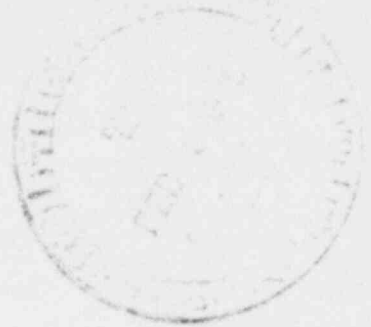


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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	}	
OFFSHORE POWER SYSTEMS	}	Docket No. STN 50-437
(Manufacturing License for Floating	}	
Nuclear Power Plants)	}	

APPLICANT'S REPORT TO THE BOARD RESPECTING  
THE STATUS OF HEARINGS AND APPLICANT'S  
MOTION (#9) TO ESTABLISH SCHEDULE

By Order of this Board dated August 1, 1978 (Board Order) issued subsequent to a Prehearing Conference conducted by this Board on July 27, 1978, certain times for filings and other actions were prescribed. Off-shore Power Systems, the Applicant, hereby reports to the Board the status of the prescribed filings and other actions and hereby respectfully moves the Board to establish a hearing schedule.

I. The Status of Filings and Other Actions

This report will address, as appropriate, each of the numbered paragraphs of the Board Order of August 1, 1978.

1. Paragraph 1 of the Board Order dealt with the disposition of the Natural Resources Defense Council, Inc. (NRDC) contention that the Environmental Impact Statement will not be a programmatic impact statement

required by NEPA. NRDC was to have filed its motion for summary disposition by January 29, 1979 since the Final Environmental Statement, Part III (FES-III) was issued by the Staff on December 29, 1978. Since NRDC has failed to either perfect the filing prescribed by Board Order or otherwise advise the Board of its intentions, the Applicant, by separate filing, has moved the Board for dismissal of the NRDC contention.

2. Paragraphs 2 through 4 of the Board Order do not require further reporting since they were final determinations of the Board.

3. Paragraph 5 of the Board Order set forth the time in which amended or expanded contentions directly bearing on new matters in the Final Addendum to Part II of the FES should have been filed. The date for such filing (fourteen days after July 28, 1978) was August 11, 1978. By filing dated August 9, 1978, NRDC moved to amend contentions.<sup>1/</sup> No other such amended or expanded contentions were filed by any other party and the time for such filing has long since expired.

4. Paragraph 6 of the Board Order dealt with the filing of amended or expanded contentions respecting the Revised Draft Environmental Statement, Part III (RDES-III). Such contentions were to have been filed thirty days after July 28, 1978 or by August 27, 1978. No such contentions were filed by any party and the time for such filing has long since expired.

5. Paragraph 7 of the Board Order addressed the filing of amended

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<sup>1/</sup> By Order dated September 11, 1978, this Board denied NRDC's Motion and by Order dated November 9, 1978, this Board denied NRDC's Motion for reconsideration or in the alternative, for certification. By Memorandum and Order, dated January 4, 1979 (ALAB-517), the Atomic Safety and Licensing Appeal Board affirmed the two denials of the Licensing Board below.

or expanded contentions directly bearing on new matters in the FES-III. Such filing was to have occurred fourteen days after the receipt of the FES-III. The FES-III was issued by the Regulatory Staff on December 29, 1978, and was mailed to all parties on that date. Pursuant to Commission regulation Section 2.710, five days is added to other prescribed filing times if service is by mail and the Board Order required response "after receipt of said document". Therefore, the date for any such filing was January 17, 1979. No filing of any amended or expanded contentions on FES-III has occurred and the time for such filing has expired.

6. Paragraph 8 of the Board Order addressed the filing of amended or expanded contentions respecting Supplement 3 to the Safety Evaluation Report (SER) prepared by the Regulatory Staff. Supplement 3 has not yet been issued by the Staff. However, the SER will not contain new environmental matters that have not previously been addressed in the Staff environmental documents already issued in this proceeding. As a consequence, the Applicant does not believe that the remaining environmental contentions, which have been pending in this proceeding since 1974 and are addressed below, should be delayed further.

7. Paragraph 9 of the Board Order dealt with the contents of proposed amended or expanded contentions, none of which are pending. Therefore, no status report is appropriate.

8. Paragraph 10 of the Board Order dealt with the Applicant's filing of a Statement of a Matter in Controversy. Such filing was undertaken by the Applicant in a Motion dated September 5, 1978. Subsequent status reports on the progress of discussions between the Applicant and

Regulatory Staff were filed with the Board and served on all parties. The latest such filing, a letter from the Applicant to the Board, was dated February 2, 1979 and withdrew the Applicant's pleading of September 5, 1978 advising the Board that the Applicant no longer requests that the Statement of a Matter in Controversy be placed in issue.

