

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before The Atomic Safety
and Licensing Board

In the Matter of:

BOSTON EDISON COMPANY, et al.
(Pilgrim Nuclear Generating
Station, Unit 2)

Docket No. 50-471

7/15/81

MOTION TO MODIFY PREHEARING CONFERENCE ORDER

On July 2, 1981, the Board issued a Prehearing Conference Order in this matter. The Intervenor Commonwealth of Massachusetts moves that said Order be modified in the following respects for the reasons stated hereinafter:

(1) The Commonwealth requests that the Order reflect its objection to the Board's decision to proceed with the prehearing conference in the absence of a court reporter. The Commonwealth believes that its objection was a substantive one, given the due process right to a public record of a public proceeding and the provision for a transcript contained in the Commission's own Rules of Procedure, and therefore asks that there be a formal record of said objection.

(2) The Commonwealth requests that the Order reflect its proposal of the following schedule in the event that the Board decided to proceed to hearing on both emergency planning and TMI-related issues:

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<u>Event</u>	<u>Date</u> (with respect to both emergency planning and TMI-related issues)
1. First Prehearing Conference and Opening of Discovery	July 1, 1981
2. Discovery Closes	October 14, 1981
3. Statement of Detailed Bases for Emergency Planning Contentions and TMI Contentions	October 21, 1981
4. Final Prehearing Conference	October 28, 1981
5. Direct Testimony to be Filed	November 11, 1981
6. Rebuttal Testimony to be Filed	November 25, 1981
7. Hearing Commences	December 10, 1981

The Order should reflect the Commonwealth's request for a two-month discovery period on emergency planning issues to ensure opportunity for a second round of discovery should that be necessary and its request for a 6-week period in which to review the highly technical TMI-related issues with the assistance of an expert before commencing a two-month discovery period on those issues.

(3) Finally, the Commonwealth requests that the Board modify the schedule contained in its Order to provide for conduct of the final prehearing conference on emergency planning issues on Monday, August 31, 1981, rather than Friday, August 28, 1981. The Commonwealth requests this minor change, amounting to a difference of one business day, to accommodate the plans of its counsel, Jo Ann

Shotwell, to vacation outside the Commonwealth during the week of August 24-28. The Applicant, the Staff, and the Cleetons have all agreed to this minor schedule change.

The Commonwealth asks that all of the above modifications be made to the Board's Order. Given the absence of a transcript of the prehearing conference, it is necessary that the Board's Order more fully reflect the positions taken by the Commonwealth at that hearing. This can be readily accomplished by the Board's incorporation of the contents of this Motion into its Order.

Respectfully submitted,

By:



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Dated: July 15, 1981

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion has been served on the following by deposit of copies thereof in the United States Mail, first class mail, postage prepaid this 15th day of July, 1981:

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