



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 ATOMIC SAFETY AND LICENSING BOARD PANEL  
 WASHINGTON, D.C. 20555

SECRET NUMBER  
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50-443/444 CL

April 16, 1986

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Town of Exeter  
 10 Front Street  
 Exeter, New Hampshire 03833-2792

Attention: Thomas F. Powers, III, Town Manager

SERVED APR 21 1986

Dear Mr. Powers:

Your letter of March 5, 1986 was delivered April 15, 1986, when I received a copy from the Commission's Congressional Affairs Office.

The Board's Order of January 17, 1986 established the schedule for the hearings on the New Hampshire Offsite Emergency Planning Contentions. As you will note from the enclosed copy of that Order, the filing date for contentions on the New Hampshire plans was February 24, 1986. The Board received objections to the filing schedule<sup>1</sup> and denied these in an order dated February 19, 1986. A copy of that Order is also enclosed.

The Board considered all the pleadings filed in response to the requests for extensions including the various motions requesting relief from the Board's schedule, the Applicants' Responses dated February 2, 1986 and that of the NRC Staff on February 11, 1986. Because the NRC Staff has clearly articulated most of the basis which the Board relied on in reaching its decision to deny an extension, I have enclosed a copy of the Staff response to those extension requests for your examination.

<sup>1</sup> (1) "Objection to Motion for the Establishment of a Schedule" ("Rye Objection"), dated January 22, 1986; (2) Letter to Licensing Board Chairperson Helen F. Hoyt, from Rockingham District #17 Representatives Parr, Hollingworth, Walker, and Pevear, New Hampshire House of Representatives ("Hampton Objection"), dated January 23, 1986--this letter purportedly was filed on behalf of both the Town of Hampton and the Town of Hampton Falls; (3) "Hampton Falls Joinder and Objection" (Hampton Falls Objection"), dated January 24, 1986--in addition, four New Hampshire State Representatives filed objections on behalf of both Hampton and Hampton Falls; (4) Letter to the Licensing Board from Robert A. Backus, dated January 24, 1986 ("SAPL Objection"); and (5) "New England Coalition on Nuclear Pollution's Objection to Board Order" (Footnote Continued)

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In detailing these actions of the parties and the Board, the purpose of the Board is to demonstrate that had your letter of March 5, 1986 been received earlier, the Board had already considered extensions and denied them by the February 19, 1986 Order. No material matter, not already considered by the Board in its February 19, 1986 denial, has been raised in your letter of March 5, 1986. Therefore, if the intent of that letter is to move for reconsideration of the February 19 Order, that motion is also denied.

I would, however, advise you that non-timely filings may be entertained by the Board upon a showing that intervention should be granted based upon a balancing of the factors set forth in 10 CFR § 2.714(a)(1)(i) through (v) and the three factors, "among other things," set forth in 10 CFR § 2.714(d). I have enclosed a copy of this section for your information and inspection.

Your letter also states that Vols. 5, 6, and 7 of the State Plan has not been made available as of March 5.

By the March 5, 1986 letter of Public Service Company of New Hampshire (PSNH) from Wendell P. Johnson to the NRC and to the ASLB Service List, (including your name and proper address), Vol. 5 - Letters of Agreement in Support of NHRERP, and Vol. 7 - Seabrook Station Alert and Notification Design Report were transmitted to you. On March 11, 1986 PSNH transmitted to the parties Vol. 6 - Seabrook Station Evacuation Time Study which is the ETE materials including KLD Progress Report Nos. 1-5 and Appendix I - Traffic Management and Control. By letter of April 7, 1986, Assistant Attorney General, George Dana Bisbee of New Hampshire, forwarded Progress Report No. 6 for Vol. 7 to PSNH for distribution in accordance with an agreement between PSNH and the NRC Staff. Mr. Bisbee advises in that letter that these same six progress reports will be compiled in one report and will constitute Vol. 7 of the State Plan. Distribution of this will be by May 1. Your name and address appear on the certificate of service for the State of New Hampshire.

You should be advised that emergency planning is a dynamic process and that additions, revisions and deletions in the various plans can be anticipated throughout the process.

When service is made on the parties only one copy is required to be distributed. If your internal need is for more than the one copy, you may either reproduce the material or request copies of the serving

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(Footnote Continued)

of January 17, 1986 and Motion for Reconsideration" (NECNP Objection"), dated January 31, 1986.

April 16, 1986

parties. The Commission's regulations do not require multi-copy service however.

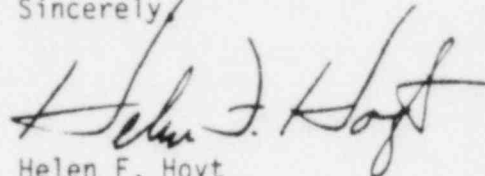
If you address any further communications to the Board, it should be forwarded to

Judge Helen F. Hoyt (Chairperson)  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

If you address a communication to the Board and forward it by Federal Express, or other express Mail service (only) then the address is:

Judge Helen F. Hoyt (Chairperson)  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
East West Towers, Fourth Floor  
4350 East West Highway  
Bethesda, MD 20814

Sincerely,



Helen F. Hoyt  
Administrative Judge

Enclosures

cc: Senator Warren Rudman w/enclosures  
Seabrook Service List w/o enclosures

TOWN OF EXETER  
10 FRONT ST.  
NEW HAMPSHIRE 03833-2792

TO: Steve K



1-603-778-0891

March 5, 1986

Administrative Judge Helen Hoyt, Chairperson  
Atomic Safety and Licensing Board Panel  
US Nuclear Regulatory Commission  
Washington, DC 20555

The Board of Selectmen petitions the USLBP to extend the deadline for filing contentions in the matter of the licensing of the Seabrook, N.H. Nuclear Power Facility. The Board petitions because part of the process calls for hearings to begin in a stated time after plans are made available at the local level. The town plan has been made available, however it refers to Volumes 5, 6, and 7 of the State plan, which have not been made available. Further reference is made to the State plan throughout the Exeter plan, and sufficient copies of the State plan are not available.

The Board of Selectmen requests delay of the closing date to file contentions in this matter.

FOR THE BOARD OF SELECTMEN

A handwritten signature in dark ink, appearing to read 'Thomas F. Powers III', written over the typed name below.

Thomas F. Powers III  
Town Manager

TFP:bb