

TELEGRAPHIC MESSAGE

DOCKETED

NAME OF AGENCY U. S. Nuclear Regulatory Commission Atomic Safety and Licensing Board Washington, D. C. 20555		PRECEDENCE ACTION: ROUTINE '83 INFO:	SECURITY CLASSIFICATION Unclassified MAR 17 11:17
ACCOUNTING CLASSIFICATION	DATE PREPARED March 16, 1983	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input checked="" type="checkbox"/> MULTIPLE-ADDRESS	
FOR INFORMATION CALL			
NAME Helen F. Hoyt, Chairperson ADMINISTRATIVE JUDGE		PHONE NUMBER 492-27981	
THIS SPACE FOR USE OF COMMUNICATION UNIT			

SERVED MAR 17 1983

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: ALL PARTIES ON ATTACHED SERVICE LIST Docket No. 50-443-OL
 40-444-OL
 PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.
 (Seabrook Station, Units 1 and 2)

MARCH 16, 1983

ORDER (RESCHEDULING PREHEARING CONFERENCE AND RULING ON NECNP'S MOTION FOR DEFERRAL OF CONSIDERATION OF MOTIONS FOR SUMMARY DISPOSITION OR FOR DISMISSAL).

UPON CONSIDERATION OF NECNP'S MOTION FOR DEFERRAL OF CONSIDERATION OF MOTIONS FOR SUMMARY DISPOSITION OR FOR DISMISSAL, DATED MARCH 3, 1983, AND RESPONSES FILED THERETO BY THE STAFF, APPLICANTS, AND THE STATE OF NEW HAMPSHIRE, THE BOARD SETS FORTH HEREIN THE FOLLOWING RULINGS:

1. THE STAY OF PARTIES' OBLIGATIONS TO ANSWER MOTIONS FOR SUMMARY DISPOSITION IMPOSED BY THIS BOARD ON MARCH 4, 1983 IS VACATED.
2. ANSWERS IN SUPPORT OF ANY MOTION FOR SUMMARY DISPOSITION MUST BE SERVED NO LATER THAN MARCH 21, 1983 (BY HAND OR NEXT DAY DELIVERY TO THE BOARD AND PARTIES).

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TO:

3. WRITTEN RESPONSES, DEEMED NECESSARY BY MOVANT, TO NEW FACTS AND ARGUMENTS RAISED IN STATEMENTS FILED IN SUPPORT OF ANY MOTION FOR SUMMARY DISPOSITION, WILL BE FILED WITHIN TEN DAYS AFTER SERVICE OF THE STATEMENT. WRITTEN RESPONSES TO ANY SUCH STATEMENTS SERVED ON MARCH 21, 1983, WILL BE SERVED NO LATER THAN MARCH 31, 1983, AND ARE DUE IN HAND TO THE BOARD AND PARTIES BY APRIL 1, 1983.

4. ANSWERS IN OPPOSITION TO ANY MOTION FOR SUMMARY DISPOSITION WILL BE SERVED NO LATER THAN MARCH 24, 1983 AND ARE DUE IN HAND TO THE BOARD AND PARTIES ON THIS DATE. IF DISCOVERY IS NOT COMPLETE ON A CONTENTION THAT IS THE SUBJECT OF A MOTION FOR SUMMARY DISPOSITION, THE OPPONENT NEED SHOW EITHER THE EXISTENCE OF A GENUINE ISSUE OF FACT OR GOOD REASON FOR THE BOARD TO DEFER JUDGMENT UNTIL COMPLETION OF DISCOVERY.

5. THE ABOVE TIME FRAMES ARE NOT APPLICABLE TO ANSWERS TO MOTIONS FOR SUMMARY DISPOSITION CONCERNING THOSE EMERGENCY PLANNING

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TO:

CONTENTIONS ADMITTED BY THIS BOARD ON NOVEMBER 17, 1983. THE TIME FRAME FOR ANSWERS TO THOSE MOTIONS IS DEFERRED UNTIL FURTHER ORDER OF THIS BOARD.

