

propounded by the Commission's Staff in a letter dated August 17, 1988.

2. That included in the eighteen pages of text and the attachments filed by Public Service on August 31, 1988 are representations bearing, both directly and indirectly, on the matter before the Commission: whether in the particular circumstances of the Seabrook Nuclear Power Station low power license proceeding the application of the Commission's public utility exemption to the requirement of a demonstration of financial qualification prior to the issuance of any operating license would serve the purposes for which rule was adopted. 10 C.F.R. 2.758(b).

3. That on September 2, 1988 the U.S. Bankruptcy Court for the District of New Hampshire denied approval of Public Service's intention to enter into transactions which would have the effect of transferring management and operational control of the Seabrook Nuclear Power Station from the New Hampshire Yankee Division of Public Service to a separate corporate entity, New Hampshire Yankee Electric Corporation.

4. That the September 2, 1988 opinion of the U.S. Bankruptcy Court for the District of New Hampshire bears directly upon the question of whether the rate making process can assure that sufficient funds will be available to assure the safe low power operation and permanent shut down of the Seabrook Nuclear Power Station.

5. That neither the Commission's rules of practice nor its July 14, 1988 order in this proceeding address the question of whether and how a party may bring new information to Commission's attention when the Commission is considering a petition for the waiver of one of its regulations.

6. That the public interest in a fully informed decision by the Commission on the pending petition for the waiver of the public utility exemption from the requirement of a demonstration of financial qualification, considerations of fairness, and the interest in conserving administrative resources require that the information referenced in paragraphs one through four above as well as the Massachusetts Attorney General's analysis thereof should be presented to the Commission prior to its decision on the pending petition.

WHEREFORE, the Massachusetts Attorney General moves that the Commission grant leave to file and consider the accompanying THIRD SUPPLEMENT TO MASSACHUSETTS ATTORNEY GENERAL JAMES M. SHANNON'S PETITION UNDER 10 C.F.R. 2.758 FOR A WAIVER OF OR AN EXCEPTION FROM THE PUBLIC UTILITY EXEMPTION FROM THE REQUIREMENT OF A DEMONSTRATION OF FINANCIAL QUALIFICATION .

RESPECTFULLY SUBMITTED

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