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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Alan S. Rosenthal, Chairman
Thomas S. Moore
Howard A. Wilber

January 23, 1990

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In the Matter of)
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)
PUBLIC SERVICE COMPANY OF)
NEW HAMPSHIRE, et al.)
)
(Seabrook Station, Units 1)
and 2))

Docket Nos. 50-443-OL
50-444-OL

MEMORANDUM AND ORDER

We are in receipt of the January 11, 1990, letter of Patricia Pierce-Bjorklund, enclosing a copy of a July 11, 1989, letter from the Board of Selectmen of the Town of Essex, Massachusetts, to the NRC's Advisory Committee on Reactor Safeguards (ACRS). Representing that she had prepared the Essex letter, Ms. Pierce-Bjorklund requests that "the reactor safety issues cited therein be addressed [and] resolved prior to licensing the Seabrook Reactor."

We are not empowered to grant that relief. Among other things, Ms. Pierce-Bjorklund (1) is not now a party to the adjudicatory proceeding involving the licensing of the Seabrook facility; (2) has not attempted to satisfy the requirements for obtaining party status at this late date (see 10 C.F.R. § 2.714(a)(1)); and (3) similarly has made no

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endeavor to meet the criteria governing motions to reopen records to consider new issues (see 10 C.F.R. § 2.734).

The Commission's Rules of Practice do, however, authorize "[a]ny person" to request the NRC Executive Director for Operations (EDO) to institute a proceeding "to modify, suspend, or revoke a license, or for such other action as may be proper." 10 C.F.R. § 2.206(a). The EDO "will refer the request to the Director of the NRC Office with responsibility for the subject matter of the request for appropriate action." Ibid. That official must in turn either act favorably upon the request or advise the person submitting the request of the reasons why such action is not being taken. 10 C.F.R. § 2.206(b).

In the circumstances, we will treat Ms. Pierce-Bjorklund's letter as, in effect, a section 2.206 request. It is, therefore, referred to the EDO for disposition under that section.

It is so ORDERED.

FOR THE APPEAL BOARD


Barbara A. Tompkins
Secretary to the
Appeal Board