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Alan S. Rosenthal, Chairman
Gary J. Edles
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Docket Nos.
50-443-OL
50-444-OL

(Off-Site EP)
August 21, 1986

Attorney General Francis X. Bellotti hereby submits his response to the Atomic Safety and Licensing Appeal Board's Memorandum and Order dated August 11, 1986. In keeping with his position previously stated to this Board in his appeal of the Licensing Board's Order of April 29, 1986 dismissing the Attorney General's contention, Attorney General Bellotti submits that it would be appropriate at this time for the Board to grant an interlocutory appeal of the Licensing Board's April and May orders. Nevertheless the Attorney General is concerned that the briefing and arguing of such appeals do not conflict with the hearing schedule now established for the remaining contested safety and on-site emergency planning issues, or with

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the hearing schedule not yet established for the off-site emergency planning issues.

The Attorney General therefore requests that if this Board should decide to grant appeals at this time of the Licensing Board's April and May orders that it either do so after the conclusion of the scheduled hearings on the safety and on-site emergency planning issues or that it direct that such hearings (along with the discovery and filing of testimony) be postponed until after the briefing and argument of these appeals. With respect to the off-site hearing schedule, Attorney General Bellotti similarly requests that if this Board should decide to now hear these appeals that it direct the Licensing Board to postpone the hearing schedule on the New Hampshire emergency response plans (including the filing of new contentions) until after these appeals are heard. New Hampshire has informed the parties that it intends to submit a substantially revised RERP to FEMA and the parties on August 25, 1986. Although the Licensing Board has not yet established a new hearing schedule, presumably contentions on this new RERP will be due by the end of September (30 days after the filing of the RERP). Not knowing yet the extent of the revisions to the New Hampshire RERP which will be submitted on August 25, or whether the Licensing Board will then order the refiling of all contentions as it did in January, 1986, it may also be appropriate for this Appeal Board to defer any appeals on contentions until after

the parties have had an opportunity to file new contentions on the revised RERP and the Licensing Board has ruled on such contentions (assuming that the rest of the hearing schedule on the off-site planning issues could then be deferred pending the appeals).

Respectfully submitted,

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Dated: August 21, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of)

PUBLIC SERVICE COMPANY OF NEW)
HAMPSHIRE, ET AL.)

(Seabrook Station, Units 1 and 2))
)
)

Docket No.(s) 50-433/444-OL

CERTIFICATE OF SERVICE

I, Carol S. Sneider, hereby certify that on August 21, 1986 I made service of the within document by mailing copies thereof, postage prepaid, by first class mail, or as indicated by an asterisk by express mail, or by a double asterisk by hand delivery, to:

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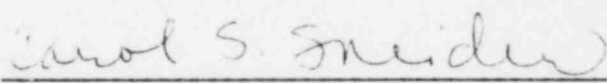
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August 21, 1986