

Dated: November 10, 1983

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
before the  
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

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

(Seabrook Station, Units 1 & 2) )

Docket Nos. 50-443  
50-444

APPLICANTS' RESPONSE TO SAPL'S  
CONTENTIONS ON NEW HAMPSHIRE  
EVACUATION TIME STUDY

Under date of October 28, 1983, SAPL has submitted a set of contentions on the New Hampshire Evacuation Time Study (the so-called C.E. McGuire study) which has been forwarded to FEMA for review by the State of New Hampshire. SAPL premises its theory that New Hampshire's evacuation time studies are a fit subject for litigation in this operating license proceeding on SAPL's assertion that: "The Study was prepared specifically in accordance with the requirements of NUREG-0654. . . ." SAPL Contentions at 1.

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The implication, if it be one, that NUREG-0654 requires a state to prepare evacuation time estimates is, we submit, in error. Section II.J.8 of NUREG-0654 provides:

"Each licensee's plan shall contain time estimates for evacuation within the plume exposure EPZ. These shall be in accordance with Appendix 4."

The "Applicability and Cross-Reference to Plans" column specifically does not make this evaluation criteria applicable to a state plan. This is, of course, consistent with the regulations which also require such estimates only from applicants. 10 CFR 50, App. E, § IV, Preamble.

It is true that NUREG-0654 references a need for time estimates for evacuation to be included in state implementation plans. NUREG-0654, § II.J.10.1. But implementation procedures are not a subject for litigation in an operating license hearing. Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3), ALAB-732, 17 NRC 1076, 1106-07 (1983).

Since there is no regulatory requirement that New Hampshire have an estimate of its own, the fact that it has gratuitously supplied one does not mean that a round of litigation with respect to it is necessary. Indeed, such litigation would be an academic exercise and no more, for if the Board found the New Hampshire estimates to be deficient for some reason this would have no effect on the question of whether the operating license should issue because such

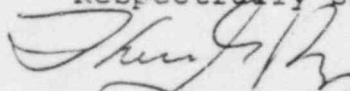
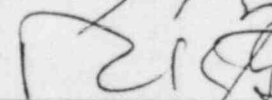
estimates are unnecessary to fulfill any regulatory requirement.

Prescinding from the foregoing, a number of the contentions put forth by SAPL have nothing to do with the evacuation time studies as such. Contention I raises the feasibility of notification within 15 minutes. A state evacuation time study is not the place for setting out the design of a notification system. The McGuire study simply assumes the required 15 minute time. Similarly, the issue raised by Contention II (lack of arrangements for emergency vehicles) is not properly part of an evacuation time study.

#### CONCLUSION

For the reasons set forth above all of SAPL's contentions on New Hampshire's Evacuation Time Study should be rejected.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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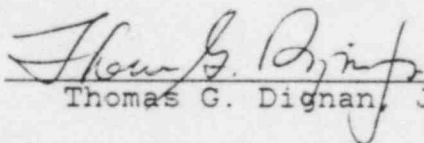
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