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UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION  
 Before Administrative Judges:  
 Ivan W. Smith, Chairman  
 Gustave A. Linenberger, Jr.  
 Dr. Jerry Harbour

DOCKETED  
USNRC

'88 SEP -9 P3:45

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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	)	
In the Matter of	)	
	)	
PUBLIC SERVICE COMPANY OF NEW	)	Docket Nos.
HAMPSHIRE, ET AL.	)	50-443-444-OL
(Seabrook Station, Units 1 and 2)	)	(Off-site EP)
	)	September 8, 1988
_____	)	

MOTION TO AMEND BASES

Attorney General James M. Shannon hereby moves the Licensing Board pursuant to 10 C.F.R. §§ 2.730 and 2.714(a)(3) to amend the bases to the Amended Contention of Attorney General James M. Shannon on Notification System for Massachusetts, by inserting the following two bases which are directly related to bases already admitted for hearing:

10a. Applicants no longer intend to use the sirens in the voice mode for instructing the transient beach population in an emergency and there are no other means in place that provide reasonable assurance that the beach population in Massachusetts will be adequately instructed in the event of an emergency at Seabrook Station.

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2a. The Applicants are prohibited from use of the acoustics locations which have been selected because no permission for use of these locations has been obtained from the property owners.

As grounds for his motion, the Mass AG states that the two amended bases are the result of newly discovered facts, and/or recent changes in the Applicants' notification system plan, that the Mass AG could not have discovered earlier. Indeed, since these bases are directly related to bases already admitted for hearing and fall clearly within the scope of the admitted contention, the Mass AG deems these bases to be merely further evidence to support his admitted contention that should, therefore, not even require the filing of a motion pursuant to section 2.714(a)(3). It is only by way of caution that the Mass AG files this motion requesting leave to amend the bases.

With respect to the first amended basis, no. 10a, Mass AG originally asserted, as basis no. 10 to his contention:

10. The Applicants have not indicated when and under what circumstances the tone alert mode or the message mode will be used.

As indicated in earlier pleading, this basis was derived from Applicants' assertion that the sirens along the beach areas in Massachusetts have the capability to provide both alerting tones and public address messages. See FEMA-REP-10 Design

Report of April 30, 1988, at 2-6. See also Lic. Bd. Memorandum & Order, dated June 2, 1988, at 6. Nevertheless, in deposition of Applicants' witness, Edward Desmarais, on July 28, 1988, it was disclosed for the first time to the Mass AG that New Hampshire Yankee has no plans to use the sirens in the beach area in the voice mode for instructing the transient beach population and, further, that no other adequate means are in place for instructing the beach population what to do in the event of an emergency at Seabrook Station. See Deposition of Edward Demarais, dated July 23, 1988, at 143-146 [attached hereto as "Exhibit A"]. That Applicants have in fact amended their plans to omit instructing the beach population by the voice mode was confirmed by Amendment No. 6 to the SPMC, submitted under date of August 2, 1988 (and received by the Mass AG on some date thereafter), which deletes from the plan provisions for alerting the beach population via the voice mode. Compare SPMC (Amendment 6) at 3.6-10 with SPMC (Amendment 5) at 3.6-10 [attached hereto as Exhibits "B" and "C"]. Until this change in the plan was disclosed, Mass AG had no factual grounds for asserting this proposed amended basis No. 10a. Moreover, on August 19, 1988, the Off-site Licensing Board in ruling on contentions, rejected the Mass AG's contentions concerning inadequate provisions for instructing the population via the voice mode, on the grounds that this was an on-site issue.

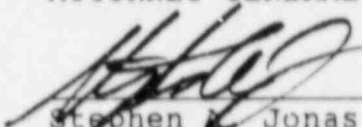
With respect to the second amended basis, No. 2a, Mass AG only learned during the course of discovery the addresses of

the preselected acoustic locations where the sirens are to be operated, whereupon Mass AG performed title searches for each of the preselected locations and discovered that several of the acoustic locations appear to be on private property. The owners of these properties appear not to have consented to the Applicants' use of their property for siren operation. Until discovery of this information, Mass AG had no grounds for positing Basis No. 2A.

The Board should admit these two additional bases because they are clearly within the scope of the contention that has been admitted for hearing, they are closely related to bases that have already been admitted, and the admission of these two bases will not broaden the scope of the hearing in any material way. Moreover, the grounds for these bases were previously undisclosed and therefore could not have been asserted earlier.

Respectfully submitted,

JAMES M. SHANNON  
ATTORNEY GENERAL



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Date: September 8, 1988

1 address capability?

2 A. Yes.

3 Q. What is your understanding of the use of  
4 the public address capability for any of the VANS  
5 sirens when deployed; will there be any use for it?

6 A. Will there be any use?

7 Q. Right.

8 MS. SELLECK: Are you asking for  
9 circumstances under which it could be used?

10 MR. JONAS: That's better. Thank you.

11 Q. Under what circumstances would the public  
12 address capability of the sirens be used?

13 MS. SELLECK: I said could. You made it  
14 would.

15 A. I will answer the question.

16 Q. Go ahead.

17 A. The New Hampshire Yankee off-site response  
18 organization's current procedures do not call for  
19 the New Hampshire Yankee organization to provide a  
20 public message through the voice mode. The only  
21 instance in which I would conceive at this point in  
22 time where we would use a public address mode is  
23 when we have been requested by a municipal agency  
24 within the EPZ or by the Commonwealth of

1 Massachusetts to provide some type of alerting or  
2 public warning type of message as dictated by those  
3 government agencies or offices.

