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March 3, 1988

UNITED STATES NUCLEAR REGULATORY COMMISSION

'88 MAR -7 P4:57

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

Public Service Company of)
New Hampshire, et al.)

(Seabrook Station, Units 1 & 2))

Docket No. 50-443 OL-1/444-OL-1

ONSITE EMERGENCY
PLANNING & TECHNICAL
ISSUES

NEW ENGLAND COALITION ON NUCLEAR POLLUTION'S
MOTION TO DEFER BRIEFING OF NECNP'S APPEAL
OF RENEWAL OF LOW POWER AUTHORIZATION

On February 17, 1988, the Atomic Safety and Licensing Board ("Wolfe Board") issued a Memorandum and Order renewing low power authorization for the Seabrook plant on the grounds that the safety issues raised by NECNP's two, remanded contentions "were not relevant to low power operations."¹ In its order, the Licensing Board did not give effect to its order, stating:

However, we cannot give effect to our renewed authorization in light of ALAB-883, 27 NRC (February 3, 1988) and the Appeal Board's Memorandum of February 10, 1988 (unpublished), and thus we do not authorize the Director of NRR, upon making the findings required by 10 C.F.R. § 50.57(a), to issue the low power license.

ALAB-883 re-opened the record and remanded the contentions of intervenor Attorney General of Massachusetts concerning

¹ MEMORANDUM AND ORDER (Renewal of Low Power Authorization; Denying NECNP's Motion for Leave to File A Reply), ASLBP No. 88-558-01-OLR, dated February 17, 1988, at 18.

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Applicants' compliance with the Commission's onsite emergency planning regulations, and directed that low-power authorization for Seabrook "not become effective pending the outcome of the remand."² This command was reiterated by the Appeal Board in its February 10, 1988 memorandum, which specifically addressed renewal of low power authorization in the context of NECNP's two, remanded Contentions, NECNP Contentions I.V., and IV.³

In addition, on January 8, 1988, the Appeal Board issued a Memorandum and Order remanding NECNP Contention I.V.B, regarding the RG58 coaxial cable, to determine whether it is necessary to re-open the record with respect to that Contention as well. Should the Licensing Board do so, the Licensing Board's partial initial decision on low power authorization for Seabrook might again be invalidated.

On March 3, 1988, the New England Coalition On Nuclear Pollution (NECNP) gave timely notice of its appeal of this Memorandum and Order, under 10 C.F.R. § 2.762.⁴ Under 10 C.F.R. § 762(b), Appellant's brief in support of its appeal is due

2 ALAB-883, 27 NRC at ____ (slip opinion at 24).

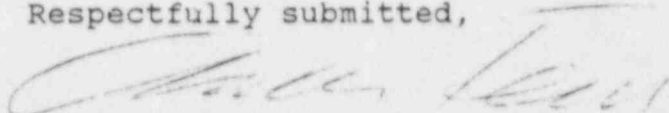
3 Appeal Board's Memorandum of February 10, 1988 (unpublished), slip opinion at 7-8 ("To be sure, if [the Licensing Board] decides that the safety issues remanded in ALAB-875 are not relevant to low-power operation, the Board will not be able to give effect to that conclusion unless and until the ALAB-883 remand on emergency planning issues culminates in a result favorable to the applicants.")

4 NECNP's Notice of Appeal, dated March 3, 1988, filed simultaneously with the instant motion.

within 30 days.

NECNP hereby requests that this Appeal Board issue an appropriate order deferring the briefing of NECNP's Appeal of the renewal of low power authorization pending the outcome the Board's remand on Massachusetts' Attorney General's emergency notification siren contentions, as well as the decision of the Licensing Board on re-opening the record with respect to NECNP Contention I.B.2. Such a deferral will allow for more efficient litigation and avoid piece-meal decisionmaking of this important licensing decision.

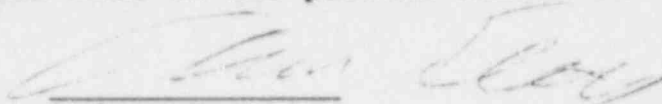
Respectfully submitted,



Andrea Ferster
HARMON & WEISS
2001 "S" Street N.W. Suite 430
Washington, D.C. 20009
(202) 328-3500

CERTIFICATE OF SERVICE

I certify that on March 3, 1988, copies of the foregoing pleading were served by first-class mail on all parties listed on the attached service list.


