

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

DOCKETED  
USNRC

'83 OCT -6 AIO:18

BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairman  
Dr. Emmeth A. Leubke  
Dr. Jerry Harbour

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

October 3, 1983

MOTION OF ATTORNEY GENERAL FRANCIS X. BELLOTTI FOR  
LEAVE TO FILE RESPONSE TO THE ANSWERS OF THE STAFF AND  
APPLICANTS TO HIS MOTION FOR RECONSIDERATION OF  
BOARD RULING ON "PREPARATION TIME"

On September 9, 1983, Attorney General Bellotti filed a Motion for Reconsideration of the Board's summary dismissal of the portion of an NECNP Contention alleging that the Applicants' evacuation time study failed to consider the phenomenon of preparation time. On September 19 and September 26, respectively, the Applicants and Staff filed answers to that Motion, stating that they had no objection to it provided the Board did not hold a hearing on the issue after reversal of its summary disposition decision. Attorney General Bellotti

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hereby requests that the Board accept this brief response to those answers.

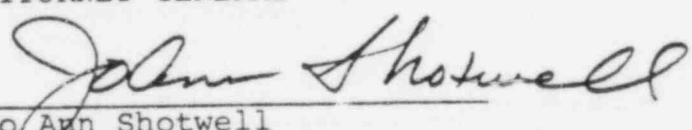
Reversal of a decision summarily dismissing a contention (or a part thereof) necessitates a hearing on the contention (or part thereof) previously dismissed. The fact that the Applicants and Staff feel that some relevant testimony (from their perspective) was elicited during cross-examination at the last hearing does not relieve the Board of its obligation to offer intervenors an opportunity to present testimony on the issue. Attorney General Bellotti had offered such testimony, limited to the Applicants' simultaneous beach area estimate and the preparation phenomenon as it relates specifically to the beach areas, in the Rebuttal Testimony of Philip Herr. That testimony was struck.

In short, if the Board determines that it erred in foreclosing a hearing on the issue of preparation time, then it must conduct such a hearing in order to correct that error. Attorney General Bellotti and other intervenors must be allowed an opportunity to present evidence on the issue (and as it relates to the Applicants' entire evacuation time study, not merely its beach area estimate) and to cross-examine any witnesses of the Applicants or Staff thereon.

Respectfully submitted,

FRANCIS X. BELLOTTI  
ATTORNEY GENERAL

By:

  
Jo Ann Shotwell  
Assistant Attorney General  
Environmental Protection Division  
One Ashburton Place - 19th Floor  
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Dated: October 3, 1983

CERTIFICATE OF SERVICE

I, Jo Ann Shotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on October 3, 1983, I made service of the Motion of Attorney General Francis X. Bellotti for Leave to File Response to the Answers of the Staff and Applicants to His Motion for Reconsideration of Board Ruling on "Preparation Time" by mailing copies thereof, postage prepaid, to the parties named below:

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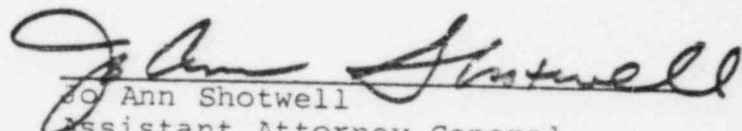
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(Attn: Tom Burack)

Signed under the pains and penalties of perjury, this 3rd day of  
October, 1983.

  
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