (containment hydrogen monitor - SER Section 6.2.8), and found that the Applicants have satisfactorily addressed these items subject to the receipt of certain confirmatory information from the Applicants.

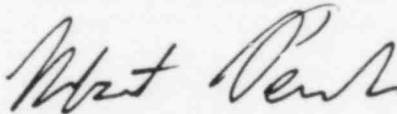
Item III.D.1.1 of NUREG-0737 addresses the integrity of systems outside containment likely to contain radioactive material. As explained in SER Section 15.9.15, the Applicants have agreed to comply with this item of NUREG-0737. The Staff will evaluate Applicants' compliance with this item when Applicants submit information documenting such compliance.

The Staff has performed a review of Items III.D.3.3. (inplant iodine instrumentation) and III.D.3.4 (control room habitability). The results of the Staff reviews in this area are reported in SER Sections 12.5.3 and 6.4, respectively. The Staff concluded that the Applicants have complied with both items.

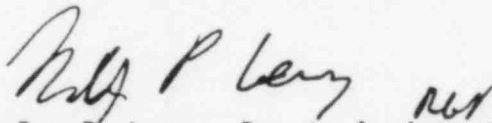
III. CONCLUSION

In conclusion, the Staff submits, that Applicants' have indicated compliance with NUREG-0737 Items II.B.2, II.F.1, III.D.1.1, III D.3.3, and III.D.3.4, and supports summary disposition of so much of Contention NH-9 as relates to those items. As to the remainder of the contention addressing Applicants' compliance with GDC 63, GDC 64, NUREG-0800, and Item II.3.3 of NUREG-0737, the Board should defer ruling upon such matters pending completion of the Staff review.

Respectfully submitted,



Robert G. Perlis
Counsel for NRC Staff



Roy D. Lessy, Deputy Assistant
Chief Hearing Counsel

Dated at Bethesda, Maryland
this 21st day of March, 1983

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AFFIDAVIT OF JOHN J. HAYES

I, John J. Hayes, being duly sworn, state as follows:

1. I am employed by the U.S. Nuclear Regulatory Commission as a Nuclear Engineer in the Meteorology and Effluent Treatment Branch, Division of Systems Integration, Office of Nuclear Reactor Regulation (NRR).

2. I was involved in the preparation of Section 11.5 of the Seabrook SER.

3. Since Seabrook is scheduled to receive its license to operate after June 1, 1983, the proposed implementation date for Regulatory Guide 1.97, the appropriate guidelines in addressing effluent monitoring systems for accident conditions are Position C and Table 2 of the Guide, and not NUREG-0737, Item II.F.1, Attachments 1 and 2. Public Service of New Hampshire has indicated, in response to an NRC question, that the Seabrook radiation monitoring system will conform to the guidelines of Position C and Table 2 of Regulatory Guide 1.97.

I hereby certify that the statements and opinions given are true and correct to the best of my personal knowledge and belief.

John J. Hayes
John J. Hayes

Subscribed and sworn to before me
this 2 day of March 1983

Maxine H. Laiefsky
Notary Public

My commission expires: 7/1/86



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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO APPLICANTS' FIFTH MOTION FOR SUMMARY DISPOSITION (CONTENTIONS NH-9 AND CCCNH) in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 21st day of March, 1983:

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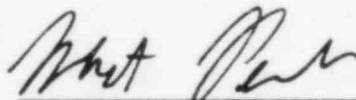
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