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August 30, 1984
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James K. Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Commissioner Asselstine:

Thank you for offering the New England Coalition on Nuclear Pollution (NECNP) the opportunity to comment on your July 12, 1984, visit to the Seabrook nuclear power plant construction site. In reviewing the viewgraphs supplied by the utility and your notes of the site visit, we were disturbed by the extensive discussion of subjects that bear on issues currently under litigation in the Seabrook operating license proceeding and before the Director of Nuclear Reactor Regulation. These include environmental qualification, quality assurance, operator training, and financial qualifications. We address those issues below.

As discussed later in this letter, however, we do not believe that this opportunity to comment cures the inherently unfair nature of this site trip or of site visits in general. Your visit to the Seabrook plant presents a particularly egregious example of a license applicant's improper use of a site tour to make a one-sided presentation to the ultimate judge of a licensing proceeding. In such a setting, intervenors do not have the procedural protections afforded during a formal hearing, such as prior notice of the subject matter to be discussed, or an opportunity to cross-examine the utility speakers.

NECNP commends your interest in the quality of the Seabrook construction project, and does not wish to imply that you were improperly influenced by the utility during your site visit. However, we ask you to reconsider whether the value of trips to plants under licensing review is worth the inherent dangers, and to refrain from or strictly limit future visits to the Seabrook site.

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Seabrook-specific issues

Your trip notes and the utility's viewgraphs reflect discussions on a number of subjects that NECNP has raised before the Atomic Safety and Licensing Board and the Director of Nuclear Reactor Regulation. Some of these issues are still pending, and others will probably be appealed, perhaps eventually to the Commission. Moreover, the NRC staff has identified a number of problems at Seabrook that belie the utility's sanguine portrait of the construction project. They include the following:

1. Environmental Qualification

According to your trip notes (at page 2), PSNH Vice President William B. Derrickson claimed that the utility was in "good shape" with regard to environmental qualification of electrical equipment important to safety. NECNP has challenged the adequacy of applicants' environmental qualification program before the Atomic Safety and Licensing Board, and strongly disputes any claim that the program is satisfactory. On the basis of PSNH testimony during licensing hearings last August, NECNP filed with the Licensing Board proposed findings that, with regard to duration of qualification, the license applicants' environmental qualification program does not include the full scope of equipment "important to safety" required by 10 C.F.R. § 50.49; and that applicants had illegally "committed" to qualify safety equipment rather than actually qualifying it. NECNP also intends to appeal the Licensing Board's rejection of a broader contention that the scope of applicants' qualification program is deficient with respect to all parameters.

Moreover, the NRC staff recently notified the applicants of a wide range of deficiencies in their environmental qualification program, including numerous inconsistencies in applicants' submissions, failure to describe qualification methods, and failure to provide qualification evaluation worksheets for the NSSS scope of supply. See letter from George W. Knighton, NRC, to Robert J. Harrison, PSNH, dated May 7, 1984, re: Request for Additional Information on Environmental Qualification of Electrical Equipment Important to Safety.

Finally, the Office of Inspection and Enforcement has cited the applicants for failure to demonstrate seismic and environmental qualification for a number of components in the

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electrical power area and certain instrumentation and control equipment. Letter from Richard DeYoung, NRC, to D.N. Merrill, PSNH, dated April 2, 1984, re: Integrated Design Inspection 50-443/83-23, at 3.

2. Quality Assurance

Your trip notes also state that PSNH claims "no major quality assurance problems have been identified." Recently, however, the Office of Inspection and Enforcement discovered potentially serious problems with the design used in construction of Seabrook. The areas of deficiency included the use of improper methods to calculate the available net positive suction head for the containment building spray pump, a need to re-examine water hammer loads and modeling procedures in piping analyses, and failure to include floor live loads in load combinations that incorporate seismic loads ("a violation of the basic structural design criteria approved for the plant."). Memorandum to ASLB from Thomas M. Novak, Division of Licensing, re: Integrated Design Inspection - Seabrook (Board Notification No. 84-099), dated May 21, 1984, enclosing letter from Richard DeYoung, NRC, to D.M. Merrill, PSNH, dated April 2, 1984. In addition, the inspection disclosed insufficient independence of "certain control circuits that are essential to the operation of three engineered safety features," resulting in a failure to meet the Single Failure Criterion. Enclosed IDI Report at 1-5.

NECNP has also raised a number of serious quality assurance deficiencies before the Licensing Board. Early in the licensing proceeding, the Licensing Board rejected an NECNP contention asserting that the large number of deficiencies cited in Seabrook I&E reports demonstrated a pervasive failure to comply with the requirements of Appendix B to Part 50. Because the contention was rejected, NECNP never had the opportunity to inspect the overall adequacy of the Seabrook QA program. We expect to appeal the denial of this contention at the conclusion of the licensing proceeding.

