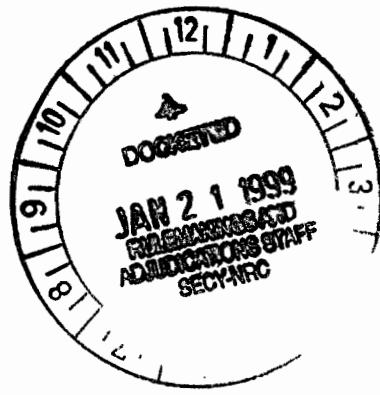


UNITED STATES OF AMERICA
before the
NUCLEAR REGULATORY COMMISSION



In the Matter of)
North Atlantic Energy Service)
Corporation, *et al.*,)
(Seabrook Station, Unit No. 1))

Docket No. 50-443
(License No. NPF-86)

**ANSWER OF MONTAUP ELECTRIC COMPANY
TO MOTION OF THE UNITED ILLUMINATING
COMPANY FOR LEAVE TO INTERVENE AND
PETITION TO ALLOW INTERVENTION OUT-OF-TIME**

Introduction

Under date of September 29, 1998, North Atlantic Energy Service Corporation (NAESC) and Montaup Electric Company (Montaup) filed with this Commission a "License Transfer Application Requesting Consent for Transfer of Montaup Electric Company's Interest in Operating License NPF-86 for Seabrook Station, Unit No. 1 to Little Bay Power Corporation" (Application). The Application was for the transfer by Montaup of its 2.9% interest¹ in Seabrook Station, Unit No. 1 (Seabrook) to Little Bay Power Corporation (Little Bay), a wholly-owned subsidiary of Bay Corp. Holdings, Ltd. which, through another wholly-owned subsidiary, Great Bay Power Corporation, already is the owner of 12.1% of Seabrook².

¹Application at 2.

²Application at 1.

On December 14, 1998, this Commission caused to be published in the Federal Register a "Notice of Consideration of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing" in the above-captioned docket.³ *Inter alia*, the notice provided an opportunity for hearing pursuant to 10 C.F.R. 2, Subpart M. The notice further provided that Petitions to Intervene and Requests for a hearing should be filed on or before January 4, 1999.⁴

Under date of January 11, 1999, one week late, United Illuminating Company (UI) filed with the Secretary of the Commission a document styled: "Motion of The United Illuminating Company for Leave to Intervene and Petition to Allow Intervention Out-of-Time" (The Motion). In The Motion UI seeks to excuse its tardiness on the basis that it was "under the mistaken impression that it would have thirty days to file the intervention"⁵ because prior to December 3, 1998, the Commission's Regulations had so provided.⁶ What UI apparently did not advise its counsel⁷ of, was that on December 16, 1998, NAESC (one of the applicants herein and the entity that operates Seabrook for the Joint Owners of the facility) faxed to every

³63 Fed. Reg. 68801 (Dec. 14, 1998).

⁴63 Fed. Reg. at 68802.

⁵Motion at 10.

⁶*Id.* at 8-10.

⁷Counsel submitting this answer is well acquainted with, and greatly respects, counsel acting for UI in this matter. We have no doubt that had UI disclosed to its counsel the existence of the correspondence described in the text immediately following, UI's counsel would have disclosed it in UI's filing. In short, no suggestion of improper conduct on the part of counsel is intended by what follows.

Joint Owner, including UI,⁸ a copy of the notice and a letter from Ted C. Feigenbaum, Executive Vice President and Chief Nuclear Officer of NAESC, addressed to the Chief Executives of the Joint Owners wherein Mr. Feigenbaum specifically stated: "The notice provides interested parties *until January 4, 1999 to request a hearing and file a petition to intervene* on the license transfer application."⁹ A copy of this FAX is attached hereto and marked "A." Thus, UI's "mistaken impression" was maintained not only through a regulatory change, and a holiday season, but also despite a clear specific notice as to the filing date transmitted to its highest executive level by the operator of Seabrook - and, transmitted by FAX - a transmission not likely to be lost or overlooked in the holiday mail.

