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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'90 FEB 28 P12:08

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

NRC STAFF'S MOTION FOR AN EXTENSION OF THE FILING
DEADLINE, AND AN ENLARGEMENT OF THE PAGE LIMIT,
FOR ITS BRIEF IN RESPONSE TO APPEALS FROM LBP-89-32

Pursuant to 10 C.F.R. § 2.762(e), the NRC Staff hereby requests an enlargement of the page limit to permit the Staff to file a single brief of up to 160 pages in response to Intervenors' seven briefs on appeal from the Licensing Board's Partial Initial Decision of November 9, 1990. ^{1/} In addition, the Staff requests a one week extension to March 19, 1990 to file its responsive brief. In support of this request, the Staff states the following:

1. Briefs on appeal from LBP-89-32 have been filed by the Seacoast Anti-Pollution League, the Massachusetts Attorney General ("Mass AG"), the New England Coalition on Nuclear Pollution and the Town of Hampton, the Town of West Newbury ("TOWN"), the Towns of Salisbury and Amesbury ("TOS/TOA"), the Town of Newbury ("TON"), and City of Newburyport ("CON").

1/ LBP-89-32, 30 NRC ____ (Nov. 9, 1990).

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Pursuant to 10 C.F.R. § 2.762(c), the Staff is required to file a single brief in response to Intervenors' briefs on or before March 12, 1990. ^{2/}

2. Intervenors' briefs total approximately 240 pages and the Mass AG's brief, alone, is 93 pages, plus attachments, in accordance with a 30-page enlargement granted by the Appeal Board on March 17, 1989.

3. Intervenors raise numerous factual and legal issues challenging LBP-89-32, evidentiary rulings made by the Board and earlier Board rulings. An increase in the page limit is necessary to enable the Staff to file a consolidated brief that responds fully to Intervenors' numerous challenges to the actions below.

4. On February 13, 1990, Applicants were granted a one week extension to March 5, 1990 and a upper page limit of 200 pages for filing their responsive brief. A similar extension of the deadline for the Staff's filing is appropriate to preserve the time sequence contemplated by the regulations in 10 C.F.R. § 2.762(c).

5. Staff has had to respond to a number of pleadings filed during the time for preparing its brief, including responses to a motion to reopen the record on the NHRERP, requests for stays of LBP-89-32 and Intervenors' brief on appeal from LBP-89-28.

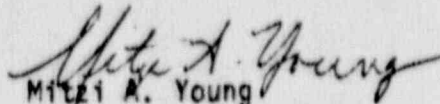
6. Staff Counsel has contacted the other parties who filed briefs on appeal from LBP-89-32 and the Applicants. Counsel for the Applicants, Mass AG, NECNP, TOH, TON, and TOS/TOA have authorized the Staff to state

^{2/} This response date is based on 45 days after the January 24, 1990 filing date of appellants' briefs since some of the briefs (e.g., by CON, TOWN, TOS/TOA, and TON) were served on the Staff by regular mail.

that they have no objection to the granting of this Motion. Counsel for SAPL and the TOWN could not be reached for comment on this Motion.

WHEREFORE, the Staff respectfully requests that it be granted a one week extension, to March 19, 1990, to file its responsive brief and a page enlargement to permit the Staff to file a brief of up to 160 pages in response to Intervenors' briefs on appeal from LBP-89-32.

Respectfully submitted,


Mitzi A. Young
Counsel for NRC Staff

Dated at Rockville, Maryland
this 27th day of February, 1990

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PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.

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}
} Docket Nos. 50-443 OL
} 50-444 OL
} Off-site Emergency Planning
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OFFICE OF SECRETARY
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR AN EXTENSION OF THE FILING DEADLINE, AND AN ENLARGEMENT OF THE PAGE LIMIT, FOR ITS BRIEF IN RESPONSE TO APPEALS FROM LBP-89-32" in 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, as indicated by double asterisks, by express mail, this 27th day of February 1990:

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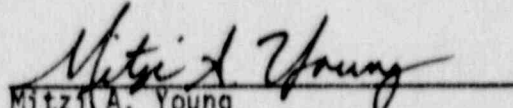
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