



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. Mc CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

June 15, 1979

Director
Office of Administration
Freedom of Information and
Privacy Department
U.S. Nuclear Regulatory
Commission
Washington, D.C.

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-79-231
REC'D 6-22-79

Re. FREEDOM OF INFORMATION ACT REQUEST

Dear Sir:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, and 10 CFR Part 9, the Commonwealth of Massachusetts requests the following documents concerning radiological emergency response plans for nuclear power plants:

1. Any and all NRC documents, including but not limited to information papers, correspondence, memoranda, Commission Action papers (i.e., "SECY" documents) and other NRC Staff communications utilized in the promulgation of the proposed amendment to Appendix E, 10 CFR Part 50, which appeared in 43 Fed. Reg. 37433 (8-23/78).

2. Any and all written comments or suggestions received by the NRC concerning the proposed amendment to Appendix E, 10 CFR Part 50, noticed on August 23, 1973 in 43 Fed. Reg. 37433.

3. Any and all documents, including but not limited to information papers, memoranda, correspondence, Commission Action papers (i.e., "SECY" documents), and other NRC staff communications developed subsequent to the issuance of and relating to the proposed amendment to Appendix E to 10 CFR Part 50, noticed at 43 Fed. Reg. 37433 (8/23/78).

1. Any and all documents prepared and/or utilized by the NRC participants or the NRC/EPA Task Force on Emergency Planning in the preparation of NUREG-0396, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," (NUREG-0396, EPA 520/1-78-016), dated November 1978, and published December 1978, 43 Fed. Reg. 58658 (12/15/78). Such documents should include, but not be limited to, NRC memoranda, position papers, and other staff communications used

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and/or consulted in the preparation of Appendices I ("Rationale for the Planning Basis"), II ("Background Concerning the Report"), III ("Related Issues Considered by the Task Force") to NUREG0396, identified above.*

5. Any and all comments or suggestions received by Harold E. Collins, Assistant Director for Emergency Preparedness, Office of State Programs, Nuclear Regulatory Commission, concerning the Report of the EPA/NRC Task Force on Emergency Planning (NUREG-0396, EPA 520/1-78-016), noticed on December 15, 1978 in 43 Fed. Reg. 50658.

6. Any and all documents, including but not limited to information or position papers, memoranda, correspondence, Commission Action papers (i.e., SECY" documents) and other staff communications developed subsequent to December 15, 1978 and related to the EPA/NRC Task Force Report on Emergency Planning (NUREG-0396, EPA 520/1-78-016).

7. Any and all regulatory guidelines, studies or documents, prepared by the NRC or its consultants, relating to the recommended time frames and radiological characteristics of the accidents which the NRC staff uses in determining the appropriate emergency actions which could be taken to reduce accident consequences.

8. Any and all regulatory guidelines, studies or documents, prepared by the NRC or its consultants, and routinely used by the NRC staff in evaluating the adequacy of preliminary emergency plans submitted by an applicant for a construction permit pursuant to 10 CFR Part 50, § 50.34 and Appendix E (Part II).

9. The NRC's evaluation or review of the Massachusetts Radiological Emergency Response Plan for Pilgrim Unit 1 made pursuant to Supplement No. 1 (March 15, 1977) to the NRC guidance publication "Guide and Checklist for the Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities (NUREG-75/111)". If an NRC evaluation

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"NRC" includes but is not limited to the Office of Nuclear Regulatory Research, Division of Fuel Facilities and Materials Safety and Inspection, the Office of Inspection and Enforcement, Office of Standards Development, Office of Nuclear Reactor Regulation, Office of Executive Legal Director, and Office of State Programs.

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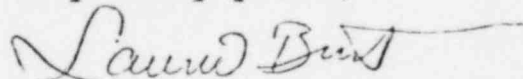
or review of the Massachusetts Radiological Emergency Response Plan for Pilgrim Unit 1 made pursuant to Supplement No. 1 to NUREG-75/111 (March 15, 1977) has not been performed, please so indicate, and provide, in the alternative, any NRC evaluation or review of said state plan which has been performed to date.

In our opinion, it is appropriate in this case for the NRC to waive copying charges, pursuant to 5 U.S.C. § 552(a)(4)(A) "because furnishing the information can be considered as primarily benefiting the general public." The Massachusetts Attorney General represents the Commonwealth of Massachusetts in the NRC licensing proceedings for Pilgrim Unit 2 (NRC Docket No. 50-471), and has an immediate interest and duty in ensuring that adequate radiological emergency plans are developed to ensure the protection, health and safety of the citizens of the Commonwealth (see M.G.L. c. 12, §§ 1 et seq.). The Attorney General has an immediate and real interest in receiving the documents requested herein in order to adequately prepare for hearings before the Atomic Safety and Licensing Board in August 1979 on the issue of emergency planning.

We understand that under the Freedom of Information Act, you must respond to this request within ten (10) working days, and that your failure to respond within that period of time is considered to be a denial of the request. Please notify me immediately if you cannot or will not respond within that period.

Thank you for your prompt consideration.

Very truly yours,



LAURIE BURT
Assistant Attorney General
Environmental Protection Division
One Ashburton Place, 19th Floor
Boston, Mass. 02108
(617) 727-2265

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