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HARMON & WEISS

2001 S STREET, N.W.

SUITE 430

WASHINGTON, D.C. 20009-1125

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GAIL MCGREEVY HARMON
ELLYN R. WEISS
DIANE CURRAN
DEAN R. TOUSLEY
ANDREA C. FERSTER

OFFICE OF TELEPHONE
DOCKETING & (202) 328-3500
BRANCH

August 24, 1988

Ivan W. Smith, Chairman
Dr. Jerry Harbour
Gustave Linenberger
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

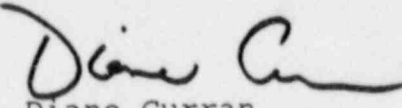
SUBJECT: Seabrook operating license case:
offsite emergency planning issues

Dear Administrative Judges:

On August 19, we sent you a corrected page 12 of NECNP's Proposed Findings of Fact and Conclusions of Law, filed August 12, 1988. We have since discovered that in making the correction, we inadvertently added another error by deleting page references on line 8. I am enclosing copies of a second corrected page 12. Copies have also been sent to the parties. We regret any inconvenience caused by our error.

I am also sending a floppy disk containing NECNP's Proposed Findings.

Sincerely,


Diane Curran

Enclosure

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25. There are at least two other issues related to the standard by which the adequacy of public protection should be judged which are raised by this case. These are 1) whether compliance with the elements of the joint guidance document NUREG-0654/FEMA REP-1 should result in an "automatic" finding under 40 CFR § 350.5(b) that there is reasonable assurance that adequate protective action can and will be taken and (discussed more fully below at paras. 135-140) 2) whether the "range of protective actions" called for in 10 CFR § 50.47(b)(10) and 40 CFR § 350.5(a)(10) can be met in a case where there is only one protective action - evacuation. It will suffice for now to observe that, as with the basic "take the site as is" issue discussed above, in both of these cases FEMA has also changed its previous views in the course of the Seabrook litigation from positions unfavorable to the Applicant to positions favorable to the Applicant. See Tr. 14091-92; Tr.14088. The general course of this proceeding does support a reasonable inference that a standard (or standards) for judging the adequacy of public protection has been "backfit" to meet the exigencies of the Seabrook case.

26. There are certain other curious aspects of the standard favored by Applicants which lead us to doubt its correctness. First, it would require less to be achieved in actually reducing public risk by reducing accident doses in precisely these cases where demographic and geographic factors increase the inherent level of public risk. There is no serious dispute that the Seabrook site poses at least a set of special "challenges" due to