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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'86 DEC 12 A10:57

Before Administrative Judges:  
Helen F. Hoyt, Chairperson  
Emmeth A. Luebke  
Jerry Harbour

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of

Docket Nos. 50-443-OL  
50-444-OL

PUBLIC SERVICE COMPANY  
OF NEW HAMPSHIRE, et al.

(ASLBP No. 82-471-02-OL)  
(Offsite Emergency Planning)

(Seabrook Station, Units 1 and 2)

December 10, 1986

TOWN OF HAMPTON OBJECTION AND  
MOTION FOR RECONSIDERATION OF  
DECEMBER 4, 1986 ORDER

Now comes the Town of Hampton and objects to, and requests this Board to reconsider and amend, its Order of December 4, 1986. In support of this Motion, the Town of Hampton states:

1. By Order dated December 4, 1986, this Board stated:

The Board urges the towns within the Seabrook EPZ to identify any remaining resource needs for the NHCDA since a failure to do so would impact on this Board's determination of whether a town's resource needs questioned through a contention are genuine or not. 12/4/86 Order, p.2, note 1.

2. The Town of Hampton objects to this Board's Order to the extent it attempts to unlawfully shift the burden for emergency planning onto EPZ towns. 10 CFR Part 50, Appendix E.

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3. The Town of Hampton objects to this Board's Order to the extent it compels EPZ Towns, under threat of prejudice in this proceeding, to cooperate with the NHCDA "to identify any remaining resource needs" to carry out the NHRERP. The NHCDA has never reciprocated in this cooperation in the preparation of the Hampton RERP, has thereby violated State law and NUREG guidelines, and has imposed an RERP on Hampton officials, compelling their participation, without their consent. See Contentions I and II, CONTENTIONS OF THE TOWN OF HAMPTON TO RADIOLOGICAL EMERGENCY RESPONSE PLAN FOR THE TOWN OF HAMPTON, NEW HAMPSHIRE, NOVEMBER, 1985. This Board, however, has repeatedly rejected these Contentions as raising issues on the "planning process" which are, according to this Board, irrelevant to this proceeding.

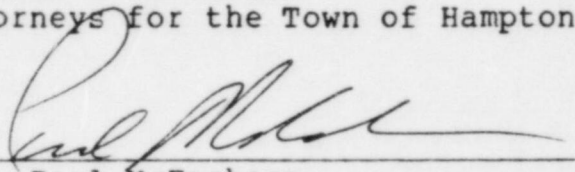
We, (ASLB) need not and, indeed will not, be drawn into disputes between local and state governments as to how plans were developed . . . we cannot force cooperation among governments where it does not exist either willingly or as negative by design. ASLB MEMORANDUM AND ORDER, APRIL 29, 1986 at p. 2.

By its December 4, 1986 Order, however, this Board has now directed EPZ towns to cooperate with the NHCDA as part of the planning process for the NHRERP, or risk prejudice that "a town's resource needs questioned through a contention" may not be considered "genuine" by this Board. The Town of Hampton respectfully suggests that this position is wholly inconsistent with this Board's prior ruling. This

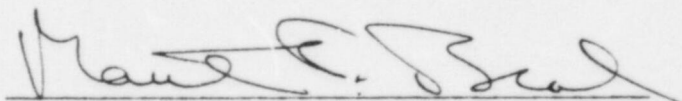
Board should not now "urge" EPZ towns to cooperate with the NHCDA when the Town of Hampton has consistently been denied the opportunity to litigate similar issues raised against the NHCDA, and this Board's Order should be amended accordingly.

Respectfully submitted  
SHAINES & MCEACHERN  
Attorneys for the Town of Hampton

By



Paul McEachern



Matthew T. Brock



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'86 DEC 12 A10:58

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the matter of

PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, et al.

Docket Nos. 50-443 OL  
50-444 OL

(Seabrook Station, Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of TOWN OF HAMPTON OBJECTION AND MOTION FOR RECONSIDERATION OF DECEMBER 4, 1986 ORDER in the above-captioned proceeding have been served on the following by deposit in the United States mail, or as otherwise indicated, on this 10th day of December, 1986.

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