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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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DOCKETING & SERVICE
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In the Matter of)	
)	
VERMONT YANKEE NUCLEAR)	Docket No. 50-271-OLA-3
POWER CORPORATION)	(Surveillance Requirements
)	for Logic System Functional
)	Testing)
(Vermont Yankee Nuclear Power)	ASLBP No. 88-568-05-OLA
Station))	June 3, 1988

JOINT MOTION OF NRC STAFF, STATE OF VERMONT AND
VERMONT YANKEE NUCLEAR POWER CORPORATION TO TERMINATE PROCEEDING

I. INTRODUCTION

On January 26, 1988, the Nuclear Regulatory Commission published in the Federal Register a notice of opportunity for prior hearing on a proposed amendment to the Vermont Yankee Nuclear Power Station's license to revise surveillance frequency requirements for logic system functional testing and calibration from once every six months to once per operating cycle and to require more detailed testing than required by current Technical Specifications. 53 Fed. Reg. 2115.

On February 25, 1988, the State of Vermont filed a "Petition of the State of Vermont for Leave to Intervene."

II. THE MOTION

After extensive discussions between the technical staffs of the State and the NRC that were made possible by the Licensing Board's granting of

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several time extensions to accommodate settlement negotiations, ^{1/} the State of Vermont decided to withdraw its request for a hearing. ^{2/} The State informed the Licensing Board of this decision in a notice of withdrawal filed on May 20, 1988.

Since the State has withdrawn its hearing request without having submitted a contention, there is nothing pending for resolution by this Licensing Board. Therefore, the parties to the action, the NRC staff, the State of Vermont and the Licensee, move this Board to dismiss the petition to intervene and to terminate the proceeding.

Respectfully submitted,

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David J. Mullett, Esq.
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R. K. Gad III / BHV.

R. K. Gad, III
Counsel for Vermont Yankee
Nuclear Power Corporation

Dated at Rockville, Maryland
this 3rd day of June, 1988

^{1/} See Memorandum and Order, March 21, 1988; Memorandum and Order, March 24, 1988; Memorandum and Order, April 7, 1988; Memorandum and Order, May 6, 1988.

^{2/} See the attached press release issued by the State of Vermont's Department of Public Service, May 19, 1988.



STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE
120 STATE STREET
STATE OFFICE BUILDING
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FOR IMMEDIATE RELEASE

Public Service Commissioner Gerald R. Tarrant announced today that the Department of Public Service, after thorough review, has elected not to file formal contentions with the Nuclear Regulatory Commission in a licensing proceeding on a trip system logic testing proposal submitted by Vermont Yankee. At the same time, Commissioner Tarrant also explained that his Department intended to pursue vigorously another license amendment proposed by Vermont Yankee which could eliminate daily testing on certain key safety components whenever there are failures of other safety systems.

Earlier this year the Department intervened in both matters before the Nuclear Regulatory Commission. Over the past four months, the Department has met with the NRC staff and received additional information. This additional information supports the logic testing proposal sponsored by Vermont Yankee. Based on this information, the Department has concluded that the trip system logic testing proposal by Vermont Yankee will not reduce, and may improve, the overall safety of the plant. Phil Paull, nuclear engineer for the Department, explained that the

Department's decision was based on the specific characteristics of the equipment involved and the specifics of what was being proposed. According to Paull, numerous technical factors were considered in the State's decision, including: (1) During current testing (conducted while the plant is operating), the system being tested has a decreased capability to respond to a real emergency; (2) The testing itself introduces a new type of failure due to the possibility that the test or the testing personnel may have adversely affected the system while working on the system; and (3) The new proposed test is more comprehensive and would be performed during a time when the plant is not operating and additional checks on the operability of the safety system could be made prior to plant operations.

The proposed logic testing essentially involves the testing of numerous relays within the safety system of the plant. The logic testing amendment submitted to the NRC by Vermont Yankee would reduce its testing from once every six months to once per operating cycle. The new testing would be conducted during the refueling outage rather than when the plant is operating. According to Paull, a review of the history of the logic system involved has shown that the system has operated with a high degree of reliability and that the amendment would not compromise public health and safety. In fact, by conducting the testing during the outage the tests can be expanded while not reducing the safety of the plant's operation.

Tarrant also announced that the Department would vigorously continue its efforts to secure a hearing with respect to a second license amendment proposed by Yankee. Vermont Yankee has proposed to eliminate from its license the requirement that testing be performed daily on certain safety components whenever there are failures of other safety components. According to Paull, the state continues to question the appropriateness of removing these testing requirements. "When there is doubt, the prudent course of action is to go forward and try to secure a full hearing on the matter," said David Mullett, the attorney for the state in these matters. "Massachusetts has also intervened with respect to this amendment, and I am hopeful that we will be able to formally and fully explore the ramifications of what has been proposed."

Contact person: Phil Paull, 828-2811.

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Station))	Testing)
)	ASLBP No. 88-568-05-OLA

CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT MOTION OF NRC STAFF, STATE OF VERMONT AND VERMONT YANKEE NUCLEAR POWER CORPORATION TO TERMINATE PROCEEDING" 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 3rd day of June, 1988:

Helen F. Hoyt, Chairperson
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555*

Oscar H. Paris
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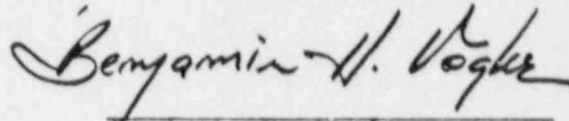
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555*

Atomic Safety and Licensing Appeal
Board Panel
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Washington, D.C. 20555*

Docketing and Service Section
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Adjudicatory File
Atomic Safety and Licensing Board
Panel Docket
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555*



Benjamin H. Vogler
Counsel for NRC Staff