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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

DOCKETED
USNRC

'87 SEP 18 P1:59

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

JOINT INTERVENORS EMERGENCY MOTION
TO CONTINUE HEARING FOR TWO WEEKS
AND FOR IMMEDIATE PREHEARING CONFERENCE

Attorney General James M. Shannon, for himself and the Intervenor SAPL and NECNP, hereby moves that the hearing in this matter presently scheduled to begin September 28, 1987 be continued for two weeks to October 13, 1987. In addition, the Attorney General and the Intervenor request that there be an immediate prehearing conference as required by 10 C.F.R. §2.752.

As grounds for this motion, the movants state that the applicant's, NRC's, and FEMA's prefiled testimony, received on the afternoon of September 14, 1987, total approximately 500 pages (including exhibits) provided by approximately 20 witnesses. At the same time, the testimony filed by the Attorney General and the Intervenor comprises approximately

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1,000 pages (with exhibits) provided by another 30 or more witnesses.

When all of the foregoing testimony is added to the evidence contained in the plan previously filed by the applicant (NHRERP Rev. 2), the aggregate evidence (with exhibits) now before the Board which will be the subject of the hearing is in excess of 2,000 pages and 50 witnesses. Under these circumstances, as forecast in previous motions filed by the Attorney General and other Intervenor, the less than two weeks remaining before the onset of the hearings is grossly insufficient time to prepare given this Board's inexcusable failure to previously schedule and hold the prehearing conference required by 10 C.F.R. §2.752.

The present state of these proceedings threatens to make a mockery and shambles of the licensing process and of the procedural due process rights of the movants. First, the Board has still not even scheduled a hearing to determine fairly and responsibly the order of witnesses and the groupings of issues. The applicant's proposal for the order of presentation in its letter of September 14, 1987 is neither useful nor fair and is strongly opposed by the movants. The order of issues, and their grouping, is crucial to a fair and meaningful hearing, to the preparation of effective cross-examination and to compliance with the Board's belated September 9, 1987 Order

on submission of on outline of rebuttal testimony by September 28, 1987.

Second, it is now clear from the applicant's prefiled testimony of September 14, 1987, that it is or may be attempting in substance to amend its previously filed plan through incorporation of its direct testimony. Not only is there neither precedent nor authority for such an action, but this action also leaves the movants profoundly unsure what it is that will now be litigated.

WHEREFORE, the Attorney General, for himself and the other specified Intervenor, hereby moves that the hearing be continued to October 13, 1987 and that an immediate prehearing conference be held as required by NRC rules and the requirements of due process. Given the important of these hearings, the prior requests of these parties for such action, and the amount of testimony and witnesses now of record, failure to grant the relief requested herein is likely to constitute reversible error.

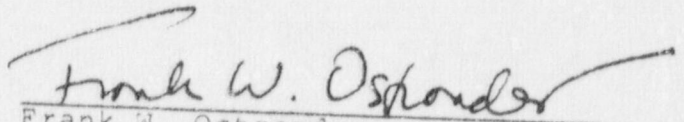
In the interest of expedition and meaningful relief, and as discussion in 13 NRC 452 at page 456 (1981) ("Statement of Policy on Conduct of Licensing Proceedings"), the Attorney General and the Intervenor movants strongly urge that this Board dispense with the usual requirements of the motion rules and decide this motion within twenty-four hours. The movants

stand ready to accommodate any expedited procedure for the consideration of this motion.

Respectfully submitted,

JAMES M. SHANNON
Attorney General

By:


Frank W. Ostrander

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Dated: September 15, 1987

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NUCLEAR REGULATORY COMMISSION

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Before Administrative Judges:
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In the Matter of)
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PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE, ET AL.)

(Seabrook Station, Units 1 and 2))
)
)

Docket No.(s) 50-443/444-OL

CERTIFICATE OF SERVICE

I, Frank W. Ostrander, hereby certify that on September 15, 1987,
I made service of the within Emergency Motion, by telex, by hand,
or by Federal Express to:

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CERTIFICATE OF SERVICE

I, Frank W. Ostrander, hereby certify that on September 16, 1987,
I made service of the within Joint Intervenor's Emergency Motion to
Continue Hearing for Two Weeks and for Immediate Prehearing
Conference, by depositing in the U.S. mail, first class postage paid,
addressed to:

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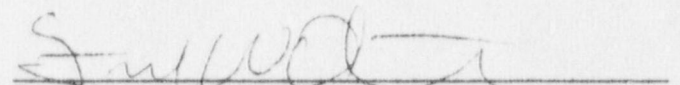
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