4 Q. Does one or more of the VANS sirens cover  
5 public beach areas?

6 A. Yes.

7 Q. Will the public address capability be  
8 called upon for use for that siren?

9 MS. SELLECK: Are you asking him to predict  
10 whether someone will request it?

11 MR. JONAS: Let me ask a different  
12 question.

13 Q. You said that New Hampshire Yankee wouldn't  
14 on its own use the public address capability of  
15 these sirens in the event that they have to become  
16 deployed and used?

17 A. That's correct.

18 Q. Is that uniformly true with respect to all  
19 16 acoustic locations?

20 A. That is correct.

21 Q. Even for those that cover the public beach  
22 areas?

23 A. That is correct.

24 Q. Under this scheme, how is it that the

1 public obtains information in instructional messages  
2 in the event of an emergency?

3 A. That's cited in the design report and also  
4 cited in the staff response positions to your  
5 motions, and that the conventional and accepted  
6 industry practice is to use the EBS stations to  
7 provide public informational messages.

8 Q. That's what New Hampshire Yankee intends to  
9 have done for these VANS?

10 A. That's correct. It is consistent with  
11 industry practice. In fact, let me cite from Page  
12 1-2 of the REP-10 Design Report.

13 "The primary means of disseminating  
14 information and instructions to the public is  
15 through the broadcast of messages over the emergency  
16 broadcast system, a network of commercial radio  
17 stations. New Hampshire and Massachusetts portions  
18 EPZ are covered by separate EBS network."

19 Q. How is it that the public will know to tune  
20 into the EBS upon hearing the siren?

21 A. There will be -- there have not been  
22 distributed public information brochures, which will  
23 provide those instructions.

24 Q. They will be distributed to whom?

1           A.     They will be posted in public places. They  
2 will also be distributed to the residents of the  
3 EPZ.

4           Q.     I take it, then, that New Hampshire Yankee  
5 is relying upon the people at the beaches who may  
6 not have otherwise received this information to read  
7 it off of a posting?

8           A.     I wouldn't presume how they would read or  
9 obtain the information. I'm indicating the accepted  
10 practices for disseminating that information, and  
11 that is to publish it and post it in public places.

12          Q.     Is there any special means that New  
13 Hampshire Yankee proposes to provide that  
14 information to the public beach population?

15          A.     In what sense?

16          Q.     Other than posting in public places and  
17 sending it to residents?

18                MS. SELLECK: What information are you  
19 talking about?

20                MR. JONAS: The information to tune into an  
21 EBS radio station when you hear a siren.

22          A.     None that I'm aware of.

23          Q.     Do you know who the owner is of Staging  
24 Area No. 5?



Plume Exposure EPZ and of those outside the Plume Exposure EPZ which are attended by Plume Exposure EPZ students. The NHY Offsite Response Organization can perform all notifications, and through the Bus Company Liaison, can supply buses to complete a simultaneous evacuation of all schools within the Massachusetts Plume Exposure EPZ. These functions are described in Implementing Procedures 2.10 and 2.11.

#### E. Beach Population/State Park Areas

If a Site Area Emergency or General Emergency is declared between May 15 and September 15, the NHY Offsite Response Organization will recommend closure of Salisbury Beach, Plum Island Beach and the Parker River National Wildlife Refuge on Plum Island. Sirens covering the beach areas may be used to alert the beach population. The U.S. Department of the Interior (DOI) will be notified by the NHY Offsite Response Organization, and will provide supplemental notification to the transient population at the Parker River National Wildlife Refuge on Plum Island. Concurrent to these actions, the NHY Offsite Response Organization will release an EBS message advising the general public of the closure of Salisbury Beach, Plum Island Beach and the Parker River National Wildlife Refuge.

The NHY Offsite Response Organization has the capability to establish access control and isolate the beach areas, and will do so to support closure of beaches upon direction from the NHY Offsite Response Director. Traffic Guides will be

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E. Beach Population/State Park Areas

If a Site Area Emergency or General Emergency is declared between May 15 and September 15, the NHY Offsite Response Organization will recommend closure of Salisbury Beach, Plum Island Beach and the Parker River National Wildlife Refuge on Plum Island. Sirens covering the beach areas may be used in public address mode to notify the beach population of the beach closing. The U.S. Department of the Interior (DOI) will be notified by the NHY Offsite Response Organization, and will provide supplemental notification to the transient population at the Parker River National Wildlife Refuge on Plum Island. Concurrent to these actions, the NHY Offsite Response Organization will release an EBS message advising the general public of the closure of Salisbury Beach, Plum Island Beach and the Parker River National Wildlife Refuge.

The NHY Offsite Response Organization has the capability to establish access control and isolate the beach areas, and will do so to support closure of beaches upon direction from the NHY Offsite Response Director. Traffic Guides will be

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CERTIFICATE OF SERVICE

I, Stephen A. Jonas, hereby certify that on September 8, 1988, I made service of the within Motion to Amend Bases, by first class mail, or by Federal Express as indicated by [\*], or by hand delivery as indicated by [\*\*], to:

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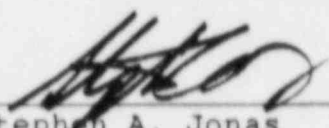
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