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September 15, 1988

UNITED STATES OF AMERICA '88 SEP 15 P4:06
NUCLEAR REGULATORY COMMISSION

before the
COMMISSION

OFFICE OF
DOCKETING
BRANCH

In the Matter of

PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, ET AL.

(Seabrook Station, Unit 1
and 2)

_____)
_____)
_____)
Docket Nos. 50-443-OL-1
50-444-OL-1
_____)
(Onsite Emergency Planning
and Safety Issues)
_____)

MOTION OF MASSACHUSETTS ATTORNEY GENERAL
JAMES M. SHANNON FOR LEAVE TO FILE
A DOCUMENT NOT AUTHORIZED BY
THE COMMISSION'S RULES OF PRACTICE

Massachusetts Attorney General James M. Shannon hereby moves the Nuclear Regulatory Commission ("Commission") for leave to file a document not authorized by the Commission's rules of practice. Specifically, the Massachusetts Attorney General moves for leave to file the accompanying FOURTH 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. In support of this motion, the Massachusetts Attorney General states:

1. That on September 9 and 13, 1988, the lead owner and operator of the Seabrook Nuclear Power Station, Public Service Company of New Hampshire ("Public Service"), filed with the

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Commission supplemental responses to requests for additional financial information propounded by the Commission's Staff in a letter dated August 17, 1988.

2. That the supplemental response filed by Public Service on Sept. 13, 1988 is itself substantial evidence that the public utility exemption from the requirement of a demonstration of financial qualification should be waived in the circumstances of the low power operation license application for the Seabrook Nuclear Power Station.

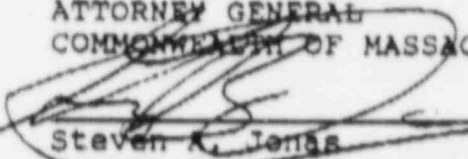
3. That neither the Commission's rules of practice nor its July 14, 1988 order in this proceeding address the question of whether and how a party may bring new information to Commission's attention when the Commission is considering a petition for the waiver of one of its regulations.

4. That the public interest in a fully informed decision by the Commission on the pending petition for the wavier 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 paragraph one 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 FOURTH 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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