Finally, NECNP recently filed a petition to the Director of Nuclear Reactor Regulation to suspend construction at Seabrook on the ground, inter alia, that management changes at Seabrook have jeopardized the adequacy of the quality assurance program at Seabrook. The Seabrook owners have displaced PSNH as the ultimate authority over construction at Seabrook, in violation

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of their construction permit. Moreover, the management changes have confused the lines of authority to the extent that it is no longer clear exactly who is in charge of construction at Seabrook. Finally, NECNP contends that PSNH has jeopardized any remaining control over the project by becoming heavily indebted, both to its creditors and its principal contractors. Thus, we vigorously challenge the utility viewgraphs' claims to "streamlined project organization," "direct ownership management accountability," and "integrated organization" that "eliminates redundancy and improves communications and accountability." A copy of the petition is attached.

Of course neither PSNH nor you could have known at the time of the site visit that NECNP would file such a petition. However, the situation raises the dangers of entertaining discussions on any topic that might later become a subject of litigation.

3. Operator Training

According to your report, the tour included a visit to the training center and a slide show presentation on the Seabrook training program. The attached viewgraphs boast of "qualified operations staff;" "staff fully hired and trained;" and "emergency operating procedures validated and complete."

NECNP's proposed findings on the Seabrook emergency response training program are currently being considered by the Licensing Board. They include assertions, based on utility and NRC testimony during the licensing hearings, that the license applicants have failed to provide a written training program as required by NRC regulations; that the NRC staff has illegally approved applicants' emergency response training based on informal conversations with only part of the emergency response staff; and that the emergency response procedures on which training should have been based were not even completed when the NRC approved the training. The license applicants have made no attempt to update their testimony to reflect the viewgraphs' assertions that the staff has been fully trained and the emergency response procedures have been completed. In making its presentation to you, the utility has thus attempted to amend its testimony without being subjected to the rigors of an adversarial hearing.

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4. Financial Qualifications

On February 29, 1984, NECNP filed a contention challenging applicants' financial qualifications to build the Seabrook plant. That contention is still pending before the Licensing Board. Although the discussion during the site tour did not focus specifically on the financial qualifications issue, the utility issued information that could bear on the litigation of such a contention, including the projected plant cost and completion date. The utility's viewgraphs included detailed tables and charts regarding the status of the plant's construction. One viewgraph presents some cryptic but optimistic assertions, such as "10% Reduction In Construction Non-Manual Force;" "Better Logistics;" and "Saves 10 Million Dollars." Other viewgraphs present detailed breakdowns of the projected cost of the project. All of this information is relevant to the applicants' financial ability to complete the plant, and could influence a decisionmaker's objectivity in resolving a financial qualifications contention. We expect to litigate this contention in the likely event that the Commission's new financial qualifications rule is struck down by the Court of Appeals.

General Comments on Site Visits

The numerous instances in which the Seabrook management improperly lobbied you regarding issues either under litigation or potentially litigable demonstrate the ease with which site visits can be misused. Rather than restricting the visit to a tour of the physical plant, the utility made a presentation regarding an array of issues that are likely to concern you in making a licensing decision.

NECNP's representative on the site tour, who was not previously informed of the subject matter that would be discussed, was not prepared to debate the utility on this range of topics. In fact, outside the context of an adjudicatory hearing with all parties present, such a debate would have been improper. NECNP considers that the proper role of an intervenor representative on a site tour is to accompany the NRC official and to monitor his or her discussions with the utility, in order to obtain assurance that ex parte discussions of subjects under litigation are not taking place. Even this function is difficult to carry out effectively, since a site tour group often becomes separated, and discussions often cannot be heard over the sounds of construction activity.

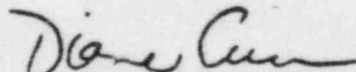
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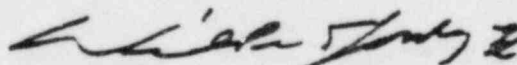
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While we understand the wishes of Commissioners and other NRC judges to familiarize themselves with specific plant sites, we believe site tours must be limited to just that. Slide shows and lectures on issues that bear on the utility's compliance with NRC regulations are illegal and should not be tolerated. In fact, to assure that the utility does not take improper advantage of the contact with the judicial officer, we suggest that all site tours be conducted by the NRC resident inspector or project manager.

In conclusion, we ask that you refrain from taking any further site tours of the Seabrook plant. If you do decide that such a tour is necessary, we ask that you insist that the tour be guided by an NRC official, and that you refuse to entertain any discussion of substantive issues by utility officials.

Sincerely,


Diane Curran


William S. Jordan, III
Counsel for New England
Coalition on Nuclear
Pollution

cc: Seabrook Service list