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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

'87 MAY -1 P2:24

Before Administrative Judges:  
Helen F. Hoyt, Chairperson  
Gustave A. Linenberger, Jr.  
Dr. Jerry Harbour

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SERVED MAY -1 1987

In the Matter of	)	Docket Nos. 50-443-OL
	)	50-444-OL
PUBLIC SERVICE COMPANY	)	(ASLBP No. 82-471-02-OL)
OF NEW HAMPSHIRE, <u>et al.</u>	)	(Offsite Emergency Planning)
(Seabrook Station, Units 1 and 2)	)	April 30, 1987

MEMORANDUM AND ORDER

The Board has before it Joint Motion to Reject Applicants' Filing of April 15, 1987<sup>1</sup> or in the Alternative for Imposition of Sanctions against Applicants, filed April 21, 1987 and Applicants' Answer in Opposition to Intervenors' Joint Motion, filed April 28, 1986.

We have balanced the Applicants' failure to have identified the Resource Assessment Survey, which must have been at least in preparation at the time of their motions for summary disposition on March 25, 1987,

<sup>1</sup> Movants have used date of April 15, 1986. We have corrected the obvious error by interpreting the motion to be directed to Applicants' filing on April 15, 1987 of the Callendrello Affidavit on the Personnel Resource Assessment Survey - April 1987.

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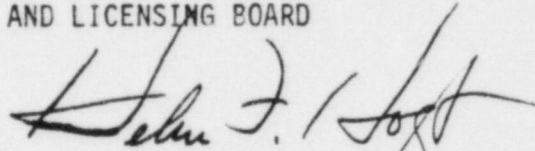
against the Movants' argument that they have had no opportunity to assess the summary. As the parties are also aware, FEMA has not begun its review because submittal was not in accordance with the requirements of 44 CFR, Part 350.

The Board has determined that the best interest of all parties is to permit the filing of this survey which is vital to our needs for making predictive findings that adequate protective measures can and will be taken in the event of a radiological emergency at Seabrook. The grant of appropriate relief to the Movants can be accomplished by scheduling the litigation of this resource assessment survey as applicable to TOK No. 1, TOH Revised Contention VI, TOHF No. 2, TOSH No. 2, NECNP Contention No. NHLP-2, and SAPL Nos. 8 and 8A to the second week of the hearing sessions beginning on June 22, 1987. By this action, Movants are not relieved of the duty to file direct testimony (if any) on May 21, 1987. The burden of proof falls on Applicants. The Movants will have substantial time to review and prepare for cross-examination between April 15, 1987 and June 22, 1987. There is now no unfair or undue burden on Movants. We do, however, note that Applicants should have advised that this summary document was in preparation at the time of filing the summary disposition motions although much of its contents are incorporated in the Callendrello

Affidavits. We are persuaded that FEMA should complete its review although the ultimate reasonable assurance finding falls on this Board.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

A handwritten signature in cursive script, appearing to read "Helen F. Hoyt", written over a horizontal line.

Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 30th day of April 1987.