

on the Cygna Phase 3 Report" ("Noonan Affidavit"), the NRC Staff ("Staff") requests the Board to defer acting on Applicants' Motion. ^{1/}

II. BACKGROUND

Cygna Energy Services ("Cygna") was commissioned by Applicants to provide the Board with an independent design review concerning the adequacy of the Applicants design QA program for piping and pipe supports, in response to the Board's suggestion in its "Memorandum and Order (Design Quality Assurance)" (December 28, 1984) that an independent design review be commissioned for CPSES. Applicants stated that Cygna would perform a review of a segment of the component cooling water ("CCW") system and a segment of the main steam line from the steam generator to the main steam isolation valve. Applicants' Plan to Respond to Memorandum and Order (Quality Assurance for Design) (February 3, 1984) ("Applicants' Plan"), pp. 4-5, 8. Cygna would be directed to use the same methodology, and to retain the same independence that it utilized in developing the Cygna Phase 1 and 2 Report (November 5, 1984), which Applicants commissioned in response to the Staff's request for an independent assessment of the CPSES plant. Id., p.8.

On July 16, 1984, Cygna issues its Phase 3 Report for CPSES, which consists of 4 volumes. Applicants then filed their Motion on October 5, 1984.

^{1/} Applicants' Motion also requests that a telephone conference call be scheduled on October 11 or 12, 1984, to receive the parties responses to the Motion. Applicants' Motion, pp. 2, 4. The Board did not hold the requested telephone conference call.

III. DISCUSSION

The Staff agrees with Applicants that early agreement by the parties on the issues raised by the Cygna Phase 3 Report which need to be resolved by the Board will facilitate the expeditious resolution of these issues. However, the Staff has just begun its review of the Cygna Phase 3 Report, and it expects that its review will be completed by December 7, 1984. Noonan Affidavit, Paragraph 2. Until the Staff's review is complete, the Staff will not be able to state its position regarding what portions of the Cygna Phase 3 Report should be litigated. Id.

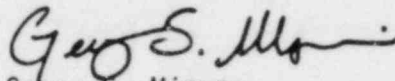
The Staff has no objection to the other parties identifying issues from the Cygna Phase 3 Report which they contend should be the subject of litigation. However, the Staff questions whether it would be a productive use of the parties' resources to identify those issues until the Staff has completed its review and developed its position on the Cygna Phase 3 Report. Noonan Affidavit, Paragraph 3. Until the Staff develops its position on the Cygna Phase 3 Report, the Staff will be unable to assist the Board in the development of a comprehensive and coherent record on this subject. Id. The Staff also points out that since the Cygna Phase 3 Report will undoubtedly involve many of the issues which are addressed by Applicants' summary disposition motions, it would be an inefficient use of the Staff's resources, as well as the Board's and other parties' resources, to repeatedly litigate the identical piping and pipe support design and QA issues. This is especially true where the Board's resolution of the summary disposition motions may reduce the issues which need

to be litigated at a hearing session on the Cygna Phase 3 Report. Noonan Affidavit, Paragraph 3. Accordingly, the Staff urges the Board to await the development of the Staff position on Cygna before directing the parties to identify the issues for litigation.

IV. CONCLUSION

For the reasons set forth above, the Board should defer acting on Applicants' Motion in accordance with the discussion above.

Respectfully submitted,



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Dated at Bethesda, Maryland
this 31st day of October, 1984