



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

JUN 10 1981

MEMORANDUM FOR: D. R. Muller, Assistant Director for Environmental Technology, DE  
W. E. Kreger, Assistant Director for Radiation Protection, DSI  
B. K. Grimes, Director, Division of Emergency Preparedness, IE

FROM: R. L. Tedesco, Assistant Director for Licensing, DL

SUBJECT: REQUEST FOR ACTION UNDER 10 CFR 2.206 - SEABROOK STATION

On May 2, 1979, Mr. Robert A. Backus, Esq. requested on behalf of the Seacoast Anti-Pollution League (SAPL) that the Director of Nuclear Reactor Regulation issue an Order to Show Cause to the Public Service Company of New Hampshire (PSNH) why the construction permits for the Seabrook Station should not be suspended or revoked (Enclosure 1). As the basis of its request, SAPL cited:

- (1) Failure of NRC to require development of an evacuation plan beyond the low population zone as part of the construction permit proceedings, and
- (2) Failure of NRC to evaluate the consequences of a Class 9 accident, including the necessity for evacuation beyond the low population zone.

The New England Coalition on Nuclear Pollution (NECNP) filed a memorandum in support of SAPL's petition on July 30, 1979. The Commonwealth of Massachusetts filed a memorandum of support on November 16, 1979. The State of New Hampshire filed a Statement of Position on October 12, 1979. SAPL's petition and NECNP's and Massachusetts' supporting memoranda were treated under 10 CFR §2.206 of the Commission's regulations.

The May 2, 1979 request was denied by the NRC in a letter dated February 11, 1980 (Enclosure 2). The basis for denial of contention (1) above was that compliance with Commission approved proposed rules and requirements of the Joint EPA/NRC Task Force Report (NUREG-0396) need not be demonstrated until the operating license review stage. Contention (2) was denied on the basis that the Seabrook facility was of a typical PWR design having no special circumstances that would indicate that there would be unusually higher risks to the public health and safety should a Class 9 accident occur.



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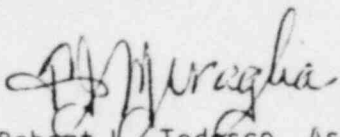
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By letter dated June 30, 1980 (Enclosure 3), Mr. Backus requested Commissioners Ahearne, Bradford, Gilinsky and Kennedy to review the decision which denied their previous May 2, 1979 request as delineated in the NRC response dated February 11, 1980. Moreover, appended to the June 30, 1980 request were sworn affidavits of local officials that stated their view that evacuation within the time frame of NUREG-0396, Table 2, was impossible. The Commission's indicated in a memorandum of September 10, 1980 that Mr. Backus' letter be considered as a separate petition under 10 CFR 2.206. By letter dated March 13, 1981 (Enclosure 4) the Commonwealth of Massachusetts filed a memorandum supporting Mr. Backus' request of June 30, 1980. A letter of acknowledgement was sent to the Commonwealth of Massachusetts on April 14, 1981. By letter dated May 28, 1981, (Enclosure 5) Mr. Backus urged the Director of Nuclear Reactor Regulation to provide a response on this matter by July 15, 1981 or he will ask the Commission to intervene or take "appropriate" steps to resolve this issue.

Tendering of the Seabrook operating license application is expected by July 1, 1981. In order to develop a response on this matter the following areas, among perhaps others, need to be addressed:

- (1) The petitioner's view that NRC has designated Seabrook as a "problem site";
- (2) State officials views that notification of population within a five mile radius is impossible;
- (3) Local officials view that evacuation within the time frame of NUREG-0396, Table 2 is impossible;
- (4) The new Class 9 policy in regard to early actions to be taken to compensate for adverse site features, including population density, and
- (5) Information prepared by NRC consultants or contractors that is pertinent to the above issues.

In view of the diversity of the above issues, it is requested that the cognizant parties coordinate and provide a response in those areas for which you are responsible by June 26 in order to expedite a response either granting or denying SALP's request. If you are unable to respond by June 26, please notify me within seven days of receipt of this memorandum.

  
for Robert L. Tedesco, Assistant Director  
for Licensing  
Division of Licensing