

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
)
)

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

(Seabrook Station Units 1 and 2))
)
)

Docket Nos.

50-443 OL

50-444 OL



NECNP RESPONSE TO MOTION OF THE APPLICANTS
TO RESPOND LATE TO THE NECNP SUPPLEMENTAL PETITION
FOR LEAVE TO INTERVENE AND TO STAFF POSITION

By Motion dated April 26, 1982, the Applicants requested leave "to file late a response to NECNP Supplemental Petition for Leave to Intervene." The request was premised on the Applicants' opinion that NECNP's Supplemental Petition was due on April 6, 1982, with the Applicants' response due on April 21, 1982.

As the Board is aware, it is the position of the New England Coalition on Nuclear Pollution (NECNP) that the Board's Order of March 12, 1982, did not establish any special deadline for the filing of contentions other than the one automatically established by 10 CFR 2.714(b). That deadline was April 21, 1982, which we met. The Board's Order did not establish any deadline for Applicants to

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respond to our filing. Presumably, they are governed by 10 CFR 2.714(c), which provides 10 days for responses to petitions to intervene (15 days for the Staff). Accordingly, we believe Applicants' Motion to be unnecessary. Having received our filing by special overnight delivery on April 22, they are entitled to respond by May 2, 1982.

In a filing dated April 19, 1982, the Staff stated that it would not oppose NECNP's filing contentions by April 21, 1982, as long as the Staff and Applicants are permitted to respond orally during the Special Prehearing Conference. Apparently the request for an oral response was based on an understanding that the Board would accept no further written responses. For the reasons stated above, that is not our understanding. Under 10 CFR 2.714(c), the Staff is entitled to respond in writing by May 7, 1982. A written response will be far more useful to the Board and will allow a more cogent reply by NECNP. With respect to either Applicant or Staff objections to any of our contentions, NECNP then has the right to respond under the principles of Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-565, 10 NRC 521 (1979).

While we have indicated above the deadlines by which we believe the Applicants and the Staff must file responses

under the regulations,* we seriously question the advisability at this stage of the proceeding of adhering strictly to those deadlines or to any similar deadlines that might apply to intervenors. This proceeding will not achieve its fundamental purpose of clear and thorough examination of the contested issues related to the Seabrook reactors unless those issues are fairly and completely developed at the beginning. There will be fewer disputes among the parties, less likelihood of minor and interlocutory appeals, and a more efficient hearing if the time is taken now to assure that these issues are thoroughly argued and carefully developed.

We have already had unfortunate confusion concerning the intent of the Board's Order of March 12, 1982, and concerning inadequate service of that Order on some intervenors. We have attempted to respond to that confusion with a useful approach and spirit that will assist the Board in structuring this hearing. We believe the Staff has done the same.

We believe that a careful development of these issues may well require granting both the Applicants and the Staff additional time to respond in writing to our contentions and those of other intervenors. We would not object to extending the May 2 and May 7 deadlines, with appropriate

*The Applicants have already filed one response dated April 26, 1982, although it appears to have been hastily filed and not well considered. In our view, they would be entitled to file a supplemental response by May 2.

provision for response by the intervenors. We also do not believe that this would result in any significant delay since we expect that it will be necessary to allow written intervenor responses to Staff and Applicant objections under the existing schedule. In any event, any delay that results from careful procedure at this point will be more than recovered through a more efficient hearing process.

Respectfully submitted,

Dated: April 30, 1982

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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PUBLIC SERVICE COMPANY OF)	
NEW HAMPSHIRE, et al.,)	Docket Nos.
)	
(Seabrook Station Units 1 and 2))	50-433 OL
)	50-444 OL
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the NECNP RESPONSE TO MOTION OF THE APPLICANTS TO RESPOND LATE TO THE NECNP SUPPLEMENTAL PETITION FOR LEAVE TO INTERVENE AND TO STAFF POSITION in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 30th day of April, 1982.

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Date: April 30, 1982


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