6. DISCOVERY REQUESTS ON THE EMERGENCY PLANNING CONTENTIONS ADMITTED NOVEMBER 17, 1983 MUST BE FILED BY MARCH 17, 1983. ANSWERS TO THE DISCOVERY REQUESTS ARE DUE WITHIN THE TIME LIMITS PRESCRIBED BY 10 CFR 2.740b(b).
7. NECNP'S REQUEST FOR DISCOVERY ON THE SER IS DENIED AT THIS TIME WITHOUT PREJUDICE. IF, UPON REVIEW OF THE SER, NECNP FINDS NEW INFORMATION CONTAINED THEREIN, IT MAY FILE A MOTION TO REOPEN DISCOVERY AT THAT TIME. THE MOTION MUST SET FORTH WITH PARTICULARITY WHY DISCOVERY IS NECESSARY AND PROPER, AND BE SUPPORTED BY A BRIEF.
8. PURSUANT TO 10 CFR 2.752, THE BOARD HEREBY SCHEDULES A PREHEARING CONFERENCE TO COMMENCE ON THURSDAY, APRIL 7, 1983 AT 10:00 A.M. AND TERMINATE NO LATER THAN 6:00 P.M.,

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TO:

FRIDAY, APRIL 8, 1983. THIS CONFERENCE WILL BE HELD AT THE U. S. TAX COURT, 13TH FLOOR, U. S. CUSTOMS HOUSE, NO. 2 INDIA STREET, BOSTON, MASSACHUSETTS. REPRESENTATIVES OF ALL PARTIES, INTERESTED STATES, AND INTERESTED MUNICIPALITIES ARE DIRECTED TO ATTEND.

AT THE PREHEARING CONFERENCE, EACH REPRESENTATIVE MUST BE FAMILIAR WITH ALL DETAILS OF THE CASE AND POSSESS COMPLETE AUTHORITY TO ENTER INTO ANY NECESSARY AGREEMENTS, INCLUDING SETTLEMENT AGREEMENTS AND STIPULATIONS. THE PARTIES SHALL BE PREPARED TO DISCUSS THE PENDING MOTIONS FOR SUMMARY DISPOSITION, ADJUSTMENTS TO THE SCHEDULE SET FORTH IN OUR SEPTEMBER 13, 1982 ORDER, AND THOSE OTHER MATTERS SPECIFIED IN 10 CFR 2.752(a)(1)-(6) AND PERTAINING TO ADMITTED CONTENTIONS.¹

THE INTERVENORS REPRESENTING STATES AND MUNICIPALITIES INVOLVED IN FORMULATING EMERGENCY PLANS SHALL BE PREPARED TO STATE AND DISCUSS THEIR AUTHORITY TO MAKE COMMITMENTS WITH

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TO:

RESPECT TO THOSE PLANS. IN ADDITION, THE BOARD REQUESTS THAT THE NRC STAFF ARRANGE FOR THE PRESENCE OF A FEMA REPRESENTATIVE AT THIS PREHEARING CONFERENCE. PARTICIPANTS SHOULD ALSO BE PREPARED TO DISCUSS THE SCHEDULING FOR OFF-SITE EMERGENCY PLANNING CONTENTIONS.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Helen F. Hoyt
HELEN F. HOYT, CHAIRPERSON
ADMINISTRATIVE JUDGE

BETHESDA, MARYLAND

- 1 THE MATTERS FOR CONSIDERATION SPECIFIED IN 10 CFR 2.752 ARE:
- (1) SIMPLIFICATION, CLARIFICATION, AND SPECIFICATION OF THE ISSUES;
 - (2) THE NECESSITY OR DESIRABILITY OF AMENDING THE PLEADINGS;
 - (3) THE OBTAINING OF STIPULATIONS AND ADMISSIONS OF FACT AND OF THE CONTENTS AND AUTHENTICITY OF DOCUMENTS TO AVOID UNNECESSARY PROOF;

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TO:

- (4) IDENTIFICATION OF WITNESSES AND THE LIMITATION OF THE NUMBER OF EXPERT WITNESSES, AND OTHER STEPS TO EXPEDITE THE PRESENTATION OF EVIDENCE;
- (5) THE SETTING OF A HEARING SCHEDULE; AND
- (6) SUCH OTHER MATTERS AS MAY AID IN THE ORDERLY DISPOSITION OF THE PROCEEDING.

CC: DOCKETING AND SERVICE BRANCH
(FOR OFFICIAL SERVICE)

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