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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, et al.	)	Docket Nos. 50-443 OL 50-444 OL
	)	On-Site Emergency Plan-
(Seabrook Station, Units 1 and 2)	)	ning and Safety Issues

NRC STAFF RESPONSE TO SAPL'S FIFTH SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE

I. INTRODUCTION

On July 18, 1986, the Seacoast Anti-Pollution League ("SAPL") submitted its Fifth Supplemental Petition for Leave to Intervene. The Petition consists of a contention denominated as "SAPL Contention No. 32" and a treatment of the five factors controlling the admission of late-filed contentions set forth in 10 CFR §2.714(a)(1). Contention No. 32 challenges the completeness of the proposed technical specifications for the Seabrook facility. In its treatment of the five factors set forth in Section 2.714(a), SAPL asserts, inter alia, that its contention could not have been filed before late June when SAPL first learned of the proposed Seabrook technical specifications, that SAPL is attempting to procure an expert witness to assist in the litigation of the contention, and that any delay associated with the litigation of the contention should be minimal. For the reasons presented below, the Staff submits that SAPL's petition should be denied.

DS07

II. DISCUSSION

SAPL Contention 32 asserts that "the Draft License" for Seabrook Unit 1 does not comply with the Commission's regulations because the Technical Specifications, which were appended to the Draft License as Appendix A, are incomplete. As basis for its contention, SAPL references a draft license which was attached to a June 20, 1986 letter from Thomas M. Novak (NRC) to Robert J. Harrison (PSNH). As SAPL points out, the technical specifications attached to the draft license did not include various referenced figures (specified at pages 3 and 4 of SAPL's Petition). SAPL thus alleges that the technical specifications for Seabrook are impermissibly incomplete.

The simple answer to SAPL's contention is that the factual basis upon which the contention is predicated is incorrect: the figures do exist and they are (with two exceptions) part of the technical specifications. All the figures referenced by SAPL, save one, were transmitted to the Applicants attached to a June 25, 1986 letter from Mr. Novak to Mr. Harrison. 1/ The June 25th letter specifically indicates that the attachment contains the draft Technical Specifications for Seabrook; the Staff has attached hereto the figures cited by SAPL in their contention which were transmitted as part of that package.

The only figure cited by SAPL that is not included in the Technical Specifications is Figure B 3/4.4-2 (Effect of Fluence and Copper Content

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1/ It is worth pointing out that the service list of that document indicates that both counsel for SAPL and SAPL's field director received a copy of the June 25th letter and attachment.

on Shift of RT for Reactor Vessels Exposed to 550° F). [2/] That document, and Figure B 3/4.4-1 (Fast Neutron Fluence as a Function of Full Power Service) do not establish any limiting conditions; they are rather part of the technical bases for the technical specifications. The requirements for technical specifications are set out in 10 CFR § 50.36; Section 50.36(a) specifically states that bases must be included in the application, but "shall not become part of the technical specifications."

In sum, fourteen of the fifteen figures identified by SAPL in its Petition were transmitted to SAPL on June 25, 1986; thirteen of those are in fact a part of the Seabrook Technical Specifications. The fifteenth figure exists, but it (as well as one of the figures transmitted on the 25th) is only a part of the bases for the Specifications and thus is not considered a part of the Specifications themselves. Given these facts, SAPL's contention is clearly based upon an incorrect factual basis (SAPL's allegation being that the figures are missing) and should be denied.

Because the contention is based upon an obviously erroneous basis, the Board need not determine whether the contention meets the late-filing requirements of 10 CFR §2.714(a) or whether the contention raises any litigable issues. The Staff would note that it does not necessarily agree either that good cause exists for the late-filing (it is not clear that information on the technical specifications was not available before the June 20, 1986 letter) or that the contention raises any litigable issues

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2/ This figure was attached to Applicants' Response to SAPL's Fifth Supplemental Petition to Intervene.

(the contention challenges the adequacy of a draft license; the regulations are silent on the requirements for draft licenses).

III. CONCLUSION

As shown above, SAPL's Contention 32 is based upon a clearly incorrect factual basis; the allegedly missing figures do exist and are a part of the Seabrook Technical Specifications or the bases for the Specifications. SAPL's Fifth Supplemental Petition to Intervene should therefore be denied.

Respectfully submitted,

Robert G. Perlis
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 7th day of August, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, et al.	)	Docket Nos. 50-443 OL-1 50-444 OL-1
	)	On-site Emergency Planning
(Seabrook Station, Units 1 and 2)	)	and Safety Issues

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO SAPL'S FIFTH SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE" 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 7th day of August, 1986.

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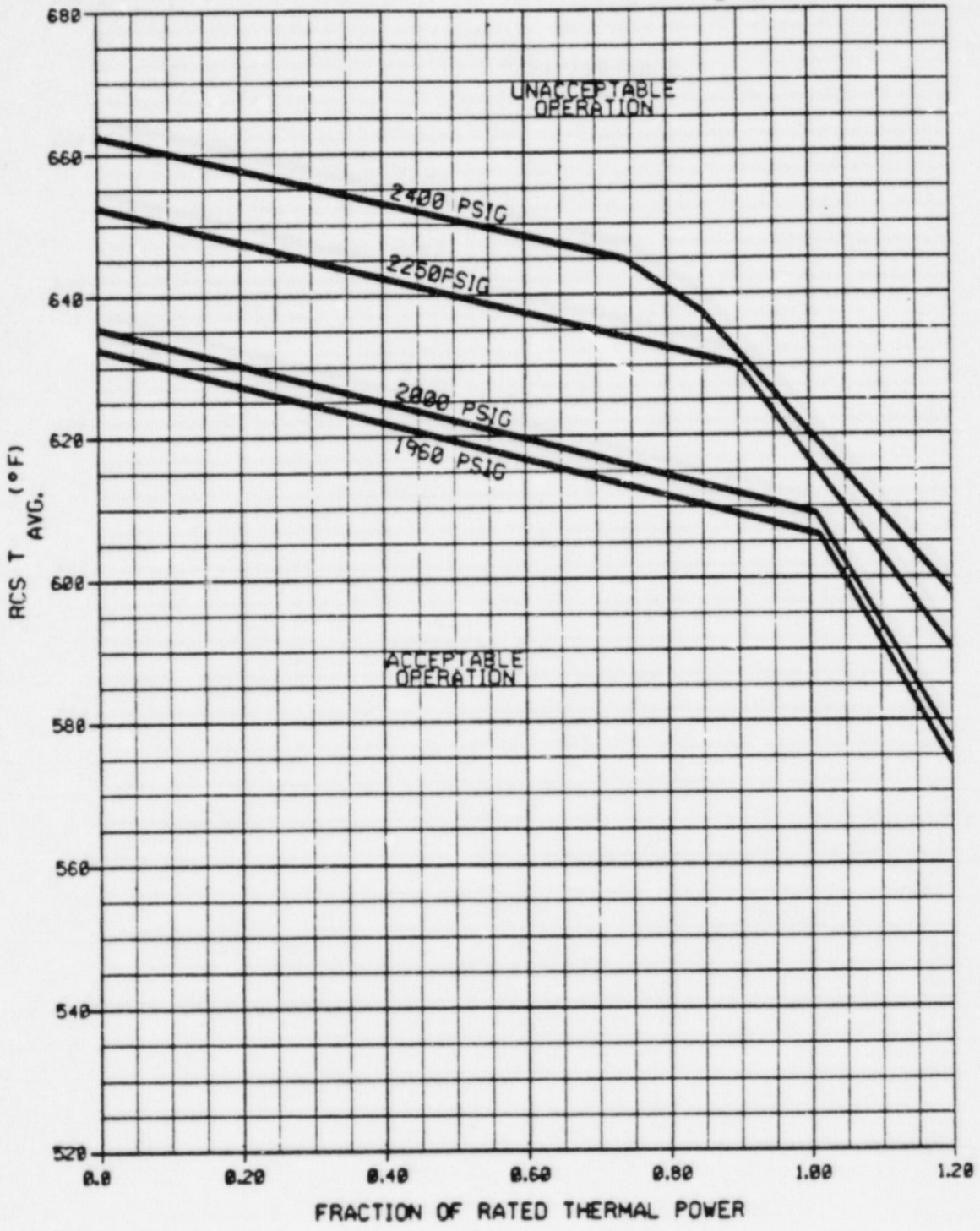

