



qualificati... of RG-58 cable, and in support thereof, respectfully represent as follows:

STATEMENT OF PRIOR PROCEEDINGS AND FACTS

Under date of April 21, 1982, the New England Coalition on Nuclear Pollution (NECNP), filed a contention in this proceeding denominated "NECNP I.B.2" which read in its entirety as follows:

"The Applicant has not satisfied the requirements of GDC 4 that all equipment important to safety be environmentally qualified because it has not specified the time duration over which the equipment is qualified." (Emphasis added)<sup>2</sup>

The contention was admitted for litigation by the Licensing Board on September 13, 1982.<sup>3</sup>

At the hearing, and over the objection of the Applicants that the only issue open for litigation under the contention as admitted was whether the Applicants had specified time durations for the equipment,<sup>4</sup> NECNP was permitted to cross-examine upon, and raise, the issue of whether the qualification files in fact demonstrated that various pieces of equipment were environmentally qualified. As part of this

---

<sup>2</sup>This text of the contention, which is as it was originally filed, is set out in Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-82-76, 16 NRC 1029, 1050 (1982).

<sup>3</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-82-76, supra, n.2.

<sup>4</sup>Tr. (9/30/86) at 392-94

effort NECNP introduced NECNP Exhibit 4, which is Electrical Equipment Qualification File No. 113-19-01. At the time NECNP offered its Exhibit 4, and a number of other multi-document exhibits, a colloquy of some length occurred with respect to the purpose of the offer and, in particular, whether the documents were being offered for the truth of the matters contained.<sup>5</sup> During this colloquy, NECNP made the following representation as to the purpose of the offer:

"I am offering these documents for the truth of the matter asserted therein, but I also believe that in some instances they did impeach the testimony of the witnesses. They are not utterly for the purpose of impeaching the witnesses. They are also for the purpose of fleshing out the basis upon which these representations are made regarding the qualification of the equipment. I think they are very relevant to the contention." (Emphasis added).<sup>6</sup>

On the basis of this statement as to the purpose of the offer, the Applicants stated that there was no objection to, inter alia, NECNP Exhibit 4,<sup>7</sup> and the Exhibit was admitted.<sup>8</sup> Included in the documents contained in NECNP Exhibit 4 was a letter dated February 11, 1983 from ITT Suprenaut Division (Joel T. Sibly) to United Engineers and Constructors (George Morris), stating that on the basis of tests performed on RG-

---

<sup>5</sup>Tr. (9/30/86) at 460-73.

<sup>6</sup>Tr. (9/30/86) at 460.

<sup>7</sup>Tr. (9/30/86) at 460.

<sup>8</sup>Tr. (9/30/86) at 473.

59 cable the vendor was confident that RG-58 cable was qualified.<sup>9</sup> Also included in NECNP Exhibit 4 was a memorandum, dated October 10, 1985, which purports to describe how cables may be identified as being required to perform a safety function.<sup>10</sup>

In a Partial Initial Decision issued on March 25, 1987,<sup>11</sup> the Licensing Board found that RG-58 Cable had been adequately qualified on the basis of the February 11, 1983 letter described above and other materials in Exhibit 4.<sup>12</sup> NECNP appealed this finding arguing, in essence, that the documentation which it had introduced for the truth of the matters contained should not be believed and could not and should not be relied upon by the Licensing Board.<sup>13</sup> In response, the Applicants pointed out in their brief that the evidence relied upon by the Licensing Board had been introduced without restriction by NECNP itself,<sup>14</sup> and argued

---

<sup>9</sup>NECNP Ex. 4 Ref. 4.

<sup>10</sup>NECNP Ex. 4 Ref. 6. Also reproduced as an Appendix to thi. Appeal Board's decision of April 25, 1988. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-891 27 NRC \_\_\_\_ (April 25, 1988).

<sup>11</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-87-10, 25 NRC 177 (1987).

<sup>12</sup>LBP-87-10, supra n.9, Findings Nos. 68-70.

<sup>13</sup>New England Coalition on Nuclear Pollution's Brief in Support of Appeal of Partial Initial Decision Authorizing Issuance of a License to Operate at Low Power (May 8, 1987) at 22-23.

