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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

'81 DEC -4 P4:22

OFFICE OF SECRETARY
INSPECTION & SERVICE
BRANCH

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

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



ANSWER OF THE APPLICANTS TO
THE PETITION TO INTERVENE OF THE
SOCIETY FOR THE PROTECTION OF THE
ENVIRONMENT OF SOUTHEASTERN NEW HAMPSHIRE

On November 10, 1981, the Society for the Protection of the Environment of Southeastern New Hampshire (the Society) sent, in letter form, a petition to intervene in the above-entitled matter to the Secretary. No copy was served upon counsel for the Applicants at that time. Counsel for the Society, however, promptly furnished counsel for the Applicants a copy of the petition upon telephonic request to do so, which copy was received by the Applicants' counsel on November 25, 1981.

The petition recites, inter alia, that the Society "consists of approximately three hundred members who are residents of the Town of South Hampton, New Hampshire"; states that the Society is concerned about the routing of the transmission lines for

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Seabrook station; and that the Society does "not wish to participate in any other phase of the license application other than the proposed East-West and North-South transmission lines as they emanate from the Seabrook Station."

Pursuant to 10 CFR § 2.714(c), the Applicants hereby answer this petition and say, that, for the reasons set forth below, the same should be denied.

1. The petition fails to set out the names and addresses of any members who wish to be represented by the Society and have the necessary interest to confer standing as is required. Virginia Electric & Power Co. (North Anna Nuclear Power Station, Units 1 & 2), ALAB-536, 9 NRC 402, 404 (1979); Houston Lighting & Power Co. (Allen's Creek Nuclear Generating Station), ALAB-535, 9 NRC 377, 389-400 (1979).

2. Even assuming this formal problem could be overcome, the contention which the Society wishes to make is not open in this operating license proceeding. The routing of the Seabrook transmission lines was thoroughly litigated and decided by the Licensing Board during the construction permit hearings, Public Service Co. of New Hampshire (Seabrook Station, Units 1 & 2), LBP-76-26, 3 NRC 857, 885-90 (1976). The route decision was affirmed by the Appeal Board. Id., ALAB-422, 6 NRC 33, 82-90 (1977). Review was declined by the Commission. Id. CLI-77-22, 6 NRC 451 (1977). And the decision was affirmed by the United States Court of Appeals. Public Service Company

of New Hampshire v. NRC, 582 F.2d 77 (1st Cir.), cert. denied,
439 U.S. 1046 (1978). The issue of transmission line routes
is no longer open at this operating license stage. 10 CFR
§§ 51.21, 51.23.

By their attorneys,

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CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on December 1, 1981, I made service of the within document by mailing copies thereof, postage prepaid, to:

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