FIGURE 2.1-1

REACTOR CORE SAFETY LIMIT - FOUR LOOPS IN OPERATION

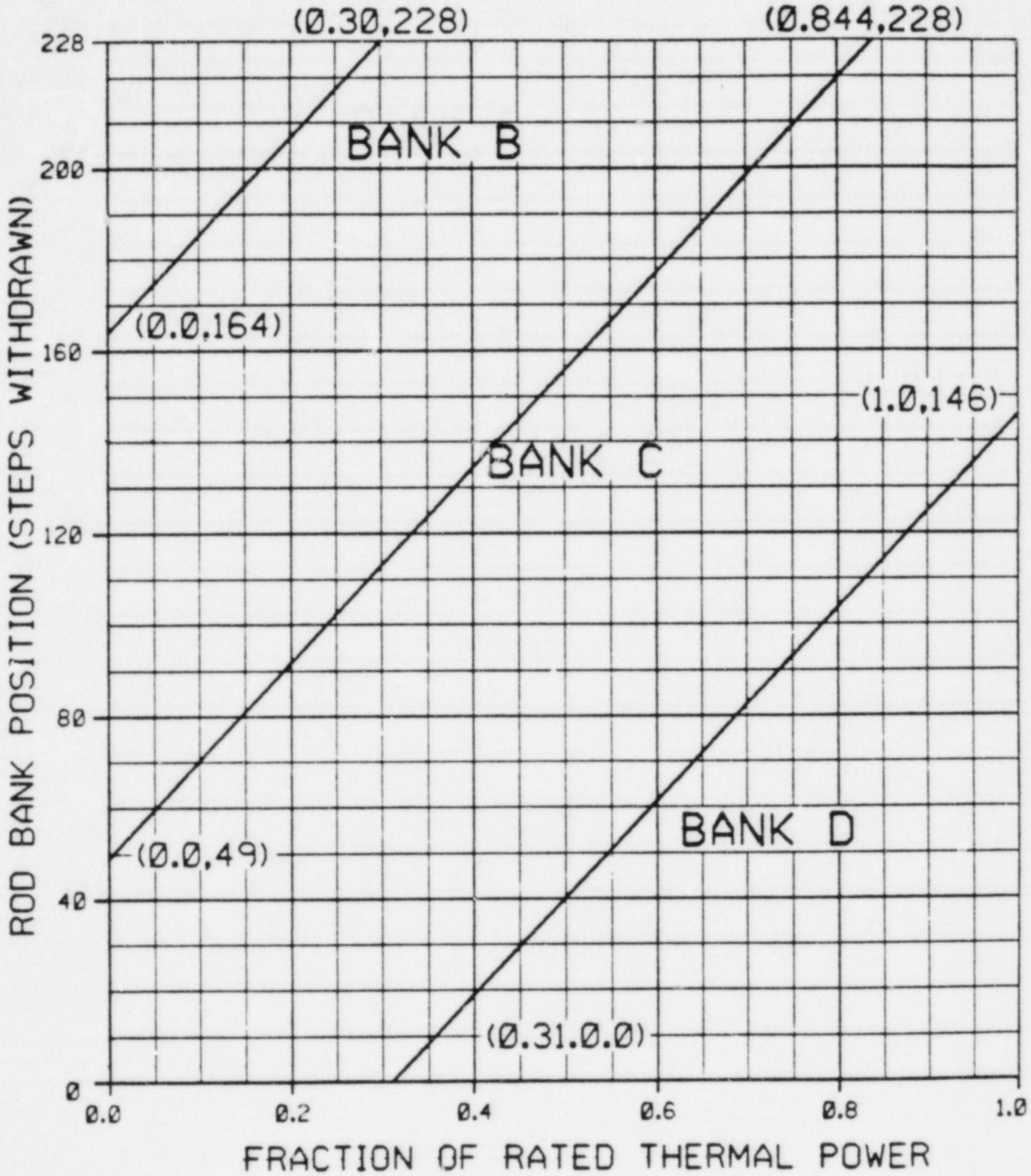

FIGURE 3.1-1

ROD BANK INSERTION LIMITS VERSUS THERMAL POWER
FOUR-LOOP OPERATION

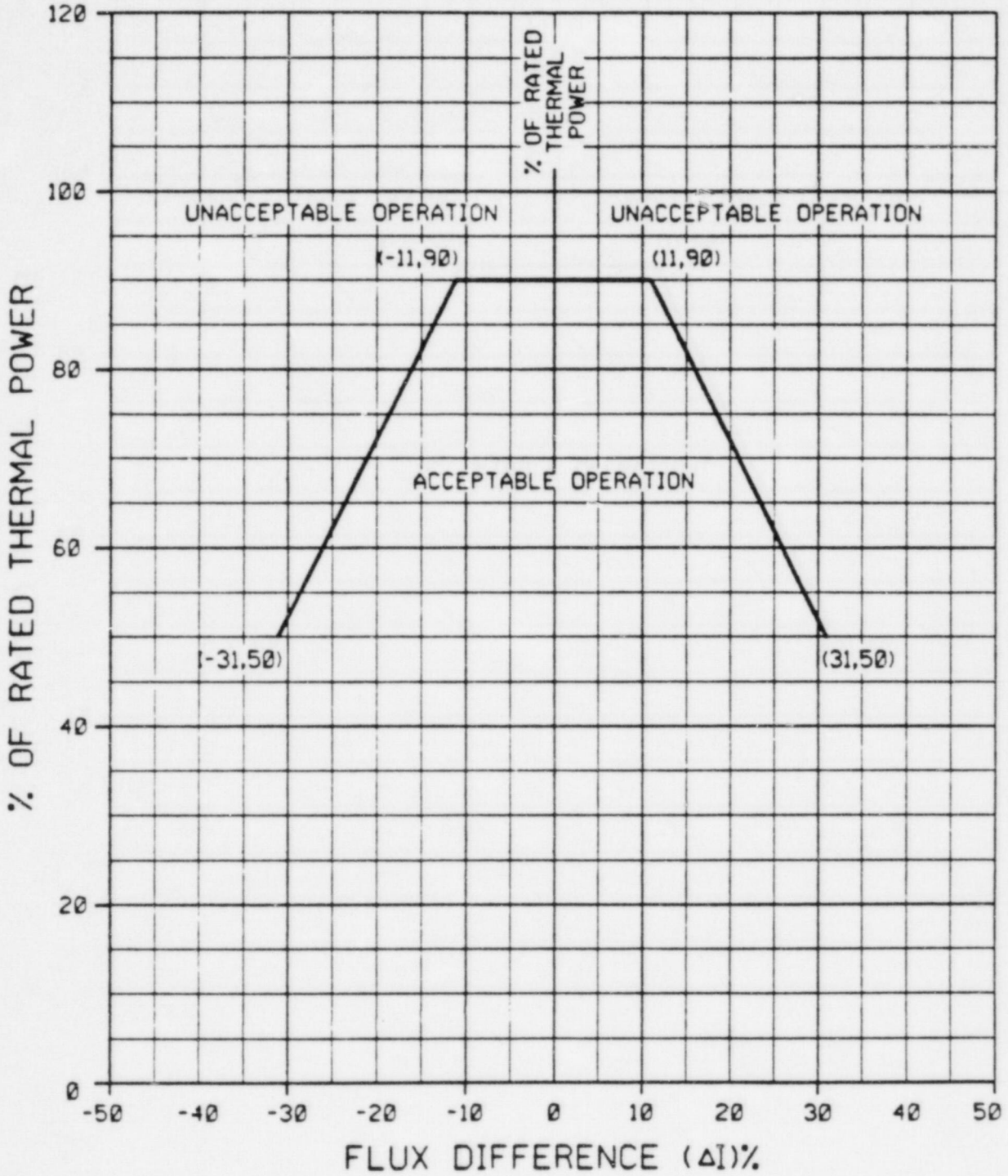

FIGURE 3.2-1

AXIAL FLUX DIFFERENCE LIMITS AS A FUNCTION OF
RATED THERMAL POWER