<sup>14</sup>Brief of Applicants (June 3, 1987) at 18.

that in any event the entire subject was well beyond the contention which had been admitted.<sup>15</sup>

This Appeal Board issued a decision on October 1, 1987 in which it, inter alia, reversed the Licensing Board on the RG-58 Cable issue.<sup>16</sup> In so doing, this Appeal Board never addressed the Applicants' argument that the contention, as filed and admitted, did not encompass the issue. Rather, this Appeal Board simply stated in passing:

" . . . as litigated, the contention focused upon the capability of equipment subject to GDC 4 to continue to perform its intended function for such period after the accident as might be necessary -- i.e., whether the equipment is 'environmentally qualified.'"<sup>17</sup>

The reversal was based upon the Appeal Board's agreement with NECNP that the February 11, 1983 memorandum was insufficient to establish environmental qualification of the RG-58 Cable.<sup>18</sup> However, this Appeal Board never addressed the question of how NECNP could be heard to attack evidence which it itself offered for the truth of the matters contained.

---

<sup>15</sup>Brief of Applicants (June 3, 1987) at 19.

<sup>16</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-875, 26 NRC 251, 269-71 (1987).

<sup>17</sup>26 NRC at 270. Accepting the description of the contention as litigated, the fact remains that this Appeal Board simply did not address the briefed and preserved issue of whether it should have been litigated that way in the first place.

<sup>18</sup>26 NRC at 270-71.

This Appeal Board described the remand as follows:

". . . the segment of the environmental qualification issue concerned with the RG58 cable must be returned to the Licensing Board. If unable to point to anything in the existing record that establishes that the differences in the two cables are unimportant for present purposes, the Board is to reopen the record for a further exploration of the question whether RG59 cable test results can serve the foundation for the environmental qualification of the RG58 cable." (Emphasis added)<sup>19</sup>

In response to this remand, the Licensing Board issued an unpublished "Memorandum to the Appeal Board" on October 16, 1988. Therein, the Licensing Board gave a technical explanation based upon materials in the record as to why it believed that had the RG-58 cable been tested, it would have revealed results "similar to those obtained for Cable RG-59, which were acceptable."<sup>20</sup> On January 8, 1988, after receiving comments from the Applicants, NECNP and the Staff, this Appeal Board issued a decision rejecting the Licensing Board's analysis.<sup>21</sup> However, this Appeal Board also took note of the fact that in their filings with the Appeal Board, the Applicants had raised a new argument, not previously passed upon by the Licensing Board.<sup>22</sup> The argument, as

---

<sup>19</sup>26 NRC at 271.

<sup>20</sup>Memorandum to the Appeal Board (unpublished) (Oct. 16, 1988) at 4.

<sup>21</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-882, 27 NRC 1 (1988).

<sup>22</sup>27 NRC at 4-5.

described by this Appeal Board was to the effect that since there was no dispute that the "high potential" test of RG-58 Cable would likely have produced results similar to that produced by such a test of RG-59, this meant the RG-58 was qualified. This was so, Applicants argued because RG-58 cable need only retain its integrity to the extent necessary to avoid compromising the fulfillment of safety functions by other components. Noting that this argument had never been presented to the Licensing Board, this Appeal Board remanded the matter to the Licensing Board to give it an opportunity to do so, noting that if the argument was rejected this Appeal Board's rejection of the previous reasoning of the Licensing Board:

" . . . will necessitate a reopening of the record to pursue further the question whether RG59 cable test results can serve as the foundation for the environmental qualification of the RG58 cable."  
(Emphasis added).<sup>23</sup>

On March 2, 1988, the Licensing Board issued a decision upholding the Applicants' argument.<sup>24</sup> In so doing it relied, inter alia, upon the October 8, 1985 memorandum described

---

<sup>23</sup>27 NRC at 5.

<sup>24</sup>Memorandum to the Appeal Board on Environmental Qualification of Coaxial Cable RG-58 (unpublished) (March 2, 1988).

earlier.<sup>25</sup> With respect to that memorandum, the Licensing Board observed:

"NECNP's arguments against the Applicants' response are, in effect, that documents in the Applicants' environmental qualification file do not provide an evidentiary basis for determining the truth of the matters contained therein. . . .

