

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the ⁸³ 12 21 12:27
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
and
50-444

April 14, 1983

MOTION BY THE STATE OF NEW HAMPSHIRE
FOR ADOPTION OF HEARING SCHEDULE

In accordance with leave granted by the Board at the April 7-8, 1983 prehearing conference, New Hampshire hereby submits its proposed schedule for the litigation of emergency planning contentions. New Hampshire also respectfully requests that the Board consider its comments on the schedule of the litigation of the so-called technical safety contentions, already admitted by the Board.

A. Phase One Hearing - Technical Safety Contentions

New Hampshire supports the NRC Staff proposal that the hearing on the technical safety contentions which survive summary disposition should begin approximately seventy (70) days following

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the receipt by the parties of the Board's rulings on the pending summary disposition motions. Under this schedule direct testimony would be filed 30 days following the Board's rulings, and rebuttal testimony would be filed 23 days thereafter. Hearings would be scheduled to begin approximately 2 weeks following the filing of rebuttal testimony.

As the Board indicated at the prehearing conference, however, this schedule cannot properly apply to Contention NH-10 relating to the detailed control room design review (DCRDR) and the safety parameter display system (SPDS), because neither the DCRDR nor the SPDS has been completed.

This schedule for the phase one hearing should not apply to the remaining issue in Contention NH-9 either. The one unresolved issue of that contention is that the Applicant has not completed a post-accident monitoring system as required by NUREG-0737, Item II.B.3. Evidence on this Contention, then, should not be heard until the necessary systems have been developed, and the necessary documents have been submitted and reviewed.

Finally, Contention NH-21 should not be scheduled until the Staff has completed its review of on-site emergency planning, and has answered New Hampshire's interrogatories on this Contention.

Hearings on Contention NH-20 and NH-21, in any event, should be deferred to the second phase of hearings on emergency planning. One of the two outstanding issues presented in Contention NH-21 - the question of the adequacy of medical transportation and medical services - is certain to arise in the emergency planning phase of

this proceeding. In the interest of administrative economy, the issue of the adequacy of medical services for persons on-site ought to be litigated at the same time as the identical issue is heard with regard to persons off-site. The second aspect of Contention NH-21, relating to the adequacy of the Applicant's radiation exposure control program, can be heard during the first phase of hearings.

Contention NH-20, pertaining to emergency assessment, classification, and notification, should also be heard along with the off-site emergency planning contentions. The first issue raised by New Hampshire in this contention, relative to the Applicant's ability to properly assess an accident as it occurs, may be independent of off-site emergency planning contentions and could logically be heard in the phase one hearing. However, the remaining issues -- relating to the Applicant's ability to classify an accident properly, to notify the proper authorities at the onset of an accident, and to recommend proper protective actions -- are all directly related to off-site emergency planning issues and should be heard together with them. Accident classification as required by NUREG-0654 must be developed in conjunction with the State and local authorities, so that this issue is not one tied simply to the Applicant's Emergency Plan. Likewise, the ability of the Applicant to communicate the necessary information to the various authorities is dependent on the adequacy of the off-site communication network, which will assuredly be raised during the off-site emergency

planning phase of this proceeding. Finally, the Board will be unable to determine whether the Applicant will be able to properly recommend protective actions to State authorities if the states' capacity to undertake any such protective actions has not yet been studied or developed. This issue also should be heard with the off-site emergency planning contentions.

B. Phase Two Hearing - Off-Site Emergency Planning Contentions

Attached as Appendix A to this motion is New Hampshire's proposed schedule for the litigation of off-site emergency planning contentions. In reviewing this proposed schedule, the Board should consider the following:

- (1) The schedule assumes that all State and local emergency plans will have been received by FEMA and distributed to the parties by June 20, 1983.
- (2) The schedule tracts almost identically the schedule proposed by the NRC Staff and in fact is somewhat ahead of it up to the discovery phase of the litigation.

New Hampshire's proposal provides a seven month period from the date when emergency plans are made available to the parties to the date when hearings commence. In contrast the Staff's proposal, which schedules hearings beginning in November 1983, provides only five months for the preparation of hearings on off-site emergency planning issues. In that restrictive period the parties would be unable to properly investigate the issues and present to the Board the evidence it needs to evaluate the adequacy of emergency planning

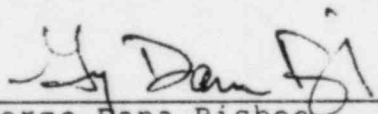
at Seabrook Station. It is in the parties' best interests, the Board's best interests and the public's best interests for the Board to adopt a schedule which will permit it to meaningfully examine emergency planning issues. New Hampshire, therefore, urges the Board to adopt New Hampshire's proposed schedule.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

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By:



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Dated: April 14, 1983

APPENDIX A

NEW HAMPSHIRE'S PROPOSED SCHEDULE FOR LITIGATION OF
OFF-SITE EMERGENCY PLANNING CONTENTIONS

June 20, 1983	State and local emergency plans distributed to parties.
July 20, 1983	Last date for filing of contentions on emergency plans.
August 10, 1983	Answers to Contentions.
August 24, 1983	Response to Answers, Prehearing Conference.
September 7, 1983	Rulings by the Board on Emergency Planning Contentions. Beginning of Discovery.
November 7, 1983	Date for filing of last discovery request.
November 21, 1983	Prehearing conference on Summary Disposition motions and schedule adjustments, if necessary.
November 28, 1983	Rulings on Summary Disposition Motions.
December 28, 1983	Direct testimony filed.
January 15, 1984	Rebuttal testimony filed.
January 25, 1984	Hearing begins

CERTIFICATE OF SERVICE

I, George Dana Bisbee, Esquire, do hereby certify that a copy of the foregoing Motion of the State of New Hampshire to Amend Contentions NH-9 and NH-13 and Motion by the State of New Hampshire for Adoption of Hearing Schedule has been mailed this 14th day of April, 1983, by first class mail, postage prepaid (those indicated with an asterisk have been sent via Federal Express), to:

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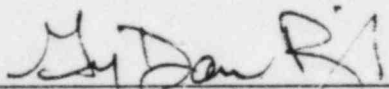
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George Dana Bisbee, Esq.

Dated: April 14, 1983

Tentative Schedule for Completion of New Hampshire Emergency Response draft plans for the Seabrook Emergency Planning Zone.

Prepared: 4/14/83

State Plan: Annex R for Seabrook, received 3/1/83 in review by state submission to FEMA anticipated between 5/1/83 and 5/15/83.

Municipality Plans.

Municipality	date draft plan submitted for Municipal review	30 day period	45 day period
1. Portsmouth	1/14/83	It is anticipated that these plans will be submitted to FEMA between 5/1/83 and 5/15/83 for review.	
2. Seabrook	2/4/83		
3. New Castle	2/8/83		
4. Kingston	2/23/83		
5. Exeter	2/25/83		
6. East Kingston	3/30/83		
7. Stratham	4/1/83		
8. Seabrook	4/22/83	5/22/83	6/5/83
9. Brentwood	4/22/83	5/22/83	6/5/83
10. North Hampton	4/22/83	5/22/83	6/5/83
11. Hampton	4/24/83	5/29/83	6/13/83
12. Kensington	4/29/83	5/29/83	6/13/83
13. Rye	4/29/83	5/29/83	6/13/83
14. Newton	5/6/83	6/5/83	6/20/83
15. South Hampton	5/6/83	6/5/83	6/20/83
16. New Fields	5/6/83	6/5/83	6/20/83
17. Hampton Falls	5/9/83	6/8/83	6/23/83