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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

before the
ATOMIC SAFETY AND LICENSING BOARD

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| In the Matter of |) | |
| |) | |
| PUBLIC SERVICE COMPANY OF |) | Docket Nos. 50-443-OL-1 |
| NEW HAMPSHIRE, et al. |) | 50-444-OL-1 |
| |) | On-site Emergency |
| (Seabrook Station, Units 1 and 2) |) | Planning and Safety |
| |) | Issues |

APPLICANTS' MOTION TO WITHDRAW
"APPLICANTS' MOTION FOR SANCTIONS
AGAINST THE MASSACHUSETTS ATTORNEY GENERAL
FOR FAILURE TO COMPLY WITH THE BOARD'S DISCOVERY ORDER"

On September 8, 1988, Applicants filed their "Motion for Sanctions Against the Massachusetts Attorney General For Failure to Comply with the Board's Discovery Order" (the "Motion"). In the Motion, Applicants asserted that the additional responses to five interrogatories filed by the Attorney General for the Commonwealth of Massachusetts ("Mass AG") on September 6, 1988, failed to comply with the Board's Memorandum and Order (Ruling on Applicants' Revised Motion to Compel) (August 19, 1988) (the "Order").

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On September 9, 1988, Mass AG filed further additional responses to three of the five interrogatories in question. Based upon those further additional responses, Applicants informed the Board during a telephone conference call on September 12, 1988 that Applicants withdrew that portion of the Motion which concerned those interrogatories, i.e. the portion that asked for the dismissal of Bases A.3 and A.5 of Mass AG's Amended Contention on Notification System. See Letter of Jeffrey P. Trout to the Atomic Safety and Licensing Board at 1 (September 15, 1988), attached hereto as Attachment A.


In that same conference call, Mass AG and Applicants argued the merits of the remaining portion of the Motion, and the Board ordered Mass AG to "provide the information requested". Id. at 2.

On September 13, 1988, Mass AG filed "Massachusetts Attorney General's Further Response to Interrogatories 6 and 7" (the "Response"). In the Response, Mass AG now states that his official no longer remembers the conversation which the Board ordered him to describe. Applicants perforce accept this representation.

Accordingly, since Applicants believe that Mass AG is now in compliance with the Order with regards to three of the interrogatories, and since there apparently is no more information to be gained by further pursuing the other two

interrogatories, Applicants hereby respectfully request the Board's permission to withdraw the Motion, in its entirety. Applicants regret that so much of the Board's and the parties time has had to be spent to reach this final resolution of discovery in this matter.

Respectfully submitted,


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