"In addition to the fact that the document in question, EQF 113-19-01, was offered and admitted into evidence without limitations as NECNP Exhibit 4 (see Tr. 460), the Applicants' witness, in responding to cross examination by NECNP's counsel, testified that the purpose of the [EQF] files is to keep a verifiable record that the equipment is indeed qualified for the environment to which it might be subjected in an accident. [citation omitted]. . . . That the entries in the various documents are brief, or that the size of the purchase order is for 60,000 feet (11.36 miles), does not detract from their probative value. They are part of the record introduced by NECNP and not challenged by NECNP during their cross examination." (Emphasis added).<sup>26</sup>

On April 25, 1988, this Appeal Board again reversed.<sup>27</sup> This Appeal Board upheld NECNP's argument that the documentation relied upon by the Licensing Board was in error

---

<sup>25</sup>See n.10, supra, and accompanying text.

<sup>26</sup>Memorandum to Appeal Board on Environmental Qualification of Coaxial Cable RG-58 (unpublished) (March 2, 1988) at 6-7. Indeed, as noted earlier, the documents were, in fact, expressly offered by NECNP for the "truth of the matter asserted therein." See n.6, supra, and accompanying text.

<sup>27</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-891, 27 NRC \_\_\_\_ (April 25, 1988).

in attaching any weight to the October 10, 1985 memorandum without it being sponsored by a competent witness.<sup>28</sup> Again this was done with no mention of the fact that, or analysis as to why it made no difference that, the document was offered by NECNP, itself, expressly for the truth of the matters asserted.<sup>29</sup> This Appeal Board concluded its decision by stating that for the reasons expressed therein, the Partial Initial Decision rendered March 25, 1987 was:

" . . . reversed to the extent that it found that the environmental qualification of the RG58 coaxial cable had been established. That issue is remanded to the Licensing Board for further proceedings consistent with this decision."<sup>30</sup>

After the last remand, the Applicants made a decision to moot the entire issue by removing all of the RG-58 cable that was required to be environmentally qualified and replace it with RG-59, the qualification of which was not at issue. After that decision was made, the Applicants filed a "Suggestion of Mootness" with supporting affidavits.<sup>31</sup> The thrust of this filing was to show that there were only 12 RG-58 cables in the facility which had to be environmentally qualified under the regulations, that a management decision

---

<sup>28</sup>ALAB-891, Slip Op. at 19-22.

<sup>29</sup>See n.6, supra, and accompanying text.

<sup>30</sup>27 NRC \_\_\_\_, Slip Op. at 25-26.

<sup>31</sup>The Suggestion of Mootness and supporting Affidavits are filed herewith for the Appeal Board's convenience as Appendix 2.

had been made to replace these with RG-59 cable and that therefore the issue of the environmental qualification of RG-58 cable was moot.<sup>32</sup>

On June 2, 1988, the Staff filed a reply to the Applicants' Suggestion of Mootness.<sup>33</sup> This reply seemed to raise no quarrel with either the legal theory or the facts as stated in the Suggestion; however, the Staff did fault the Applicants for not giving sufficient detail with respect to certain of the matters dealt with in the affidavits. The Staff suggested a course of action which in essence amounted to the treatment of the Suggestion of Mootness as a motion for summary disposition and advocated giving itself and NECNP sufficient time to reply to the Suggestion in that framework.<sup>34</sup> On June 9, 1988, NECNP replied to the

---

<sup>32</sup>On May 27, 1988, the Applicants filed a correction to the original filing which arose from a recategorization of one of the cables from being "located within mild environments within the nuclear island" to "spare." This filing is filed herewith as Appendix 3.

<sup>33</sup>NRC Staff Response to Applicants' Suggestion of Mootness (June 2, 1988). This document is filed herewith as Appendix 4.

