

FILED: February 10, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

84 FEB 13 AM 11:15

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

RECEIVED
DOCKETING & SERVICE
BRANCH

In the matter of:

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al

Docket Nos.

50-443 OL
50-444 OL

(Seabrook Station, Units 1 and 2)

SAPL MOTION FOR RECONSIDERATION OF
DENIAL OF SAPL SUPPLEMENTAL CONTENTION 5

The Seacoast Anti-Pollution League (hereinafter "SAPL") moves for reconsideration of the Order issued by this Board on September 13, 1982 insofar as it denied SAPL Supplemental Contention 5, which reads as follows:

"The lead Applicant and certain other Applicants, including United Illuminating and Bangor Hydro, cannot demonstrate reasonable assurance that they are financially qualified to meet the cost of operating and decommissioning the proposed facility.

The Board denied this contention stating that recent amendments to 10 C.F.R. §50:33(f) prohibited litigation of issues concerning financial qualifications in operating license proceedings. SAPL asserted "special circumstances" within the meaning of 10 C.F.R. §2.758(b) to overcome this prohibition, and stated:

8402140151 840210
PDR ADOCK 05000443
G PDR

7503

"In addition, SAPL states its contention to protect this position in the event that the new regulation is revoked or held invalid."

In its decision of February 7, 1984, the D. C. Circuit Court of Appeals upheld a challenge to the elimination of the Commission's financial qualification regulation.

SAPL urges the Board to admit its Supplemental Contention 5 on the basis originally stated. Since April 20, 1982, further evidence indicates that Public Service Company of New Hampshire is financially unqualified; SAPL reserves the right to amend its Contention 5 in the event that the Board requires current evidence of reaffirmation of the basis.

For the reasons set forth above, SAPL prays that this Board reverse its Decision and admit SAPL Supplemental Contention 5.

Respectfully submitted,
Seacoast Anti-Pollution League
By its attorneys,
BACKUS, SHEA & MEYER

By:  for

Robert A. Backus
116 Lowell St., Box 516
Manchester, N.H. 03105
Tel: (603) 668-7272

February 10, 1984

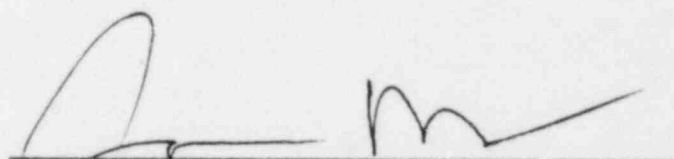
'84 FEB 13 AM 11:15

OFFICE OF THE CLERK
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

DATED: February 10, 1984

I, Jon Meyer, on behalf of Robert A. Backus, hereby certify that I have mailed to the attached list of people, first-class, postage prepaid a copy of the enclosed Joinder. If served by Federal Express or Express Mail it is so indicated by * by the person's name.



JON MEYER

Helen Hoyt, Chm.
Admin. Judge -Atomic Safety
& Lic. Board - U.S. NRC
Washington, DC 20555

Dr. Emmeth A. Luebke
Admin. Judge-Atomic Safety
& Lic. Board- U.S. NRC
Washington, DC 20555

Dr. Jerry Harbour
Admin. Judge.-Atomic Safety
& Lic. Board - U.S. NRC
Washington, DC 20555

Jo Ann Shotwell, Asst. AG
One Ashburton Place
19th Floor
Boston, MA 02108

Roy P. Lessy, Jr., Esq.
Office of Exec. Legal Dir.
U.S. NRC
Washington, DC 20555

William S. Jordan, II, Esq.
Ellyn R. Weiss, Esq.
1725 I Street, N.W.
Suite 506
Washington, DC 20006

Phillip Ahrens, Esq.
Asst. Atty. General
State House, Station #6
Augusta, ME 04333

Thomas G. Dignan, Esq.
Ropes and Gray
225 Franklin Street
Boston, MA 02110

Brian Cassidy
Fed. Emerg. Mgmt. Agcy.
Region I
J. W. McCormack POCH
Boston, MA 02109

DOCKETING AND SERVICE SEC.
Office of the Secretary
U. S. NRC
Washington, DC 20555

Charles Cross, Esq.
25 Maplewood Ave.
P.O. Box 366
Portsmouth, NH 03801

Dana Bisbee
Attorney Gen. Office
State of New Hampshire
Concord, NH 03301

Jane Doughty
Field Director - SAPL
5 Market Street
Portsmouth, NH 03801