

April 24, 1991
USNRC

UNITED STATES OF AMERICA, ⁰¹ APR 29 P1:52
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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In the Matter of)

PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)
(Seabrook Station, Unit 1))

) Docket No. 50-443-OLA
) (Transfer of Ownership
) Interest to NAEC)
)

SEACOAST ANTI-POLLUTION LEAGUE'S RESPONSE TO LICENSEES'
ANSWER TO THE PETITION FOR LEAVE TO INTERVENE IN THE
TRANSFER OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
OWNERSHIP INTEREST IN SEABROOK STATION TO NORTHEAST UTILITIES

This matter involves the transfer of ownership interests in Seabrook Station from Public Service Company of New Hampshire ("PSNH") to Northeast Utilities ("NU") via its wholly-owned subsidiary, North Atlantic Energy Corporation ("NAEC"). Petitioner, Seacoast Anti-Pollution League ("SAPL") seeks to intervene in this proceeding. This pleading addresses arguments raised by licensees as to why SAPL's petition to intervene should be denied.

ARGUMENT

The licensees object to SAPL's petition on two very formalistic grounds. Primarily, the licensees aver that the interests which SAPL seeks to protect as well as the relief sought are not within the scope of this proceeding. The licensees state that, since this particular proceeding concerns the transfer of Seabrook's ownership to NAEC, and a separate proceeding relates to the transfer of Seabrook's operating rights to NAESCO, SAPL's

petition should be dismissed as it "seeks to raise matters which SAPL believes will demonstrate that NAEC should not be the licensed 'operation' of Seabrook." Answer at 3.

The fact remains that both NAEC and NAESCO are wholly-owned subsidiaries of NU. The further reality exists that NU is currently under NRC investigation because of its tendency to suppress any employees bringing forward safety concerns. This tendency on the part of the parent is something that would affect subsidiary companies' employees, regardless of which particular subsidiary they worked for.

In short, SAPL seeks to raise matters that NU, whether through NAESCO or NAEC, should not be the licensed owner or operator of Seabrook. The fact of the NRC's investigation into NU's operation of Millstone, and its negative treatment of whistleblowers raises genuine concerns regarding the propriety of the transfer of Seabrook to that company.

Second, the licensees argue that SAPL has neglected to make reference to an individual SAPL representative. SAPL would now amend its petition to include as its representative Mr. and Mrs. Henry Dumaine of Boars Head, Hampton Beach, New Hampshire. The Dumaines are residents of the area within 2.5 miles of Seabrook Station, and long-time members of SAPL. Thus, they have an interest in the ownership transfer and stand to be affected by any increased risk associated with said transfer.

SAPL's failure to state a particular party representative should not be fatal to its Petition to Intervene, both since this omission was a true technicality, and because SAPL has long ago

been accepted as having standing, and this is not truly a new proceeding since the NRC has continued to successfully assert the licensing proceeding is still not final. See Commonwealth of Massachusetts v. NRC (D.C. Cir., Jan. 25, 1991). Thus, SAPL's original standing should suffice for purposes of the present petition.

CONCLUSION

For the reasons stated hereinabove, the Petition to Intervene should be granted.

Respectfully submitted,

Seacoast Anti-Pollution League
By its Attorneys,

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Dated: April 24, 1991

I hereby certify that copies of the within answer of SAPL have been forwarded first-class, postage prepaid to:

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