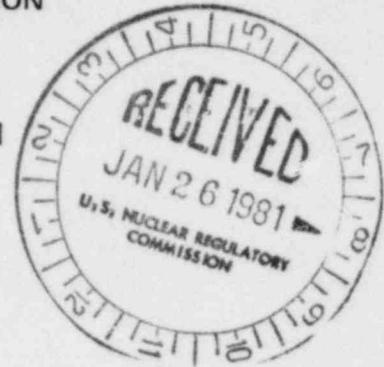




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 15, 1981



William S. Jordan III
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, DC 20006

In the Matter of
Public Service Company of New Hampshire, et al.
(Seabrook Station, Units 1 and 2)
Docket Nos. 50-443, 50-444
Remanded Seismic Proceeding;
NECNP Discovery of the NRC Staff

Dear Mr. Jordan:

Thank you for providing a substitute legible copy of Dr. Chinnery's responses to the interrogatories served by Public Service Company of New Hampshire on Monday. I am herewith responding to your letter to me concerning discovery of the Staff including the "Notice of Taking Depositions" of Staff witnesses in this proceeding, and NECNP's interrogatories to the Staff which we received last week.

As to the interrogatories, the NRC Staff will undertake to respond (or in a few instances explain our inability to respond, or file legal objections) to each of the interrogatories filed by NECNP without requiring a prior demonstration of findings by the presiding Appeal Board pursuant to 10 C.F.R. §§ 2.720(h)(2)(i) and 2.740(b)(1) 1/ of: (i) necessity, (ii) inability to obtain the information elsewhere, and (iii) relevance, with the exception of Interrogatories 8, 9 and 15. These three interrogatories pertain solely to the definition of tectonic province. As I read the Commission's September 25th Order which reopened this proceeding, as well as the Appeal Board's Order of September 29, 1980, the prior findings regarding "tectonic province" have not been reopened. Actually, the first time the subject matter of tectonic province was mentioned in this remanded proceeding was in Dr. Chinnery's letter of October 23, 1980, to counsel for NECNP which was attached to the "NECNP Request That Dr. Chinnery Be Called as a Board Witness And Memorandum On Related Matters" (October 31, 1980). For these reasons, I believe it important not

1/ See also Allied General Nuclear Service (Barnwell Fuel Receiving and Storage Station), LBP-77-13, 5 NRC 489, 492 (1977).

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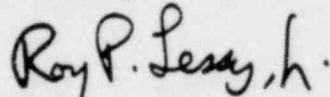
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to await the Staff's filing of responses to NECNP's interrogatories to bring this matter to your attention. Finally, from a practical standpoint, the inclusion of the definition of the appropriate "tectonic province" into this proceeding at this time, with all of its subissues 2/ would require the participation of Staff personnel not presently assigned to this proceeding. This, in turn, would necessitate a reexamination of the existing schedules, something I would like to avoid. For these reasons, I ask that you consider deleting Interrogatories 8, 9 and 15. If you press the matter, it will have to be resolved by the Appeal Board pursuant to 10 C.F.R. § 2.720(h)(2)(ii).

As to the notice of deposition of Staff witness, the Staff will make such witnesses available in accordance with 10 C.F.R. § 2.720(h)(2)(i). We propose to make these witnesses available in the same manner as they appeared before the Commission, i.e., as a panel. In essence, then, there would be a single deposition of the Staff witnesses.

As to dates, the filing of the interrogatories and notice of depositions at this time does conflict with some prior Staff commitments, including ACRS committee and subcommittee meetings in California during the final week of January, the date proposed by you for the deposition. Therefore, we propose February 12 as the date for the Staff deposition. As each of the Staff witnesses occupies a supervisory position in the same division, we would greatly prefer to have the deposition at an NRC facility in Bethesda rather than at your offices. Our greatest problem as to due dates arises with respect to the interrogatory responses. Given the extent of the interrogatories and prior Staff commitments, including those mentioned above, we will require thirty days from our receipt of them on January 6, which is approximately February 6. I trust these dates are acceptable to you.

Sincerely,



Roy P. Lessy, Jr.
Counsel for NRC Staff

cc: See Page Three

2/ E.g., the 1732 Montreal earthquake, the "Boston-Ottawa seismic belt," the White Mountain intrusives; SER Supp. No. 1, § 2.5.1, etc.

cc:

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