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estimates, now incorporated into that emergency plan.^{1/} See Contentions of Attorney General Francis X. Bellotti Relative to Emergency Planning for the State of New Hampshire, at 12-17, 26-30. Thus, if the Board proceeds to a hearing now on NECNP's evacuation time contentions, there is a very real possibility of duplication of effort on the part of both parties and the Board at the time of the hearing on off-site issues.

More importantly, it has become clear from a recent filing of the NRC Staff that the Board will be unable to make any conclusive rulings with respect to the Applicants' evacuation time estimates in the absence of off-site emergency plans. In an affidavit attached to the "NRC Staff Response to Applicants' Seventh (Contention NH-21) and Twenty-First (Contentions NECNP III.12 and 13) Motions for Summary Disposition," filed June 6, 1983, the Staff's evacuation time expert, John R. Sears, indicates that it is impossible to know whether the Applicants' evacuation time study serves one of the

^{1/} Attorney General Bellotti had also filed contentions challenging those time estimates as they appeared in the FSAR at the commencement of this operating license proceeding, but the contentions were ruled premature due to the absence of off-site emergency plans. That Board action, which was not appealed by Attorney General Bellotti, confirms the premise underlying this motion -- namely, that the accuracy of evacuation time estimates is most appropriately considered in the context of off-site emergency plans.

two purposes for which it was required -- namely, its use by decisionmakers in the event of an emergency -- in the absence of local emergency plans. See Affidavit of John R. Sears, Para. 9, 12. Specifically, Mr. Sears states that the NRC requires evacuation time estimates, in part, because they are helpful to decisionmakers in choosing appropriate protective actions in an emergency and that it is only "[i]f the local [emergency] plans reflect the traffic control and routing assumptions used by the Applicants [that] the time estimates developed by the Applicants will . . . be useful tools for decisionmakers in the event of an emergency." Ibid.

The expert who is advising this party on issues related to evacuation time estimates agrees with the Staff's expert that off-site emergency plans are needed before one can conclude that evacuation time estimates have been properly prepared so as to assist protective action decisionmakers and that this is particularly true in this case where, as the NRC Staff has again itself concluded, the Applicants' estimates are "optimistic" and depend upon a level of traffic control the achievement of which cannot be confirmed in the absence of evacuation plans. See NUREG/CR-2903, "An Independent Assessment of Evacuation Time Estimates for a Peak Population Scenario in the Emergency Planning Zone of the Seabrook Nuclear Power Station," (October, 1982), at iv. and 20.

Thus, an affidavit recently filed by the NRC Staff clearly demonstrates that a hearing on evacuation time estimates in the absence of off-site plans cannot provide the basis for a Board decision that the Commission's requirements have been satisfied. In light of this new information, Attorney General Bellotti respectfully requests that the Board defer the hearing on NECNP Contentions III.12 and 13 until the hearing on off-site emergency planning, at which time testimony can be taken on all contentions which relate to evacuation times and the Board will be in a position to make a determination as to the Applicants' satisfaction of the NRC requirements in this matter.

Respectfully submitted,
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By:



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CERTIFICATE OF SERVICE

I, Jo Ann Slotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on June 28, 1983, I made service of the within Motion, by mailing copies thereof, postage prepaid, to:

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Signed under the pains and penalties of perjury, this 28th day of
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