

11/20/89

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'89 NOV 21 P4:17

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	}	
PUBLIC SERVICE COMPANY OF		Docket Nos. 50-443 OL
NEW HAMPSHIRE, <u>et al.</u>		50-444 OL
(Seabrook Station, Units 1 and 2)		Off-site Emergency Planning

NRC STAFF RESPONSE TO INTERVENORS' MOTION TO ADMIT A LATE FILED CONTENTION AND REOPEN THE RECORD ON THE SPMC BASED UPON THE WITHDRAWAL OF THE MASSACHUSETTS E.B.S. NETWORK AND WCGY

INTRODUCTION

By motion dated October 30, 1989, the Massachusetts Attorney General, Seacoast Anti-Pollution League, and New England Coalition on Nuclear Pollution ("Intervenors") asked this Board to admit a late filed contention alleging that the Applicants' public notification system is inadequate. ^{1/} On November 8, that motion was withdrawn. ^{2/} Thereafter, on November 9, Intervenors filed another motion under the same title virtually identical in substance. ^{3/} Specifically, Intervenors claim that Applicants will not be able to activate the EBS servicing the Seabrook

-
- ^{1/} Intervenors' Motion to Admit a Late Filed Contention and Reopen the Record on the SPMC Based Upon the Withdrawal of the Massachusetts E.B.S. Network and WCGY, October 30, 1989.
 - ^{2/} Withdrawal of Motion, November 8, 1989.
 - ^{3/} Intervenors' Motion to Admit a Late Filed Contention and Reopen the Record on the SPMC Based Upon the Withdrawal of the Massachusetts E.B.S. Network and WCGY, November 9, 1989. ("Motion")

Emergency Planning Zone ("EPZ") because of the revocation of the letter of agreement with WCCM (AM)/WCGY (FM) ("WCGY") and therefore will not be able to provide notification to the public. The NRC Staff opposes Intervenor's motion on the grounds that it fails to satisfy the requirements for a motion to reopen the record or meet the standards for admission of late-filed contentions.

DISCUSSION

A. Intervenor's Motion does not Satisfy the Requirements for Reopening the Record.

Because Intervenor's Motion comes after the conclusion of the hearing on offsite emergency planning issues, it must satisfy the requirements of 10 C.F.R. § 2.734(a) for reopening the record. See LBP-89-23, slip op. at 14-15. Under that regulation the motion must be timely, except that an exceptionally grave issue may be considered in the discretion of the presiding officer even if untimely, must address a significant safety or environmental issue, and must demonstrate that a materially different result would be or would have been likely had the newly proffered evidence been considered initially.

While Intervenor may have filed their contention in a timely fashion, ^{4/} they have failed to raise a significant safety issue or demonstrate that a materially different result would have been likely had this information been considered during the hearing on offsite emergency

^{4/} The withdrawal of the Motion of October 30, 1989, on the EBS system and the filing of an almost identical Motion on November 9, 1989 - has caused an unjustified delay of 10 days. The reasons given by Intervenor for withdrawal of the original Motion (at 5-6) fail to explain why the Motion was withdrawn, especially as it is based upon an affidavit almost identical to the one of Royce Sawyer.

planning. The motion to reopen must accordingly be denied. As observed by the Appeal Board, "the Commission expects its adjudicatory Boards to enforce section 2.734 requirements rigorously--i.e., to reject out-of-hand reopening motions that do not meet those requirements within their four corners". Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-915, 29 NRC 427, 432 (1989).

1. Intervenors Have Not Raised a Significant Safety Issue

The contention Intervenors seek to admit is premised upon the recent decision of WCGY to revoke its agreement to participate with New Hampshire Yankee in emergency planning and to activate the EBS in the event of a radiological emergency. According to Intervenors, the Applicants will be unable to promptly activate the EBS network servicing the Seabrook EPZ, and thus to provide adequate public notification, without the cooperation of WCGY. Motion at 2. As explained below, the action taken by WCGY does not raise a significant safety issue since it has no impact on the operation of the state EBS, which can provide public notification throughout the State of Massachusetts within approximately eight minutes.

