

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 APR 12 AM 1:36

before the
ATOMIC SAFETY AND LICENSING BOARD

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

APPLICANTS' MOTION TO STRIKE
THE NOTICE OF THE COMMONWEALTH
OF MASSACHUSETTS OF NON-RECEIPT
OF ORDER SETTING SPECIAL
PREHEARING CONFERENCE



On April 5, 1982, the Commonwealth of Massachusetts (Commonwealth) served by mail a document entitled "Notice of the Commonwealth of Massachusetts of Non-Receipt of Order Setting Special Prehearing Conference" (Notice). In the Notice the Commonwealth states that it had not as of that date received this Board's March 12, 1982 Memorandum and Order Setting Special Prehearing Conference (Order).* It then goes on to

* The Commonwealth states it learned of the Order on March 29, 1982. We are given no reason why it waited until April 5, 1982 (one whole week) to bring the oversight to the Board's attention.

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notify the Board that it will "make every effort" to file its contentions by April 21, 1982, and apparently asserts that no earlier filing is called for by the regulations which the Commonwealth apparently deems to override any order of the Board.

Prescinding from the arrogant tone of the Notice, it is not a pleading recognized by the rules. If the Commonwealth wishes relief from the filing date set out in the Board's Order, it should file a proper motion seeking such relief on such terms as the Board may allow.

WHEREFORE, the Applicants move that the Notice filed by the Commonwealth be stricken.

By their attorneys,

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R. K. Gad III

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April 8, 1982

CERTIFICATE OF SERVICE

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I, Thomas G. Dignan, Jr., one of the attorneys for the applicants herein, hereby certify that on April 8, 1982, I made service of the within document by mailing copies thereof, postage prepaid, to:

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