

6/9/81



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

ANSWER OF THE COMMONWEALTH OF MASSACHUSETTS TO THE
MOTION OF THE APPLICANTS FOR AN ORDER SCHEDULING
FURTHER PROCEEDINGS WITH RESPECT TO EMERGENCY PLANNING

The Commonwealth is in general agreement with the Applicants' proposed schedule with respect to the hearing to be held on emergency planning. We recommend the following revisions to that proposed schedule:

1. Ms. Shotwell, lead counsel for the Commonwealth in this matter, has long-standing plans to vacation out-of-state for ten of the 30 days proposed by the Applicants for the conduct of discovery. For this reason, and because of the possible need for a second round of discovery following analysis of initial responses, the Commonwealth requests at least an eight-week discovery period. The Commonwealth believes that a eight-week period will be sufficient, provided the parties stipulate that responses to any requests for documents, including NRC documents, will be served within seven days of

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service of the requests. The Commonwealth is prepared to enter into such a stipulation.

2. The Commonwealth believes that the five-day period recommended by the Applicants for the Commonwealth's review of information obtained through discovery and preparation of "detailed contentions" is slightly inadequate. A period of seven days should be sufficient for review of materials not obtained until the latter portion of the discovery period and preparation of a statement of the "bases" for the Commonwealth's emergency planning contention "set forth with reasonable specificity" as required by 10 C.F.R. §2.714. While the Commonwealth agrees with the Applicants' suggestion that the final prehearing conference be held seven days after this filing, it does not agree that the purpose of that conference will be "to rule on admissibility of various contentions." The Board having previously accepted the Commonwealth's contention with respect to emergency planning, the sole purposes of the final prehearing conference will be as set forth at 10 C.F.R. §2.752.


3. Given the requirement of 10 C.F.R. §2.743(b) that written testimony be served at least 15 days in advance of the hearing, the period between the filing of rebuttal testimony and commencement of the

hearing must be slightly longer than that proposed by the applicants. As this Commission rule recognizes, a shorter period would leave insufficient time for thorough review of the testimony filed and pre-hearing preparation with full knowledge of the positions of all parties.

For the reasons and with the qualifications outlined above, the Commonwealth recommends that the Board adopt the following schedule:

<u>Event</u>	<u>Date</u>
1. First Prehearing Conference and Opening of Discovery	June 22, 1981
2. Discovery Closes	August 17, 1981
3. Written Statement of Bases for Commonwealth's Contention to be Filed	August 24, 1981
4. Final Prehearing Conference	August 31, 1981
5. Direct Testimony to be Filed	September 14, 1981
6. Rebuttal Testimony To be Filed	September 28, 1981
7. Hearing Commences	October 14, 1981

Respectfully submitted,


Jo Ann Shotwell, Esquire
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Dated:

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that the within Answer has been served on the following by deposit of copies thereof in the United States Mail, first class mail, postage prepaid this 24th day of June, 1981:

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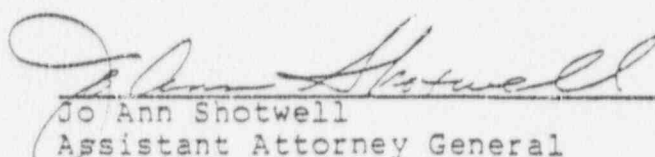
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