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USNRC

January 12, 1999

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

BEFORE THE COMMISSION

In the Matter of )  
 )  
North Atlantic Energy Service Corporation )  
 )  
(Seabrook Station) )

Docket No. 50-443

NORTH ATLANTIC ENERGY SERVICE CORPORATION'S  
ANSWER TO PETITION TO INTERVENE OF  
NEW ENGLAND POWER COMPANY

Pursuant to 10 C.F.R. 2.1307(a), North Atlantic Energy Service Corporation ("NAESCO"), operating licensee for the Seabrook Station, Unit 1, herein answers the "Motion of New England Power Company for Leave to Intervene, and Petition for Summary Relief or, in the Alternative, for a Hearing" ("Motion/Petition"), filed on January 4, 1999. NAESCO expects to participate as a full party in any hearing on this matter, but at the present time takes no position on the issues raised by New England Power Company ("NEP").

Pursuant to a Managing Agent Operating Agreement for Seabrook Station made by and between NAESCO and the multiple joint owners of the facility, NAESCO is the managing agent and sole licensed operator of Seabrook Station. In that capacity, under cover letter of September 29, 1998, NAESCO submitted the license transfer application of Montaup Electric Company ("Montaup") and Little Bay Power Corporation ("Little Bay") that is the subject of NEP's current Motion/Petition. As such, NAESCO is an applicant in this matter and thus is entitled to participate in any proceeding held by the Nuclear Regulatory Commission ("NRC" or "Commission") on the

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transfer application. While NAESCO does not request a hearing of its own accord, it would participate in any hearing that may be otherwise ordered by the Commission. NAESCO further recognizes that Montaup and Little Bay are also applicants with respect to this matter, understands that their interests may be distinct from NAESCO's, and expects that they may participate as separate parties.

The application at issue is described in NEP's Motion/Petition. In summary, Montaup is currently licensed by the NRC to own a 2.9% minority interest in Seabrook Station, Unit 1. In the application, Montaup and Little Bay request, pursuant to 10 C.F.R. § 50.80, NRC consent to the transfer of Montaup's current ownership share to Little Bay. Little Bay is not presently an owner or licensee, but is a wholly-owned subsidiary of BayCorp Holdings, Ltd., a holding company that also owns Great Bay Power Corporation, which in turn presently owns 12.1% of Seabrook Station, Unit 1. The transfer of the Montaup ownership share to Little Bay would not affect NAESCO's role as the managing agent and licensed operator responsible for the plant.

Given the nature of the approval at issue, and consistent with the terms of the *Federal Register* notice on the proposed transfer (63 Fed. Reg. 68801 (December 14, 1998)), NAESCO understands that any hearing conducted on the application would be governed by the Commission's recently adopted regulations of 10 C.F.R. Part 2, Subpart M.<sup>1/</sup> Subpart M allows, where a hearing request or intervention petition is submitted by a person with an adequate interest in the matter, either a "streamlined" oral hearing or a hearing consisting of written comments. 10 C.F.R. § 2.1308. NAESCO takes no position on NEP's interest or "standing" to participate in this matter, or on the nature of any Subpart M proceeding that may be held.

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<sup>1/</sup> See 10 C.F.R. § 2.1300, *et. seq.*; 63 Fed. Reg. 66721 (December 3, 1998).

NAESCO also takes no position at this time on the substantive "issues" presented in NEP's Motion/Petition related to Little Bay's financial qualifications or the adequacy of decommissioning funding assurance for Montaup's share of the plant. If the Commission deems it appropriate to explore these issues further in a Subpart M hearing context, NAESCO will participate.

Respectfully submitted,

  
David A. Repka

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ATTORNEYS FOR NORTH ATLANTIC  
ENERGY SERVICE CORPORATION

Dated in Washington, D.C.  
this 12th day of January, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

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BEFORE THE COMMISSION

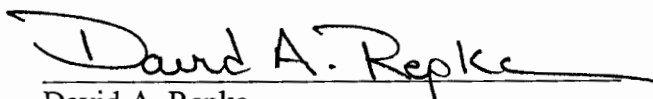
OFFICE OF SECRETARY  
REGULATORY  
ADMINISTRATION

In the Matter of )  
 )  
North Atlantic Energy Service Corporation ) Docket No. 50-443  
 )  
(Seabrook Station) )

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.1324(b), the following information is provided:

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David A. Repka  
Winston & Strawn  
Counsel for North Atlantic Energy Service Corporation

Dated in Washington, DC  
this 12th day of January, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
REGULATORY COMMISSION  
ADJUDICATION DIVISION

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. §2.1324(b), the following information is provided:

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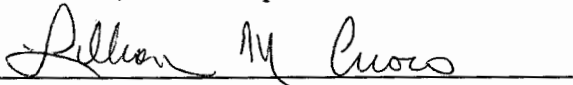
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Superior Court of Connecticut

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Lillian M. Cuoco  
Senior Nuclear Counsel  
Northeast Utilities Service Company  
Counsel for North Atlantic Energy Service Corporation

Dated in Washington, DC  
this 11th day of January, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
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BEFORE THE COMMISSION

In the Matter of )  
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North Atlantic Energy Service Corporation )  
)  
(Seabrook Station) )

Docket No. 50-443

OFFICE OF GENERAL COUNSEL  
RULEMAKING AND  
ADJUDICATION OFFICE

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. §2.1324(b), the following information is provided:

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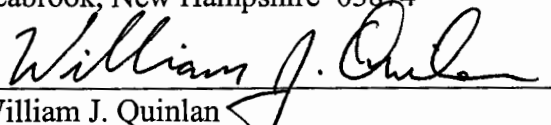
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Name of Party: North Atlantic Energy Service Corporation  
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\_\_\_\_\_  
William J. Quinlan  
Northeast Utilities Service Company  
Counsel for North Atlantic Energy Service Corporation

Dated in Washington, DC  
this 11th day of January, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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BEFORE THE COMMISSION

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

In the Matter of )  
)  
North Atlantic Energy Service Corporation ) Docket No. 50-443  
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(Seabrook Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NORTH ATLANTIC ENERGY SERVICE CORPORATION'S ANSWER TO PETITION TO INTERVENE OF NEW ENGLAND POWER COMPANY" and "Notices of Appearance" for David A. Repka, Lillian M. Cuoco, and William J. Quinlan in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk (\*) by hand delivery service, or as marked by two asterisks (\*\*), by overnight delivery, this 12th day of January, 1999.

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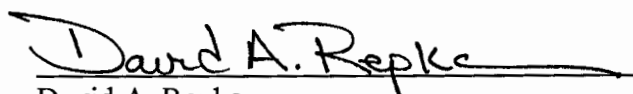
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