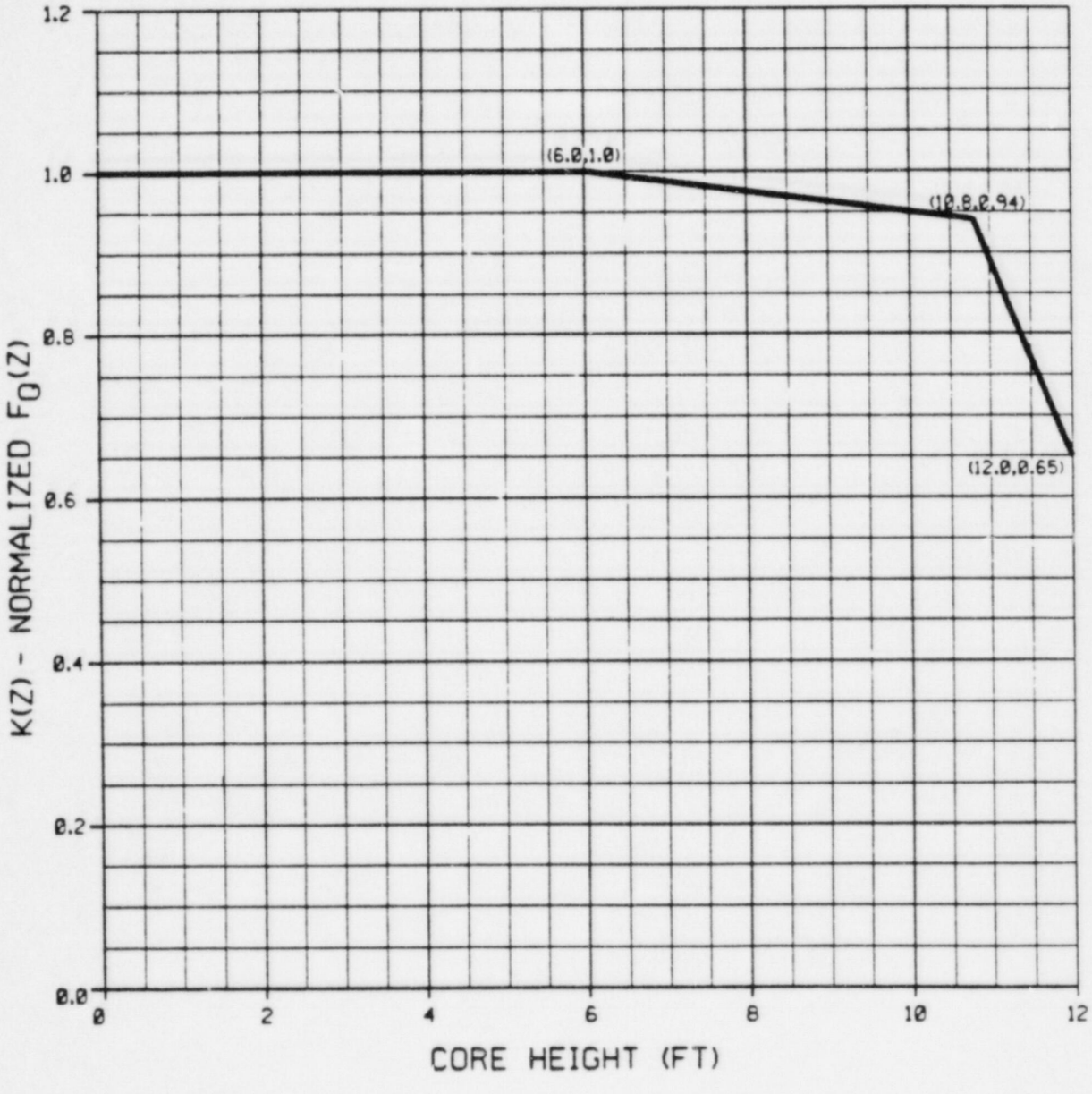

FIGURE 3.2-2

K(Z) - NORMALIZED $F_Q(Z)$ AS A FUNCTION OF CORE HEIGHT

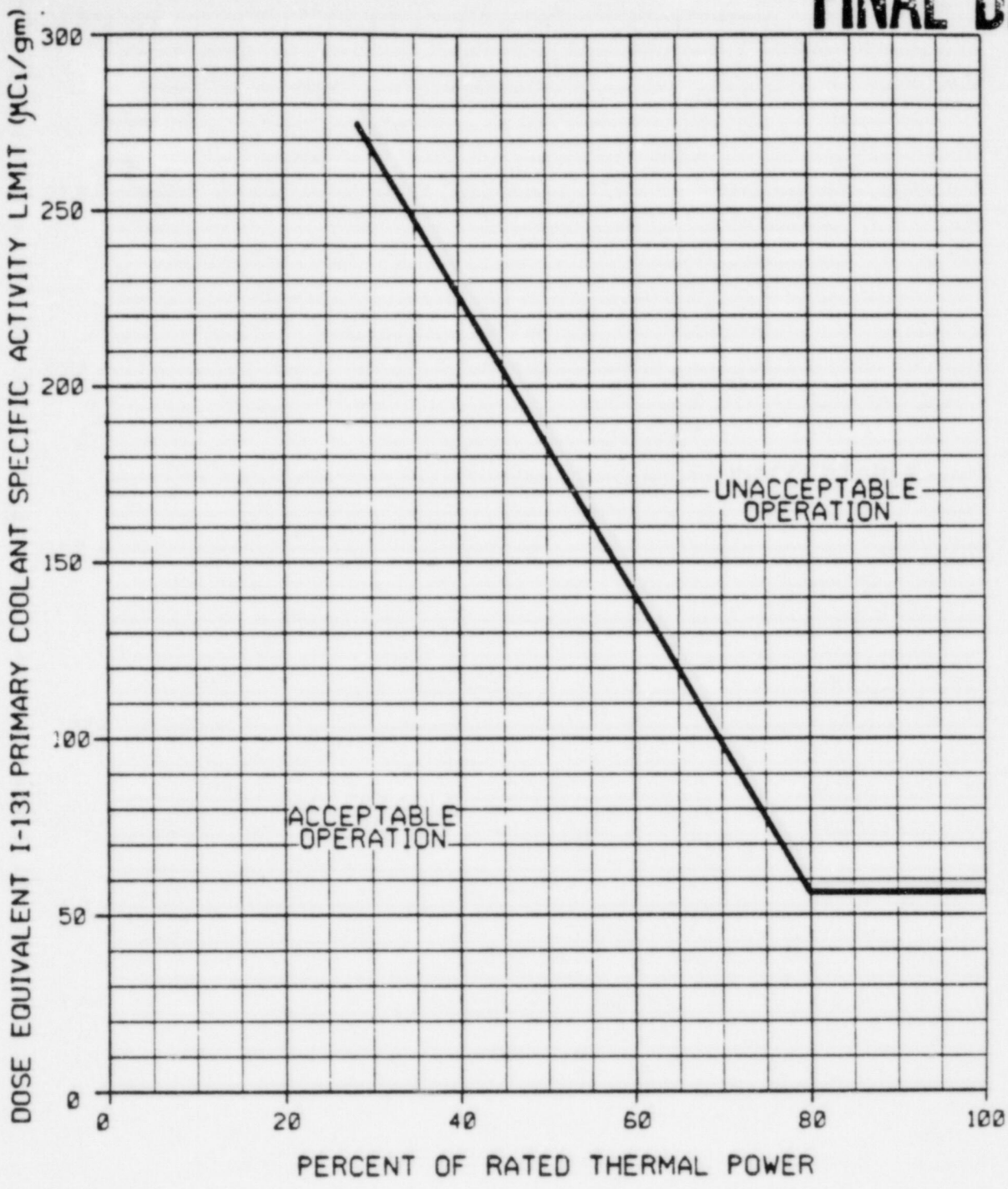

FIGURE 3.4-1

DOSE EQUIVALENT I-131 REACTOR COOLANT SPECIFIC ACTIVITY LIMIT VERSUS PERCENT OF RATED THERMAL POWER WITH THE REACTOR COOLANT SPECIFIC ACTIVITY >1 μCi/gram DOSE EQUIVALENT I-131

