

February 2, 1988

UNITED STATES NUCLEAR REGULATORY COMMISSION

'88 FEB -4 A11:59

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
Public Service Company of)	Docket Nos. 50-443 OL-1
New Hampshire, et al.)	50-444 OL-1
(Seabrook Station, Units 1 & 2))	ONSITE EMERGENCY
)	PLANNING & TECHNICAL
)	ISSUES

NECNP MOTION TO REOPEN RECORD
AND ADMIT NEW CONTENTION

I. INTRODUCTION

NECNP has challenged on appeal the Licensing Board's finding that RG-58 coaxial cable, which did not itself undergo environmental qualification testing, was environmentally qualified on the basis of comparison with tested RG-59 cable. The Appeal Board on January 8, 1988 remanded that issue to the Licensing Board for further consideration, ALAB-882.

In the course of arguing the issue of the environmental qualification of RG-58 cable, it has become apparent that RG-59 cable itself did not pass the environmental qualification tests to which it was subjected. Specifically, the Equipment Qualification File for these cables indicates that the insulation resistance of RG-59 cable fell well below the required level during its environmental qualification tests. NECNP Ex. 4, Ref. 2. (See attached affidavit of Robert D. Pollard.) Thus, the record indicates that Applicants are not in compliance with the Commission's environmental qualification requirements, 10 CFR § 50.49 and Appendix A to 10 CFR Part 50.

NECNP respectfully moves that the Appeal Board¹ reopen the record in the on-site emergency planning and technical issues proceeding, and admit the following late-filed NECNP contention, for the limited purpose of determining whether the Applicants are in compliance with the Commission's environmental qualification requirements, 10 CFR § 50.49(b) and Appendix A to 10 CFR Part 50, with respect to RG-59 coaxial cable.

CONTENTION: Applicants have failed to comply with the Commission's environmental qualification requirements, 10 CFR § 50.49 and Appendix A to 10 CFR Part 50, with respect to RG-59 coaxial cable.

BASIS: According to Applicant's equipment qualification documentation for this cable, NECNP Ex. 4 (the only evidence in the record on this issue), RG-59 cable failed to meet its requirement for insulation resistance during equipment qualification testing. The documentation further demonstrates that RG-59 cable is used for functions important to safety, namely, for radiation monitoring equipment, 10 CFR § 50.49(b)(3), and that some 15,000 feet of RG-59 cable was purchased for use at Seabrook.

1 In light of the recent remand of the environmental qualification of RG-58 cable (ALAB-882), it is not entirely clear whether the Licensing Board or the Appeal Board has jurisdiction over this motion. It appears the better view is that jurisdiction lies with the Appeal Board. Metropolitan Edison Co. (Three Mile Island Station, Unit No. 1), ALAB-699, 16 NRC 1324, 1326-27 (1982).

II. ARGUMENT

A. NECNP Has Satisfied the Criteria for Reopening the Record

The criteria for reopening a closed record are laid out in 10 CFR 2.734(a). The movant must show that the issue is timely, or that the issue is exceptionally grave if untimely; that it is a significant safety or environmental issue; and that a materially different result would have been likely if the issue had been considered initially.

1. The Non-Qualification of RG-59 Cable is an Exceptionally Grave Safety Issue

The evidence showing failure of the RG-59 cable has been in the files in this record; in that sense it could have been detected earlier. However, the Coalition did not become aware of this evidence establishing the failure of RG-59 cable during its insulation resistance tests until recently, when we were immersed in the issue of RG-58 qualification. In mitigation, however, it must be noted that neither the Commission staff nor the Applicants detected or brought to the attention of the Licensing Board this failure, notwithstanding the clear evidence for it in the Equipment Qualification File, and notwithstanding the Applicants' and staff's obligations to verify and review this material.

Notwithstanding the timing of this motion, it satisfies the alternative criterion, i.e., it is exceptionally grave. In contrast to Applicant's recent claim that RG-58 cable need not satisfy the more rigorous environmental qualification require-

ments, it is undisputed that RG-59 cable is used in accident mitigation functions in the Seabrook plant. Specifically, the Equipment Qualification File indicates that RG-59 cable is used for radiation monitoring cables. NECNP Ex. 4, Ref. 1, p. 6. The bill of material included in the Equipment Qualification File indicates that some 15,000 feet of RG-59 cable were purchased for use in the Seabrook plant. Id., p. A1. See attached affidavit of Robert D. Pollard.

The Equipment Qualification File also shows clearly that RG-59 cable fails its insulation resistance test when it is most needed--in the middle of an accident where radiation monitoring is most crucial. The insulation resistance requirement for RG-59 cable is 10,000 megohms @ 1000 feet, NECNP Ex. 4, Ref. 1, p.6. The insulation resistance measurements of samples of RG-59 cable during environmental qualification testing fell as low as 300 megohms 1.7 hours into the steam/chemical spray, high humidity exposure tests, and remained below the required level for up to 14.5 days. NECNP Ex. 4, Ref. 2, Table 2, cable numbers A5550-2C and A5550-2D. See attached affidavit of Robert D. Pollard, at paragraph 3.

