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January 24, 1986

Helen Hoyt, Chairman
Administrative Judge
Atomic Safety & Licensing Board
U. S. NRC
Washington, DC 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety & Licensing Board
U.S. NRC
Washington, DC 20555

Dr. Emmeth A. Luebke
Administrative Judge
Atomic Safety & Licensing Board
U.S. NRC
Washington, DC 20555

Re: Docket No. 50-443-OL
Docket No. 50-444-OL
Off-site Emergency Planning Issues
(ASLBP No. 82-471-02-0L)

Dear Judges:

On either Thursday, January 16, or Friday, January 17, I received a call from a Kathleen Kerr, who identified herself as Secretary to Chairman Hellen Hoyt of the Atomic Safety & Licensing Board panel. Ms. Kerr informed me that a motion had been filed by the Seabrook applicant requesting a schedule for filing of contention and for a prehearing conference in the above-captioned docket. Ms. Kerr said that she had been instructed to call to find out if I had any objection to the Motion.

I informed Ms. Kerr that I had not received any Motion from the applicant. Ms. Kerr then asked that, after receiving the Motion, I advise her if there was an objection on behalf of my clients, the Seacoast Anti-Pollution League.



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On Monday, January 20, although it was a Federal holiday, I received a copy of the applicant's Motion. On the next working day, Tuesday, January 21, I called Ms. Kerr to tell her that having reviewed this matter, I did indeed wish to advise the Board that we had an objection to the proposed schedule in two particular respects. I suggested I could detail those, but that perhaps it would be appropriate for me to file a written response to the Motion, in accordance with 10 CFR 2.730(c).

However, I was then informed that the Board had issued an Order on Friday, January 17, apparently granting the relief sought on the applicant's Motion. Thus, it appears that the Board has acted on a Motion filed by the applicant, before it was even received by at least this party to the proceeding, and after a time at which the Secretary to the Chairman had specifically asked for a telephone response to the Motion, upon its receipt.

We wish to protest the Board's action in acting on a Motion before we even receive it, or had any opportunity to take a position. In fact, although the Board's precipitous action, which we suggest is neither fair or in accordance with the rules, has precluded us from doing so, we do wish to state that we find the necessity to file, I gather in hand, by February 24, contentions on these numerous and voluminous plans is inadequate, and premature.

The time allowed is inadequate in part because, although we asked Civil Defense to make copies of these plans available to us, they chose not to do so, so we had no opportunity to see them at all until they were forwarded by Attorney Perlus from the NRC staff. Filing contentions is also premature, because there are no plans from the Massachusetts communities, and as yet no completed FEMA review. We are also informed there are now in the hands of certain town representatives, later and different versions of at least some town plans.

Very truly yours,


Robert A. Backus

RAB/lab

cc:All parties on service list