

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Esquire, Chairman
Dr. Richard F. Cole, Member
Gustave A. Linenberger, Jr., Member



SERVED NOV 19 1980
APPLICATION SERVICES
BRANCH CP 20 1980
NOV 19 1980

In the Matter of)
PUERTO RICO ELECTRIC POWER AUTHORITY)
(North Coast Nuclear Plant, Unit 1))

Docket No. 50-376 CP

ORDER
(November 19, 1980)

In an Order dated October 17, 1980, the Commission declined to grant directed certification which had been requested in Intervenor's Motion For Direct Certification To Request Application Be Dismissed With Prejudice, and Addendum dated September 18, 1980. The Commission directed that Intervenor's Motion be transferred to the Licensing Board for decision and advised that Intervenor may pursue an appeal pursuant to the Rules of Practice if this Board rules adversely to them on the merits of their motion.

We understand the Commission's direction to be that we determine whether in granting Applicant's Withdrawal of Application, we should dismiss the application with prejudice.

Our Order of October 16, 1980 had granted Intervenor's request that we stay proceedings until fifteen days after the Commission had ruled upon their Motion For Direct Certification. We assumed that within fifteen days after the issuance of the Commission's Order, i.e., by November 3, 1980, Intervenor would file a submission opposing Applicant's and the Staff's Responses

DS02
3
110

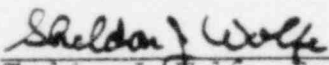
8011250576

respectively filed on October 3 and October 8, 1980. Such was not the case.

If Intervenors wish to file a submission, they must file by no later than December 4, 1980. Intervenors' submission should be directed solely to responding to Applicant's and Staff's argument that the North Coast construction permit application should be dismissed but not with prejudice.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 19th day of November, 1980.