

DOCKET NUMBER 50-443,444  
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September 23, 1983

Helen F. Hoyt, Esq.  
Dr.. Emmeth A. Luebke  
Dr. Jerry Harbour  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Administrative Judges:

We are enclosing copies of "NECNP Reply to Responses by Applicants and NRC Staff to NECNP Contentions on New Hampshire Emergency Response Procedures." We agree, however, with Brian Cassidy, Counsel for FEMA Region I, that the dispute over the litigability or admissibility of NECNP's contentions on the New Hampshire procedures may be premature. By letter of September 14, 1983, Mr. Cassidy informed the Board that he had not received a copy of the New Hampshire procedures, and would prefer to defer litigation of the procedures until they have been served on FEMA, the Board and the parties.

NECNP believes that since FEMA is the expert agency on offsite emergency planning issues, the Board would be wise to wait until FEMA has had the opportunity to review the New Hampshire procedures before it considers the question of whether NECNP's contentions should be admitted to the proceeding. However, since the New Hampshire State RERP states only that the Civil Defense Agency "maintains a complete set" of the procedures at its Concord office, RERP at 7.0-1, and gives no indication that the State intends to send its emergency procedures to FEMA, it is not clear when or whether FEMA will receive the procedures and forward them to the staff, thereby triggering service on the Board and the parties. We recommend that the Board ask FEMA to clarify this point. If for any reason it appears that FEMA will not receive or provide the procedures to the Staff or that the procedures will not be provided to the parties, our position remains that since the procedures are part of the New Hampshire plan, NECNP is entitled to litigate them in these licensing proceedings.

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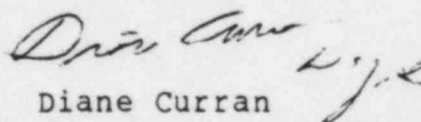
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Mr. Cassidy also mentioned in his letter that he had not received a copy of NECNP's contentions on the New Hampshire emergency response procedures. FEMA has now been placed on NECNP's service list, and will receive copies of all future pleadings.

Sincerely,

  
Diane Curran

DC/cpk