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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'86 OCT 17 AIO:24

Administrative Judges:

Alan S. Rosenthal, Chairman
Gary J. Edles
Howard A. Wilber

OFFICE OF SECRETARY
DOCKETING & SERVICE
October 16, 1986 NCH

In the Matter of)
))
PUBLIC SERVICE COMPANY)
 OF NEW HAMPSHIRE, et al.)
))
(Seabrook Station, Units 1)
 and 2)))
_____)

SERVED OCT 17 1986

Docket Nos. 50-443-OL-1
 50-444-OL-1

(On-Site Emergency Planning
and Safety Issues)

ORDER

The Commonwealth of Massachusetts submitted this morning an oral application for a stay of the effectiveness of the Licensing Board's October 7, 1986 memorandum and order granting the applicants' motion to authorize the Director of Nuclear Reactor Regulation to issue an operating license allowing fuel loading and precriticality testing at the Seabrook nuclear facility.¹ On consideration of that application, it is ordered as follows:

1. The effectiveness of the Licensing Board's October 7 memorandum and order is stayed until 5:00 p.m. (EDT) today, October 16, 1986.

¹ LBP-86-34, 24 NRC ____.

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2. If, by that time, the Commonwealth of Massachusetts has a written application for stay relief in the hands of this Board, applicants' counsel and NRC staff counsel, the stay will be automatically extended pending further order of the Board. Transmission of the written application may be by Rapifax. If that mode of initial service is employed, it is to be followed by the service of additional copies through the vehicle of express mail or some other equivalent expedited delivery service.

3. Should no written stay application be delivered to this Board and counsel for the applicants and the NRC staff by the above-prescribed deadline, the stay shall automatically terminate without further order of the Board.

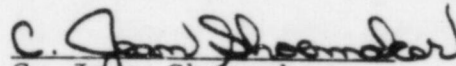
4. In the event that a written stay application is filed by the prescribed deadline, this Board will consider expeditiously whether there is sufficient possible merit to the application to warrant the receipt of responses from the other parties to the proceeding. If the Board determines that the solicitation of responses is warranted, the parties will be notified when they will be due. If, on the other hand, the Board determines that the stay application is so lacking in merit that responses are not required, the stay will be dissolved forthwith by order of the Board.

As should scarcely need emphasis, the foregoing action is taken simply to preserve the Board's jurisdiction over

this matter and does not imply any views with respect to the Commonwealth's entitlement to the stay relief it seeks.

It is so ORDERED.²

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

² The affected parties have been orally advised of the terms of this order.