<sup>34</sup>The Staff has persisted in its view that what is involved here is a summary disposition motion. This is a correct view, only if one prejudges the question of whether the Licensing Board has jurisdiction and authority to delve into the questions of whether the correct cables were replaced and whether the replacement cable is the appropriate one. The thrust of the Applicants' position however, as set forth in Section II of the Argument, infra, is that there exists no jurisdiction or authority to reach these questions, or, if there is, the proper and necessary procedures have not been followed.

Suggestion of Mootness.<sup>35</sup> The gravamen of this filing is a list of questions contained therein which NECNP claims must be resolved prior to this matter being put to rest.<sup>36</sup> Of note is the fact that in the long list of questions dealing with such matters as how the Applicants determined which RG-58 cables had to be qualified, and whether RG-59 is qualified to replace RG-58, nowhere is there a question, "Is RG-58 environmentally qualified?"; the only issue that was remanded to the Licensing Board.

On June 9, 1988, the Applicants requested,<sup>37</sup> and, on June 10, 1988, were granted,<sup>38</sup> leave to reply to the Staff and NECNP filings. On June 17, 1988 the reply was filed.<sup>39</sup> Inter alia, the reply pointed out:

"The issue remanded to the Licensing Board concerns only whether the RG-58 cable is environmentally qualified. This is the only issue remanded to this Licensing Board and therefore the sole issue over which the Licensing Board has jurisdiction [citation footnote omitted]

---

<sup>35</sup>New England Coalition on Nuclear Pollution's Response to Applicants' Suggestion of Mootness Regarding Environmental Qualification of RG58 Cable (June 9, 1988). This document is filed herewith as Appendix 5.

<sup>36</sup>Appendix 5 at 3-4.

<sup>37</sup>Applicants' Motion for Leave to File Reply to Staff and NECNP Responses to Applicants' Suggestion of Mootness (June 9, 1988).

<sup>38</sup>ORDER (Granting Applicants' Motion For Leave to Reply) (June 10, 1988).

<sup>39</sup>Applicants' Reply to NRC Staff and NECNP's Response to Applicants' Suggestion of Mootness (June 17, 1988). This document is filed herewith as Appendix 6.

and the sole issue which NECNP properly may litigate. Applicants have mooted that issue by agreeing to remove all RG-58 coaxial cable presently required to meet the environmental qualification requirements of 10 CFR 50.49. There is no contention in this case, and never has been, that Applicants were not capable of selecting what components have to be environmentally qualified. Indeed, there has never been a contention that the Seabrook organization was not fully technically qualified."<sup>40</sup>

On June 23, 1988, a telephone conference was held.<sup>41</sup> Again NECNP argued its concerns, all of which were of the same nature as outlined in their written reply, i.e. questions going to the Applicants' technical ability to determine which cables needed to be qualified and their ability to select proper replacement cable.<sup>42</sup> The Staff adhered to its position that this was basically a matter for summary disposition, stating that on the basis of what had been filed, it was now the Staff's position, subject to further study, that:

"[T]he record contains all the information necessary for the Board to issue a determination favorable to the applicants on this remanded contention."<sup>43</sup>

Applicants reiterated the jurisdictional argument alluded to

---

<sup>40</sup>Appendix 6 at 5.

<sup>41</sup>Appendix 1, passim.

<sup>42</sup>Appendix 1 1162-65.

<sup>43</sup>Appendix 1 at 1166.

above.<sup>44</sup> After deliberation, the Licensing Board then issued the order at bar<sup>45</sup> which rejected the suggestion of mootness and opened discovery and placed the matter on a track where resolution, even by way of summary disposition, will be impossible prior to October of this year.<sup>46</sup> The Licensing Board also refused to certify the questions presented by this Appeal and Petition to this Appeal Board.<sup>47</sup> As articulated by the Licensing Board, the issues to be tried are whether Applicants have selected the correct cables to be replaced, and whether RG-59 is an acceptable substitute.<sup>48</sup>

It is in the foregoing posture that this matter comes before this Appeal Board.

#### ARGUMENT

##### I. The Appeal Board Should Address the Appeal.

##### A. There Exists an Appeal as of Right in the Circumstances of this Case.

As appears from the statement of facts, the order at bar amounts to an order granting the admission of new contentions directed at the technical qualifications of the Applicants. That is to say the original remanded issue of whether or not

---

<sup>44</sup>Appendix 1 at 1169-73; 1174-75

<sup>45</sup>Appendix 1 at 1177-79.

