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LBP-89-36

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'89 NOV 29 A9:53

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ivan W. Smith, Chairman
Dr. Richard F. Cole
Dr. Kenneth A. McCollom

OFFICE OF THE
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In the Matter of
PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE, et al.
(Seabrook Station,
Units 1 and 2)

Docket Nos. 50-443-OL
50-444-OL

ASLBP No. 82-471-02-OL

(Offsite Emergency
Planning)

November 28, 1989

MEMORANDUM AND ORDER

In LBP-89-33, the Licensing Board concluded that ALAB-924 did not foreclose the issuance of a full power operating license for the Seabrook Nuclear Power Station because, inter alia, Intervenor's concerns regarding the hearing-impaired had been mooted due to the testing of the emergency notification siren system. LBP-89-33, 30 NRC __ (November 20, 1989), Slip Op. at 20. The Applicants subsequently advised the Board that while activation of the New Hampshire

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siren system has been tested, not all of the New Hampshire sirens have been audibly tested.¹

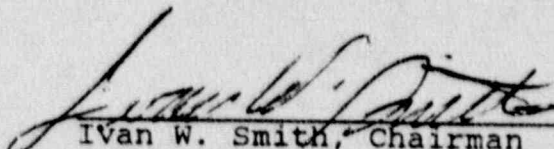
Applicants argue that the above misconception on the Board's part is harmless in that since there is no regulatory requirement that sirens be audibly tested before a license issues (Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant), ALAB-852, 24 NRC 532, 546 (1986)), a Special Needs Survey cannot be held insufficient because it is conducted prior to an audible test of the sirens. Stated another way, a pre-license Special Needs Survey cannot logically be found wanting due to the absence of a post-license siren test. We agree.

Moreover, the focus of the Intervenor's concern regarding the hearing-impaired was that some individuals might not know that they cannot hear the emergency sirens because the sirens had not been audibly tested, and thus might not identify themselves as hearing-impaired. In our view, this concern deals not with the adequacy of any Special Needs Survey but rather with the adequacy of the siren notification system, an issue wholly distinct from any of the survey issues remanded by ALAB-924. Finally, to the extent Intervenor appears to argue that, for pre-accident planning purposes, the Applicants must devise a survey that somehow identifies people who do not know they are either

¹Applicants' Advice to the Licensing Board with Respect to LBP-89-33 (November 22, 1989).

hearing-impaired or selectively hearing-impaired, we hold that no such requirements reasonably flow from the Commission's emergency planning rules or NUREG-0654.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

November 28, 1989

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE, ET AL.
(Seabrook Station, Units 1 and 2)

Docket No.(s) 50-443/444-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O DTD 11/28/89 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Howard A. Wilber
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

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

Edwin J. Reis, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Alan S. Rosenthal
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Administrative Judge
Kenneth A. McCollom
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Alternate Technical Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mitzi A. Young
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docket No. (s) 50-443/444-OL
LB M&O DTD 11/28/89

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

Thomas B. Dignan, Jr., Esq.
Ropes & Gray
One International Place
Boston, MA 02110

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

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

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

Judith H. Mizner
Counsel for Newburyport
79 State Street
Newburyport, MA 01950

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

Jane Doherty
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, NH 03801

Ashod N. Amirian, Esq.
145 South Main Street, P.O. Box 38
Bradford, MA 01830

George W. Watson, Esq.
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Edward A. Thomas
Federal Emergency Management Agency
442 J.W. McCormack (POCH)
Boston, MA 02109

George D. Bisbee, Esq.
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

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

John Traficante, Esq.
Chief, Nuclear Safety Unit
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Docket No. (s) 50-443/444-OL
LB M&O DTD 11/28/89

Peter J. Brann, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station, #6
Augusta, ME 04333

Richard A. Hampe, Esq.
Hampe & McNicholas
35 Pleasant Street
Concord, NH 03301

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

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

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

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

Norman C. Katner
Superintendent of Schools
School Administrative Unit No. 21
Alumni Drive
Hampton, NH 03842

The Honorable
Edward J. Markey, Chairman
ATTN: Linda Correia
Subcommittee on Energy Conservation and
Power
House Committee on Energy and Commerce
Washington, DC 20515

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

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

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

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

Stanley W. Knowles, Chairman
Board of Selectmen
P.O. Box 710
North Hampton, NH 03862

Sandra F. Mitchell
Civil Defense Director
Town of Kensington
Box 10, RR1
East Kingston, NH 03827

Docket No. (s) 50-443/444-DL
LB M&Q DTD 11/28/89

The Honorable
Gordon J. Humphrey
ATTN: Janet Coit
United States Senate
Washington, DC 20510

Dated at Rockville, Md. this
29 day of November 1989

Patty Henderson

Office of the Secretary of the Commission