



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 25, 1988

The Honorable John D. Rockefeller IV
United States Senate
Washington, D.C. 20510

Dear Senator Rockefeller:

This letter responds to your letter of January 29, 1988 which requested our review of the letter (undated) to you from your constituent Chester E. Gates, Jr. In his letter, Mr. Gates identified himself as a stockholder of Public Service Company of New Hampshire (PSNH) and expressed deep concern that PSNH's Seabrook plant had not received a license to operate. He requested that you take whatever political influence you possess to get the NRC to give final approval to commence operations.

The application for an operating license for Seabrook is currently in adjudication before the Commission and its Licensing Boards. Pursuant to statutory and regulatory requirements, the decision on the license will be made on the basis of the record in that proceeding according to established criteria and will be enunciated in the first instance on the record of that proceeding. Your letter and that of your constituent has been served on the parties.

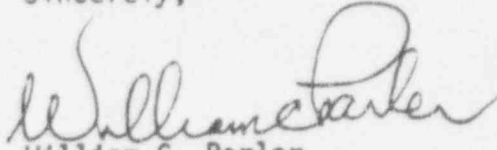
I am sure you understand that in these circumstances I cannot respond with respect to the merits of any issue in adjudication. While I do not wish in any way to minimize Mr. Gates' economic concerns, I feel that I should inform you that such concerns are outside the jurisdiction of this Commission. The Commission is bound to decide the licensing question based on whether the applicant has met the health and safety and common defense and security standards that, under the Atomic Energy Act, it is the Commission's responsibility to ensure.

A brief status report may be of interest. Intervenors opposing the license raised several safety issues--including the provisions for inspection of steam generator tubes, the environmental qualification of certain cable and the safety of water intake systems with respect to biofouling--which must still be resolved. Also a question has been raised whether given PSNH's current financial status there should be an on the record review and finding of the adequacy of the applicants' financial qualifications particularly with respect to operations at low power. That issue is currently before an Appeal Board and may come to the Commission for final resolution. Finally, no decision has yet been made on the adequacy of either the emergency plan for that part of the emergency planning zone within New Hampshire or the part within Massachusetts. And in fact the evidentiary hearings on those plans have not yet been completed--in the case of the Massachusetts plan, which was not filed until late September, 1987, the evidentiary hearing has not yet begun.

These matters must be resolved before full power operations. In addition, the adequacy of an early warning system in the event of a nuclear accident is the chief matter requiring resolution before low power operations may commence for testing purposes.

I hope that this status report will assist you in your response to your constituent.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Parler".

William C. Parler
General Counsel