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February 16, 1990 DOCKETED

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'90 FEB 20 P3:19

before the
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

(Offsite Emergency
Planning Issues)

**APPLICANTS' ADVICE TO LICENSING BOARD RE
ERRONEOUS STATEMENTS IN APPLICANTS' RESPONSE
TO LICENSING BOARD ORDER OF JANUARY 11, 1990**

In Applicants' Response to Licensing Board Order of January
11, 1990 filed February 1, 1990, the following statement appears:

"During the hearings on the NHRERP, FEMA took the position, through its witness Joseph Keller, that evacuation (when physically possible) would always be the preferable protective action for the Seabrook beach population in light of, inter alia, the uncertainties of release composition and duration, the effects of groundshine, and the poor quality of the shelter available in the Seabrook beach area.¹ This FEMA position was vigorously contested by the Intervenors, both at trial and on appeal, and was upheld by both the Licensing Board and the Appeal Board.² In October 1988, the NHRERP, Rev. 2, Vol. 4, Appendix F was revised to conform to

¹[Note 29 in orig]. [ALAB-924] at 52-55.

²[Note 31 in orig]. Id. at 55-58.

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the FEMA position that was litigated (and subsequently upheld): at step IV.B.4 (General Emergency) it is recommended to evacuate ERPA A, an approximate two-mile radius that includes Hampton and Seabrook beaches, based on a declaration of a General Emergency subject only to constraints to evacuation. This revision to bring the plan into conformity with the FEMA position was served on the Board and parties on October 13, 1988.³ The effect of the change is to eliminate sheltering as an option under the first of the two circumstances contemplated by the Appeal Board. Since sheltering is no longer a planned protective action option under those circumstances, no implementing detail is required in that case."

After making that filing, the Applicants were advised by the State of New Hampshire that insofar as the foregoing statement states that the October 13, 1988 plan change changed the planned response to the so-called planned "puff release" it is in error. Applicants, of course, accede to New Hampshire's interpretation of its own plan and hereby withdraw that statement.

In addition, Applicants have been informed by the State of New Hampshire that on page 11 of the filing of February 1, 1990, the words "proceed immediately to the nearest available fully-

³[Note 32 in orig]. See Letter of G. Huntington, Assistant Attorney General of New Hampshire, to Chairman I. Smith, Atomic Safety and Licensing Board, October 13, 1988, and enclosures thereto.

⁴Applicants' Response to Licensing Board Order of January 11, 1990 (Feb. 1, 1990) at 9-10 (emphasis added).

enclosed building and remain there," more properly should read:
"shelter in place."

Respectfully submitted,

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CERTIFICATE OF SERVICE

'90 FEB 20 P3:19

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on February 16, 1990, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or, where indicated, by depositing in the United States mail, first class postage paid, addressed to):

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Adjudicatory File
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(* = Ordinary U.S. First Class Mail)