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LBP-91-5110
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'91 JAN 29 P5:06

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

SERVED JAN 30 1991

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)
ASLBP No. 82-471-02-OL

January 29, 1991

MEMORANDUM AND ORDER

(Resolving Issues Remanded in ALAB-937 and ALAB-942)

On January 18, 1991, respective counsel for the Massachusetts Attorney General, Staff of the Nuclear Regulatory Commission, and Public Service Company of New Hampshire (for the Licensees) filed a joint stipulation in which the Massachusetts Attorney General withdrew his Contention 47, Basis R, as remanded in ALAB-937 and Contention 56, Basis A, as remanded in ALAB-942.¹ The Licensing Board considered the joint stipulation in a prehearing conference conducted on January 23, 1991. The signatory parties, as well as counsel for the Federal

¹Joint Stipulation Regarding Contentions Remanded in ALAB-937 and ALAB-942, January 18, 1991.

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Emergency Management Agency (FEMA) and counsel for New England Coalition on Nuclear Pollution (NECNP), stated positions on the joint stipulation.

ALAB-937

The stipulation regarding ALAB-937 approves changes in the support plan providing for the use of route guides for ensuring adequate supervision of children evacuated to the School Host Facility at Holy Cross College in Worcester, Massachusetts. Since the stipulation anticipates that the changes will be subject to the oversight of the NRC Staff and FEMA, and since FEMA was not a party to the stipulation, the Licensing Board inquired whether FEMA is willing to undertake the oversight responsibilities. Counsel for FEMA reported that FEMA had been consulted and regards the stipulated changes as an enhancement to the plan and has no objections. The Board accepts counsel's statement as a commitment by FEMA. Tr. 28,456-57. NECNP also supports the stipulation as to both remands. Tr. 28,458. The stipulation regarding ALAB-937 is appropriate, as is the withdrawal of the associated contention.

ALAB-942

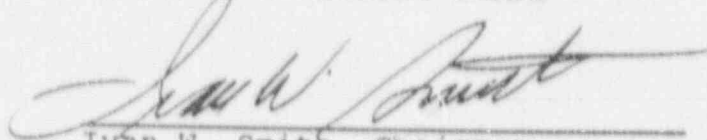
The contention remanded by ALAB-942, Contention 56, Basis A, related to certain predetermined Protective Action Recommendations (PARs) based in significant part upon monitoring of radiation levels within containment. ALAB-942, 33 NRC ____, slip op. at 36. The Massachusetts Attorney

General now stipulates that the issues have been resolved by changes made in the Seabrook Plan for the Massachusetts Communities (SPMC) since the filing of the contentions as reflected in the form of the SPMC received into evidence. The Board reviewed Basis A and its eight sub-bases and recognizes that the subject matter in general was covered in the SPMC and the attendant litigation. No party objects to the stipulation regarding ALAB-942. Tr. 28,461-62. The Board accepts the Massachusetts Attorney General's stipulation that the issues raised by his own contention have been resolved and accepts the withdrawal of his Contention 56, Basis A.

ORDER

The Board grants the Licensee's motion (Tr. 28,461) for an order: (1) accepting the joint stipulation, (2) declaring the issues remanded in ALAB-937 and ALAB-942 resolved, and (3) directing the NRC Staff, in cooperation with FEMA, to oversee compliance with the commitments made in the joint stipulation. It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



Ivan W. Smith, Chairman
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

January 29, 1991

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) 50-443/444-0L

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LBP-91-3 M&D (RESOLVING...) 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.

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Docket No. (s) 50-443/444-0L
LBP-91-3 M&O (RESOLVING...)

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Docket No. (e) 50-443/444-0L
LBP-91-3 M&O (RESOLV;NB...)

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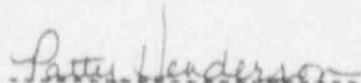
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Dated at Rockville, Md. this
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Office of the Secretary of the Commission