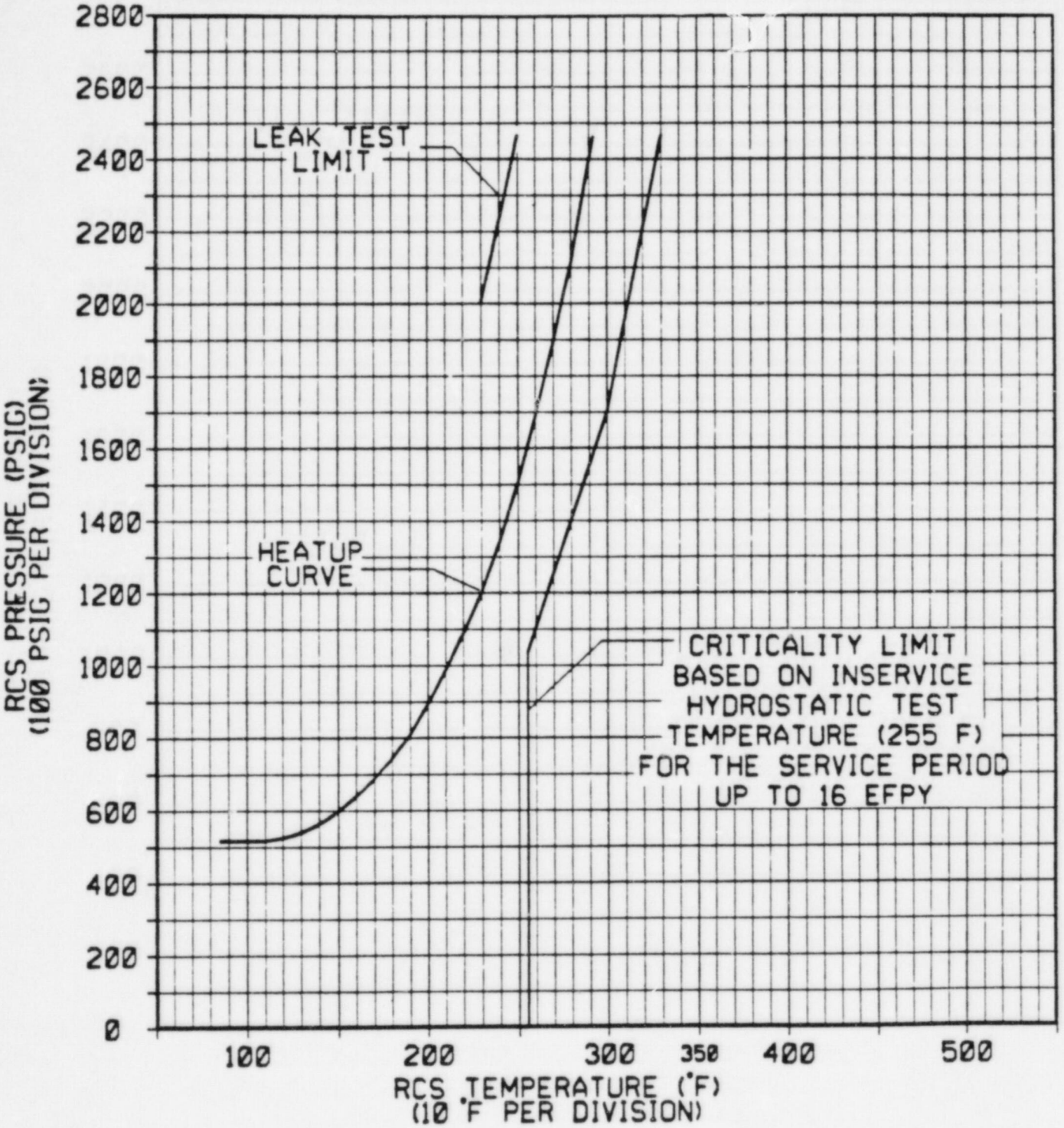

FIGURE 3.4-2

REACTOR COOLANT SYSTEM HEATUP LIMITATIONS - APPLICABLE UP TO 16 EFPY

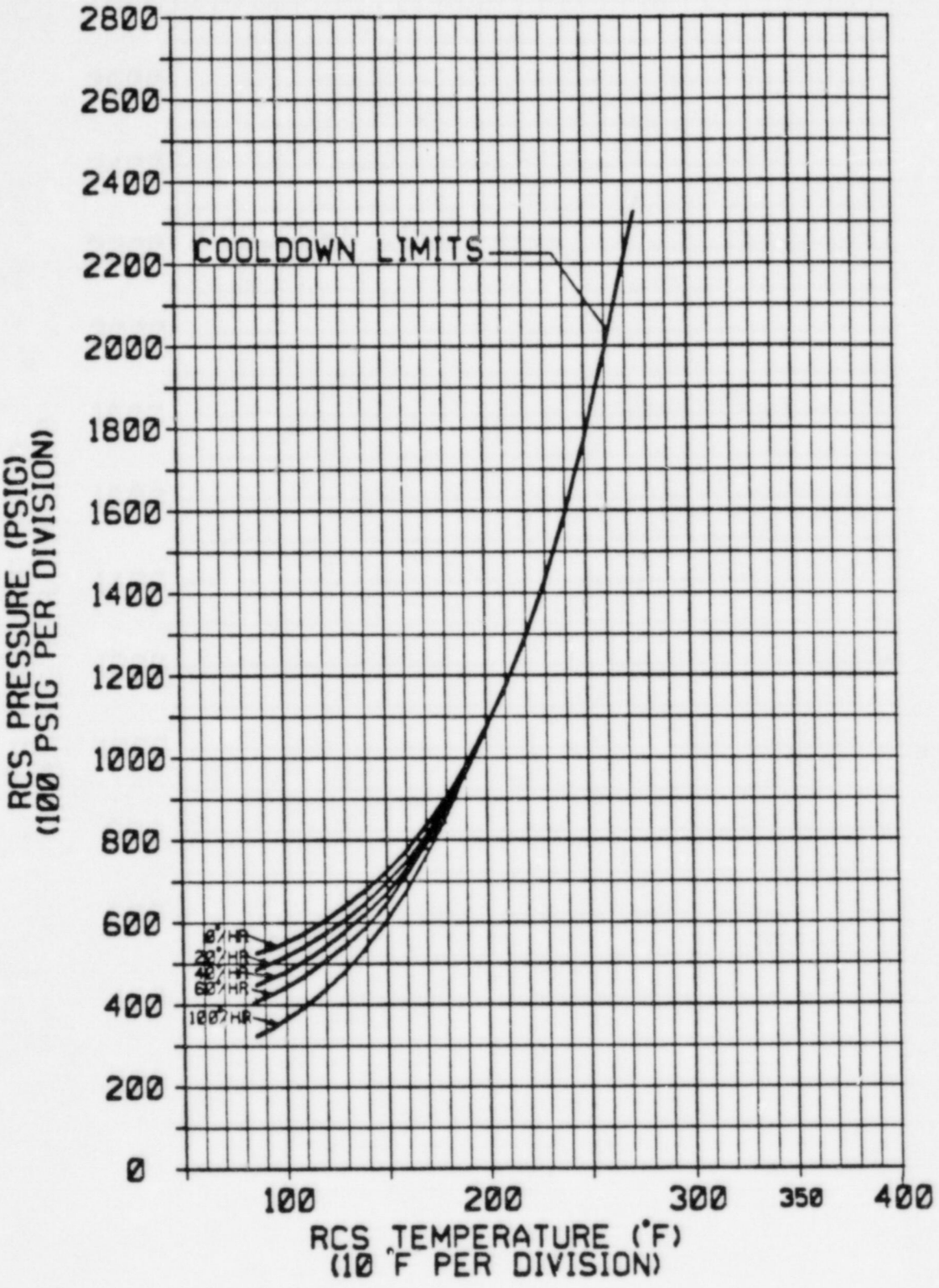

FIGURE 3.4-3

REACTOR COOLANT SYSTEM COOLDOWN LIMITATIONS - APPLICABLE UP TO 16 EFPY