The question of whether an applicant may rely on a state EBS to provide public notification even if it has not obtained letters of agreement with the participating stations was addressed by the Appeal Board in an advisory opinion in Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-911, 29 NRC 247, 254-55(1989). The Appeal Board determined that the existence of a state, FCC approved, communication network to provide emergency information in the affected area is sufficient to show compliance with FEMA and NRC requirements. Further, the Appeal Board found that letters of agreement between the utility and

the EBS stations are not necessary but, indicating that the applicant need only establish that the stations are able to participate.

In the Shoreham case the applicant, Long Island Lighting Co. ("LILCO"), originally planned to utilize an EBS network it had designed in which WALK played a lead role. Id. at 251. WALK subsequently withdrew its participation, however, and LILCO decided to simply rely upon the existing state EBS after an attempt to substitute another station failed. Id. The Appeal Board found that the state EBS could be activated by federal, state or local authorities by contacting WCBS, the lead EBS facility in the area. 29 NRC at 251. That lead EBS station could then activate other EBS stations in the more immediate area of the EPZ. 29 NRC at 251-252. The Appeal Board affirmed the Licensing Board's conclusions "that the participants in the state established EBS network will be both willing and able to broadcast messages throughout the EPZ." 29 NRC at 254. It continued, "[n]or do NRC and FEMA regulations require more than the preexisting agreement between the state and the network stations to establish a presumption of a willingness to participate." Id. On this basis the Appeal Board concluded:

In sum, the record does not establish that, standing alone, WCBS will provide the requisite EBS coverage. Because, however, the record contains nothing to rebut the presumption that such coverage will be supplied by the entire multistation network (a presumption arising from the state's establishment and the FCC's approval of the network), we agree with the Licensing Board's ultimate resolution of the EBS issue in LILCO's favor.

29 NRC at 255.

The Motion, the affidavits annexed to the Motion and the Massachusetts Civil Defense Agency Emergency Broadcast System Operational Plan (Exhibit to Intervenors' affidavit of Robert Boulay) establish that

adequate EBS coverage will be provided by the entire multi-station network through the lead station in Massachusetts, WROR, to the Massachusetts section of the EPZ for Seabrook. In intervenors' affidavit of Robert Boulay, Director of the Massachusetts Civil Defense Agency and the Massachusetts Civil Defense Agency Emergency Broadcast System Plan ("Plan") show that an Emergency Broadcast System exists which could be promptly used in an emergency. Thus, no significant safety issue was created by the cancellation of the letter of agreement by WCGY in this case, any more than by the cancellation of the letter of agreement with WALK in the Shoreham case.

Under the Massachusetts Emergency Broadcast System Operational Plan, which sets forth methods and procedures agreed upon by the broadcast industry and the state and local governments, the gateway (local primary relay/CPCS) stations receive the EBS message directly by monitoring either the state's originating primary relay station, WROR, or the gateway station in an adjacent area. Plan at 1, 2. According to the plan, the original message can be picked up and retransmitted by every EBS station in Massachusetts within approximately eight minutes. Plan at 2.

Alerting WROR provides full coverage to the EPZ. Boulay affidavit at 6; Plan at 5-6. "[A]ll broadcast stations that are licensed by the FCC are required to install an EBS two tone receiver. When the EBS is activated all radio and television stations that participate in the EBS pick up and transmit the informational EBS message." Boulay affidavit at 3. Besides WROR, WCGY and other stations serving the Massachusetts Emergency Planning Zone are in this EBS. Plan at 5,8,1-1,1-6. As the Motion itself states:

The primary relay EBS station in Massachusetts, WROR in Boston, by transmission of its activating tone, trips the tone alert radios at the EBS operational area gateway stations. WCGY is the gateway station in the Merrimac Valley where the Massachusetts EPZ is located. WCGY picks up the EBS message transmitted by WROR and, through activation of its activating tone, trips the tone alert radios located in the other Merrimac Valley EBS stations. Those stations in turn pick up the EBS message and transmit it out on their own frequencies to the public.

