

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, <u>et al.</u>)	50-444 OL
)	
(Seabrook Station, Units 1)	
and 2)	

RESPONSE OF INTERVENOR SEACOAST ANTI-POLLUTION LEAGUE
TO MEMORANDUM AND ORDER SETTING SPECIAL PRE-HEARING CONFERENCE

NOW COMES the Seacoast Anti-Pollution League (SAPL) and responds to the "Memorandum and Order Setting Special Pre-Hearing Conference" dated March 12, 1982, as follows:

1. Although SAPL moved to become a general intervenor in this proceeding by a pleading dated November 13, 1981, and supplemented by affidavits of two members of SAPL dated February 4, 1982 and in a motion to amend its petition to intervene, neither SAPL at its business office in Portsmouth, New Hampshire, nor at the offices of its attorney in Manchester, New Hampshire, received the Memorandum and Order Setting Special Pre-Hearing Conference. SAPL is further informed, by counsel for the Commonwealth of Massachusetts, that the Commonwealth never received the Memorandum and Order either.

It was not until approximately March 24, 1982, when counsel for SAPL happened to meet with Assistant Attorney General Tupper

Kinder, representing the State of New Hampshire, that SAPL learned of the existence of an order setting a pre-hearing conference.

2. SAPL has obtained, however, a copy of the Memorandum and Order from counsel from the State of New Hampshire, and notes that, pursuant to that Memorandum and Order, "copies of any amended petitions must be filed not later than thirty (30) days prior to the special pre-hearing conference". SAPL has already filed an appropriate amendment to its Petition to Intervene, and therefore, as it understands the Memorandum and Order, is in compliance with the Order regarding amended petitions.

Nonetheless, it is evident that this Board may, as a result of its denial of the State of New Hampshire's motion of March 24, 1982, seeking an extension of time for filing contentions, intend that its Memorandum and Order amend the provisions of 10 C.F.R. §2.714(b), providing that contentions be filed "not later than fifteen (15) days prior to the holding of the special pre-hearing conference pursuant to §2.751(a)" by means of a "supplement" to the Petition to Intervene. Insofar as the Memorandum and Order may be intended by the Board to impose a requirement that the supplement to the Petition be filed, and received, thirty (30) days prior to the special pre-hearing conference, instead of fifteen (15) days as provided for by the rule, SAPL is unable to comply in sufficient detail, for the reason that it never received the Memorandum and Order in a timely fashion, as set

forth in paragraph 1 above.

3. In further support of its position, SAPL would point to the "NRC Staff Response to Seacoast Anti-Pollution League's Motion to Amend its Petition to Intervene" dated February 22, 1982, in which the staff stated that

"The staff would now support admission of SAPL as a party to this proceeding upon its submission of at least one admissible contention at least fifteen (15) days prior to a designated pre-hearing conference."

SAPL avers that this document, although a staff statement, was the last official word it had from the NRC as to the time for filing contention.

4. However, in an excess of caution, in recognition that an atmosphere of crisis about nuclear licensing pervades the industry at this time, and without in any way waiving its position that it has had inadequate notice, if this Board actually contends that contentions are due to be filed tomorrow, hereby files such contentions as it is able to state at this time, reserving to itself the right to amend this statement of contention by a proper supplement to its petition to be filed not later than fifteen (15) days before the pre-hearing conference. 1/

1/ As to the atmosphere in which industry is operating, see applicant response to New Hampshire's Motion for Additional Time to Intervene, stating that "the delays in the Seabrook construction permit proceedings are legendary" which legend is in fact no more accurate as a matter of historical record than most legends.

SAPL CONTENTIONS:

1. EMERGENCY PLANNING CANNOT REASONABLY ASSURE THAT PUBLIC HEALTH AND SAFETY WILL BE PROTECTED AT THE SEABROOK SITE.

The basis for this contention is the unique character of the Seabrook site, being located on a barrier beach with a major concentration of unprotected population, either by closing or sheltering facilities, and with limited egress routes. This contention is also based on the fact that, notwithstanding the studies of Three-Mile Island which have concluded, unanimously, that emergency planning capabilities should be an independent safety feature, no determination has ever been made that the Seabrook facility can be evacuated in time to avoid adverse affects from radiation in the event of a major accident. (See the report of a special inquiry group to the Nuclear Regulatory Commission, Mitchell Rogovin, Director, Volume 1, Pages 132 and 133.)

2. THE OPERATION OF THE PROPOSED CONDENSER COOLING SYSTEM WILL HAVE AN UNREASONABLE ADVERSE AFFECT ON THE QUALITY OF THE AQUATIC ENVIRONMENT.

The basis of this contention is the fact that, although extensive proceedings have been held concerning the proposed cooling system at Seabrook, which will discharge 825,000 gallons per minute of heated water into the near off-shore waters near Hampton Harbor, the applicant is now in the initial stages of completely revising its proposed system of condenser cooling operation, in that the applicant is, at this time, considering

abandoning the use of back-flushing, or thermal shock, to control bio-fouling, in considering the use of chlorine injection, in massive amounts, and in amounts which may well exceed requirements now contained in its permits from the State of New Hampshire, Water Supply & Pollution Control Commission, and the United States Environmental Protection Agency.

The basis of this contention is statements made by applicant personnel at a hearing on the environmental affects of plant operation in Seabrook in December of 1981, and correspondence from the USEPA personnel regarding the proposed change in operation of the cooling system.

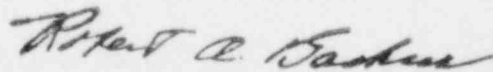
3. THE OPERATION OF THE PROPOSED NUCLEAR PLAN WILL HAVE AN UNREASONABLE ADVERSE AFFECT UPON THE ECONOMIC WELL BEING OF THE SEACOAST AREA.

The basis for this contention is the nature of the site for the proposed facility, in the middle of one of New Hampshire's most heavily used recreational and tourist areas, and within sight of Hampton Beach, the most heavily used and popular state park in the state system. Incidents at nuclear plants receive wide publicity, and any report of a major accident at a nuclear plant of the type similar to Seabrook, or of an incident at the Seabrook plant, could have a devastating impact upon the economic well-being of the tourist industry in the area, a major factor in the economic health of the region.

4. THE DECOMMISSIONING OF THE SEABROOK PLANT, SHOULD IT RECEIVE ITS OPERATING PERMIT AND ACTUALLY OPERATE, WILL HAVE A MAJOR LONG-TERM NEGATIVE IMPACT ON THE HEALTH AND WELL BEING OF THE CITIZENS IN THE AREA OF THE FACILITY.

The basis for this contention is that the Seabrook plant is within sight of the most heavily used tourist facility in the State of New Hampshire, on peak summer days, Hampton Beach State Park. At this point, no plan for the decommissioning of the plant has been arrived at, and depending on the method of decommissioning chosen, particularly whether a complete dismantling and removal of all facilities at the plant will be undertaken, has been made. Should decommissioning of the plant not involve a complete removal mode, the plant will continue to be a negative impact on the economic well being of the area, and will, in addition, present a risk to the public health and safety. In addition, the financial capability of the applicant, at least Public Service Company of New Hampshire, to safely decommission and maintain the nuclear facility after its useful life has not been and cannot be assured.

Respectfully submitted,
Seacoast Anti-Pollution League
By its attorneys
LAW OFFICES OF ROBERT A. BACKUS



Dated: April 5, 1982

Robert A. Backus

CERTIFICATE OF SERVICE

I, Robert A. Backus, certify that I have mailed, postage prepaid, first class or airmail of the within to:

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