

Under the Rules of Practice, there is no right of reply to the answer to a motion. 10 CFR § 2.730(c). Any right to reply is a matter for the sound discretion of the Licensing Board. Id. The prolix reply contemplated to be filed pursuant to this motion contains not one argument that could not have been made in the original filing.

In the event that the Licensing Board decides to grant the motion, the Applicants further respond to the attached reply as follows:

Insofar as the Reply seeks to further argue the issue of whether the late-filed contention standards are met, Applicants continue to rely upon the arguments made in their original response to the original motion.¹ Insofar as the Reply is directed to the issue of reopening the record, the Applicants say as follows: The argument that the Licensing Board, in its consideration of whether the issue raised is a significant one, is not to consider matters such as that set forth in the affidavits which accompanied the Applicants' original response, is specious. The whole purpose of requiring affidavits of a rigorous nature is to winnow out matters which, in fact, have little safety significance. In addition, the Applicants wish to bring to the attention of

¹ Applicants' Response to Motion to Admit Exercise Contention or, in the Alternative, to Reopen the Record (Sept. 28, 1988) at 5-9.

the Board Pages 8-10 of NRC Region I Inspection Report No. 50-443/88-10 the relevant portions of which are attached hereto and marked "A." These pages wholly confirm the position taken by the Applicants in their original response and the affidavits filed therewith and confirm the lack of any significant safety issue.

Respectfully submitted,



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- e. (Closed) Open Item 88-09-01: TSC/EOF Technical Support. The inspector participated in the NRC evaluation team which observed the 1988 Annual Graded EP Exercise on June 27-28, 1988, as documented in NRC:RI Inspection Report 50-443/88-09. Several open items were generated concerning exercise weaknesses. The following presents amplification and clarification of certain technical concerns identified in paragraph 3.) of the above report. Inspection Report 50-443/88-09 stated,

"The Technical Support Center (TSC) and Emergency Operations Facility (EOF) staff displayed questionable engineering judgement and/or did not recognize or address technical concerns (50-443/88-08[9]-01)."

Several issues addressed below were cited as examples. Overall engineering judgement displayed in both the TSC and EOF was adequate, however, the following activities were noted to be isolated areas of weakness which were intended to be addressed by the licensee. In follow-up subsequent to the exercise with licensee technical support, operations and emergency preparedness staff, the following additional information was provided. The resolution of each sub-item of inspector follow-up item 88-09-01 is described individually below.

- (1) "Efforts continued to restore the emergency feedwater pump (EFW) after a large break LOCA"

The licensee correctly stated that the EFW pump would be required to operate to support steam generator cooldown in the recovery phase and continued repair efforts were prudent. The inspector agrees and determined that the stated activity did not detract from the overall recovery effort, nor did it diminish other high priority recovery action in progress or planned, and that TSC judgments were made with long-term recovery in mind.

" A "

- (2) "A questionable fix for the containment building spray (CBS) system"

The inspector met with the Technical Support Manager and a Technical Support Engineer and discussed the rationale behind the corrective action taken to rig an alternative water source for the CBS system. Although the capability of the proposed modification to the system to reduce containment pressure was never proven due to the eventual repair of a CBS pump, the inspector determined, based on this additional information, that the engineering judgment and methodology involved in the proposed system and operating procedure changes were acceptable. The licensee actions were appropriate since this fix was considered to be a "last resort" measure after all prudent and subsequent extraordinary measures had failed to provide containment spray by other means due to additional scenario controller intervention.

Additionally, the licensee had previously determined that the composition of the present TSC engineering staff, while adequate, could be enhanced by providing an augmented staff roster. NHY has committed to implement this initiative.

- (3) "A lack of effort to locate and isolate the release path"

This apparent lack of effort was the result of licensee decisions not to pursue entry into the containment enclosure due to high radiation levels. Discussion with the licensee confirmed that indirect measures, such as remote temperature, pressure and sump level indications, were taken in a timely fashion to provide an alternate assessment of potential leakage paths. The inspector was unaware of these activities during the drill. The licensee decision to postpone entry into the containment enclosure was intentional, based upon other recovery efforts associated with depressuring the containment. Restoration of a CBS pump was imminent and activation of this system would have stopped the release. CBS restoration was subsequently, and repeatedly, delayed by controller intervention so that the operators were prevented from affecting repairs. The licensee decisions in this regard were appropriate.

- (4) "No effort was noted to blowdown steam generators (S/G) to lessen the heat load in containment"

This comment implied that S/G blowdown was appropriate. The actual concern was that a step in the emergency procedure required the S/G to be depressurized. This step was not performed because the TSC staff was unsure of the integrity

of the S/G tubes because no sample was available due to blowdown system isolation. This TSC staff concern was expressed to the inspector when he questioned them during the exercise. The NRC position in this area is that improved guidance to the operator may be warranted and should be evaluated, however the decision not to vent or blowdown the S/Gs without sampling appears to have been reasonable and appropriate.

- (5) "Neither the EOF or TSC staff questioned a release of greater than 7000 curies per second with only clad damage and no core uncovering"

The inspector reviewed the player and controller logs for selected TSC, EOF and engineering support center (ESC) staff. These logs revealed that several staff members did question and/or comment on the mismatch between the reactor coolant activity and the release rate. Subsequent discussions with the TSC and EOF controllers and players also indicated that they were aware of this mismatch. In actuality, the ESC staff made very accurate core damage assessments based upon the data supplied by the TSC. The EOF dose assessment staff made accurate dose projections based upon the release rate, as well as correlation of field data to the release rate. A review of previous drill comments, as well as the player instruction for this exercise, indicated that this level of activity is recognized to be an unrealistic number, which is required to provide the offsite dose rates necessary to exercise the entire emergency planning zone. The technical staffs had repeatedly identified and questioned these mismatches in previous drills and were told by the controllers that this high release rate was necessary to test the off-site plans, and that they should not challenge the data.

Although NRC review of the specific scenario used for the exercise was acceptable, the above described problem indicates that the licensee should place more effort in developing exercise scenarios where core damage and release rates are consistent.

With respect to the above identified weaknesses, the exercise inspection confirmed that the TSC/EOF staff possesses adequate capabilities to protect public health and safety. This open item is considered closed.

CERTIFICATE OF SERVICE

DOCKETED
1988 OCT 17 P6:45

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on October 12, 1988, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or where indicated, by depositing in the United States mail, first class postage paid, addressed to) the individuals listed below.

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