<sup>46</sup>See Appendix 1 at 1181.

<sup>47</sup>Appendix 1 at 1178.

<sup>48</sup>Appendix 1 at 1178-79. The Board specifically stated that it would not be issuing any further formal order. Appendix 1 at 1182.

RG-58 cable is, in fact, environmentally qualified is gone. What is to be litigated is whether or not the Applicants know how to find the correct cables and select a proper substitute. The posture of this case is no different than if NECNP had filed a new set of contentions and they had been allowed by the Board. For the reasons set forth in Section II hereof, it is the Applicants contention that none of these new contentions should be admitted for litigation. Thus the Applicants are entitled to an appeal of right under 10 CFR §2.714a. If the Applicants prevail in this Appeal, this will bring this discrete matter to a close. In such circumstances, where the contention to be litigated is wholly changed by the Licensing Board, an appeal of right should be held to lie.

B. In any Event, Directed Certification  
Should Be Granted

The general rule as to directed certification is that normally it is not granted except:

"where the ruling below either (1) threatened the party adversely affected by it with immediate and serious irreparable impact which, as a practical matter, could not be alleviated by later appeal or (2) affected the basic structure of the proceeding in a pervasive or unusual manner."<sup>49</sup>

In addition, while not dispositive of the issue, an order

---

<sup>49</sup>Public Service Company of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-405, 5 NRC 1190, 1192 (1977).

which must be reviewed promptly or not at all is a fit candidate for directed certification.<sup>50</sup> As argued below, the order at bar has resulted in a proceeding, or discrete portion thereof, not being wholly terminated when it should have been. As such, it does not merely affect the structure of a proceeding, it creates it. In addition, if there is no review granted now, the legal issues of jurisdiction, violation of the sua sponte rules, and violation of 10 CFR §2.734 (reopening) raised by this filing will never be reviewed. The substantive issues will have been tried as ordered by the Licensing Board, and the issue of whether they should have been tried will be moot and of academic interest only. If the legal position of the Applicants is correct, and we believe it is, it is only by immediate review of the order at bar that the position can be vindicated.

## II. The Order Should be Reversed on the Merits

### A. The Licensing Board is Without Jurisdiction to Entertain the Contentions now Contemplated for Litigation

It is fundamental to NRC jurisprudence that a Licensing Board which receives a matter back on remand has jurisdiction only over those particular issues remanded to it.<sup>51</sup> As is

---

<sup>50</sup> See Kansas Gas & Electric Co. (Wolf Creek Nuclear Generating Station, Unit 1), ALAB-327, 3 NRC 408, 413 (1976).

<sup>51</sup> Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1-4), ALAB-526, 9 NRC 122, 124 and n.3 (1979); Portland General Electric Co. (Trojan Nuclear Plant), ALAB-534, 9 NRC 287, 289-90 N.6 (1979).

clear from the Statement of the case above, the only issue which was remanded to the Licensing Board was the issue of whether RG-58 cable was in fact environmentally qualified. This is clear from the various statements or remand quoted above.<sup>52</sup> By their filing, and subsequent replacement of the RG-58 cables of concern,<sup>53</sup> the Applicants have mooted that issue. The Licensing Board was given no writ to explore the Applicants' ability to find cables or select replacements. No one ever contended in this case that these Applicants were incapable of performing such tasks. Thus in putting to hearing these issues, the Licensing Board has exceeded its jurisdiction on remand.

B. The Order of the Licensing Board Violates the Sua Sponte Rules.

It may be argued that the Licensing Board, in issuing the order was, in essence, raising these issues of the Applicants ability to locate and replace cable sua sponte. However, such an argument is without merit. To begin with, the Licensing Board, if, indeed, it intended to act sua sponte, has failed to follow the procedure of advising the Office of the General Counsel as it is required to do.<sup>54</sup> Prescinding from this procedural problem, the fact is that

---

<sup>52</sup>Supra, pp.6, 7, 9.

<sup>53</sup>Appendix 1 at 1162.

