

429
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)
PUBLIC SERVICE COMPANY)
OF NEW HAMPSHIRE, et al.)
(Seabrook Station, Units 1 and 2))

Docket Nos. 50-443-0L
50-444-0L
(ASLBP No. 82-471-02-0L)
(Offsite Emergency Planning)

June 3, 1986

CERTIFICATION OF LICENSING BOARD
(Regarding Reporting of Seabrook Prehearing Conference
on March 25-26, 1986)

SERVED JUN 3 1986

The Licensing Board on May 30, 1986 and again on June 1, 1986 inquired into the reporting of the prehearing conference of this proceeding on March 25-26, 1986 with the reporting company under contract to the NRC.

This Board does not receive nor exercise control or custody over the recordings, notes, stenotype tapes, memoranda, cassette tapes and material of any other description used to prepare the transcript of the March 25-26, 1986 conference or any other transcript produced in these hearings. The Contracting Officer or the Project Officer under Section G.2.1 of the contract have been designated as assuring that the services required under the contract are delivered in accordance with the terms of the contract. The contract with the reporting firm provides in Section H.14.3 as follows:

Final Delivery and Restriction. The contractor further agrees that all work, including shorthand or longhand notes, stenotype tapes, memoranda, and material of every description relating thereto not

covered above or documents not covered under Sub-section L, Security herein, shall be held by the contractor subject to the authority and control of the Commission until the expiration of the contract at which time they shall be delivered to the Commission. The contractor's right of retention and use shall be subject to the security, patent, and use of information provisions, if any, of this contract.

In accordance with the advise of the Chairperson of this Board on May 30, 1986, the reporting company was instructed to retain the stenotype notes which the reporter had delivered to the company and which the company acknowledged it had in its possession. This Board has requested and can relay to the Appeal Board the assurance that these materials will be retained pendente lite since at the expiration of the contract on August 15, 1987 these materials will be delivered to the Commission.

The Licensing Board will also describe for the Appeal Board the process used during the March 25-26, 1986 hearings as follows:

1. The reporter recorded on stenotype paper tape the proceeding and simultaneously produced a digital tape (i.e. magnetic cassette tape) for use with a computer. After checking the notes against the first read out, the reporter erased the magnetic digital tapes for further use, probably several days later.

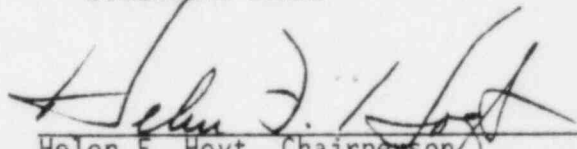
2. The company advised the Chairperson that erasing the digital cassettes has been the practice of the company in performing its work for the Commission. The practice does not appear inappropriate in view of the fact that the magnetic tape does not contain any matter not on the stenotype paper tape. However, the company was requested to retain

these digital tapes for the future Seabrook hearings. Again the company agreed.

3. The method of transcribing the hearings, the Appeal Board is reminded, may change, i.e. the reporter may use shorthand or a steno mask. To anticipate this, the company has been made aware of the need to preserve in the future all materials regardless of the method used and they have agreed.

This Board has performed its functions and duties with diligence and specifically rejects that there has been delay in the exercise of a duty.¹ The Board has considered its duty without regard to position of party or attempt to coerce it.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Helen F. Hoyt, Chairperson
Administrative Judge

Dated at Bethesda, Maryland
this 3rd day of June, 1986

¹ We agree with the Appeal Boards' footnote 1.