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April 19, 1984

Helen F. Hoyt, Esq., Chairperson
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Dr. Jerry Harbour
Administrative Judges
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
FROM NRC

50-443444
02

Subject: NECNP Contention on Applicants' Financial
Qualifications to Operate the Seabrook Plant

Dear Administrative Judges:

On February 29, 1984, NECNP filed a contention challenging Applicants' financial qualifications to operate the Seabrook nuclear power plant. The challenge was based on the NRC's regulatory requirement that operating license applicants demonstrate their financial qualifications to operate the plant. That requirement, which the NRC had lifted by a 1982 amendment, was reinstated by the Court of Appeals for the District of Columbia Circuit in NECNP v. NRC, No. 82-1581 (February 7, 1984).

Shortly after NECNP filed its contention, the Commission issued a policy statement announcing that it considered the invalidated rule to be in effect until the Court's mandate issued. 49 Fed. Reg. 7981 (March 5, 1984). Applicants and the NRC Staff have opposed the admission of NECNP's contention on the ground that the policy statement precludes its consideration by the Board.

The Commission also attempted unsuccessfully to obtain from the Court a stay of the mandate until it had promulgated a new financial qualifications rule.

NECNP has been informed that the Court of Appeals issued the mandate in No. 82-1581 on April 16, 1984. The decision invalidating the new rule and reinstating the former rule is

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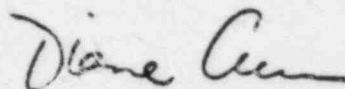
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therefore in full effect, and the Commission's policy statement no longer precludes consideration of NECNP's contention by the Licensing Board.

Sincerely,


Diane Curran

DC/cpk

cc: Seabrook Service List