<sup>54</sup>Texas Utilities Generating Co. (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-81-24, 14 NRC 614 (1981); id., LBP-81-23, 14 NRC 159 (1981).

there could be no exercise of sua sponte authority in this setting, because the necessary prerequisite of a serious safety question<sup>55</sup> simply is not present. The affidavits show the methodology that was used to select the cables to be replaced, and, indeed the Staff has indicated preliminarily that they find the materials adequate. More importantly, in deciding whether to raise an issue sua sponte an NRC tribunal may, and should, take into account the efficacy of Staff review with respect to the matter.<sup>56</sup> The issues of whether all the right cables have been replaced and whether the cable used to replace them is appropriate are issues wholly objective in nature to be judged by objective standards; as such, they are classically issues properly left to Staff resolution.<sup>57</sup> In short, there can be no justification under the sua sponte rules for what has taken place here.

C. The Order Violates the Rules Governing the Reopening of Closed Issues.

As indicated above, the hearing that the Licensing Board contemplates holding will be a hearing on the technical

---

<sup>55</sup>10 CFR §2.760a

<sup>56</sup>See Cincinnati Gas and Electric Co. (William H. Zimmer Nuclear Power Station, Unit No. 1), CLI-82-20, 16 NRC 109 (1982). reconsideration denied, CLI-83-4, 17 NRC 75 (1983).

<sup>57</sup>See Louisiana Power and Light Company (Waterford Steam Electric Station, Unit 3), ALAB-732, 17 NRC 1076, 1104-05 (1983); Carolina Power and Light Co. (Shearon Harris Nuclear Power Plant, Units 1,2,3, and 4), CLI-74-22, 7 AEC 939, 951-52 (1974).

qualifications of the Applicants, i.e., their ability to select cables for replacement and their ability to select a competent replacement cable. The technical qualifications of the Applicants to construct Seabrook Station was litigated and resolved in the Applicants' favor in the Construction Permit phase of the Seabrook proceeding.<sup>58</sup> No technical qualifications issue was ever raised in the operating license proceeding. The technical qualifications of the Applicants were found adequate by the Director, NRR, acting for the Commission when the presently outstanding operating license was issued.

It is highly questionable whether the Licensing Board would even have jurisdiction at this point to open the issue of technical qualifications.<sup>59</sup> But in any event, no proper motion has been filed and no attempt has been made by anyone to satisfy the requirements of the Rules of Practice regarding reopening.<sup>60</sup>

#### CONCLUSION

The instant order exceeds the jurisdiction of the Licensing Board; it violates the sua sponte rules of the Commission; it constitutes an improper reopening of an issue

---

<sup>58</sup>Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), 3 NRC 857, 866-67 (1976)

<sup>59</sup>Houston Lighting & Power Co. (South Texas Project, Units 1 and 2), ALAB-381, 5 NRC 582 (1977); Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1-4), CLI-80-12, 11 NRC 514, 516.

<sup>60</sup>10 CFR §2.734.

fully litigated in the construction permit stage and as to which no contention has ever been raised in the operating license stage. We respectfully suggest it should be reversed and the RG-58 cable issue declared moot.

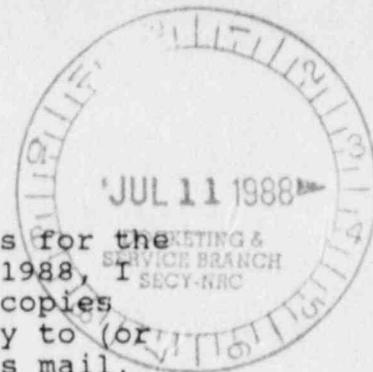
Respectfully submitted,



Thomas G. Dignan, Jr.  
Deborah S. Steenland  
Ropes & Gray  
225 Franklin Street  
Boston, MA 02110  
(617) 423-6100

Counsel for Applicants

CERTIFICATE OF SERVICE



I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on July 7, 1988, I made service of the within document by depositing copies thereof with Federal Express, prepaid, for delivery to (or where indicated, by depositing in the United States mail, first class, postage paid, addressed to):

