

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

before the  
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of )

PUBLIC SERVICE COMPANY OF )  
NEW HAMPSHIRE, et al. )

(Seabrook Station, Units 1 & 2) )

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

APPLICANTS' RESPONSE TO SUPPLEMENT  
TO PETITION TO INTERVENE AND  
CONTENTIONS OF THE COASTAL CHAMBER  
OF COMMERCE OF NEW HAMPSHIRE

On May 13, 1982, the Coastal Chamber of Commerce of New Hampshire (CCCNH) filed a "Supplement to Petition to Intervene and Contentions." For the reasons set forth below, the applicants say that the petition to intervene of CCCNH as amended by this supplement should be denied.

The applicants concede that the new filing overcomes the formality objections raised by the applicants with respect to the initial petition. However, as set out infra, CCCNH still has not satisfied the "one good contention" rule.

CCCNH's first contention is that time limits must be set for the evacuation of the area within a 10 mile radius of Seabrook, "to avoid the radiation/contamination of any resident and/or transient tourist population." NRC regulations do not require a demonstration that any particular area of any kind

can be evacuated within a certain time frame. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), DD-81-14, 14 NRC 279, 282-83 (1981). CCCNH's second contention assumes the resolution of the first by the setting of a time limit for the evacuation and is thus not litigable for the same reason as the first.

By contention No. 3 CCCNH seeks a ruling that municipalities and the State of New Hampshire must review any evacuation plans before they are submitted to NRC. The regulations contain no such requirement.

It is not clear exactly what CCCNH is trying to raise by virtue of its fourth contention. If the contention is that "all available avenues and safeguards" must be in place before operation, the contention should be rejected as being impermissibly vague. If, as we suspect, this is a contention that the presence of the plant will adversely affect tourism, the contention should be rejected as having been previously litigated in the construction permit proceeding. Public Service Company of New Hampshire (Seabrook Station, Units 1 & 2), LBP-76-26, 3 NRC 857, 881-82 (1976). "[A]n operating license proceeding should not be utilized to rehash issues already ventilated and resolved at the construction permit stage." Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), CLI-74-12, 7AEC 203 (1974).

CONCLUSION

The petition to intervene of CCCNH, as supplemented,  
should be denied.

Respectfully submitted,

s/ Thomas G. Dignan, Jr.

s/ R. K. Gad III

s/ Ropes & Gray

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May 14, 1982

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on May 14, 1982 I made service of the within document by mailing copies thereof, postage prepaid, to:

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