Andrea Ferster

SEABROOK SERVICE LIST -- ONSITE APPEAL BOARD

Sheldon J. Wolfe, Chairman
~~Office of General Counsel~~
U.S. NRC
Washington, D.C. 20555

Dr. Jerry Harbour
~~Office of General Counsel~~
U.S. NRC
Washington, D.C. 20555

Dr. Emmeth A. Luebke
5500 Friendship Boulevard
Apartment 1923N
Chevy Chase, MD 20815

Atomic Safety & Licensing
Board Panel
U.S. NRC
Washington, D.C. 20555

Atomic Safety & Licensing
Appeal Board Panel
U.S. NRC
Washington, D.C. 20555

Docketing and Service
U.S. NRC
Washington, D.C. 20555

Mrs. Anne E. Goodman
Board of Selectmen
13-15 New Market Road
Durham, NH 03842

William S. Lord, Selectman
Town Hall -- Friend Street
Amesbury, MA 01913

Jane Doughty
SAPL
5 Market Street
Portsmouth, NH 03801

Carol S. Sneider, Esquire
Assistant Attorney General
1 Ashburton Place, 19th Floor
Boston, MA 02108

Stanley W. Knowles
Board of Selectmen
P.O. Box 710
North Hampton, NH 03826

J.P. Nadeau
Town of Rye
155 Washington Road
Rye, New Hampshire 03870

Richard E. Sullivan, Mayor
City Hall
Newburyport, MA 01950

Alfred V. Sargent, Chairman
Board of Selectmen
Town of Salisbury, MA 01950

Senator Gordon J. Humphrey
U.S. Senate
Washington, D.C. 20510
(Attn. Tom Burack)

Selectmen of Northampton
Northampton, New Hampshire 03826

Senator Gordon J. Humphrey
1 Eagle Square, Ste 507
Concord, NH 03301

Michael Santosuosso,
Chairman
Board of Selectmen
Jewell Street, RFD #2
South Hampton, NH 03842

Judith H. Mizner, Esq.
Silvergate, Gertner, et al.
88 Broad Street
Boston, MA 02110

Rep. Roberta C. Pevear
Drinkwater Road
Hampton Falls, NH 03844

Phillip Ahrens, Esq.
Assistant Attorney General
State House, Station #6
Augusta, ME 04333

Thomas G. Dignan, Esq.
R.K. Gad II, Esq.
Ropes & Gray
225 Franklin Street
Boston, MA 02110

Robert A. Backus, Esq.
Backus, Meyer & Solomon
111 Lowell Street
Manchester, NH 03105

Greg Bery
Office of General Counsel
U.S. NRC
Washington, D.C. 20555

Mr. Angie Machiros,
Chairman
Town of Newbury
Town Hall, 25 High Road
Newbury, MA 01951

George Dana Bisbee, Esq.
Geoffrey M. Huntington, Esq.
Office of the Attorney General
State House Annex
Concord, NH 03301

Allen Lampert
Civil Defense Director
Town of Brentwood
Exeter, NH 03833

Richard A. Hampe, Esq.
Hampe and McNicholas
35 Pleasant Street
Concord, NH 03301

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnent Road
Hampton, NH 03842

William Armstrong
Civil Defense Director
10 Front Street
Exeter, NH 03833

Calvin A. Canney
City Manager, City Hall
126 Daniel Street
Portsmouth, NH 03801

Matthew T. Brock, Esq.
Shaines & McEachern
P.O. Box 360
Maplewood Avenue
Portsmouth, NH 03801

Sandra Gavutis
RFD 1, Box 1154
East Kensington, NH 03827

Charles P. Graham, Esq.
McKay, Murphy and Graham
100 Main Street

Amesbury, MA 01913

Alan S. Rosenthal, Chairman
~~Office of General Counsel~~
U.S. NRC
Washington, D.C. 20555

Howard A. Wilber
~~Office of General Counsel~~
U.S. NRC
Washington, D.C. 20555

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