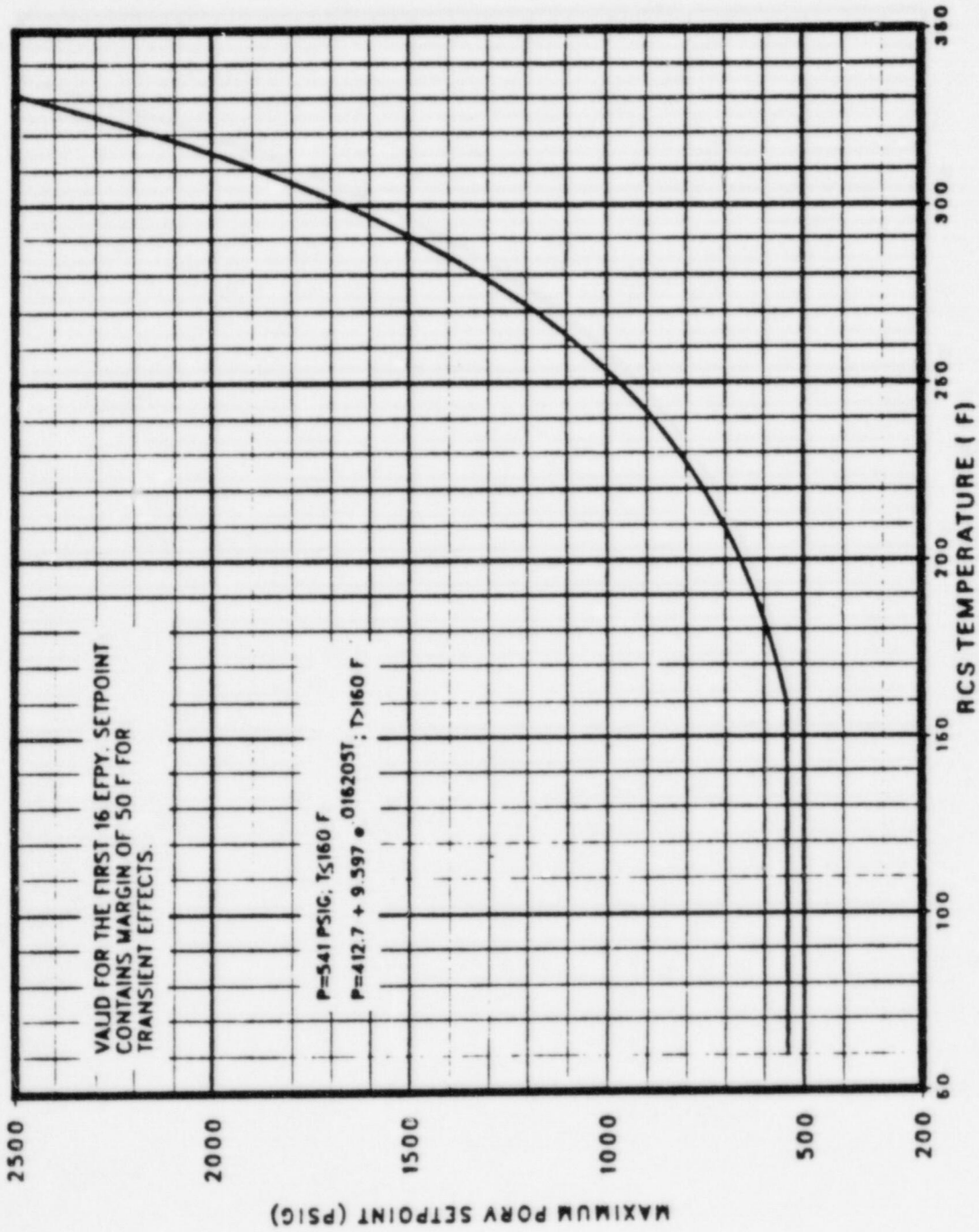

FIGURE 3.4-4 RCS COLD OVERPRESSURE PROTECTION SETPOINTS

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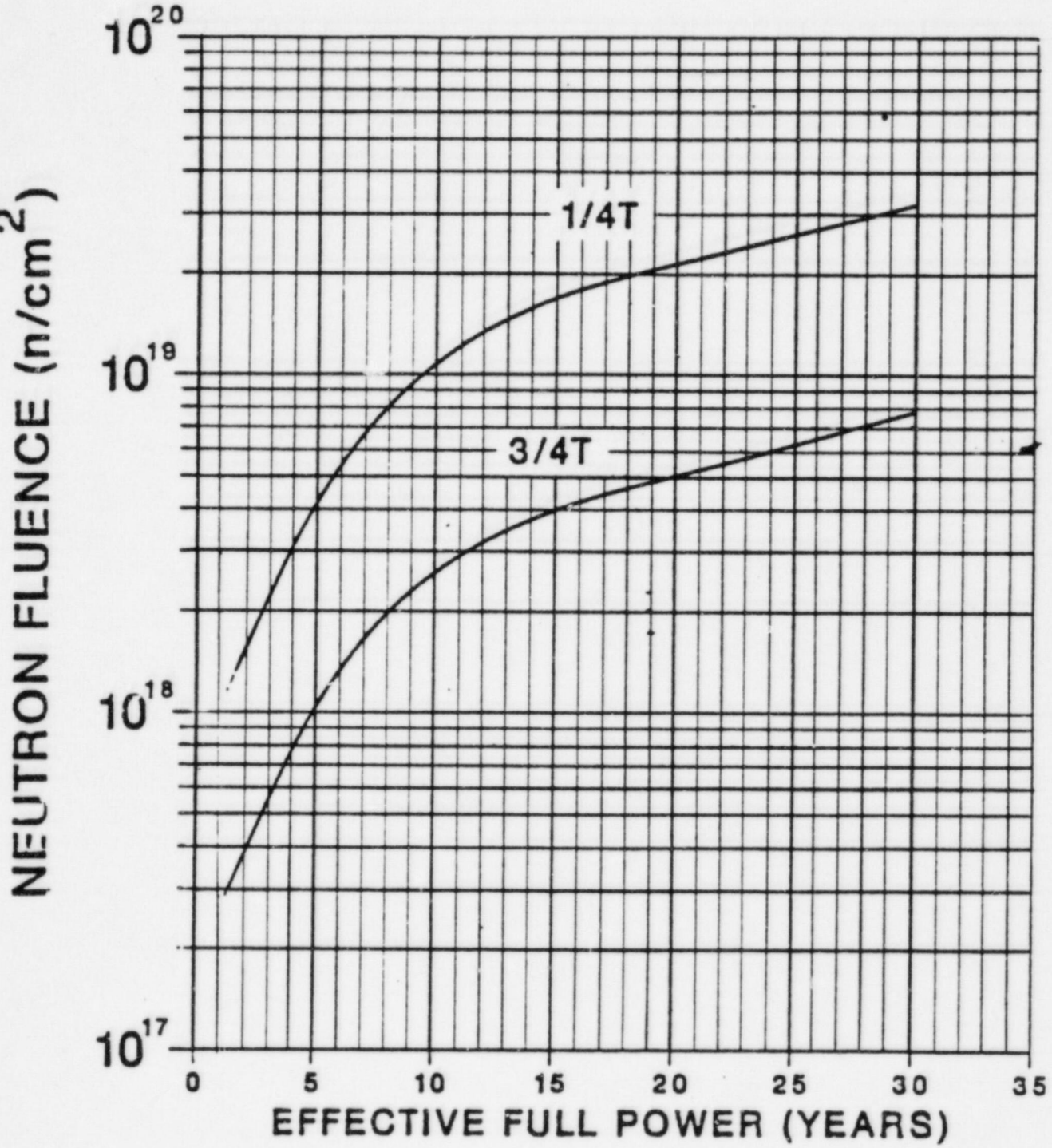

