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May 17, 1984

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Subj: Mississippi Power & Light Company, et al.
(Grand Gulf Nuclear Station, Unit 1)
Docket No. 50-416

Dear Chairman Rosenthal:

On May 2, 1984, we were granted an extension of time within which to file a Notice of Appeal of the April 23, 1984, decision of the Atomic Safety and Licensing Board in the captioned matter. In that decision, the Licensing Board granted intervention to a group called Jacksonians United for Liveable Energy Policies (JULEP) and admitted two contentions. Our initial review of the papers, as new counsel to the Licensees, suggested that the question presented on appeal may be novel and precedent-setting in that the Licensing Board admitted, on the basis of the so-called "Sholly" amendments to the Atomic Energy Act, two contentions which under general judicial authority would normally be considered moot.* It appeared that this ruling raised significant questions which were likely to arise in other proceedings involving "one-time" amendments.

Upon further investigation of the underlying facts in this case, we have concluded that one of the two contentions admitted by the Licensing Board involves an exception to plant Technical Specifications which may not be moot. Because 10 C.F.R. § 2.714a precludes a partial appeal of a grant of intervention, we believe that we are prohibited under the Rules of Practice from filing the instant appeal.

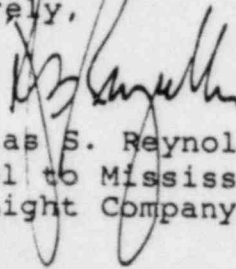
* Second Order Following Prehearing Conference (Admitting Intervenor and Ruling on Contentions) at 13-14.

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We anticipate filing a motion for reconsideration with the Licensing Board as to the contention which is moot. We will urge in that motion that Congress did not intend for the NRC to hold license amendment hearings on non-recurring amendments, the effectiveness of which has lapsed. Because of the significant legal and policy questions raised by the admission of this contention, we also may file a motion with the Licensing Board to certify or refer this matter to the Appeal Board, should it decline upon reconsideration to dismiss the moot contention.

Sincerely,



Nicholas S. Reynolds
Counsel to Mississippi Power
& Light Company, et al.

cc: Service List