

8544

DOCKETED
April 26, 1989

UNITED STATES OF AMERICA 89 MAY -1 P4:19

NUCLEAR REGULATORY COMMISSION

before the

ATOMIC SAFETY AND LICENSING BOARD

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

Off-site Emergency
Planning Issues

APPLICANTS' OBJECTION IN THE NATURE OF
A MOTION IN LIMINE TO PORTIONS OF
THE PREFILED TESTIMONY OF GEARY W. SIKICH
REGARDING SECOND-SHIFT STAFFING

Applicants object to and move this Board in the nature of a Motion in Limine to exclude as evidence in this proceeding two portions of the "Testimony of Geary W. Sikich on Behalf of the Commonwealth of Massachusetts Regarding the Adequacy of Second-Shift Staffing for Certain Evacuation Specific Positins [sic] (JI-11 and JI-12)." In support of their motion, Applicants say that the two sections of testimony in question are not material or relevant to any issue presently before this Board.

The portions of testimony which should be excluded are:

(a) Page 15, line 3, the words "is not in uniform"; and

JPTS IKIC.NH

8905040034 890426
PDR ADDOCK 050004443
G PDR

D503

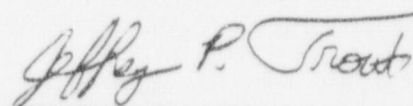
(b) Pages 18-19, the two sentences beginning at "Worse yet" and ending at "exposure to radiation."

The first passage should be excluded because it adverts to the non-uniformed Traffic Guide issue. As the Board has expressly ruled, this issue was not raised by the Intervenor in their contentions. Memorandum and Order (Following Prehearing Conference) at 6 (August 19, 1988).

The second passage should be excluded because it asserts that trained emergency response personnel -- the Traffic Guides -- will abandon their duties due to fear of radiation. The Board has held that the contrary is the law of this case. "The fear of radiation will not cause trained emergency workers with emergency-role certainty to abandon those roles." Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-88-32, 28 NRC 667, 749 (1988).

Both passages should be excluded as irrelevant.

Respectfully submitted,



Thomas G. Dignan, Jr.
George H. Lewald
Kathryn A. Selleck
Jeffrey P. Trout
Jay Bradford Smith
Geoffrey C. Cook
Ropes & Gray
One International Place
Boston, MA 02110-2624
(617) 951-7000

CERTIFICATE OF SERVICE MAY -1 P4:19

I, Jeffrey P. Trout, one of the attorneys for the Applicants herein, hereby certify that on April 26, 1989, I made service of the within document by mailing copies thereof, postage prepaid, to:

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

John P. Arnold, Esquire
Attorney General
George Dana Bisbee, Esquire
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301-6397

Administrative Judge Richard F.
Cole
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Mr. Richard R. Donovan
Federal Emergency Management
Agency
Federal Regional Center
130 228th Street, S.W.
Bothell, Washington 98021-9796

Administrative Judge Kenneth A.
McCollom
1107 West Knapp Street
Stillwater, OK 74075

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

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

Robert R. Pierce, Esquire
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

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

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

Atomic Safety and Licensing
Appeal Board
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

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

Paul McEachern, 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 03842

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

John Traficante, Esquire
Assistant Attorney General
Department of the Attorney
General
One Ashburton Place, 19th Flr.
Boston, MA 02108

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

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

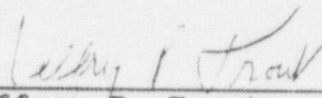
Leonard Kopelman, Esquire
Kopelman & Paige, P.C.
77 Franklin Street
Boston, MA 02110

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

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

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

Ashod N. Amirian, Esquire
145 South Main Street
P.O. Box 38
Bradford, MA 01835



Jeffrey P. Trout