Motion at 10. 5/

Intervenors admit that activation of the EBS system may be by request of the Governor, the Director of the Massachusetts Civil Defense Agency, the Massachusetts State Police or the National Weather Service for situations which endanger the safety of life and property, such as nuclear accidents at power plants. Boulay affidavit at 5; Plan at 3, 4. For emergencies involving the Greater Boston Metropolitan area and one or more other sectors, activation is to be made through WROR, whereas if only one operational area is affected activation is to occur through the appropriate gateway station. Plan at 6.

While the Boulay affidavit (at 4-5) indicates that the withdrawal of WCGY may mean that the EBS may no longer be activated through that station, there is no indication that it could not be activated through the primary state EBS station, WROR, or through contact from an activating

5/ The Motion then continues and states that the EBS, as well, be "can be implemented directly" by contacting WCGY and having WCGY send out the activating signal. Motion at 10.

state official or agency. ^{6/} Furthermore, Intervenors have presented no evidence to rebut the presumption that such coverage will be supplied to the entire multi-station network (Shoreham, 29 NRC at 255) through the lead EBS station in the Commonwealth, WROR, by means of the two tone receivers within eight minutes.

Thus, the existing State EBS can provide prompt public notification in the event of a radiological emergency at Seabrook by transmitting messages over every participating station within approximately eight minutes. Plan at 2. As such, it complies with the Commission's regulations which mandate a design objective of complete initial notification within about 15 minutes. 10 C.F.R. Part 50, App. E.IV.D.

^{6/} It is recognized that the Plan provides that if only one "EBS operational area" is to be activated only the primary relay station in the area need be called. Plan at 6. However, the Plan also provides for activation of the EBS through state officials or by calling WROR. Plan at 4-7. Mr. Boulay admits (at 5) that the Governor could activate the EBS, although not by contacting WCGY directly and questions whether notification in this manner would be timely. The existence of such a communication link from the state to WCGY seems immaterial, however, since activation of the EBS network could always occur through WROR; and the Massachusetts operational plan shows that public notification would be effectuated within eight minutes, considerably less than the 15 minute requirement set forth in 10 C.F.R. Part 50, Appendix E.IV.D. Any change in the SPMC or its Implementing Procedures to identify WROR would not require a significant revision of the plan and could not be considered a "fundamental flaw" in the SPMC. See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-903, 28 NRC 499, 506 (1988). The verification of such a change could be left to FEMA and the Staff. See Louisiana Power and Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-32, 17 NRC 1076, 1103-04 (1983) (leaving, inter alia, verification of installation and testing of sirens and preparation of implementing procedures to the Staff); Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), ALAB-808, 21 NRC 1595, 1600 (1985) (leaving verification of preparation of local government emergency response plans to the Staff); Id. ALAB-836, 23 NRC 479, 495 (1986) (leaving verification of changes in traffic control plans to the Staff).

Furthermore, this system could, and would, be implemented under the direction of State officials exercising their "best efforts" to protect the public, regardless of whether any individual stations participate in the emergency planning process. See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-86-13, 24 NRC 22 (1986). For these reasons, the withdrawal of WCGY from the emergency planning process will not have any significant safety implications. ^{7/}

2. Intervenors Have Not Demonstrated that a Materially Different Result Would Have Been Likely had the Newly Proffered Evidence Been Considered Initially.

Intervenors have also failed to demonstrate that a materially different result would have been likely had the newly proffered evidence

