

May 20, 1977

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
POTOMAC ELECTRIC POWER COMPANY	)	Docket Nos. 50-448
(Douglas Point Nuclear Generating	)	50-449
Station, Units 1 and 2)	)	

NRC STAFF RESPONSE TO  
BOARD PREHEARING CONFERENCE INQUIRY

During the prehearing conference held on May 10, 1977, the Board asked what effect the two-year deferral of Douglas Point Unit No. 1 might have on the alternate site review. The Staff asked for the opportunity to respond to this question in writing. (Tr. 2037).

One of the premises of the Appeal Board's decision allowing the early site procedure for the Douglas Point application was that in the event the proposed site was found to be unacceptable, there would be sufficient time to find a better site.<sup>1/</sup>

The two-year deferral should have no effect on how the Board is conducting its review. What should be determinative is whether the Board believes, based on the record, another site is "obviously superior."<sup>2/</sup> Of course,

<sup>1/</sup> Potomac Electric Power Co. (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-277, 1 NRC 539, 546 (1975).

<sup>2/</sup> Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), Commission Memorandum and Order, March 31, 1977, p. 17.

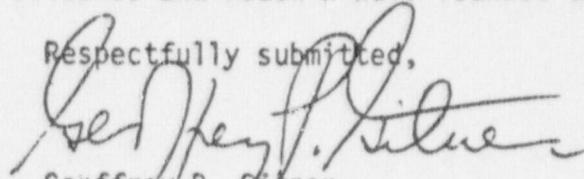
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if the Board at this time believes the record is not adequate to make this determination, there is still sufficient time to request the parties to provide further evidence. Such a procedure is consistent with the Appeal Board's decision, and indeed shows that an early site review allows well-reasoned decisions to be made without interfering with the public's demand for electrical energy.

Thus, the question is essentially one only the Board can answer. If, as we believe, the Board can make a determination on alternate sites based on the present record, the two-year deferral should have no effect on the Board's determination. If the Board were to conclude that another site is "obviously superior," the two-year deferral would allow the applicant more time to study an alternate site and resubmit his application. And, should the Board determine the record is not adequate to determine whether an alternate site is preferable, the two-year deferral would allow more time for the Board to gather evidence and reach a well-founded decision.

Respectfully submitted,



Geoffrey P. Gitner  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 20th day of May, 1977

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO BOARD PREHEARING CONFERENCE INQUIRY" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 20th day of May, 1977.

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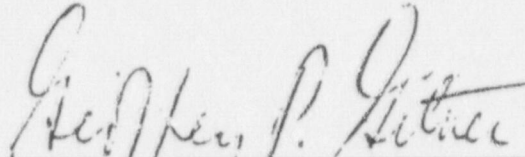
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