

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1
and 2)

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Docket Nos. 50-443
50-444

MEMORANDUM OF THE NRC STAFF IN RESPONSE TO
APPEAL BOARD ORDER OF SEPTEMBER 29, 1980 TO IDENTIFY
NATURE, SCOPE, AND TIMING OF TESTIMONY ON REMANDED SEISMIC ISSUES

On September 29, 1980, the Appeal Board issued an Order which requested each party to this proceeding to file a memorandum advising this Appeal Board of:

1. the nature and scope of the additional evidence which each party proposes to adduce on the seismic issues identified by the Commission in its Order of September 25, 1980 1/ as warranting further explanation, and
2. each party's best present estimate as to the date on which that evidence can be filed, bearing in mind the Appeal Board's desire to proceed as expeditiously as possible.

The Staff will present expert testimony on the following issues in accordance with the Commission's Order of September 25, 1980:

1. a. Whether Dr. Chinnery's hypothesis that there is an empirical relationship between earthquake intensity and earthquake recurrence time has factual validity. 2/

1/ Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2), CLI-80-33, 12 NRC ____ (September 25, 1980).

2/ Id., pp. 3-4.

- b. If so, what is the impact of the application of Dr. Chinnery's methodology to the present seismic design of Seabrook as intensity VIII, .25G, Reg. Guide 1.60.
2. Whether the Staff's methodology for correlating vibratory ground motion (acceleration) is consistent with Appendix A to 10 C.F.R. Part 100.

While the second issue which the Staff plans to address follows closely the Appeal Board's delineation of that issue in its September 29, 1980 Order, the Staff proposes to bifurcate its presentation with respect to Dr. Chinnery's methodology in order to:

- (i) facilitate the presentation of expert testimony,
- (ii) directly address the relationship between Dr. Chinnery's probabilistic analysis and the seismic design of the Seabrook nuclear power plant,^{3/} and
- (iii) consider in an evidentiary hearing Dr. Chinnery's views concerning the probability of the occurrence of earthquakes in the region greater than intensity VIII, including intensity IX and greater earthquakes.^{4/}

The Staff presently intends to present testimony on issue 1.a. that will include a discussion of the "factual validity" of Dr. Chinnery's methodology and other similar probabilistic analyses. Such testimony will be principally seismological in nature, but may also include expert geological testimony. The Staff's testimony on issue 1.b. will include expert structural engineering

^{3/} It should be noted that the NECNP petition for Commission review as stated by the Commission in the first sentence of its September 25th Order concerned "the seismic design of the Seabrook nuclear plant."

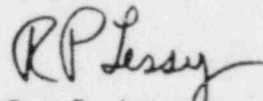
^{4/} See, e.g. the transcript of the "Nuclear Regulatory Commission Public Meeting, Oral Presentation In Seabrook Seismic Issue," at pp. 17-23.

testimony, as well as seismological and geological testimony. The Staff's testimony on issue 2 will be a combination of seismological, geological, and structural engineering testimony. Needless to say, as the Appeal Board noted in the September 29th Order, this outline of testimony is based upon that which the Staff "proposes to adduce" at this time. The Staff presently contemplates filing written expert testimony which will contain a discussion of articles and technical documents attached to said testimony. The Staff's best estimate as to the earliest completion date for the filing of such testimony is February 15, 1981.

Whether a prehearing conference is held telephonically or otherwise, the Staff believes that the agenda should include the order of evidentiary presentation pursuant to 10 C.F.R. §2.731 of the Commission's Rules of Practice, the scope of formal or informal discovery, if any, which the Board contemplates,^{5/} the nature of rebuttal testimony, as well as scheduling matters.

Finally, with respect to the location of the evidentiary hearings, since the Staff has been advised by NECNP that it desires that the hearings be held in New Hampshire, the Staff does not object to that location.

Respectfully submitted,



Roy P. Lessy
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 17th day of October, 1980

^{5/} In this regard, the Staff notes that it has already received an informal oral request for selected documents.

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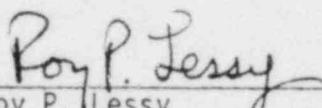
(Seabrook Station, Units 1
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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713, 10 CFR Part 2, the following information is provided:

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Name of Party	- NRC Staff U.S. Nuclear Regulatory Commission Washington, D.C. 20555



Roy P. Lessy
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 17th day of October, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "MEMORANDUM OF THE NRC STAFF IN RESPONSE TO APPEAL BOARD ORDER OF SEPTEMBER 29, 1980 TO IDENTIFY NATURE, SCOPE, AND TIMING OF TESTIMONY ON REMANDED SEISMIC ISSUES" and "NOTICE OF APPEARANCE" of Roy P. Lessy in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 17th day of October, 1980:

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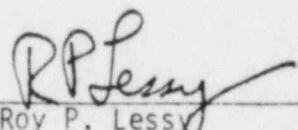
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