

UNITED STATES OF AMERICA
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 & 2))

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

APPLICANTS' REPLY TO MOTION OF
SUN VALLEY ASSOCIATION FOR LATE
ENTRY OF AMENDMENT TO PETITION
TO INTERVENE
AND
APPLICANTS' RESPONSE TO AMENDED PETITION
FOR LEAVE TO INTERVENE OF
SUN VALLEY ASSOCIATION



On April 13, 1982, Sun Valley Association (SVA) filed a "Motion for Late Entry of Amendment to Petition to Intervene" accompanied by an "Amendment to Petition for Leave to Intervene". The motion recites that the reason that the amendment is being filed later than permitted by this Board's special prehearing conference order issued March 12, 1982 is that a death occurred in the immediate family of the attorney in charge of this matter for SVA. The Applicants submit that this constitutes good cause to allow the motion for late filing and says that the same should be allowed.

Turning now to the amendment to the petition: The amendment is accompanied by the affidavit of one Dr. Mauray Tye. The jurat on the Tye affidavit is dated April 14, 1982

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whereas the certificate of service recites mailing on April 13, 1982. At least on the copy the Applicants received the affidavit is unsigned. And finally the jurat recites that Dr. Tye merely acknowledges the affidavit to be "his voluntary act and deed", it does not state that he took any oath that the statements in the affidavit are true. In light of the above described flaws (which may be easily curable), the Applicants believe that SVA still has not, by the Tye affidavit, overcome our original objection to the petition viz. that no member of SVA was identified by name and address who wishes to be represented by SVA and has the necessary interest to maintain standing to intervene. See Virginia Electric & Power Co. (North Anna Nuclear Power Station, Units 1 & 2), ALAB-536, 9 NRC 402, 404 (1979); Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC 73, 77 (1979). Therefore unless these defects are cured the petition, as amended, should be denied.

Assuming the Board grants SVA leave to cure these defects and they are cured, it becomes necessary to address SVA's contentions. SVA's contentions go to the issue of emergency planning and in particular SVA's contention apparently is that an evacuation plan is required and that the "cornerstone" of that plan should be construction of a new highway between the beach area and the existing interstate system. The Applicants have already conceded that emergency planning is a proper issue for this hearing. See Applicants' Response to the Amendment and Supplement to the Petition for Leave to Intervene and

Request for Hearing of the State of New Hampshire and Gregory H. Smith, Attorney General of the State of New Hampshire at 9 (Apr. 15, 1982). It is the position of the Applicants that the specific contentions of SVA would and should be subsumed in a general contention framed in terms of the regulations viz:

"The Seabrook Station emergency planning does not comply with applicable provisions of 10 CFR § 50.47 and 10 CRF 50 App. E."

CONCLUSION

The motion for late filing should be allowed. The petition as amended should be denied. If leave is granted to cure the extant formal defects, and they are cured, SVA should be admitted as a party and its contention recast in the form set forth above.

Respectfully submitted,

s/ Thomas G. Dignan, Jr.

s/ R. K. Gad III

s/ Ropes & Gray

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April 16, 1982

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on April 16, 1982 I made service of the within document by mailing copies thereof, postage prepaid, to:

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