The Motion appears to be premised also on the theory that New England Power Company (NEP) already has accomplished its goal of obtaining a hearing in this proceeding, and UI argues in essence that its late intervention will not broaden the issues in the proceeding and that NEP cannot adequately represent UI's interests. UI supports the goals of conditioning the transfer as requested by NEP in its filing¹⁰ and wants to add even more in the nature of requirements of cash reserves to be held by the proposed transferee and its affiliates.¹¹ As seen below, both on the bases of its late filing and substantive lack of merit, The Motion should be denied.

⁸In fact, UI personnel got two copies of the Fax - one to Nathaniel D. Woodson and one to James F. Crowe. See *Attachment "A"* at 1.

⁹*Attachment "A"* at 2 (emphasis supplied).

¹⁰*Motion of New England Power Company for Leave to Intervene, and Petition for Summary Relief or, in the Alternative, for a Hearing* (hereafter "NEP Motion").

¹¹*Motion* at 7-8.

Argument

A. The Motion Should be Denied on the Basis of its Late Filing.

There simply is no excuse for the late filing here involved. This is not a mistake made by an unsophisticated putative intervenor; this is tardiness by a regulated utility which not only had Federal Register notice, but also a fax notice sent it well before the deadline by the operator of Seabrook. It strains credulity to ask one to believe that the office of the CEO of a utility would simply ignore, or forget to look at, a fax from the chief nuclear officer of one of its generating facilities. Missing a Federal Register notice has frequently been held fatal to late intervention requests.¹² It should be noted that UI alludes to attempts to settle its concerns concerning the transfer with the proposed transferee.¹³ It is not clear why it mentions these discussions in its discussion of the late-filing issue, but if the hope is to suggest that it was lulled into a false sense of security by these discussions which contributed to missing the filing date, this argument avails UI nothing. The Commission has made clear that ongoing settlement discussions will not be heard as an excuse for late filing.¹⁴ In short, there is simply

¹²*Consolidated Edison Company of New York* (Indian Point, Unit No. 2), LBP-82-1, 15 NRC 37, 40 (1982); *South Carolina Electric & Gas Co.* (Virgil C. Summer Station, Unit 1), LBP-81-11, 13 NRC 420, 423 (1981); *New England Power Co.* (NEP, Units 1 and 2), LBP-78-18, 7 NRC 932, 933-34 (1978).

¹³*Motion* at 9.

¹⁴*Commonwealth Edison Company* (Braidwood Nuclear Power Station, Units 1 and 2), CLI-86-8, 23 NRC 241, 244-45 (1986).

no good cause here for the late filing which means that UI's showing on the other factors must be extremely strong.¹⁵

UI points out that it will not broaden the issues in the proceeding because "the issues raised by UI are substantially the same as those raised by NEP."¹⁶ However, there are good and substantial reasons why NEP should not be granted a hearing in this matter,¹⁷ and if that is the ruling, then there would be no hearing at all but for UI's late filing. So the showing on this factor is wholly contingent on NEP being successful in its effort and if it fails, so should UI.

As to the other relevant factor, despite its admission that the issues it raises are "substantially the same" as those raised by NEP, UI insists that NEP cannot adequately represent it. And yet, UI tells us of no witness it will produce, or evidence it will adduce, that NEP cannot. We are left with vague suggestions that NEP has a different perspective on some matters. This showing is weak indeed. The Motion should be denied on the basis of late filing.

¹⁵E.g., *Duke Power Co.* (Perkins Nuclear Station Units 1, 2 and 3), ALAB-431, 6 NRC 460, 462 (1977); *Metropolitan Edison Company* (Three Mile Island Nuclear Station, Unit 2), ALAB-384, 5 NRC 612, 615 (1977); *Project Management Corp.* (Clinch River Breeder Reactor Plant), ALAB-364, 4 NRC 383, 389 (1976); *Virginia Electric & Power Co.* (North Anna Station, Units 1 and 2), ALAB-289, 2 NRC 395, 398 (1975).

¹⁶Motion at 11.

¹⁷See, *Answer of Montauk Electric Company to Motion of New England Power Company for Leave to Intervene and Petition for Summary Relief Or, In the Alternative, for a Hearing* (January 13, 1999), *passim*; *Answer of Little Bay Power Corporation to Motion of New England Power Company for Leave to Intervene and Petition for Summary Relief Or, In the Alternative, for a Hearing* (January 13, 1999), *passim*.

