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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

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

Docket Nos. 50-443 OL
50-444 OL

APPLICANTS' MOTION THAT THE CONTENTIONS OF
HAMPTON BEACH AREA CHAMBER OF COMMERCE BE
DISMISSED AND THAT IT BE
DISMISSED AS A PARTY

Pursuant to this Board's Order of February 16,
1983, the Applicants move that the contentions of
Hampton Beach Area Chamber of Commerce (formerly
Coastal Chamber of Commerce of New Hampshire and
hereinafter "CCCNH") be dismissed, and that CCCNH be
dismissed as a party. In support of this Motion, the
Applicants say as follows:

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1. On September 13, 1982, the Board admitted CCCNH as a party to this proceeding and accepted three of the contentions advanced by CCCNH. Order of September 13, 1982.

2. On December 8, 1982, the Applicants filed and served its first set of interrogatories to CCCNH. No objections to those interrogatories were filed.

3. On January 14, 1983, no answers to its interrogatories having been filed and served by CCCNH, the Applicants moved for an order compelling answers to its interrogatories. (On February 4, 1983, no answers having been filed and served by CCCNH to interrogatories propounded to it by the Staff, the Staff moved for an order compelling answers or, in the alternative, to dismiss CCCNH as a party.)

4. CCCNH filed no response to the foregoing motions.

5. On February 16, 1983, the Board granted the motions for orders compelling CCCNH to answer the interrogatories propounded to it by the Applicants and by the Staff, directing that: "[CCCNH] is directed to answer Applicants' and the Staff's interrogatories and to ensure Applicants and Staff receive (in hand) those

answers no later than ten days after service of this memorandum and order." Order of February 16, 1983 at 2.

6. The foregoing Order was served on February 16, 1983.

7. On February 25, 1983, CCCNH filed and served a document entitled "Answer to Memorandum and Order of Hampton Beach Area Chamber of Commerce." That document did not contain answers to any of the Applicants interrogatories, and it could be interpreted as saying that CCCNH did not intend to (or regarded itself as unable to) answer those interrogatories. It sought no relief other than:

"[CCCNH] would like to continue with its intervention on the Emergency Planning as well as, if possible on its three contentions."

8. As of February 26, 1983, and as of today, no answers to the interrogatories propounded to it by the Applicants have been filed or served by CCCNH and no such answers have been received by the Applicants.

9. In its Order, the Board denied the Staff's motion to dismiss CCCNH as a party, but provided that,

in the event of CCCNH's failure to comply with that order, it would be dismissed:

"However, failure to comply with this order compelling answers to interrogatories will result in dismissal of [CCCNH's] contentions."

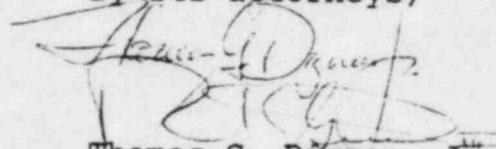
In the event of a dismissal of all of its contentions, CCCNH has no standing to proceed as admitted party and must be dismissed from this proceeding.

10. As a result of the foregoing, the Applicants have received no discovery whatsoever as to the nature of the evidence that CCCNH intends to offer in support of its contentions, nor of the points of fact or law that CCCNH intends to urge in support thereof, nor of the relief or other action that CCCNH intends to seek on account thereof. In essence, what CCCNH seeks is to be permanently excused from answering wholly unobjectionable interrogatories directed to its contentions while at the same time be allowed all the rights and benefits of a full party intervenor. This is a request that, even if it had been timely made, this Board may not and ought not to accede to. To permit CCCNH to continue to litigate its contentions while avoiding entirely its obligations to reveal the

basis therefore, the evidence to be adduced in support thereof, and the legal and factual assertions that the Applicants will face thereunder would be completely inconsistent with the Rules of Practice of the Commission, inconsistent with the Commission's "Statement of Policy on Conduct of Licensing Proceedings," CLI-81-8, 13 NRC 452 , 454 (1981) ("While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant, the fact that a party may have personal or other obligations or possess[es] fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations"), and unfair to the Applicants.

WHEREFORE the Applicants move that the contentions of CCCNH be dismissed and that CCCNH be dismissed as a party to these proceedings.

By its attorneys,



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Dated: March 11, 1983

CERTIFICATE OF SERVICE

I, R. K. Gad III, one of the attorneys for the Applicants herein, hereby certify that on March 11, 1983, I made service of the within "Applicants' Motion that the Contentions of Hampton Beach Area Chamber of Commerce Be Dismissed and that it be Dismissed as a Party" by mailing copies thereof, postage prepaid, to:

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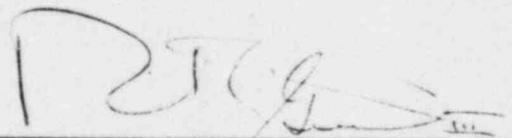
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