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USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'87 FEB 12 A11:26

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF GENERAL
COUNSEL
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 MOTION FOR CLARIFICATION OF
THE LICENSING BOARD'S ORDER OF FEBRUARY 3, 1987

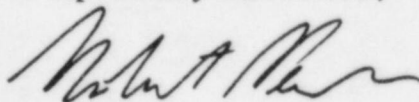
In a Memorandum and Order dated February, 3, 1987, the Licensing Board rejected the Staff's Response of January 28, 1987 concerning Applicants' petition for a waiver from emergency planning regulations, and provided that "[i]f Staff chooses to file a complete response, it shall do so by February 27, 1987...." February 3rd Order at 3. The Board further ordered that those other parties that wished to "supplement and complete their initial responses shall do so by February 27, 1987." Id. The Staff herein seeks clarification of the Board's February 3rd Order in the following respect: does the Board wish the Staff (and the other parties) to address whether the Applicants have established a prima facie case for a waiver as defined in the Board's Order of January 7, 1987, or does the Board wish the Staff (and the others) to provide a complete response to the issue of whether the Applicants should be granted a waiver pursuant to 10 CFR §2.758?

In its Order of January 7, 1987 reaffirming its schedule for responses to Applicants' waiver petition, the Board "directed that responses address the Applicants' petition on the issue of whether a

prima facie showing for a waiver of the 10-mile EPZ has been made." January 7th Order at 3. The Board went on to define prima facie as meaning "evidence of a sufficient nature that would cause reasonable minds to inquire further." Id. The Staff therefore assumed that the Board wanted parties to address the question of whether the petition contained evidence that merited further inquiry; as the Staff indicated in its response filed on January 28th, the Staff has concluded the Applicants' petition is of a sufficient nature that would cause reasonable minds to inquire further.

In its Order of February 3rd, the Board indicated that it would accept a "complete response" from the Staff (and from other parties that wished to supplement their filings). The Staff respectfully requests that the Board clarify the nature of the response it seeks. Specifically, is the Board requesting a more detailed response on the question of whether, using the standard established by the Board in its January 7th Order, the Applicants have established a prima facie case for a waiver, or is the Board instead asking for a complete response on the issue of whether Applicants' waiver petition ought to be granted (which would include the complete position of the Staff (and the other parties) on the technical issues raised by the petition)?

Respectfully submitted,



Robert G. Perlis
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 10th day of February, 1987

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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NEW HAMPSHIRE, et al.) 50-444 OL
) Off-site Emergency Planning
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR CLARIFICATION OF THE LICENSING BOARD'S ORDER OF FEBRUARY 3, 1987" in the above-captioned 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, express mail, this 10th day of February, 1987.

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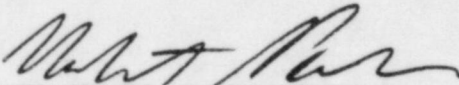
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