B. The Motion Should be Denied Because the Contentions it Makes Amount to an Attack on the Regulations or a Request for a Waiver of Same

The recently adopted regulations creating the streamlined process for approval of license transfers sets forth particularized requirements for all hearing requests and intervention petitions and the criteria under which this Commission will evaluate same.¹⁸ Each such petition, *inter alia*, must, under 10 C.F.R. § 2.1306(b):

- "(2) Set forth the issues sought to be raised and
 - (i) Demonstrate that such issues are within the scope of the proceeding on the license transfer application,
 - (ii) Demonstrate that such issues are relevant to the findings the NRC must make to grant the application for license transfer,
 - (iii) Provide a concise statement of the alleged facts or expert opinions which support the petitioner's position on the issues and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely to support its position on the issues, and
 - (iv) Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact;"

And 10 C.F.R. § 2.1308(a) provides that in determining whether to grant a petition to intervene or hearing request, the Commission will consider, *inter alia*:

¹⁸10 C.F.R. §§ 2.1306, 2.1308.

". . . whether the relief requested is within the Commission's authority,"¹⁹

and, "[w]hether the issues sought to be litigated are-

- (i) Within the scope of the proceeding;
- (ii) Relevant to the findings the Commission must make to act on the application for license transfer;
- (iii) Appropriate for litigation in the proceeding;
- (iv) Adequately supported by the statements, allegations, and documentation required by § 2.1306(b)(2)(iii) and (iv)."²⁰

The Motion does not even come close to meeting the requirements of the above-quoted regulations. There are vague statements to the effect that operating cost projections may be too low and decommissioning cost estimates may also be too low, and that, therefore the proposed transferee may not be able to meet its future obligations. However, there is no concise statement of the issues presented; there is no affidavit giving facts or expert opinion to support the generalizations of counsel in the pleading; and, what is left, is an attack on the Commission's regulations that allow prepayment to qualify a non-utility to own a nuclear power plant. The allegations concerning cost projections, without more, raise no issue for litigation in NRC practice. UI seeks a degree of certainty that the law does not require. The Commission has made clear that a mere allegation that a cost estimate is uncertain creates no litigable issue unless it is accompanied by allegations of fact, not surmise, that there is no

¹⁹10 C.F.R. § 2.1308(a)(3).

²⁰10 C.F.R. § 2.1308(a)(4).

reasonable assurance the costs will be paid; in short, reasonable assurance and not absolute certainty is the standard.²¹

Finally, it should be noted that UI has not complied with the requirements of 10 C.F.R. § 2.1329, which sets out the rules for seeking a waiver of a rule or regulation in Subpart M proceedings. So it is a little late for UI to find solace in that procedure.

Conclusion

The Motion should be denied.

By its attorneys,



Thomas G. Dignan, Jr.
Ropes & Gray
One International Place
Boston, MA 02110-2624
(617) 951-7511

Dated: January 21, 1999

²¹Yankee Atomic Electric Company (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 245 (1996); Yankee Atomic Electric Company (Yankee Nuclear Power Station), CLI-96-1, 43 NRC 1, 9 (1996).



**North
Atlantic**

FAX TRANSMITTAL SHEET

NORTH ATLANTIC ENERGY SERVICE CORPORATION
P. O. BOX 300
SEABROOK, NH 03874
603-474-9521

Please deliver the following pages to:

NAME:	<u>Fax Number</u>
Seabrook Joint Owners	
Nathaniel D. Woodson - United Illuminating Company	203-499-3664
John B. Keane - Northeast Utilities	860-665-3800
Kevin A. Kirby - Eastern Utilities Associates	508-559-6125
James J. Keane - Com/Electric	508-291-3346
James S. Robinson - New England Electric System	508-389-2962
Joseph O. Roy - MMWEC	413-583-8994
Anthony J. Monteiro - Hudson Light & Power Dept.	978-562-1389
Joseph M. Blain - Taunton Municipal Lighting Plant	508-823-6931
Frederic C. Anderson - NH Electric Cooperative, Inc.	603-536-8682
Frank W. Getman, Jr. - Great Bay Power Corporation	603-431-8877
cc:	
Bruce D. Kenyon - Northeast Utilities	860-665-3581
James F. Crowe - United Illuminating Company	203-499-3664
FROM:	Ted C. Feigenbaum

TOTAL PAGES (Including Cover): 4

DATE: 12/16/98

Message:

