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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
Ivan W. Smith, Chairman  
Gustave A. Linenberger, Jr.  
Dr. Jerry Harbour

BD 9/22/87

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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, <u>et al.</u>	)	(Offsite Emergency Planning)
(Seabrook Station, Units 1 and 2)	)	September 22, 1987

MEMORANDUM FOLLOWING PREHEARING CONFERENCE

On September 17, 1987 the Licensing Board conducted a telephone prehearing conference with the active parties in this proceeding with the exception of the Towns of Rye and Amesbury and the New Hampshire Attorney General.<sup>1</sup>

The Board announced that the commencement of the evidentiary hearing will be delayed to October 5, 1987 at 1:00 P.M., partly because

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<sup>1</sup> The other active parties are: Public Service Company of New Hampshire, et al. (the applicants), Federal Emergency Management Agency (FEMA), the NRC Staff, New England Coalition on Nuclear Pollution (NECNP), Seacoast Anti-Pollution League (SAPL), Massachusetts Attorney General, Town of Hampton, Town of Kensington, Town of Hampton Falls, Town of South Hampton. United States Senator Gordon J. Humphrey should also be regarded as an active party at least for the service of proposed testimony and exhibits.

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a new chairman was appointed to the Board, and partly because of the Joint Intervenors' motion for a continuance. The hearings will proceed thereafter during alternate weeks on the dates previously established by schedule.

The Board indicated its preference for an issue-by-issue presentation of evidence as compared to the Applicants' proposal for a party-by-party order of presentation. Mr. Sherwin Turk of the Office of General Counsel has accepted the responsibility of chairing negotiations among the active parties to arrange an issue-by-issue presentation and to identify lead intervenors of particular issues. Mr. Turk has agreed to report on the negotiations by about September 23 and no later than September 25, 1987. The parties were informed that their respective participation in the negotiations is a Board requirement.

Judge Harbour proposed a schedule of issues categorization (copy attached), but the parties are free to propose their own categories.

The intervening parties were directed to affirmatively consider and to report as soon as possible whether they regard any contentions or related items of testimony to be moot, either because of subsequent events or for any other reason.<sup>2</sup>

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<sup>2</sup> Similarly, the Massachusetts Attorney General is directed to report to the Board as to whether he regards the proposed joint contention concerning Manchester's participation as a host community to be mooted by Applicants' Motion for Suggestion of Mootness, dated September 4, 1987, and the New Hampshire Attorney General's response dated August 19, 1987.



The Board reviewed with the parties several housekeeping matters. For example, the parties were advised of the Board's requirement that cross-examination plans be presented to the Board at the beginning of each cross-examination. The plans may be in any format which informs the Board of the purposes of the cross-examination and how those purposes will be achieved. The plans shall be in sufficient detail to enable the Board to follow the cross-examination. The Board recognizes, of course, that the cross-examination plans cannot anticipate every answer and situation that may unfold during the cross-examination. The parties shall arrange among themselves for exchanging the cross-examination plans immediately following respective witnesses' testimony.

Written testimony shall be offered in one corrected copy. The sponsoring party should identify corrections to prefiled testimony by the most efficient means. Time should not be wasted by witnesses identifying extensive corrections to previously filed testimony. Bulky attachments to testimony shall be offered as exhibits. The parties were reminded of the requirement that three authentic copies of exhibits must be submitted to the reporter as the official exhibits of the proceeding. Working copies of the exhibits must be provided to the active participants.

The parties are required to provide proposed exhibits to the active parties or to identify them on or before September 25, 1987. A party may withhold the submittal or identification of any exhibit it believes in good faith should be withheld for cross-examination.

The Board was gratified with its perception that the parties and their representatives have committed to conduct themselves with dignity and decorum in the evidentiary hearing as required by 10 C.F.R. § 2.713(a).

Ten government agencies, previously granted status to participate under 10 C.F.R. § 2.715(c), have not been active and were not listed among the active parties in this memorandum. If any of these agencies believes that it was improperly excluded from the active list, it should notify the Board promptly and no later than the commencement of the hearing. All previously admitted government agencies are especially invited to attend the hearing and to advise the Board as to their views on the issues without taking any other active role in the proceeding if they so choose.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Ivan W. Smith*  
for Ivan W. Smith, Chairman  
ADMINISTRATIVE LAW JUDGE

Bethesda, Maryland

September 22, 1987

ATTACHMENT:  
ADMITTED CONTENTIONS.

## BOARD DOCUMENT

ADMITTED  
 CONTENTIONS ON NEW HAMPSHIRE  
 OFFSITE EMERGENCY PLANNING  
 AT SEABROOK STATION  
 September 16, 1987

Tabulation by Intervening Party

NECNP	SAPL	TOH	TOHF	TOSH	TOK	
RERP-8	#7	III	#2	#2	#1	
NULD-2	#8	IV	#4	#3	#6	
NHLP-4	#8A	VI		#8		
NHLP-6	#15	VIII				
	#16					
	#18					
	#25					
	#31					
	#33					
	#34					
	#37					
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<TOTALS (26)
4	11	4	2	3	2	

NECNP = New England Coalition on Nuclear Pollution  
 SAPL = Seacoast Anti-Pollution League  
 TOH = Town of Hampton  
 TOHF = Town of Hampton Falls  
 TOSH = Town of South Hampton  
 TOK = Town of Kensington



TABULATION BY TOPICS OF CONTENTION

TOPIC OF ALLEGATION	NECNP	SAPL	TOH HAMPTON	TOHF HAMPTON FALLS	TOSH SOUTH HAMP.	TOK KEN-SINGTON
ET. ETE Issues		#31	III			
		#34				
SH. Sheltering	RERP-8	#16	VIII			
NC. Notif. & Communication	NHLP-4			#4		
P. Response Personnel	NHLP-2	#8 #8A	VI	#2	#2	#1
T. Transport-Availability	NHLP-6	#18 #25 #37	IV		#8	
SS. Emerg. Support Services					#3	#6
R. Reception Centers/Host Plans		#7 #33				
M. Mixed Issues		#15				

NOTE: The admitted contention of the Town of Rye was dismissed, but the Town remains a Sec. 2.715(c) participant.  
Other towns in both New Hampshire and Massachusetts also are Sec 2.715(c) participants, but do not have admitted contentions.

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