

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

In the Matter of)	
)	
PUBLIC SERVICE COMPANY OF NEW)	Docket Nos. 50-443-OL
HAMPSHIRE et al.)	50-444-OL
)	
(Seabrook Station, Units 1&2))	Filed: December 15, 1982)
)	

NECNP MOTION FOR EXTENSION OF TIME FOR DISCOVERY

In its order of September 13, 1982, the Licensing Board established a provisional schedule for this proceeding which allowed three months for discovery. The schedule dates were set as "targets", subject to change if needed for a fair hearing and orderly case management. As the December 15 deadline for final discovery requests approaches, NECNP finds that we require additional discovery time to prepare our case. As provided for in the Board's order, we request an extension of the discovery deadline for another three months, until March 15, with provision for review and revision of the schedule at the end of that period.

The three months' discovery time allotted by the Board has been sufficient to get discovery on NECNP's numerous contentions substantially underway. We have now filed at

least one round of interrogatories to the Applicants and Staff on all nineteen of the contentions admitted in the September 13 order.^{*/} NECNP has also filed a second set of interrogatories to Applicants and Staff on Contentions I.A.2., I.B.1., I.B.2., and I.C.^{**/} In addition, we are now preparing interrogatories on the emergency planning contentions admitted in the Board's Memorandum and Order of November 17.

For a number of reasons, however, NECNP has been unable to complete its discovery requests within the three-month period. First, the sheer volume of material which must be processed in order to prepare or answer interrogatories on this large number of complex technical issues has made strict compliance with the discovery schedule impossible. For example, NECNP and the Staff have both been constrained to request from each other extensions of the regulatory deadline for answering interrogatories. Since NECNP is still awaiting the answers from the Staff to its first set of interrogatories, it is obviously impossible to formulate additional interrogatories to the Staff before the December 15 deadline.

^{*/} NECNP First set of Interrogatories to Applicants and First Set of Interrogatories to Staff on Contentions I.A.2., I.B.1., I.B.2., and I.C. were served on October 13, 1982. NECNP First Set of Interrogatories to Applicants and First Set of Interrogatories to Staff on Contentions I.D.1., I.D.2., I.D.3., I.D.4., I.F., I.G., I.I., I.L., I.M., I.N., and I.U., were served on October 29, 1982.

^{**/} NECNP Second Set of Interrogatories to Applicants on Contentions I.A.2, I.B.1., and I.C. was served on Applicants October 13, 1982.

In addition, unexpected difficulties in obtaining time commitments from consultants have hampered NECNP's discovery efforts. Several months ago, NECNP arranged to have a consultant review answers to interrogatories and help us answer interrogatories from the other parties in early December. That consultant has suddenly become unavailable, under circumstances completely beyond our involvement or control. NECNP has found another consulting firm which agrees to do the work, but will not be able to assist us until the middle of January because of a prior commitment.

The answers which NECNP has received from its initial rounds of interrogatories have established a broad foundation of information which we expect our experts to evaluate and develop more refined and technical questions. We cannot adequately prepare our case until our experts have had a chance to take that more searching look at the technical issues. We expect that an additional three months' discovery time will give them the opportunity to review the answers to the first set of interrogatories, to arrange for the examination of documents, and to prepare whatever additional interrogatories are necessary.

In addition to establishing a sufficient factual basis for the full and fair litigation of NECNP's contentions, additional discovery may well lead to the resolution of some contentions without the need for litigation. In a number of cases, Applicants' answers to our first sets of interrogatories give partial assurance

that our concerns have been addressed. For example, Applicants' answers to NECNP's interrogatories on Contention I.L. state that rather than using acoustic accelerometers to demonstrate Power Operated Relief Valve position, to which NECNP objects, the Applicants actually use a direct indication of valve position. With the help of our experts, we hope to clarify the discrepancy between Applicants' answers to the interrogatories and the FSAR, and determine exactly what kind of valve position indicator Applicants use. If additional discovery confirms that our concern is resolved, there will be no need to pursue this issue in litigation. Similarly, with regard to NECNP's contentions I.I. (Cold Shutdown), I.G. (Pressure Instrument Reliability) and I.D.1. (Testing of Reactor Vessel Welds), Applicants' answers to our interrogatories give a preliminary indication that our concerns are answered or can be settled easily.

Finally, it is now clear that the granting of additional discovery time to allow a full and fair exposition of the issues in this case will not jeopardize the schedule for fuel loading of Unit 1. As the Applicants informed the Board by letter of November 30, 1982, the construction schedule for Seabrook has slipped by 10 months, and the plant will not be ready for fuel loading until September of 1984. Therefore, there is no need to expedite this proceeding in order to accomodate startup in the summer of 1983, as was previously expected. In light of the lengthy delay, NECNP urges the Board to set an additional three

month discovery period for this proceeding, with the opportunity to review the status of discovery at the end of that time and determine whether fairness and the orderly litigation of the case require additional discovery time. NECNP recommends that the prehearing conference for review of discovery progress, which the Board now contemplates holding in late January or February, be postponed until the middle of March.

Respectfully submitted,

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DATED: December 15, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE CLERK
DOCKETING & SERVICE
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In the Matter of)
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THE PUBLIC SERVICE COMPANY OF NEW)
HAMPSHIRE, et al.,)
)

(Seabrook Station, Units 1 and 2))
)

Docket Nos. 50-443
50-444

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned appears in
this proceeding on behalf of the New England Coalition
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Party represented:

New England Coalition on Nuclear
Pollution

Respectfully submitted,

Lee L. Bishop

DATED: December 15, 1982

CERTIFICATE OF SERVICE

I certify that copies of NECNP MOTION FOR EXTENSION OF TIME FOR DISCOVERY and NOTICE OF APPEARANCE for Lee L. Bishop were served December 15, 1982, by first-class mail or as otherwise indicated, on the following:

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December 15, 1982

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