

5662



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

DOCKETED  
USNRC

FEB 22 1988

'88 FEB 23 P3:52

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

Custave A. Linenberger, Jr.  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. Jerry Harbour  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.  
(Seabrook Station, Units 1 and 2) - DC  
Docket Nos. 50-443, 50-444 Off-Site Emergency Planning

Dear Administrative Judges:

At the Licensing Board's request and in the interest of facilitating the scheduling of further hearings, the NRC Staff has committed to inform the Board and parties of the position it would take with respect to the beach shelter contentions, in the event it should determine to rebut the testimony to be filed by the Federal Emergency Management Agency (FEMA) following the Staff's receipt and review thereof. In essence, this filing was to present a hypothetical updating of the Staff's responses to interrogatories filed by NECNP<sup>2/</sup> and the Town of Hampton,<sup>3/</sup> which had sought to discover the Staff's position with respect to the admitted contentions.

1/ See "Memorandum and Order (Setting and Proposing Schedule Milestones)", dated February 3, 1988, at 4; Tr. 9111-13.

2/ See "NRC Staff's Response to NECNP's First Set of Interrogatories and Request for the Production of Documents to the NRC Staff and the Executive Director for Operations on Revision 2 to the New Hampshire Radiological Emergency Response Plan," filed March 18, 1987.

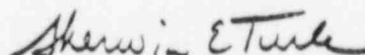
3/ See "NRC Staff's Response to Town of Hampton First Set of Interrogatories and Request for the Production of Documents to the NRC on the New Hampshire Radiological Emergency Response Plans (As Corrected)," filed March 18, 1987.

5507

As the Board is aware, on January 25, 1988, FEMA submitted supplemental testimony on these matters, in which it summarized its current position on the beach shelter contentions. Therein, FEMA indicated that it required further information from the State of New Hampshire before it could reach a decision on the adequacy of the plan, and further stated that its position "should not be interpreted to mean that FEMA has imposed a requirement that sheltering be available." The meaning of the supplemental testimony was discussed by the Board and parties in a telephone conference call held on January 28, 1988. On February 18, 1988, I transmitted a letter to H. Joseph Flynn, Counsel for FEMA, confirming the Staff's understanding of FEMA's supplemental testimony, as agreed to by Mr. Flynn, and indicated that the Staff's determination whether to take a position on the issues independent of FEMA would be based upon the Staff's stated understanding of FEMA's supplemental testimony.

By this letter, I wish to advise the Board and parties that in light of FEMA's supplemental testimony, and in accordance with the current Memorandum of Understanding between our two agencies, the Staff has determined that it will not file testimony on the beach shelter issues independent of FEMA. In light of this determination, Counsel for the Town of Hampton has informed me that the Staff need not update its answers to the Town's interrogatories at this time. Counsel for NECNP, who previously indicated that updated discovery responses would not be necessary if the Staff elected not to file testimony, has this matter under advisement.

Sincerely,



Sherwin E. Turk  
Senior Supervisory  
Trial Attorney

cc: Service List