

remaining issue, New Hampshire asserts that (a) because discovery is not complete on this issue summary disposition should be held in abeyance or (b) should the Board make a determination on this Summary Disposition Motion, it should be denied as to NUREG-0737, Item II.B.3.

As of the date of this pleading, the Applicant has not provided details on its post-accident sampling capability in response to NH Interrogatory 9.14 (filed on October 15, 1982), and it stated in response to NH Interrogatories 9.7 and 9.33 that a comparison of the Seabrook post-accident monitoring system (PAMS) with the requirements of Reg. Guide 1.97 has not been prepared. Similarly, the Staff has been unable to respond to discovery requests on this issue, indicating that the Applicant has made no formal submission addressing NUREG-0737, Item II.B.3. (See Staff's November 30, 1982 Response to New Hampshire's Interrogatories, at p. 4.) Given this complete absence of information on the PAMS, it is evident that the Motion for Summary Disposition as to this issue is premature and should be held in abeyance.

Should the Board determine, however, that the Applicant's Fifth Motion for Summary Disposition is not premature, New Hampshire asserts that the Applicant has not yet produced sufficient information for the Board to conclude that the

technical safety requirement of NUREG-0737, Item II.B.3 has been met. On this basis, the Applicant's Motion for Summary Judgment as to NUREG-0737 Item II.B.3 must be denied.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

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Dated: March 23, 1983

CERTIFICATE OF SERVICE

I, George Dana Bisbee, Esquire, do hereby certify that a copy of the foregoing THE STATE OF NEW HAMPSHIRE'S ANSWER TO THE APPLICANT'S AND THE STAFF'S MOTIONS FOR SUMMARY DISPOSITION OF CONTENTION NECNP-I.B.1, THE STATE OF NEW HAMPSHIRE'S ANSWER TO APPLICANT'S SIXTH MOTION FOR SUMMARY DISPOSITION AND TO THE STAFF'S MOTION FOR PARTIAL SUMMARY DISPOSITION OF CONTENTION NH-13, THE STATE OF NEW HAMPSHIRE'S ANSWER IN OPPOSITION TO THE APPLICANT'S NINETEENTH MOTION FOR SUMMARY DISPOSITION (CONTENTION SAPL SUPP III), THE STATE OF NEW HAMPSHIRE'S ANSWER IN OPPOSITION TO APPLICANT'S SEVENTH MOTION FOR SUMMARY DISPOSITION (CONTENTIONS NH-21 AND CCCNH-5), and THE STATE OF NEW HAMPSHIRE'S ANSWER TO APPLICANT'S FIFTH MOTION FOR SUMMARY DISPOSITION (CONTENTION NH-9) have been mailed this 23rd day of March, 1983, by first class mail, postage prepaid, to:

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