^{7/} Under the New Hampshire Yankee Seabrook Plan for Massachusetts Communities (SPMC) a recommendation to notify the public of an emergency is to be given to Massachusetts officials by the New Hampshire Yankee Offsite Response Organization (ORO). SPMC, § 3.2.5 at 3.2-13, 3.2-16. This contact is made through the Massachusetts State Police. Id. at 3.2-17. The New Hampshire Response Emergency Operations Center (EOC) is then to contact the EBS radio station. Id. The Plan does not specify any particular station. Similarly, the Implementing Procedures Manual for the SPMC do not identify a particular station, but do provide for the radio station contact to authenticate the genuineness of the notification and the use of prescribed messages or messages sent to at the time of notification. See SPMC Implementing Procedures 2.13, at 5.1.11. The Seabrook Station Public Alert and Notification FEMA-REP-10 Design Report issued in the spring of 1988 identified WLYT, and not WCGY as the EBS network station. See affidavit of Anthony M. Callenderello, annexed to Applicants response to the subject Motion. During the 1988 emergency response exercise this procedure was simulated by calling radio station WLYT. See FEMA Exercise Report, App. Ex. Annexed to the SPMC was a letter of agreement wherein WCGY did agree to be the EBS contact station. SPMC, Appendix C, at C-66 to C-71. There is also a letter of agreement with WLYT. Id. at C-64 - C-65. The SPMC Communications Directory lists the telephone numbers of both WLYT and WCGY. SPMC, Appendix H at H-92. The Motion and the affidavits fail to indicate that timely notification could not be given to the public through Massachusetts officials and WROR.

been considered during the hearing on offsite emergency planning issues. As discussed above, it is evident from the Massachusetts EBS operational plan that the existing state EBS would provide adequate public notification. Since that system is designed to be activated upon the occurrence of an emergency situation, such as a nuclear accident, NRC regulations do not require the Applicants to enter into letters of agreement with the participating stations.

The question of whether a licensee must enter into letters of agreement with radio stations which are part of an existing state EBS was specifically addressed by the Appeal Board in the Shoreham advisory opinion. After observing that it must be presumed that the State and the FCC knew what they were doing in establishing and approving a communications network to provide emergency information, the Appeal Board stated "[n]or do NRC and FEMA regulations require more than the preexisting agreement between the state and the network stations to establish a presumption of a willingness to participate". 29 NRC at 254. Noting that "FEMA obviously proceeds on the premise that a station that undertakes to become a part of an established EBS will carry out in any emergency (nuclear or otherwise) the responsibilities it has assumed", the Appeal Board determined that "[i]n the absence of NRC regulations or evidence to the contrary (and there is none in this record), we have no reason to conclude otherwise". (footnote omitted). Id. at 255.

As in the Shoreham case, the Seabrook Intervenors have not presented any evidence suggesting that the State EBS system would not provide prompt emergency broadcast information to the EPZ. The fact that Applicants have not established a dedicated phone link to WCGY would not affect the

operation of the EBS when activation occurs through tone alert via WROR in Boston. Should the activating official be unable to contact WCGY, activation can always be initiated at the state level. The State system is designed to provide notification over the entire network within approximately eight minutes, which is well within the design basis mandated by NRC regulations. Accordingly, the newly proffered evidence would not have altered the outcome of the Seabrook emergency planning proceeding.

B. Intervenors Do Not Prevail on Standards for Late-Filing

The standards for admission of late-filed contentions are set forth in 10 C.F.R. § 2.714(a)(1), which provides that the proponent of such a contention must demonstrate that a balancing of the five factors weigh in favor of admitting the contention. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 NRC 1041 (1983); Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-883, 27 NRC 43, 49 (1988). The factors are:

- (i) good cause, if any, for failure to file on time;
- (ii) the availability of other means by which 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 petitioner's participation will be represented by other parties; and
- (v) the extent to which the petitioner's participation will broaden the issues or delay the proceeding.

1. Good cause, other means and parties to protect
Intervenors' interest

The first factor (good cause for failure to file on time), the second factor (availability of other means to protect Intervenors' interest) and the fourth factor (extent to which Intervenors' participation will be represented by other parties) weigh in Intervenors' favor with respect to admission of the contention. The staff does not dispute that given the recent withdrawal of station WCGY from participation in the SPMC (October 20, 1989), the contention might be considered timely filed.^{8/} Also, boards have generally recognized that there are no other means or parties to protect Intervenors' interests. However, the Commission has observed that the second and fourth factors are "accorded less weight, under established Commission precedent, than factors one, three and five." Commonwealth Edison Co. (Braidwood Nuclear Power Station, Units 1 and 2), CLI-86-8, 23 NRC 241 (1986); South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 NRC 881, 895 (1981). Further, this Board has held that where one seeks to reopen a record more weight is given to the third and fifth factors and late filed contentions should be rejected even though factors (i), (ii) and (iv) weigh in Intervenors' favor. See Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), LBP-89-3, 29 NRC 51, 59 aff'd, ALAB-915, 29 NRC 427 (1989).

