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March 22, 1988
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UNITED STATES NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
88 MAR 28 P4:25

In the Matter of)
)
Public Service Company of)
New Hampshire, et al.)
)
(Seabrook Station, Units 1 & 2))
)
_____)

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Docket No. 50-443 OL-1/444-a-1
ONSITE EMERGENCY
PLANNING & TECHNICAL
ISSUES

NEW ENGLAND COALITION ON NUCLEAR POLLUTION'S
MOTION FOR LEAVE TO REPLY TO APPLICANTS' AND THE STAFF'S
RESPONSES TO NECNP'S MOTION FOR RECONSIDERATION OF THE BOARD'S
DENIAL OF NECNP'S MOTION TO COMPEL, DATED FEBRUARY 17, 1988

On March 1, 1988, the New England Coalition On Nuclear Pollution (NECNP) filed a motion requesting that the Licensing Board reconsider its Order dated February 17, 1988 denying NECNP's motion to compel, and ruling that the issue of "microbiologically induced corrosion" ("MIC") is not within the scope of NECNP Contention IV.¹ Both Applicants and the NRC Staff filed responses, dated March 14, 1988, and March 11, 1988, respectively, containing unsupported assertions that purport to rebut the scientific and expert opinion presented by NECNP.² NECNP hereby requests leave to reply to the arguments contained in Applicants' and the

1 "Motion for Reconsideration of the Board's Denial of NECNP's Motion to Compel, dated February 17, 1988," dated March 1, 1988.

2 "Applicant's Response to NECNP's Motion for Reconsideration of the Board's Order Denying NECNP's Motion to Compel," dated March 14, 1988; "NRC Staff Reponse to NECNP Motion for Reconsideration of the Board's Denial of NECNP's Motion to Compel," dated March 11, 1988.

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leave to reply to the arguments contained in Applicants' and the Staff's response.

Where safety is at issue, special care must be exercised to allow all parties a full opportunity to be heard. Cincinnati Gas and Electric Co. (William H. Zimmer Nuclear Station), LBP-80-24, 12 NRC 231, 232 n.1 (1980) (ASLB considered untimely filed response because reluctant to take position which might preclude litigation of safety or environmental issues without giving every party an opportunity to be heard). Here, if NECNP's Request for Reconsideration is denied, NECNP will be foreclosed from litigating an important aspect of NECNP Contention IV, relating to the effects of MIC for the safety of operation of the Seabrook plant. Accordingly, it is critical that NECNP be granted every opportunity to make its case as to why the arguments made by Applicants and the Staff are without merit.

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CERTIFICATE OF SERVICE

I certify that on March 22, 1988, copies of the foregoing pleading were served by first-class mail on all parties listed on the attached service list.

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