If you do not receive all pages, please call back as soon as possible.
 Verification: 603-773-7404 (Bev Silloway)
 jn-fax.dos (12/16/98)

" " " "



**North
Atlantic**

North Atlantic Energy Service Corporation
P.O. Box 300
Seabrook, NH 03874
(603) 474-9521

The Northeast Utilities System

December 16, 1998
NA #980535

To Chief Executives
Seabrook Joint Owners

Subject: Publication of Federal Register Notice for the Little Bay/Montaup Transfer of Control

In the December 14, 1998 Federal Register, the NRC published notice of the request for the transfer of Montaup Electric's ownership interest in Seabrook Station to Little Bay Power Corporation. A copy of the notice is attached.

The notice provides interested parties until January 4, 1999 to request a hearing and file a petition to intervene on the license transfer application. Requests for hearing and petition to intervene must be in accordance with the NRC's new procedure for license transfer applications, which became effective on December 3, 1998. As an alternative, the NRC will accept comments on the proposed action until January 13, 1999.

Very truly yours,

Ted C. Feigenbaum
Executive Vice President
and Chief Nuclear Officer

TCF:bes
Enclosure

ccn98167

facilities, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for SNM used or to be used in the reactor. Paragraph (d) of 10 CFR 70.24 states that any licensee who believes that there is good cause why he should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at River Bend Station (RBS), and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Plant procedures do not permit more than 3 BWR fuel assemblies to be in storage or in transit between their associated shipping cask and dry storage rack at one time.

2. The k-effective of the fresh fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water does not exceed 0.95, at a 95% probability, 95% confidence level.

3. If optimum moderation of fuel in the fresh fuel storage racks occurs when the fresh fuel storage racks are not flooded, the k-effective corresponding to this optimum moderation does not exceed 0.98, at a 95% probability, 95% confidence level.

4. The k-effective of spent fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water does not exceed 0.95, at a 95% probability, 95% confidence level.

5. The quantity of forms of special nuclear material, other than nuclear fuel, that are stored on site in any given area is less than the quantity necessary for a critical mass.

6. Radiation monitors, as required by General Design Criterion 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions.

7. The maximum nominal U-235 enrichment is limited to 5.0 weight percent.

By letter dated May 15, 1997, Entergy Operations, Inc. (EOI) requested an exemption from the requirements of

section 70.24(a) of Title 10 of the Code of Federal Regulations, "Criticality Accident Requirements," for the River Bend Station (RBS). On June 11, 1997, the NRC requested that RBS address the seven criteria published in Information Notice 97-77, "Exemptions from the Requirements of Section 70.24 of Title 10 of the Code of Federal Regulations" in order to continue with the exemption process.

On August 12, 1998, EOI superseded its original May 15, 1997, letter and requested an exemption from the criticality accident monitoring requirements stipulated in 10 CFR 70.24(a) specifically for the areas containing Incore detectors (which are not in use) and unirradiated fuel while it is handled, used, or stored on site.

In this request the licensee addressed the seven criteria given above. The Commission's technical staff has reviewed the licensee's submittal and has determined that, except for Criteria 1 and 3 discussed below, RBS meets the applicable criteria.

RBS does not restrict fuel movement and storage of fuel assemblies that are out of their associated shipping cask to 3 assemblies. However, based on the elevation and configuration of the area where the assemblies are placed before storage into the new or spent fuel racks, the possibility of flooding is highly improbable. In addition, administrative controls are provided to restrict the fire-fighting practices employed in the fuel building to prevent low-density optimum moderation conditions. Fire-fighting foam is not permitted in the area and hose stations are equipped with straight-stream nozzles while handling fuel in the fuel building or storing fuel in the new fuel vault so that the array will not be covered with mist. Therefore, the staff concludes that any array of fuel assemblies in storage or in transit while outside of their associated shipping cask will be safely subcritical under the most adverse moderation conditions feasible, and the exception to Criterion 1 is acceptable.

Although the RBS new fuel racks are designed to maintain k-effective less than 0.95 when either dry or completely flooded with water, the new fuel racks cannot meet the 0.98 k-effective limit under accident conditions of low-density optimum moderation (e.g., foam or mist). Therefore, solid, noncombustible, gasketed covers are provided over the new fuel vault to preclude the entrance of optimum moderation media. When these covers are removed for fuel handling, the fuel is covered by a fire retardant material to ensure that the storage array is not moderated by low-density moderation.