2. Contribution to the development of a sound record

The extent to which a petitioner can contribute to the development of a sound record is very important. When a petitioner addresses this criterion "it should set out with as much particularity as possible the

^{8/} See n. _____, supra.

precise issues it plans to cover, identify its prospective witnesses, and summarize their proposed testimony." Braidwood, 23 NRC at 246, quoting Mississippi Power & Light, (Grand Gulf Nuclear Power Station, Unit 1), ALAB-704, 16 NRC 1725, 1730 (1982); accord, Public Service Co. of New Hampshire, (Seabrook Station, Units 1 and 2), ALAB-918, 29 NRC 483-84 (1989). Further, the movant must demonstrate that it possesses "special expertise on the subjects which it seeks to raise." Braidwood, 23 NRC at 246.

Intervenors have identified Robert Boulay as their expert witness on this contention. Mr. Boulay is Director of the Massachusetts Civil Defense Agency, and is the official responsible for the oversight and maintenance of the Massachusetts Emergency Broadcast System (EBS). Thus, the staff does not dispute that Mr. Boulay is qualified to offer testimony regarding operation of the Massachusetts EBS. However, the summary of Mr. Boulay's proposed testimony does not show that notification would not be given through WROR and the EBS in Massachusetts in a prompt and timely manner. See _____, supra.

Under the existing State EBS, WROR would activate WCGY's tone signal, thus assuring that other stations in the EBS network will be notified and broadcast the message. This notification can be accomplished in eight minutes, well within the 15 minute requirement of the regulation. While WCGY may have withdrawn independent cooperation with New Hampshire Yankee (NHY), there is no evidence that WCGY has withdrawn or ceased cooperation with the state system.

As pointed out above, there is no requirement for individual agreements between an Applicant and independent radio stations, as long as

there is an agreement between a State and the radio network. Hence, Mr. Boulay's proposed testimony would be at best a minimal contribution to development of a sound record.

3. Broadening of issues and delay to the proceeding

It is beyond question that admission of the contention will both broaden the issues and delay the final resolution of this operating license proceeding, in which the Board has issued a Partial Initial Decision (PID). Intervenors agree that this is true, but argue that the Board must consider the degree to which this Contention would broaden the issues and cause delay. Motion at 10.

Intervenors claim that the focus is narrow and discovery will be minimal. Motion at 10. However, already Intervenors have put the parties on notice that they intend to amend this contention and add additional bases (Motion at 9, n.4) which would significantly broaden the scope of the issue and would require both discovery and hearings. Thus, Intervenors' claim that the issue is narrow is disingenuous. Litigation of this matter would not only broaden the issues but also substantially delay the proceeding, especially here since the Board has already issued a PID resolving all outstanding emergency planning issues and has directed that the Director of Nuclear Reactor Regulation is authorized to issue Applicants an operating license.^{9/} Hence, this factor weighs heavily against admission of the contention.

^{9/} This is so, notwithstanding the ALAB-924 remanded matters and the pending motions to admit new contentions, given the Board's stated intention to explain why these matters do not preclude the issuance of an operating license to Applicants at this time. See LBP-89-32, slip op. at 569, n.87, (November 9, 1989).

In sum, the third and most important factor in the context of admission of late-filed contentions, development of a sound record, and the fifth factor, broadening and delay of the proceeding, weigh decidedly against admission of the contention. On the whole, a balancing of the five factors weighs against admission of the contention.

CONCLUSION

For the reasons stated above, Intervenor's motion to reopen the record and admit a late filed contention on the EBS system for Massachusetts should be denied.

