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January 29, 1990
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'90 JAN 30 P3:59

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
PUBLIC SERVICE COMPANY OF)	Docket Nos. 50-443 OL
NEW HAMPSHIRE, <u>et al.</u>)	50-444 OL
(Seabrook Station, Units 1 and 2))	Offsite Emergency Planning

NRC STAFF RESPONSE JANUARY 11 BOARD ORDER
AND REQUEST TO EXTEND THE FEBRUARY 1 DEADLINE

In an order dated January 11, 1990, the Licensing Board asked the parties to submit their views on how the Board should proceed to address the issues remanded by the Appeal Board in ALAB-924, 30 NRC ____ (Nov. 7, 1989). The Staff provides its views below and requests that the February 1 response deadline be extended.

As the Board is aware, the Commission in its Order of November 16, 1989 (unpublished) ^{1/} acknowledged it had before it the "immediate effectiveness review" of LBP-89-32, 30 NRC ____ (Nov. 9, 1989), which authorized the Director of Nuclear Reactor Regulation to issue a full power license for Seabrook, the question certified by the Appeal Board in ALAB-922 and Applicants' petition for review of ALAB-924. November 16 Order at 1. The Commission also stated that, "[i]n the interest of efficiency and effectiveness in resolving matters relating to the Licensing Board's authorization of a full power license, the Commission . . . rather than the Appeal Board will consider all applications for a

^{1/} Hereafter referred to as "November 16 Order."

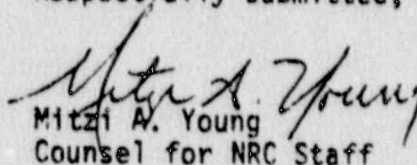
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stay of the Licensing Board's authorization of a full power license for Seabrook Unit 1." Id. at 1-2. In addition, the Commission stated that it would decide Intervenors' November 13 motion to vacate and revoke the license authorization. Order at 1-2. ^{2/}

In light of the above, the Staff suggests that the Licensing Board postpone consideration of the issues identified in the ALAB-924 remand until after the Commission completes its immediate effectiveness review. The outcome of that review may be helpful to the Board and parties in determining how best to proceed to address the remand issues. The Board would also have the benefit of any Commission guidance on the remand.

Therefore, the Staff requests that the Board extend the time for the presentation of the parties' views until a reasonable period after the Commission completes its immediate effectiveness review.

Respectfully submitted,


Mitzi A. Young
Counsel for NRC Staff

Dated at Rockville, Maryland
this 30th day of January, 1990

^{2/} Intervenors Motion to Vacate Those Portions of LBP-89-32 Authorizing Issuance of a Seabrook Operating License, November 13, 1989.

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In the Matter of

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1 and 2)

} Docket Nos. 50-443 OL
50-444 OL
} Offsite Emergency Planning

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE JANUARY 11 BOARD ORDER AND REQUEST TO EXTEND THE FEBRUARY 1 DEADLINE" on the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by double asterisks, by express mail this 30th day of January, 1990:

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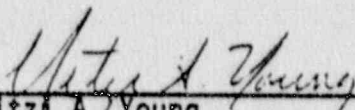
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