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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar

In the Matter of PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, et al. (Seabrook Station, Units 1 and 2	Docket Nos. 50-443 50-444

ORDER

December 26, 1978

On Friday, December 22, we held another telephone conference with the parties. The participants included counsel for each of the principal parties remaining in the case: SAPL-Audubon, the applicants, and the NRC staff.

The conference call was initiated at the staff's behest. It complained that the statements of issues filed by the applicants and SAPL-Audubon were not specific enough. The applicants thereupon refined the issue which they had identified. The staff indicated that it

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was satisfied with that refinement, which is to be reduced to writing by the applicants.

For their part, SAPL-Audubon stated that they intended to confine their challenge to the staff's comparison of Seabrook with the following four alternate sites: Phillips Cove, Millstone, Pilgrim and Litchfield. Beyond that, they provided essentially no additional refinement of their issues (except that they explained that they would attempt to establish that, despite its disclaimer, the staff had implicitly allowed sunk costs to influence its analysis of environmental factors in comparing Seabrook to alternative sites).

We believe that the public interest would be best served by SAPL-Audubon's being much more specific in defining the issues which it wishes to pursue; the applicant's statement during the conference call might serve as a model in that regard. If that is done, the staff witnesses will be better able to respond at the hearing;[1/] we can devote extra attention to the disputed topics in preparing for the hearing; the need

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1/ Cf. Illinois Power Company (Clinton Units 1 and 2), ALAB-340, 4 NRC 27, 31-36 (1976).

to bring large numbers of witnesses to the hearing may be obviated; and the record will be better developed, and in more expeditious fashion, in the critical areas.

Accordingly, SAPL-Audubon should furnish the parties and us with a more particularized statement of the issues by Friday, December 29, 1978. If it fails to do so, we intend nonetheless to proceed with the hearing on January 15; the staff will have to do the best it can in the circumstances. In that event, however, we will take the vagueness of the issues into account in evaluating any complaints by SAPL-Audubon that the staff witnesses should have been better prepared to anticipate questions directed to them.

It is so ORDERED. 2/

FOR THE APPEAL BOARD

Eleanor E. Hagins
Secretary to the
Appeal Board

2/ There are only three weeks left before the hearing. But the parties advised us during the conference call on Friday that most of them would be unavailable that afternoon to receive an oral decision from us. Accordingly, we reduced our decision to writing and read its terms to the parties as soon as possible, i.e., on the morning after the Christmas weekend.