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October 17, 1979

Harold Denton  
Nuclear Regulatory Commission  
Washington, DC

RE: Supplement No. 3 to Amendment 40 to License  
Application Dated March 30, 1973 (Docket Nos.  
50-443 & 50-444) and Request for Partial  
Transfer of Construction Permits Nos. CPFR-135  
and CPFR-136

Dear Mr. Denton:

I have today received Mr. Merrill's letter of October 10th  
regarding the above.

On behalf of the Seacoast Anti-Pollution League, I wish to  
point out that, in our opinion, it would be absolutely irresponsible  
for the NRC staff to provide the approvals sought by PSCO by means  
of the proffered "Supplement No. 3 to Amendment 40" as sought by  
Mr. Merrill.

Mr. Merrill, as you will be aware, is seeking to have the  
NRC staff approve partial transfers of ownership, exactly as  
proposed in its letter of May 14, 1979, despite the fact that it  
now admits that those transfers will not, in the light of present  
circumstances, occur.

The Commission cannot fulfill its duties under 10 C.F.R.  
§50.80 in this fashion. The Commission must know the identity  
of the proposed transferees, and the extent of the interest to  
be acquired, before it can perform its duties under the Act and  
the Regulations thereunder.

PSCO appears to want the NRC to ignore its duty to assure  
that the applicant "must have a reasonable financing plan in the  
light of relevant circumstances." CLI 78-1, 7 NRC 1 at 18 (1978).  
Instead of seeking NRC approval of a "relevant" financing plan,  
PSCO wants approval of a plan based upon an ownership scenario  
which is now not only doubtful, but is in fact, in the light of  
relevant circumstances, totally unrealistic. Such a course of

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action does not meet the NRC's duties under 10 C.F.R. §50.33 as to financial qualifications, which, "does, however, contemplate actual inquiry into the applicant's financial qualifications." (CLI 78-1, Supra.)

The facts in this case are that the Massachusetts Municipal Wholesale Electric Corporation is not going to be acquiring 13.87446%; that Central Vermont Public Service Corporation will now not be taking up an additional 1% share; and that Green Mountain Power Corporation is probably not going to take up an additional 1% share, although PSCO seeks approval for all such transfers.

The Commission's Staff, we believe, will require the presentation of a plan showing actually proposed reallocation of the interest in the construction permits before it undertakes to approve the financial qualifications of the owner, or in any other way assess the propriety of the proposed transfer. See 10 C.F.R. §50.80.

Very truly yours,

  
Robert A. Backus

RAB/sld

cc: All Parties on Service List

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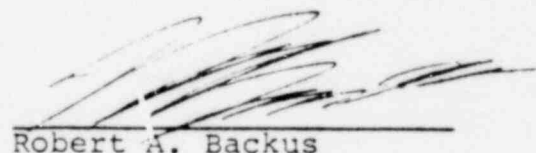
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