

3392



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

50-443/444-06-1

DOCKETEE
USNRC

April 30, 1987

87 MAY -5 A9:59

OFFICE OF PUBLIC AFFAIRS
DOCKETING & SERVICE
BRANCH

The Honorable Gordon J. Humphrey
United States Senate
Washington, D. C. 20510

SERVED MAY -5 1987

Dear Senator Humphrey:

I am responding to your letter dated April 3, 1987 regarding the Atomic Safety and Licensing Board's Partial Initial Decision of March 25, 1987 authorizing issuance of a low-power operating license for the Seabrook nuclear reactor.

In its consideration of ALAB-853 the Commission stayed the Director of the Office of Nuclear Reactor Regulation from issuing such a license pending completion of Commission review of that Appeal Board decision. The single issue on review was whether a low power license should be issued absent any emergency plan for that part of the plume exposure emergency plan zone that lies in Massachusetts (Massachusetts EPZ). On April 9, 1987 the Commission concluded its review and decided that the Seabrook applicant must file an emergency plan for the Massachusetts EPZ before even a low power license can be issued. Accordingly, the stay was left in place. (See enclosed Commission Order.)

On the eve of its April 9 decision, the Commission received from the Seabrook applicant (1) a notification that it was filing an emergency plan for the Massachusetts EPZ, (2) a suggestion of mootness as a result of the filing, and (3) a request to lift the stay. Nonetheless, the Commission proceeded with its decision, but said it would respond subsequently to the Seabrook applicant after full opportunity for response by participants in the Seabrook proceeding. A briefing schedule was established which should enable the Commission to consider these matters in May.

Because this matter is in formal adjudication, the Commission cannot comment on its prospective decisions, and the Commission may entertain views on the issues and decide those issues only on the record.

8705120109 870430
PDR ADOCK 05000443
G PDR

D502

-2-

I can affirm that, as in the past, the Seabrook licensing decisions will receive the Commission's serious consideration.

Sincerely,

Lando W. Zech Jr.
Lando W. Zech Jr.

Enclosure:
As Stated