

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

On June 9, 1982 the Coastal Chamber of Commerce of New Hampshire (CCCNH) made service of a document entitled "Coastal Chamber of Commerce of New Hampshire's Reponse to Applicants' Response to Supplement to Petition to Intervene and Contentions of Coastal Chamber of Commerce of New Hampshire." A response to a response is not permitted under NRC regulations absent permission of the Board. See 10 CFR § 2.730(c). Prescinding from this, however, a reading of CCCNH's so-called "response" reveals that it is

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not simply a "response". Instead it raises new contentions and attempts to expand upon others.

In the event the Board decides to entertain this supererogatory filing, the Applicants respond thereto as set forth below.

Contentions 1-6

These lengthy and argumentative contentions all fall within the ambit of emergency planning. The Applicants have, in prior filings, indicated their view that to avoid attempts to freight individual interpretations upon the regulations, the emergency planning contentions should be stated simply in terms of an alleged failure to comply with applicable regulations.

Contention 7

By contention 7, CCCNH seeks to raise two contentions. One deals with off site radiation monitoring. This was litigated in the construction permit proceeding. Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), LBP-76-26, 3 NRC 857, 877 (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, 7 AEC 203 (1974).

In addition, CCCNH raises a contention as to control room design. Neither in the contention nor in its "basis" are we advised as to the basis upon which CCCNH says that

Seabrook's control room design is not in compliance with the various regulations cited. The contention should be rejected for lack of specificity.

CONCLUSION

The claims made in CCCNH's latest filing should be disposed of as set forth above for the reasons stated. In addition, CCCNH has not even attempted to make the necessary showing in order to permit the late filing of the new double contention, No. 7.

Respectfully submitted,
s/ Thomas G. Dignan, Jr.
s/ R. K. Gad III
s/ Ropes & Gray

Thomas G. Dignan, Jr.
R. K. Gad III
Ropes & Gray
225 Franklin Street
Boston, MA 02110
(617) 423-6100
Counsel for Applicants

Date: June 17, 1982

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on June 17, 1982 I made service of the within document by mailing copies thereof, postage prepaid, to:

Helen Hoyt, Chairperson
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Robert A. Backus, Esquire
116 Lowell Street
P.O. Box 516
Manchester, NH 03105

Cooperative Members for
Responsible Investment
Box 65
Plymouth, NH 03264

Rep. Nicholas J. Costello
Whitehall Road
Amesbury, MA 01913

Donald L. Herzberg, M.D.
George Margolis, M.D.
Hitchcock Hospital
Harlow, NH 03755

Rep. Beverly Hollingworth
Coastal Chamber of Commerce
209 Winnacunnet Road
Hampton, NH 03842

Ms. Patti Jacobson
3 Orange Street
Newburyport, MA 01950

William S. Jordan, III, Esquire
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, DC 20006

E. Tupper Kinder, Esquire
Assistant Attorney General
Office of the Attorney General
208 State House Annex
Concord, NH 03301

Roy P. Lessy, Jr., Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Robert L. Chiesa, Esquire
Wadleigh, Starr, Peters, Dunn & Kohls
95 Market Street
Manchester, NH 03101

Edward J. McDermott, Esquire
Sanders and McDermott
Professional Association
408 Lafayette Road
Hampton, NH 03842

Mr. Robert F. Preston
226 Winnacunnet Road
Hampton, NH 03842

Wilfred L. Sanders, Jr., Esquire
Sanders and McDermott
Professional Association
408 Lafayette Road
Hampton, NH 03842

Jo Ann Shotwell, Esquire
Assistant Attorney General
Environmental Protection Bureau
Department of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Thomas G. Dignan, Jr.

Date: June 17, 1982