FIGURE B 3/4.4-1

FAST NEUTRON FLUENCE (E>1MeV) AS A FUNCTION OF FULL POWER SERVICE LIFE

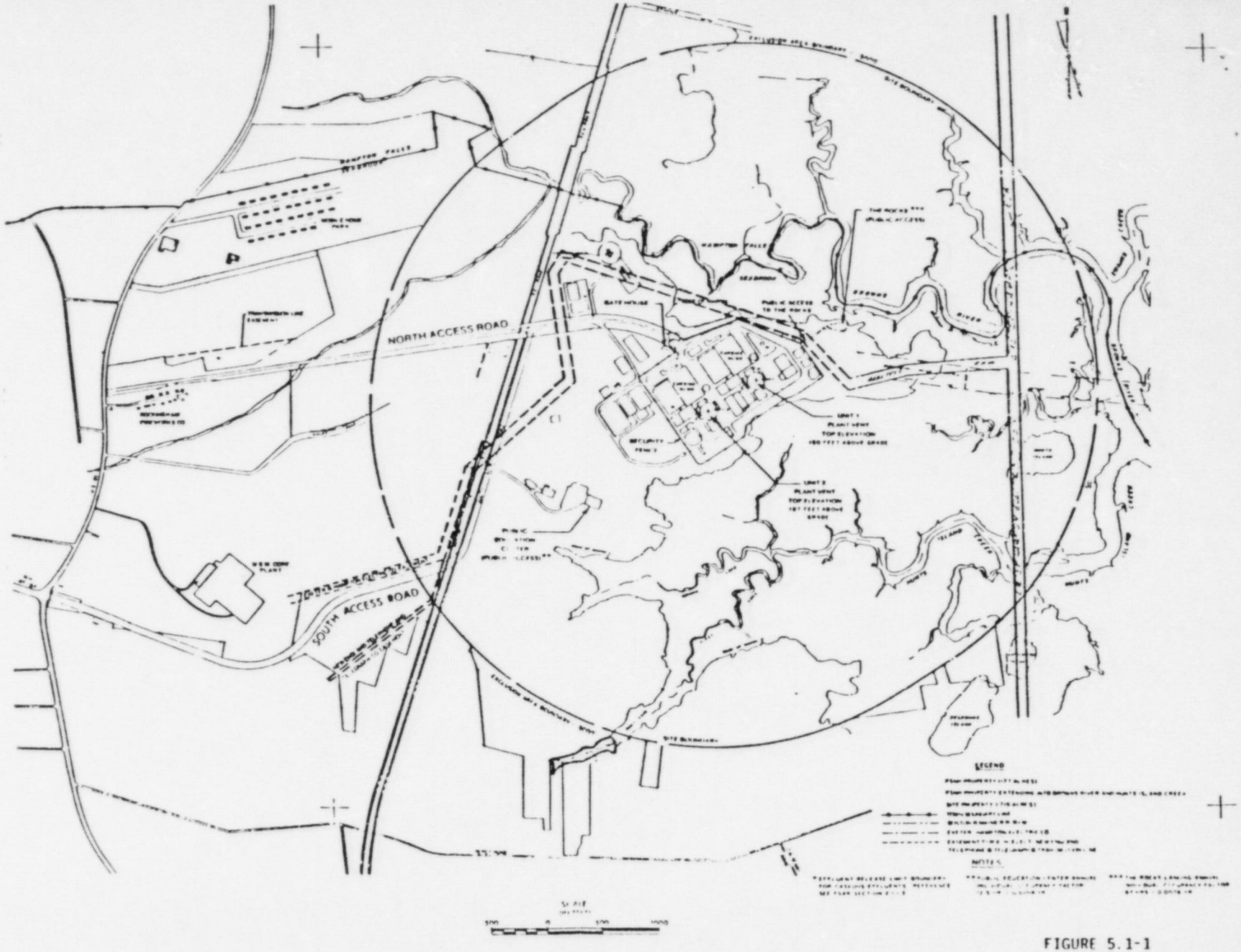

FIGURE 5.1-1

EXCLUSION AREA

