

DISTRIBUTION

Docket Files 50-443/444

NRC PDR

~~Local PDR~~

NCIC

TIC

EDO Reading

NRR Reading

LWR-4 File

H. Denton

E. Case

D. Ross

S. Varga

L. Rubenstein

C. Moon

M. Service

Atty., ELD

G. Ertter (07928)

M. Groff

E. Hughes

B. Moore

ASLB

IE(3)

H. Shapar

H. Berkow/W. Russell

D. Muller

R. Mattson

D. Eisenhut

1950 019

8002120 511



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 24 1980

The Honorable Roberta C. Pevear
New Hampshire House of Representatives
Concord, New Hampshire 03301

Dear Ms. Pevear:

Your letter of November 15, 1979 to President Jimmy Carter concerning the Seabrook Station has been referred to the Nuclear Regulatory Commission for reply.

I have reviewed your request that construction of the Seabrook Station be halted until a full and timely reevaluation is made. I have concluded that, based on the considerations set forth in your letter and other relevant information, the construction permits for Seabrook Station Units 1 and 2 should not be suspended or amended at this time. The results of my evaluation of your letter are as follows:

Statement:

"The NRC disregarded its own criteria for population density in the area of the proposed Seabrook plant."

Response:

While the Commission is considering changes to its regulation on population density for future siting, the staff is not aware of any facts which would suggest that the NRC disregarded its own criteria in licensing the Seabrook site.

Statement:

"Final licensing of Seabrook is seriously jeopardized by the lack of any approved plan for the speedy evacuation of the surrounding population, including Hampton Beach, and, there is serious question as to whether such evacuation would indeed be possible."

Response:

As a result of the Three Mile accident, emergency planning is being reconsidered by the Commission. Although requirements will not formally change until the Commission modifies its regulations following an ongoing rule-making proceeding (44 FR 75167 (December 19, 1979)), in anticipation of such modifications, the NRC staff notified all licensees of plants under

1950 020

construction, including Public Service Company of New Hampshire, by letter dated November 21, 1979 of the proposed new requirements. The most significant change is the necessity for NRC's concurrence on the applicant's emergency plan as a condition of operating license issuance. Therefore, each licensee has been put on notice that the Commission intends to issue operating licenses only after the NRC concurs in a suitable emergency plan. Furthermore, it is the opinion of the staff that implementing such a plan would not be an impossibility at the Seabrook site.

Questions concerning emergency planning also were raised by the Seacoast Anti-Pollution League in a petition submitted pursuant to 10 CFR 2.206 of the Commission's regulations. A copy of my response to that petition will be forwarded for your information.

Statement:

"The near catastrophe at the Three Mile Island nuclear power plant underscored the inadequacies of our present nuclear safeguards and precipitated a widespread change in public attitudes about nuclear power. As a result of these events, the licensing standards for new nuclear plants are going to be significantly altered, where public health and safety questions are concerned. The Seabrook Station nuclear facility received its construction permit under the old federal regulations, but will have to obtain an operating permit under new, much stricter regulations."

Response:

As a result of lessons learned from the Three Mile Island accident, additional requirements are being imposed on new plants. In addition to changes for new plants, changes are being made to operating plants and will be required for plants under construction. In particular, the staff's letter of October 10, 1979, to Public Service Company of New Hampshire included an identification of changes required in the Seabrook Station that reflected the staff's current perception of Three Mile Island lessons learned applicable to the Seabrook Station. If additional requirements are identified, the implementation by the Seabrook Station will be required in a timely manner.

Statement:

"The power demand projections on which New Hampshire's need for Seabrook I were based have been effectively cut in half, meaning that at least 72 percent of the electricity generated at Seabrook will now be for out-of-state consumption."

1950 021

Response:

Power demand projections are a licensing consideration during the construction permit proceedings. However, it is recognized that such projections may later change. NRC licensing considerations do not require consumption of electricity within the state in which the plant is located. Thus, the mere fact that power reduction projections in New Hampshire may have decreased does not change the basis for the Board's Initial Decision on need for power in the New England area.

Statement:

"Ownership of, and thus, responsibility for 22 percent of Seabrook Station is now undetermined."

Response:

Your perception that responsibility for 22 percent of Seabrook Station is now undetermined may be the result of the fact that the requested change of ownership may be further modified depending on finalization of ownership sales agreements. The NRC staff must complete a Safety Evaluation Report that finds owners with proposed increases in ownership percentages to be financially qualified before a license amendment allowing the proposed change is issued. Thus, I believe that the NRC's regulations and practices provide positive assurance that allowable ownership percentages will always be identifiable by the construction permits as amended. Specifically, Public Service Company of New Hampshire is fully responsible for the 22 percent of Seabrook Station you mention until the construction permits are amended to approve corresponding increased ownership by other owners.

On December 7, 1979, President Carter announced his initial actions in response to the President's Three Mile Commission. I believe that those actions are also responsive to your concerns relative to constructive leadership in evacuation plans. In addition to the President's actions, the NRC staff has been proceeding to implement new and more stringent emergency preparedness requirements, including as I have indicated, specific requirements for the Seabrook Station.

I wish to assure you that continuing evolution of changes in licensing requirements will be implemented in the Seabrook Station as applicable.

1950 022

The Honorable Roberta C. Pevear

-4-

No change in licensing requirements that have evolved to date have resulted in plant changes that cannot be incorporated while construction continues.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

1950 023