

QUESTION 8. Have decisions of the Atomic Safety and Licensing Appeal Board ever before been overruled by the Atomic Safety and Licensing Board? If yes, please provide a detailed explanation of the circumstances and a justification that addresses how this is consistent with the Administrative Procedures Act, relevant statutes, and fundamental fairness to the parties.

ANSWER.

Without taking any position on whether in the Seabrook proceeding the Licensing Board has overruled an Appeal Board decision (to express any view would be inappropriate under the principles enunciated in Pillsbury, cited earlier), we are not aware of any instance in which a Licensing Board has "overruled" an Appeal Board decision.

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