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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 APR 18 A11:29

before the

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

PUBLIC SERVICE COMPANY)
OF NEW HAMPSHIRE, ET AL.)

(Seabrook Station, Units 1)
and 2))

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

(Offsite Emergency
Planning Issues)

APPLICANTS' RESPONSE TO CONTENTIONS BY
THE CITY OF HAVERHILL FOR THE
MASSACHUSETTS EMERGENCY RESPONSE PLAN

Under date of April 4, 1988, the City of Haverhill, Massachusetts (Haverhill) filed a document entitled "Contentions of the City of Haverhill for the Massachusetts Emergency Response Plan." The sole contention raised by Haverhill is a contention to the effect that that city should be included in the Plume Exposure Emergency Planning Zone (EPZ) for Seabrook Station.

The only reason given for the inclusion of Haverhill in the EPZ is the fact that a portion of the City is within the ten-mile radius surrounding Seabrook Station. We are unadvised how "such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries," 10 CFR §50.47(c)(2), dictate an enlargement of the Seabrook EPZ at this late date. The only reasons given for doing so are safety reasons i.e., the lack of planning for "schools, nursing homes,


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and day care centers or for any other related facility." It is settled that contentions seeking adjustment of an EPZ "about 10 miles in radius" for safety reasons constitute impermissible challenges to the Commission's regulations. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-87-12, 26 NRC 383, 395 (1987).

CONCLUSION

The Haverhill¹ contention should be rejected. Haverhill should be denied admission as a party under 10 CFR §2.714. If Haverhill desires admission as an "interested state" under 10 CFR §2.714(c), Applicants have no objection.¹

By their attorneys,



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¹It is not clear whether Haverhill, in the second paragraph of its filing, is seeking to raise a further contention or is simply noting a point of information. To the extent it is the former, it should be noted that the temporary restraining order referred to was dissolved and a preliminary injunction denied on April 7, 1988 by the Superior Court Department of the Trial Court of the Commonwealth.

CERTIFICATE OF SERVICE

88 APR 18 AM 11:29

I, Kathryn A. Selleck, one of the attorneys for the Applicants herein, hereby certify that on April 12, 1988, I made service of the within document by mailing copies thereof, postage prepaid, to:

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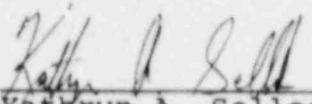
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