

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission:

Kenneth M. Carr, Chairman
Thomas M. Roberts, Commissioner
Kenneth C. Rogers, Commissioner
James R. Curtiss, Commissioner

In the Matter of)	Docket Nos. 50-443-OL
)	50-444-OL
PUBLIC SERVICE COMPANY)	(Emergency Planning Issues)
OF NEW HAMPSHIRE, <u>ET AL.</u>)	
)	
(Seabrook Station, Units 1 and 2))	November 21, 1989

INTERVENORS MOTION FOR CLARIFICATION OR,
IN THE ALTERNATIVE, FOR RECONSIDERATION

Intervenors are in receipt of the Commission's November 21, 1989 Order (received by the Mass AG at 3:20 P.M. on November 21, 1989). For the reasons that follow, Intervenors seek clarification or reconsideration:

1. Intervenors assume that the Commission in issuing this November 21 Order intended to effect some change in its November 16 schedule for Intervenor § 2.764 comments, stay requests and supplemental memoranda (the "supplement") in support of their November 13 Motion to Revoke.

2. However, the November 16 Order had required that:
a. Applications for stay and the supplement be filed and "in the hands of counsel for the Applicants and the NRC Staff" on the 8th day following the date of issuance of the awaited Licensing Board "explanation." That date turns out to

have been November 20 and, therefore, the eighth day after is November 28. Obviously, to effect in hand service Intervenor will have to deposit their pleadings with an overnight mail service on November 27, 1989.

b. The November 16 Order had also set November 27 as the date for "filing" comments. (It did not require, however, that these comments be received by November 28.)

c. The November 21 Order purported to amend the November 16 schedule by having "comments" "filed" by Tuesday, November 28. But then this "filing" is described as on the "same schedule as set out [in the November 16 Order] for the filing of a supplement . . . and stay motions," i.e. in hand on November 28.

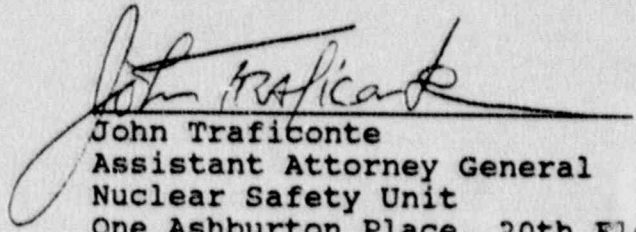
d. Assuming the Commission actually intended to amend something by the November 21 Order, Intervenor are now unclear what filing "by November 28, 1989" means.

3. Further, in light of the date of issuance of the "explanation" and the coincidence of the filing burdens placed on Intervenor (comments, "supplement" and stay petitions all due, for no apparent reason, on the same day) Intervenor seek reconsideration of this schedule. Not only does the intervening period include a holiday during which staffing is uneven at best, but the Licensing Board's "explanation" promises yet another "explanation" on Intervenor's scope challenges. The Commission should issue a staggered schedule with the "supplement" being due first since the "explanation" is now available. In this vein, Intervenor note that under

Commission practice, the Appeal Board does not even often entertain stay applications pursuant to § 2.788 until after the Commission's immediate effectiveness review is complete.

Respectfully submitted,

JAMES M. SHANNON
ATTORNEY GENERAL

A handwritten signature in dark ink, appearing to read "John Traficante", is written over a horizontal line. The signature is fluid and cursive.

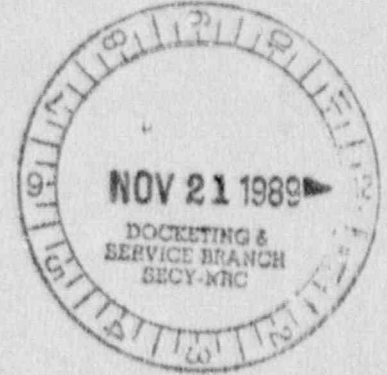
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Date: November 21, 1989

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PUBLIC SERVICE COMPANY)	(Emergency Planning Issues)
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(Seabrook Station, Units 1 and 2))	November 21, 1989
)	

CERTIFICATE OF SERVICE

I, John Traficonte, hereby certify that on November 21, 1989, I made service of the within INTERVENORS' MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE, FOR RECONSIDERATION by telefax as indicated by [**] and by first class mail to the following parties:

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Dated: November 21, 1989