9. Paragraph 11 of the Board Order addressed future hearing schedule after the procedures prescribed in those rulings in paragraphs 5 through 8 of the Order of August 1, 1978 had been concluded. The only action pending in paragraphs 5 through 8 of the Board Order is that of paragraph 8 respecting the forwarding by the Regulatory Staff of Supplement 3 to the SER. The Applicant addresses such pendency below.

## II. Applicant's Motion (#9) to Establish Hearing Schedule

10. By pleading dated July 19, 1978, captioned "Applicant's Statement Concerning Future Hearing Schedule", the Board was advised at Paragraph II on page 3 that the only remaining contentions in this proceeding, other than the NRDC contention addressed in paragraph 1 of Section I above, are the ACCCE contentions 3a and 3c.<sup>2/</sup> These contentions

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## <sup>2/</sup> XII. EFFECT ON BIOTA

### ACCCE Contention 3a

ACCCE Contention 3a was admitted as an issue in controversy in the Second Prehearing Conference Order dated May 21, 1974 at page 5 as follows:

"Subpart 3a contends that the Applicant has not given adequate consideration to adverse effects

have been pending since the Board Order of May 21, 1974 and are environmental in content and have been treated as such by the Board and the parties for some time. Since no other environmental contentions can be raised, the time for doing so now having expired, the scheduling of these two contentions for public hearing will effectively complete the environmental record in this proceeding after a long pendency.

11. While Supplement 3 to the SER is pending issuance by the Regulatory Staff, notably, it will deal in matters of radiological health and safety for which there are no contentions currently pending.

12. The Applicant believes that there is merit in the Board's scheduling and addressing the only two remaining environmental contentions in this proceeding without awaiting publication of Supplement 3 to the SER.

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2/ cont'd.

on the aquatic biota from the thermal plume, from radioactive liquid discharges, and from entrainment and impingement."

#### XIV. FOOD CHAIN

##### ACCCE Contention 3c

ACCCE Contention 3c was admitted as an issue in controversy in the Second Prehearing Conference Order dated May 21, 1974 at pages 5-6 as follows:

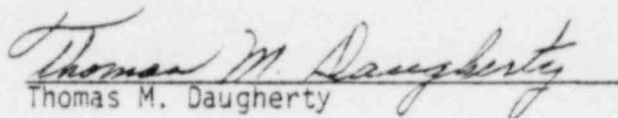
"Subpart 3c asserts that the Applicant has not given adequate consideration to the cumulative effects of radioactive substances injected (sic) along the food chain from plankton through humans."

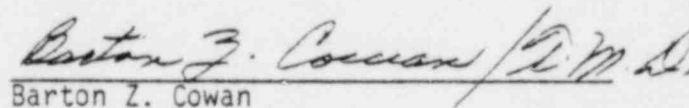
(See "Applicant's Motion (#6) to Establish Schedule" dated March 17, 1977, Attachment No. 1, page 1.)

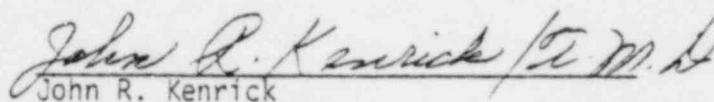
13. By an Addendum to this Motion to establish schedule, Applicant recommends certain schedule dates that will result in the resumption of hearings on March 19, 1979, or sooner, for conclusion of the environmental record in this proceeding.

WHEREFORE, Applicant respectfully moves this Board to resume hearings in accordance with the schedule recommended in the Addendum.

Respectfully submitted,

  
Thomas M. Daugherty

  
Barton Z. Cowan

  
John R. Kenrick

Counsel for Offshore Power Systems

DATED: February 6, 1979



ADDENDUM

PROPOSED SCHEDULE

February 6, 1979	Applicant files Motion (#9) to Establish Hearing Schedule.
February 21, 1979	All parties respond to the Applicant's Motion except the Staff.
February 26, 1979	The NRC Regulatory Staff responds to Applicant's Motion */.
March 2, 1979	Board Order resuming hearings on the two remaining environmental contentions (ACCCE 3a and 3c).
March 9, 1979	All parties file identification of the evidence they expect to present including witnesses and supplemental testimony, if any.
March 19, 1979	Hearing commences at 9:30 A.M. at the place designated in the Board Order and runs continuously for the disposition of the two remaining environmental contentions.

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\*/Should the Regulatory Staff elect to waive its additional five days for filing, each date could be advanced such that the Board Order could be issued February 26 in lieu of March 2, the identification of the evidence of the parties could occur on March 2 in lieu of March 9 and the hearings could commence on March 12, in lieu of March 19, 1979.