Respectfully submitted,

Lisa B. Clark
Lisa B. Clark
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of November, 1989

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION '89 NOV 21 P4:17

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-443 OL
PUBLIC SERVICE COMPANY OF)	50-444 OL
NEW HAMPSHIRE, <u>et al.</u>)	Offsite Emergency Planning
(Seabrook Station, Units 1 and 2))	

OFFICE OF THE ATTORNEY GENERAL
DOCKETING SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO INTERVENORS' MOTION TO ADMIT A LATE FILED CONTENTION AND REOPEN THE RECORD ON THE SPMC BASED UPON THE WITHDRAWAL OF THE MASSACHUSETTS E.B.S. NETWORK AND WCGY" 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, by deposit in the Nuclear Regulatory Commission's internal mail system, as indicated by double asterisks, by Express Mail, this 20th day of November 1989:

Ivan W. Smith, Chairman (2)*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Philip Ahrens, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station
Augusta, ME 04333

Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

John Traficonte, Esq.**
Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Kenneth A. McCollom**
Administrative Judge
1107 West Knapp Street
Stillwater, OK 74705

Geoffrey Huntington, Esq.**
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Thomas G. Dignan, Jr., Esq.**
Robert K. Gad, III, Esq.
Ropes & Gray
One International Place
Boston, MA 02110-2624

Diane Curran, Esq.**
Harmon, Curran & Tousley
2001 S Street, NW
Suite 430
Washington, DC 20009

H. J. Flynn, Esq.
Assistant General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Paul McEachern, Esq.**
Shaines & McEachern
25 Maplewood Avenue
P.O. Box 360
Portsmouth, NH 03801

Sandra Gavutis, Chairman
Board of Selectmen
RFD #1, Box 1154
Kensington, NH 03827

Calvin A. Canney
City Hall
126 Daniel Street
Portsmouth, NH 03801

R. Scott Hill-Whilton, Esq.
Lagoulis, Clark, Hill-Whilton
& McGuire
79 State Street
Newburyport, MA 01950

Allen Lampert
Civil Defense Director
Town of Brentwood
20 Franklin
Exeter, NH 03833

William Armstrong
Civil Defense Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03842

Barbara J. Saint Andre, Esq.
Kopelman and Paige, P.C.
77 Franklin Street
Boston, MA 02110

Judith H. Mizner, Esq.
79 State Street
Newburyport, MA 01950

Robert Carrigg, Chairman
Board of Selectmen
Town Office
Atlantic Avenue
North Hampton, NH 03862

William S. Lord
Board of Selectmen
Town Hall - Friend Street
Amesbury, MA 01913

Mrs. Anne E. Goodman, Chairman
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

Hon. Gordon J. Humphrey
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

Richard R. Donovan
Federal Emergency Management
Agency
Federal Regional Center
130 228th Street, S.W.
Bothell, Washington 98021-9796

Peter J. Matthews, Mayor
City Hall
Newburyport, MA 01950

Michael Santosuosso, Chairman
Board of Selectmen
South Hampton, NH 03827

Ashod N. Amirian, Esq.
Town Counsel for Merrimac
145 South Main Street
P.O. Box 38
Bradford, MA 01835

Robert A. Backus, Esq.**
Backus, Meyer & Solomon
116 Lowell Street
Manchester, NH 03106

Ms. Suzanne Breiseth
Board of Selectmen
Town of Hampton Falls
Drinkwater Road
Hampton Falls, NH 03844

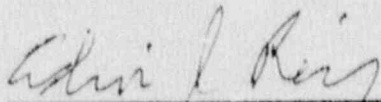
Robert R. Pierce, Esq.*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing
Appeal Panel (6)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

J. P. Nadeau
Board of Selectmen
10 Central Street
Rye, NH 03870

Atomic Safety and Licensing
Board Panel (1)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Secretary(2)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Docketing and Service Section



Edwin J. Reis
Deputy Assistant General Counsel
for Reactor Licensing