Alan S. Rosenthal, Chairman  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

Howard A. Wilber  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

Thomas S. Moore  
Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

Mr. Ed Thomas  
FEMA, Region I  
442 John W. McCormack Post  
Office and Court House  
Post Office Square  
Boston, MA 02109

Administrative Judge Sheldon J.  
Wolfe, Esquire, Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

Robert Carrigg, Chairman  
Board of Selectmen  
Town Office  
Atlantic Avenue  
North Hampton, NH 03862

Administrative Judge Emmeth A.  
Luebke  
4515 Willard Avenue  
Chevy Chase, MD 20815

Diane Curran, Esquire  
Andrea C. Ferster, Esquire  
Harmon & Weiss  
Suite 430  
2001 S Street, N.W.  
Washington, DC 20009

Dr. Jerry Harbour  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

Stephen E. Merrill, Esquire  
Attorney General  
George Dana Bisbee, Esquire  
Assistant Attorney General  
Office of the Attorney General  
25 Capitol Street  
Concord, NH 03301-6397

Adjudicatory File  
Atomic Safety and Licensing  
Board Panel Docket (2 copies)  
U.S. Nuclear Regulatory  
Commission  
East West Towers Building  
4350 East West Highway  
Bethesda, MD 20814

\*Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, DC 20555

Philip Ahrens, Esquire  
Assistant Attorney General  
Department of the Attorney  
General  
Augusta, ME 04333

Paul McEachern, Esquire  
Matthew T. Brock, Esquire  
Shaines & McEachern  
25 Maplewood Avenue  
P.O. Box 360  
Portsmouth, NH 03801

Mrs. Sandra Gavutis  
Chairman, Board of Selectmen  
RFD 1 - Box 1154  
Route 107  
Kensington, NH 03827

\*Senator Gordon J. Humphrey  
U.S. Senate  
Washington, DC 20510  
(Attn: Tom Burack)

\*Senator Gordon J. Humphrey  
One Eagle Square, Suite 507  
Concord, NH 03301  
(Attn: Herb Boynton)

Mr. Thomas F. Powers, III  
Town Manager  
Town of Exeter  
10 Front Street  
Exeter, NH 03833

Sherwin E. Turk, Esquire  
Office of General Counsel  
U.S. Nuclear Regulatory  
Commission  
One White Flint North, 15th Fl.  
11555 Rockville Pike  
Rockville, MD 20852

Robert A. Backus, Esquire  
Backus, Meyer & Solomon  
116 Lowell Street  
P.O. Box 516  
Manchester, NH 03105

Mr. J. P. Nadeau  
Selectmen's Office  
10 Central Road  
Rye, NH 03870

Carol S. Sneider, Esquire  
Assistant Attorney General  
Department of the Attorney  
General  
One Ashburton Place, 19th Flr.  
Boston, MA 02108

Mr. Calvin A. Canney  
City Manager  
City Hall  
126 Daniel Street  
Portsmouth, NH 03801

R. Scott Hill-Whilton, Esquire  
Lagoulis, Clark, Hill-  
Whilton & McGuire  
79 State Street  
Newburyport, MA 01950

Mr. Peter S. Matthews  
Mayor  
City Hall  
Newburyport, MA 01950

Mr. William S. Lord  
Board of Selectmen  
Town Hall - Friend Street  
Amesbury, MA 01913

H. Joseph Flynn, Esquire  
Office of General Counsel  
Federal Emergency Management  
Agency  
500 C Street, S.W.  
Washington, DC 20472

Gary W. Holmes, Esquire  
Holmes & Ells  
47 Winnacunnet Road  
Hampton, NH 03841

Judith H. Mizner, Esquire  
79 State Street, 2nd Floor  
Newburyport, MA 01950

Brentwood Board of Selectmen  
RFD Dalton Road  
Brentwood, NH 03833

Richard A. Hampe, Esquire  
Hampe and McNicholas  
35 Pleasant Street  
Concord, NH 03301

Charles P. Graham, Esquire  
Murphy and Graham  
33 Low Street  
Newburyport, MA 01950



---

Thomas G. Dignan, Jr.

(\*U.S. First Class Mail.)