

6383

DOCKETED
USNRC

'88 JUN 23 2 59:37 PM '88

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

before the

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443-OL
NEW HAMPSHIRE, et al.)	50-444-OL
)	
(Seabrook Station, Units 1 and 2))	(Off-site Emergency
)	Planning Issues)

APPLICANTS' RESPONSE TO "SEACOAST
ANTI-POLLUTION LEAGUE'S LATE-FILED CONTENTION
ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES"

Under date of May 13, 1988, Seacoast Anti-Pollution League ("SAPL") submitted one late-filed contention on the Seabrook Plan for Massachusetts Communities ("SPMC"):

SAPL Contention No. 10

The SPMC Amendment 4 fails to provide reasonable assurance that there will be adequate means of relocation for special facility populations in the 6 Massachusetts communities because numbers of buses for those special facilities have been drastically reduced. There are no compensating measures to make up for the reduction in bus numbers to assure reasonably the safety of the residents of the facilities.

8806030283 880525
PDR ADCK 05000443
G PDR

DS03

Therefore, the requirements of 10 CFR §50.47(a)(1), §50.47(b)(10), and NUREG-0654, FEMA-REP-1, Rev. 1, Supp. 1, J.10d and J.10g have not been met.

Bases

The numbers of buses set out in amendment 3 of the SPMC for special facilities for the 6 Massachusetts communities have been drastically reduced with no apparent reason, rationale or compensating measures provided to explain these plan changes. (See Appendix M, p. M-16) For Amesbury special facilities, for example, buses were reduced from 13 down to 1 and wheel chair vans were reduced from 9 down to 1. As another example, Newburyport's special facility buses were reduced from 18 down to 1. Absent a reasonable number of emergency vehicles for the special facilities for these and the other Massachusetts EPZ communities, there is no reasonable assurance that residents of special facilities can be protected. The vehicle numbers set forth in SPMC Amendment 4 are not at all reasonable given the numbers of special facility residents in those communities.

Applicants' Position

Applicants do not object to admission of this contention. However, Applicants point out that in addressing the five factors governing admission of late-filed contentions under 10 CFR § 2.714(a)(i), SAPL stated:

SAPL is filing within the 30-day time frame that has customarily been the set time for filing contentions on newly received plan amendments in this case.

This statement is in error; no such custom exists to be invoked by intervenors after any plan amendment, large or small.

Respectfully submitted,



Thomas G. Dignan, Jr.
George H. Lewald
Kathryn A. Selleck
Ropes & Gray
225 Franklin Street
Boston, MA 02110
(617) 423-6100

CERTIFICATE OF SERVICE

I, Kathryn A. Selleck, one of the attorneys for the Applicants herein, hereby certify that on May 25, 1988, I made service of the within document by mailing copies thereof, postage prepaid, to:

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

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

Robert Carrigg, Chairman
Board of Selectmen
Town Office
Atlantic Avenue
North Hampton, NH 03862

Adjudicatory File
Atomic Safety and Licensing
Board Panel Docket (2 copies)
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Philip Ahrens, Esquire
Assistant Attorney General
Department of the Attorney
General
Augusta, ME 04333

Stephen E. Merrill, Esquire
Attorney General
George Dana Bisbee, Esquire
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301-6397

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

Diane Curran, Esquire
Andrea C. Ferster, Esquire
Harmon & Weiss
Suite 430
2001 S Street, N.W.
Washington, DC 20009

Sherwin E. Turk, Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Robert A. Backus, Esquire
Backus, Meyer & Solomon
116 Lowell Street
P.O. Box 516
Manchester, NH 03105

Mr. J. P. Nadeau
Selectmen's Office
10 Central Road
Rye, NH 03870

Paul McEachern, Esquire
Matthew T. Brock, Esquire
Shaines & McEachern
25 Maplewood Avenue
P.O. Box 360
Portsmouth, NH 03801

Mrs. Sandra Gavutis
Chairman, Board of Selectmen
RFD 1 - Box 1154
Kensington, NH 03827

Senator Gordon J. Humphrey
U.S. Senate
Washington, DC 20510
(Attn: Tom Burack)

Senator Gordon J. Humphrey
One Eagle Square, Suite 507
Concord, NH 03301
(Attn: Herb Boynton)

Mr. Thomas F. Powers, III
Town Manager
Town of Exeter
10 Front Street
Exeter, NH 03833

H. Joseph Flynn, Esquire
Office of General Counsel
Federal Emergency Management
Agency
500 C Street, S.W.
Washington, DC 20472

Gary W. Holmes, Esquire
Holmes & Ells
47 Winnacunnet Road
Hampton, NH 03841

Mr. Ed Thomas
FEMA, Region I
442 John W. McCormack Post
Office and Court House
Post Office Square
Boston, MA 02109

Carol S. Sneider, Esquire
Assistant Attorney General
Department of the Attorney
General
One Ashburton Place, 19th Flr.
Boston, MA 02108

Mr. Calvin A. Canney
City Manager
City Hall
126 Daniel Street
Portsmouth, NH 03801

R. Scott Hill-Whilton, Esquire
Lagoulis, Clark, Hill-
Whilton & McGuire
79 State Street
Newburyport, MA 01950

Mr. Peter S. Matthews
Mayor
City Hall
Newburyport, MA 01950

Mr. William S. Lord
Board of Selectmen
Town Hall - Friend Street
Amesbury, MA 01913

Brentwood Board of Selectmen
RFD Dalton Road
Brentwood, NH 03833

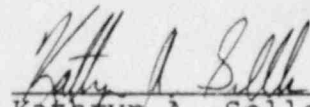
Richard A. Hampe, Esquire
Hampe and McNicholas
35 Pleasant Street
Concord, NH 03301

Judith H. Mizner, Esquire
79 State Street, 2nd Floor
Newburyport, MA 01950

Charles P. Graham, Esquire
Murphy and Graham
33 Low Street
Newburyport, MA 01950

Ashod N. Amirian, Esquire
376 Main Street
Haverhill, MA 01830

Leonard Kopelman, Esquire
Kopelman & Paige, P.C.
77 Franklin Street
Boston, MA 02110



Kathryn A. Selleck