

One of the major issues to be addressed in the reopened proceeding is "the factual validity of Dr. Chinnery's hypothesis." If Dr. Chinnery's approach is found to be valid, the Appeal Board and the Commission will then be faced with making a choice between two approaches, both of which they have found to be valid. It is arguable, of course, that once Dr. Chinnery's approach is determined to be valid, the Staff's and the Applicant's automatically become invalid. However, it is more likely that the Appeal Board will view itself as faced with two valid and reasonable approaches with different scientific foundations. In light of the Commission's mandate for a conservative approach to seismic issues, the Appeal Board will be required to accept Dr. Chinnery's results unless the Staff and the Applicant demonstrate that the scientific foundation for their approach is so far superior to Dr. Chinnery's that their results should be accepted despite the fact that Dr. Chinnery's approach is valid.

NECNP has the right, therefore, to pose interrogatories related to the scientific foundation of the Applicant's conclusions. In so doing, NECNP is not challenging the Appeal Board's "tectonic province" finding. Regardless of the finality of that finding, the issue of the strength of its foundation and of the foundation of the conclusions that flow from the choice of tectonic province is relevant to the Appeal Board's choice between the Applicant's conclusions and Dr. Chinnery's.

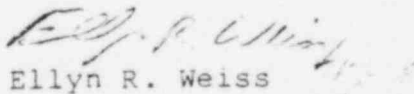
Questions 8 and 9 seek the basic information by which the Applicant reached its conclusions and by which the strength of the


Applicant's approach must be judged. While they are relevant to the choice of tectonic province under the Applicant's method, they are also relevant to the question of which of two otherwise valid approaches must be chosen by the Appeal Board.

Question 15 seeks the Applicant's position on the maximum possible earthquake in the Seabrook tectonic province. As such, it appears to be directly relevant to the reopened proceeding since the Appeal Board previously rejected Dr. Chinnery's methodology largely because it questioned his belief that "there is no limit to the intensity of earthquakes to be expected in any given area." Public Service Co. of New Hampshire, (Seabrook Station, Units 1 and 2), ALAB-422, 6 NRC 33, 58 (1977). Clearly the Board considers the issue of maximum earthquake intensity to be relevant to the factual validity of Dr. Chinnery's methodology and hypothesis.

For these reasons, NECNP requests that the Appeal Board deny the Applicant's Motion for a Protective Order and compel its response.

Respectfully submitted,


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DATED: February 6, 1981

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

Docket Nos. 50-443
50-444

Michael A. Chinnery
Michael A. Chinnery

Leah E. Barclay
Notary Public

My Commission expires: June 15, 1956

In the Matter of

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1
and 2)

Docket Nos. 50-443
50-444

I hereby certify that on this 6th day of February, 1981 copies of "NECNP Response to Applicant's Motion for a Protective Order, NECNP Motion to Compel NRC Staff Response to Interrogatories, and Affidavit of Michael A. Chinnery" were mailed first class postage pre-paid to the following:

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