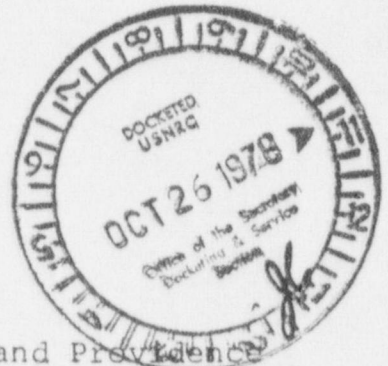


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
NEW ENGLAND POWER COMPANY, )  
et al. )  
(NEP Units 1 and 2) )  
\_\_\_\_\_ )

Docket Nos. STN 50-568  
STN 50-569

RESPONSE TO RHODE ISLAND'S MOTION  
TO COMPEL NEP TO SUPPLEMENT ITS  
ENVIRONMENTAL REPORT



The Motion of the State of Rhode Island and Providence  
Plantations for an order directing the New England Power Co. (NEP)  
to supplement the information contained in its Environmental Re-  
port on alternative sites should be denied.

First, the Motion is nothing more than a discovery motion.  
Under this Board's order of February 22, 1978 discovery is not to  
commence until the date set by this Board. This Board stated:

Under the facts in this case, we have con-  
cluded that the period for discovery, probably  
about 90 days, should commence after both the  
DES and SER have been issued. The dates of  
the discovery period will be fixed by the Board  
after an evidentiary hearing which will con-  
sider the facts involved in the Douglas Point  
criteria for the exercise of a sound discretion  
in deciding whether and when early hearings or  
discovery should be held on specific issues.  
A 30-day notice of such hearing will be issued  
promptly after both the DES and SER have been  
filed, the date depending on which document is  
filed later. At 41-42 (emphasis added).

Since the Board has not set a discovery schedule the Rhode Island Motion is untimely and should be denied.

Second, assuming Rhode Island's motion has some other purpose, it should still be denied since the only party with standing to make such a demand of NEPCO is the NRC staff. The staff must prepare the final Environmental Statement based in part upon the DES, the ER and the DES comments. If the ER and DES contain insufficient information on alternative sites, then Rhode Island should so note in its DES comments. The question, if there is one, is not before this Board.

For the reasons stated above, the motion should be denied.

Respectfully submitted,

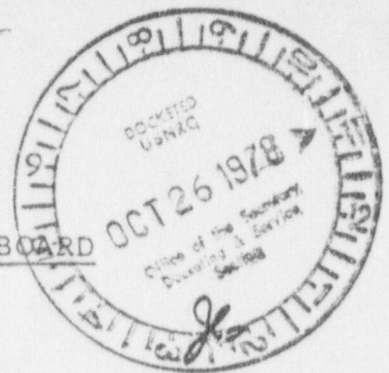
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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
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NEW ENGLAND POWER COMPANY, )  
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 )  
 )

Docket Nos. STN 50-568  
50-569

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Response to Rhode Island's Motion to Compel NEP to Supplement its Environmental Report" was mailed, postage pre-paid, this 24th day of October, 1978, to each of the following:

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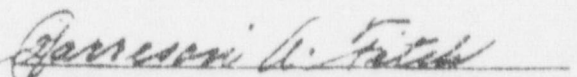
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