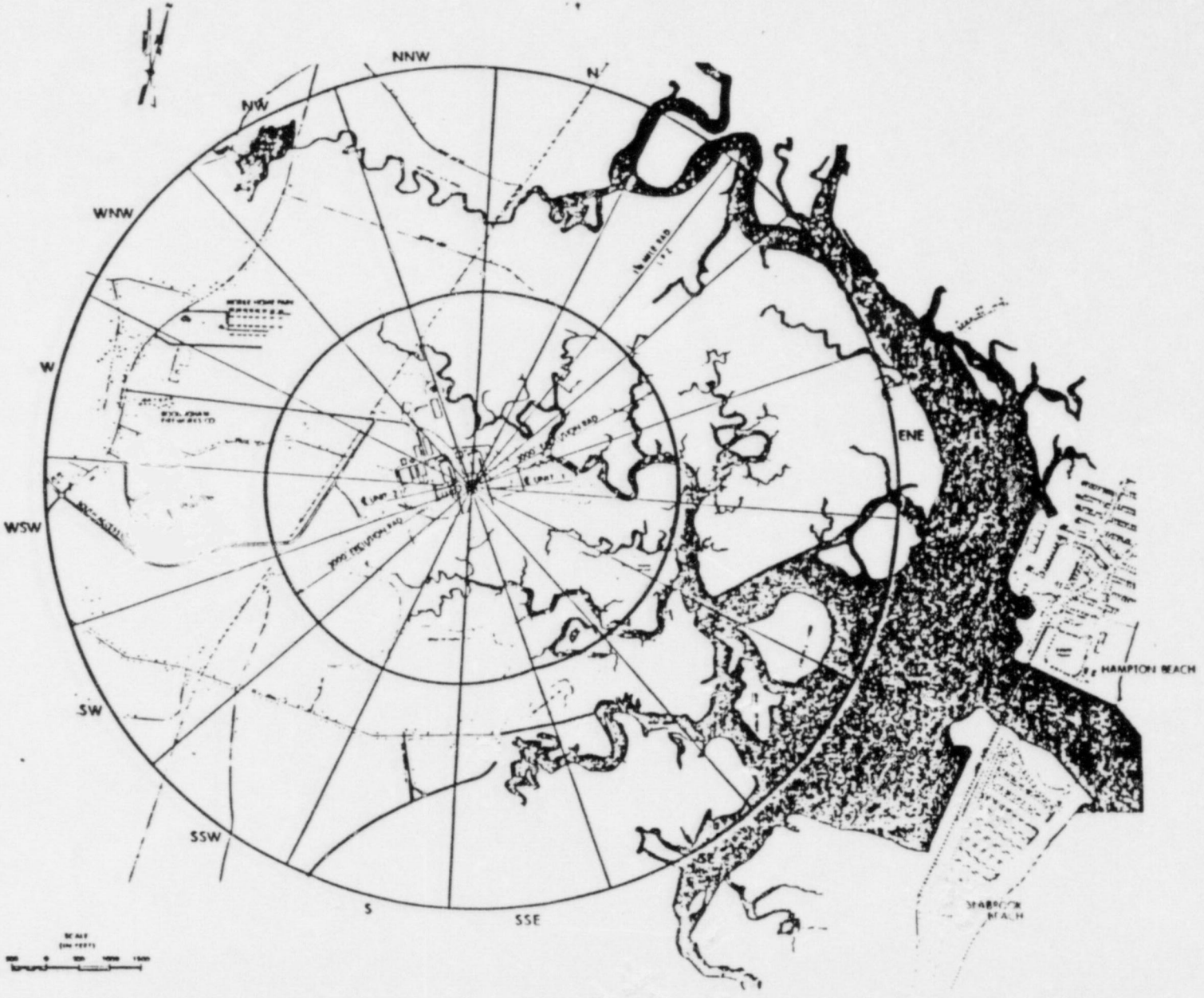

FIGURE 5.1-2

LOW POPULATION ZONE

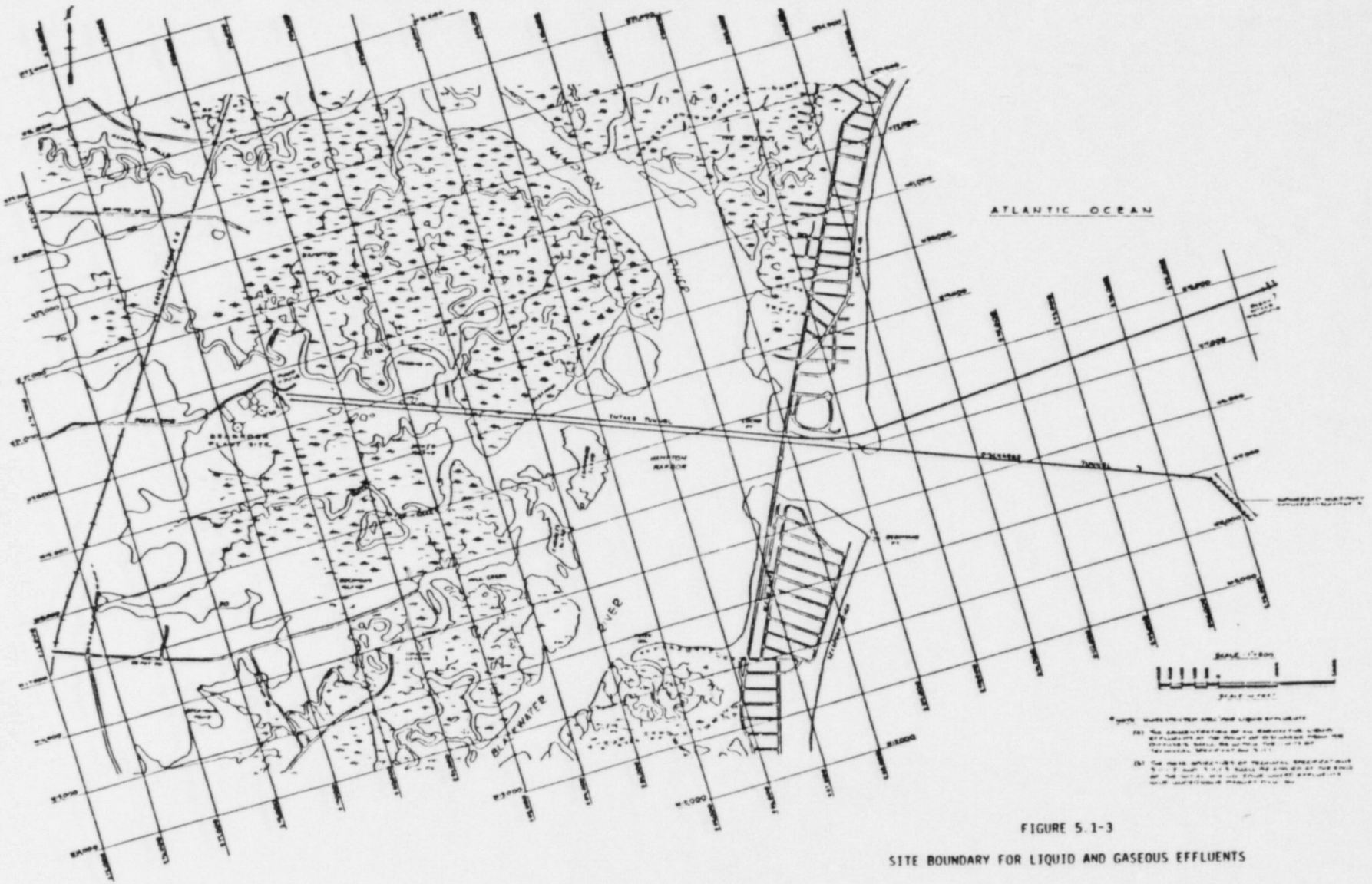

FIGURE 5.1-3

SITE BOUNDARY FOR LIQUID AND GASEOUS EFFLUENTS