As previously mentioned, administrative controls are also provided to prevent optimum moderation conditions in the new fuel vault so that the array will not be covered with mist. Therefore, the staff concludes that a k-effective greater than 0.98 will not be attained in the new fuel storage racks and the exception to Criterion 3 is acceptable.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of SNM personnel would be alerted to that fact and would take appropriate action. The staff has determined that it is extremely unlikely that such an accident could occur. The low probability of an inadvertent criticality constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24(a).

IV

The Commission has determined that, pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 70.24 for the RBS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (63 FR 63755).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 2nd day of December 1998.

Roy P. Zimmerman,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-33111 Filed 12-11-98; 8:45 am]
BILLING CODE 7690-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443]

Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing; North Atlantic Energy Service Corporation, et. al.

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of the interest held by Montauk Electric Company in Facility Operating License No. NPF-86 for the Seabrook

68802**Federal Register/Vol. 63, No. 239/Monday, December 14, 1998/Notices**

Station, Unit No.1 (Seabrook Station), located in Rockingham County, New Hampshire, and considering issuance of a conforming amendment under 10 CFR 50.90.

Consent to the proposed transfer would authorize Little Bay Power Corporation (Little Bay) to possess the ownership interest in the Seabrook Station now held by Montauk Electric Company (Montauk). Little Bay is a wholly owned subsidiary of BayCorp Holdings, Ltd., which is the holding company that also owns Great Bay Power Corporation, an existing owner of the Seabrook Station. North Atlantic Energy Service Corporation, the sole licensed operator of the facility, would remain as the Managing Agent for the Joint Owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The license would be amended for administrative purposes to reflect the transfer of Montauk's ownership interest to Little Bay.

The proposed transfer does not involve a change in the rights, obligations, or interests of the other co-owners of the Seabrook Station.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, or any right thereunder, after notice to interested persons. Such approval is contingent upon the Commission's determination that the transferee is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing, and petitions for leave to intervene, and written comments with regard to the

transfer application, are discussed below.

By January 4, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request should address the factors that the Commission will also consider, in reviewing untimely requests, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon the applicant, the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the Federal Register and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by January 13, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this Federal Register notice.

For further details with respect to this action, see the applications for consent to transfer Montauk's interest in the license and issuance of a conforming

amendment submitted under cover of a letter dated September 29, 1998, from North Atlantic Energy Service Corporation which are available for public inspection at the Commission's Public Document Room, the Celman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland, this 4th day of December, 1998.

For the Nuclear Regulatory Commission,

Cecil O. Thomas,

Director, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

IFR Doc. 98-33109 Filed 12-11-98; 8:15 am
BILLING CODE 7690-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-6054]

Rio Algom Mining Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of a request from Rio Algom Mining Corporation to revise a site-reclamation milestone in License No. SUA-1119 for the Lisbon, Utah, facility and notice of opportunity for a hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 23, 1998, a request from Rio Algom Mining Corporation (Rio Algom) to amend License Condition (LC) 55 A.(3) of Source Material License SUA-1119 for the Lisbon, Utah, facility. The license amendment request proposes to modify LC 55 A.(3) to change the completion date for placement of the final radon barrier on the pile. The date proposed by Rio Algom would extend completion of the final radon barrier by 18 years.

FOR FURTHER INFORMATION CONTACT: Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555. Telephone (301) 415-6529.

SUPPLEMENTARY INFORMATION: The portion of LC 55 A.(3) with the proposed change would read as follows:

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable.

CERTIFICATE OF SERVICE



I, Thomas G. Dignan, Jr., one of the attorneys for Montauk Electric Company, hereby certify that on January 21, 1999, I made service of the within document in conformity with U.S.N.R.C. Regulations upon the following persons:

Annette L. Vetti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001
(Attn: Rulemakings and Adjudications
Staff)
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Mr. Frank Getman, Jr.
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Portsmouth, NH 03801-6809
(Mail Only)

Barton Z. Cowan, Esquire
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
FAX: (412) 566-6099

A handwritten signature in black ink, appearing to read "THOMAS G. DIGNAN, JR.", is written over a horizontal line.

Thomas G. Dignan, Jr.