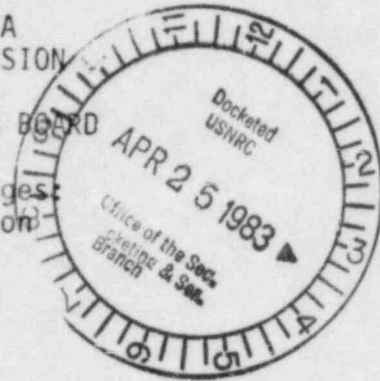


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Helen F. Hoyt, Chairperson
Emmeth A. Luebke
Jerry Harbour



In the Matter of)	Docket Nus. 50-443-0L
)	50-444-0L
PUBLIC SERVICE COMPANY)	(ASLBP No. 82-471-02-0L)
OF NEW HAMPSHIRE, <u>et al.</u>)	
(Seabrook Station, Units 1 and 2))	April 25, 1983

MEMORANDUM AND ORDER

(Memorializing Conference Call of April 14, 1983 and
Addressing NECNP Objection to Licensing Board's
Refusal to Allow Time for Response to NRC Staff
Affidavit Concerning Environmental Qualification
of Electric Valve Operators)

1. On April 14, 1983, this Board held a conference call to request formal clarification from the NRC Staff of its review of Applicant's Table I.A.2-3 prepared by Applicants in response to a discovery request by NECNP relating to NECNP Contention I.A.2. Parties to the conference call were Applicant, NRC Staff Counsel and Counsel for NECNP.

2. This Board in the exercise of its duties to conduct hearings pursuant to its appointment requested clarification of a matter brought before it during the Prehearing Conference of April 7, 1983.

Tr. 717-724. The Board's request related to a Staff review which had not been completed until the week of the Prehearing Conference dealing with summary judgement matters. An examination by the Board of the transcript of the Prehearing Conference caused Board concern that the

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updated Staff review had not been included in the record of this proceeding. Staff volunteered to provide the affidavit it filed on April 20, 1983. NECNP, in its motion of April 15, 1983, contends that the Board has given NRC Staff "an opportunity to make an additional summary judgement motion on Contention I.A.2, without allowing NECNP to respond to that motion.

3. Such torturous reasoning does disservice to this Board's actions in ensuring a complete, accurate, and current record of material information on which this Board and appellate agencies may base a decision in this proceeding. As the Atomic Safety and Licensing Appeal Panel said in Cleveland Electric Illuminating Company, et al., ALAB-443, 6 NRC 741, 752 (1977), there is nothing improper in a Board requesting an additional submission. This Board considered the method of a conference call in the best interest of all parties as well as the Board. The Staff had supported the Applicant's Eighth Motion for Summary Disposition of NECNP Contention I.A.2. The Staff affidavit, the Board finds, is merely a supplemental Staff response to Applicant summary motion. The Board advised parties during the conference that a response was not considered necessary for the Board. However, a NECNP response, if the Intervenor elects to file, may be made within 10 days, by operation of the rules of this Commission. In accordance with

10 C.F.R. § 2.749(a), NECNP must file in hand to this Board, any response by May 2, 1983.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Helen F. Hoyt, Chairperson
ADMINISTRATIVE JUDGE

Dated in Bethesda, Maryland
this 25th day of April, 1983.