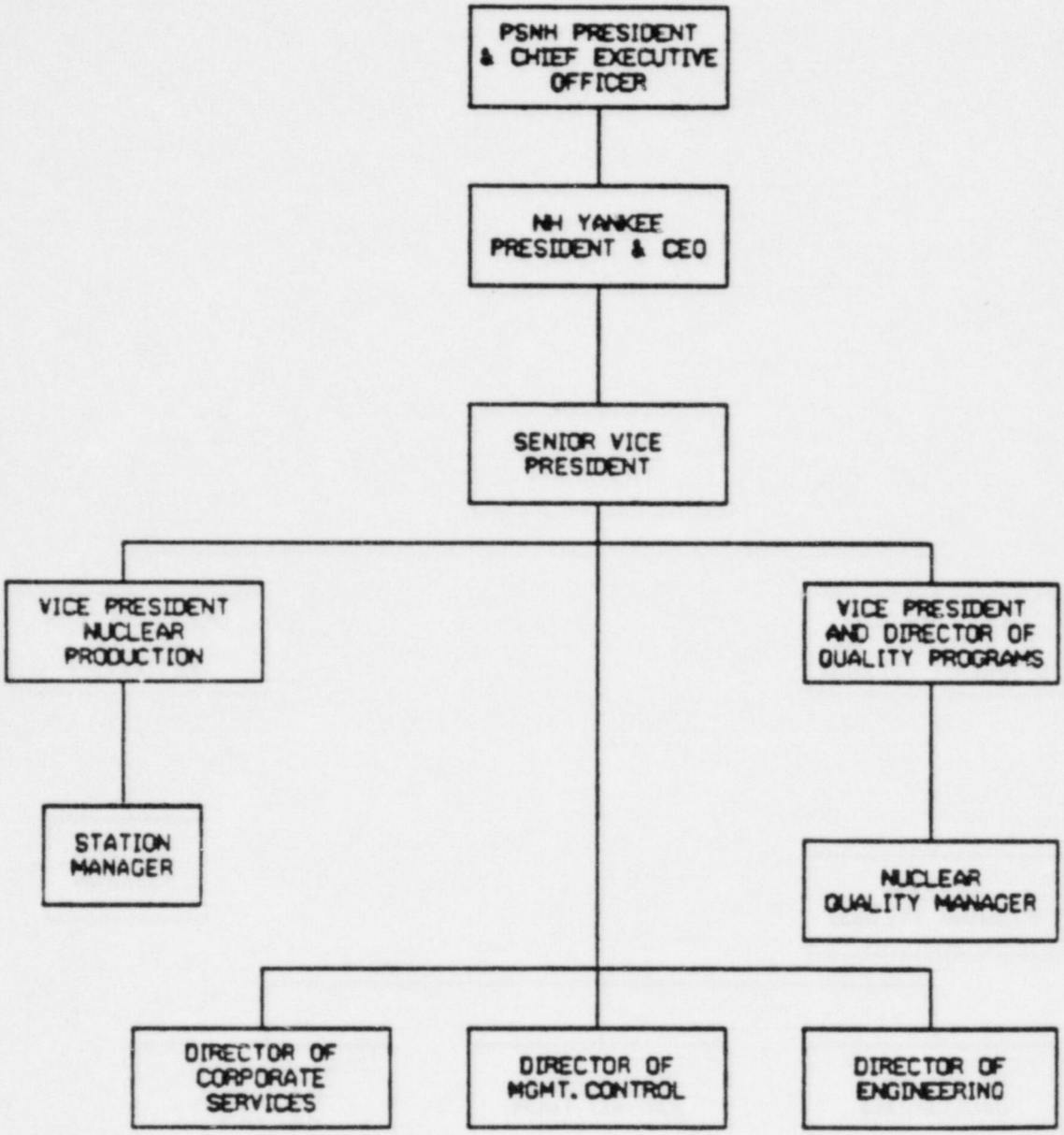

FIGURE 6.2-1

OFFSITE ORGANIZATION

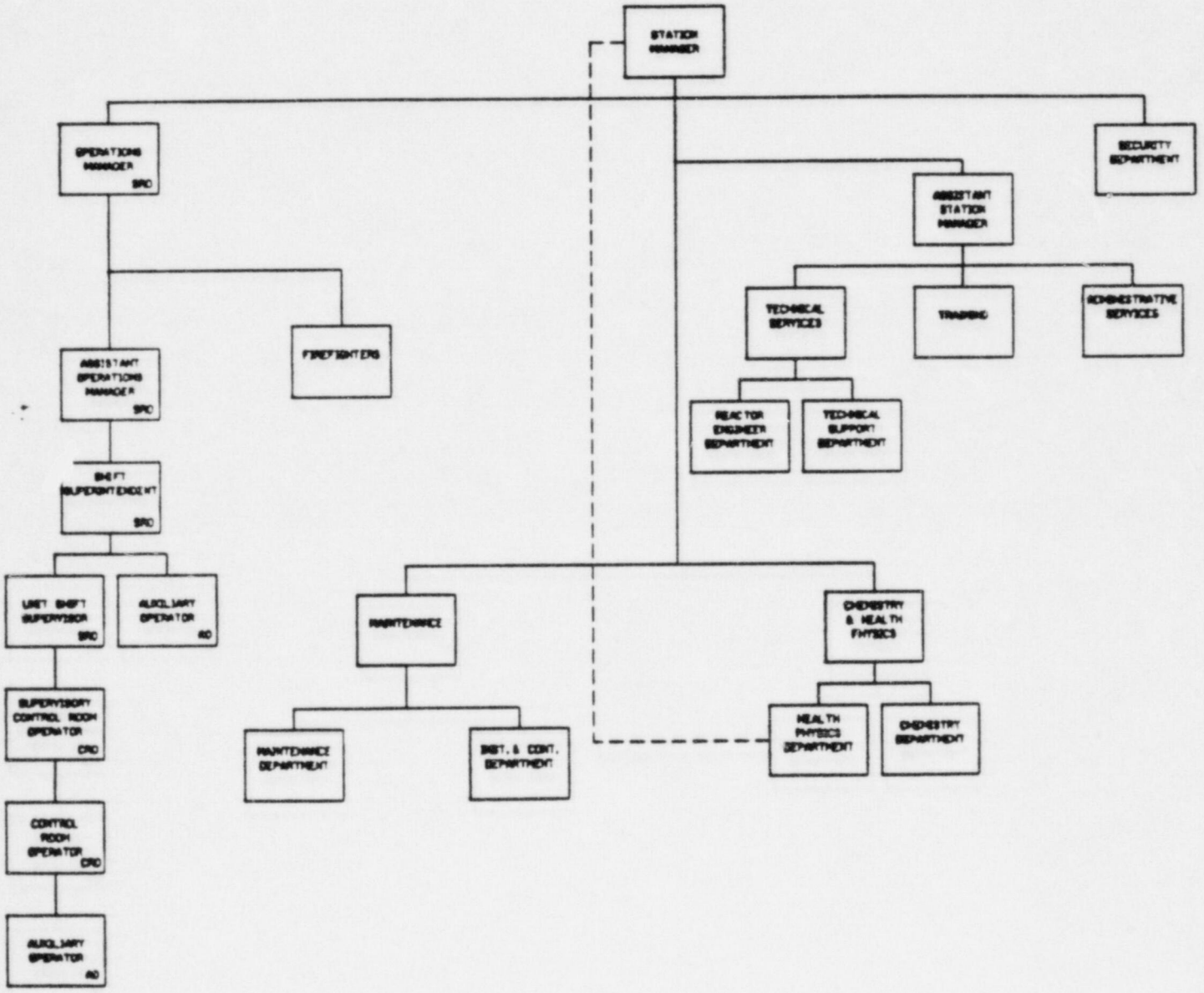

FIGURE 6.2-2

STATION ORGANIZATION