

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'87 FEB 19 A11:09

Before Administrative Judges:  
Helen F. Hoyt, Chairperson  
Gustave A. Linenberger, Jr.  
Jerry Harbour

OFFICE OF REGULATORY  
DOCKETING & COMPLIANCE  
BRANCH

SERVED FEB 19 1987

In the Matter of )  
 )  
PUBLIC SERVICE COMPANY )  
OF NEW HAMPSHIRE, et al. )  
 )  
(Seabrook Station, Units 1 and 2) )

Docket Nos. 50-443-OL  
50-444-OL  
(ASLBP No. 82-471-02-OL)  
(Offsite Emergency Planning)  
February 18, 1987

MEMORANDUM AND ORDER  
(Ruling on Contentions - Revision 2  
New Hampshire Radiological Emergency Response Plan)

In a Memorandum and Order of this Board dated November 4, 1986, Contentions addressing Revision 2 of the New Hampshire Radiological Emergency Response Plan ("NHRERP") were ordered filed by December 1, 1986. Contentions addressing Revision 2 of NHRERP were filed by Town of Amesbury ("TOA"), Town of Kensington ("TOK"), Town of Hampton ("TOH"), New England Coalition on Nuclear Pollution ("NECNP") and Seacoast Anti-Pollution League ("SAPL"). The Board has considered all the pleadings filed by the named Intervenors, Applicants and Staff with respect to these contentions. We provide the parties with the results of the Board's consideration of the contentions and will follow shortly with a Memorandum which will provide the basis for our rulings. The Board will not accept any motion concerning these rulings prior to the Memorandum explaining the bases of its rulings.

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PDR ADOCK 05000443  
G PDR

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The Board admits and rejects the following contentions:

	<u>Admitted</u>	<u>Rejected</u>
<u>Town of Amesbury</u> ("TOA") (Nov. 28, 1986)		TOA #1 TOA #2 TOA #3 TOA #4 TOA #5 TOA #6 TOA #7 TOA #8
<u>Town of Kensington</u> ("TOK") (Nov. 26, 1986)	TOK Revised Contention 2 (Limited to the means whereby Kensington will receive notification of an emergency).  TOK Revised Contention 4 TOK Revised Contention 6 TOK Revised Contention 10 (Limited to acceptance of equipment).	TOK 3 TOK 13
<u>Town of Hampton</u> ("TOH") (Nov. 19, 1986) (Nov. 26, 1986)	TOH revised Contention III to Revision 2 - (Limited only to basis expressed on 10/31/86 and 11/19/86; Board does not permit TOH to "flesh out" issue upon conducting discovery on this or any other conten- tion admitted).	Contentions I, II, V, VII. (Previously rejected by Board).  ( <u>TOH Second Supplement in its entirety</u> ).

AdmittedRejected

TOH revised Contention IV to Revision 2. (Limited to matters raised by NHRERP Revision 2. Board rejects bases concerning letters of agreement for implementation of State's Compensatory Plan - bases (D)3 Compensatory Plan - pages 22-23 of TOH Memorandum 10/31/86 and bases (B) Emergency Exercises of TOH Memorandum 11/19/86.

TOH Revised Contention VI to Revision 2 (Except for Bases C at pages 26-27 of TOH Memorandum 10/31/86 which is rejected.

TOH Revised Contention VIII to Revision 2 (Limited to issues identified in Board Order 4/29/86).

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New England  
Coalition on  
Nuclear Pollution  
("NECNP")  
(Nov. 26, 1986)

Amendments to Contention RERP-8 (Limited to restatement of bases A(a). Bases B (d-f) at pages 7-13 of NECNP Contentions 11/26/86 are rejected).

NECNP Contention HP-1.

Adoption of Hampton Contentions.<sup>1</sup>

Amendments to Contention NHLP-6 (Limited to specific examples provided by NECNP in basis items. b-3).

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<sup>1</sup> NECNP, however, is permitted to join in the Hampton Contentions which will permit NECNP a reasonable opportunity to present testimony, cross-examine witnesses, file proposed findings and take an appeal from this Board's rulings on Hampton contentions which run to the Town of Hampton. (NECNP reply 12/31/86). TOH is designated as lead Intervenor for TOH sponsored contentions admitted for litigation in this proceeding.

AdmittedRejected

(Board on 12/11/86 denied NECNP's Motion For Leave To File Supplemental Contentions on Revision 2 of the NH State and Local Radiological Emergency Response Plans dated December 10, 1986).

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Seacoast Anti-  
Pollution League  
("SAPL")  
(Nov. 26, 1986)

SAPL Revised Contention  
31<sup>2</sup> (Limited to specific  
bases proffered and  
excepting bases 10 and 16  
at pages 13 and 16  
respectively).

Reasserted SAPL Contention  
7 (Limited in accordance  
with prior Board orders of  
11/4/86 and 5/21/86).

Reasserted SAPL Contention  
8 and SAPL Contention 8A.

Redrafted SAPL Contention 15  
(Letters of agreement limited  
to the provider of services,  
not recipients and not  
required of individuals  
collectively supplying a  
labor force or activity).

Reasserted SAPL Contention  
16.

SAPL Contention 18 (Limited  
to issues raised by Revision  
2 and rejecting comparison  
between Revision 2 and  
earlier NHRERPs).

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<sup>2</sup> Board had not ruled on an earlier version of this contention. By admitting with limitations this revision of the contention, the Board need not consider further SAPL's previously filed contention of 5/15/86.

Admitted

SAPL Contention 25 (Limited to specific bases and rejecting SAPL's attempt to reassert a previous identification issue already ruled on by Board order of 11/4/86).

SAPL Contention 33

SAPL Contention 34

SAPL Contention 37 (Limited to issues concerning availability of evacuation vehicles and drivers for persons requiring transport assistance and ability of transport vehicles to traverse EPZ to reach designated areas in an emergency).

Rejected

SAPL Contention 35.

SAPL Contention 36.

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Establishing dates for hearings and location.

The Board provides the following information on the first two weeks of hearings in order that the parties to this proceeding may make their arrangements. Additional hearing dates and location will be provided at a later date.

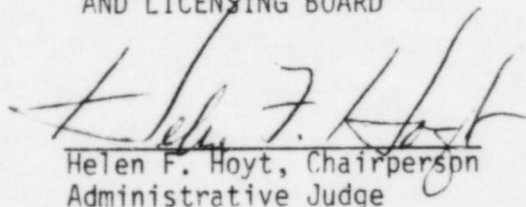
June 1 - 5, 1987      9:00 a.m. - 6:00 p.m. EDT

June 22-26, 1987      9:00 a.m. - 6:00 p.m. EDT

U.S. District Court  
55 Pleasant Street  
Concord, NH 03301-1498

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD



Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 18th day of February 1987.