In the Affidavit of Harold Walker, submitted by the Staff with its December 11, 1987 Response to Memorandum of Licensing Board and New England Coalition on Nuclear Pollution Regarding Environmental Qualification of RG-58 Coaxial Cable, a formula was provided which requires that insulation resistance measurements be normalized for the length of the tested specimen. Assuming

that the proffered formula is correct, it is not clear that the values in NECP Ex. 4, Ref. 2, Table 2 have been so normalized, in which case the tested cables performed even worse--nearly two orders of magnitude worse--than stated in the preceding paragraph. See attached affidavit of Robert D. Pollard, at paragraphs 4-6.

The possibility of the failure of radiation monitoring cables a couple hours into a serious accident is unquestionably an exceptionally grave issue. That is precisely when the need for radiation monitoring is greatest.

If the issue is exceptionally grave, then a priori it is a significant safety issue. This motion therefore satisfies the first and second criteria for reopening the record.

2. A Materially Different Result Would Be Likely if this Evidence Had Been Considered Initially.

If 15,000 feet of radiation monitoring cable is not appropriately environmentally qualified, the Board's findings on that issue are incorrect. Because of the undisputed safety significance of RG-59 cable, the Licensing Board's Partial Initial Decision granting a low power license to Seabrook and purportedly resolving satisfactorily all technical issues in this licensing proceeding would have to be revoked. This is a materially different result, so the third criterion for reopening the record is satisfied.

B. NECNP Has Satisfied the Criteria for Admission of a Late-Filed Contention

The criteria for admission of late-filed contentions, set out in 10 CFR 2.714(a)(1)(i-v), require a balancing of the following factors: (i) good cause, if any, for failure to file on time; (ii) the availability of other means whereby the petitioner's interest will be protected; (iii) the extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record; (iv) the extent to which the petitioner's interest will be represented by existing parties; (v) the extent to which the petitioner's participation will broaden the issues or delay the proceeding. NECNP, on balance, satisfies these criteria.

First, as explained above, any lack of timeliness of this contention is overbalanced by its safety significance. That NECNP--in the company of Applicants and Staff--failed to note and raise this issue at an earlier time, cannot be used to justify a refusal to consider such an important issue. Indeed, a better question than why NECNP did not raise this issue earlier is why Applicant purported to justify a conclusion that RG-59 satisfies environmental qualification requirements with clear evidence that it does not.

Second, there is no other means to protect NECNP's--or the public's--interest in the safety of the Seabrook plant, than to have a thorough airing of the environmental qualification of RG-59 cable in an evidentiary hearing. Applicants' own documentation--the only evidence in the record on the point--

indicates clearly that this cable does not satisfy the environmental qualification criteria which apply to it. As that issue is indisputably important to safety, and has not been directly considered by the Licensing Board, reopening the record and the hearing to consider this new contention is the only means of adequately resolving it.

Third, admission of this new contention would contribute to the development of a sound record. The record at present contains undisputed evidence that RG-59 cable would fail in an accident environment, whereas the Partial Initial Decision is necessarily based on a conclusion that all equipment important to safety would operate as expected in an accident environment. Clearly the record as it exists is unsound in terms of the inconsistency between the evidence and the conclusion. Consideration of this new contention would aim toward the correction of this defect. This filing and the attached affidavit, together with our track record on the issue of RG-58 cable qualification, attest to NECNP's ability to contribute to development of a sound record on this issue.

Moreover, the Appeal Board has just held that the environmental qualification of RG-58 has not been established. From the standpoint of public safety, it would be absurd to require resolution of the questions surrounding RG-58 while leaving the questions at least as grave regarding RG-59 unresolved.

Fourth, admission of this new contention would not be repetitive or duplicative and NECNP's interest could not be

represented by other parties, as no other parties have raised this issue.

Finally, admission of this contention will not unduly broaden the issues or delay the proceeding. The closely related issue of qualification of RG-58 cable--which is based on the testing of RG-59 cable--is still being litigated. The Appeal Board remanded that issue to the Licensing Board for additional proceedings on January 8, 1988, ALAB-882. Adjudication of the environmental qualification of both of these cables can be considered together. Little additional time would be needed for development of the record on this issue, as most of the evidence is already in the record. Other technical issues are also still outstanding. Thus, consideration of this new contention will not result in undue additional delay in the proceeding, particularly in view of its safety significance.

III. CONCLUSION

To conclude, NECNP has satisfied the criteria for reopening the record in this case, and for admission of a late-filed contention. Accordingly, the Board should grant these motions.

Respectfully submitted,

Dean R. Tousley

HARMON & WEISS
Dean R. Tousley

ATTORNEY FOR THE NEW ENGLAND
COALITION ON NUCLEAR POLLUTION

Dated: February 2, 1988

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CERTIFICATE OF SERVICE

OFFICE OF SECRETARY
DOCKETING & SERVICE
BUREAU OF NEUTRONIC ENERGY COMMISSION

I certify that the attached NECNP Motion to Reopen Record and Admit New Contention was served February 2, 1988 by first class mail, except as noted for overnight and courier deliver, to those on the attached service list.

Dean R. Tousley

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