



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

PDR

The Honorable Edward P. Boland  
United States House of Representatives  
Washington, D.C. 20515

50-471

Dear Congressman Boland:

I am responding to your October 26, 1978 request for information regarding the October 24, 1978 letter of Mr. James M. Lydon, Vice President, Boston Edison Company. On October 17, 1978, Harold Denton, NRC's Director of Nuclear Reactor Regulation, wrote to you explaining his reasons for deciding to recirculate those sections of the Pilgrim Unit 2 Environmental Impact Statement relating to alternative sites. In that letter, Mr. Denton indicated that he had given Boston Edison the opportunity to respond to his decision to recirculate. Mr. Lydon has forwarded to you Boston Edison's legal memorandum opposing the decision to recirculate.

Mr. Denton's letter set forth several policy considerations which led to his decision to recirculate. Boston Edison did not address any of these policy considerations. Mr. Denton also indicated that there was some litigative risk in not recirculating. The Commission's Office of the Executive Legal Director has reviewed the applicable cases, including those cited in Boston Edison's legal memorandum and remains of the opinion that, entirely apart from the policy considerations cited in Mr. Denton's letter of October 17, 1978, there is some litigative risk in a decision not to recirculate.

I have enclosed for your information letters from William S. Abbott, Attorney for Intervenors Alan and Marion Cleeton and Charles Corkin, II, Chief, Environmental Protection Division, Commonwealth of Massachusetts, Department of the Attorney General, expressing their disagreement with the legal position taken by Boston Edison.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

(Signed)  
William S. Abbott  
Deputy Executive Director  
for Operations

Enclosures:

1. Ltrs fm Abbott and Corkin
2. Inc ltr dtd 10/24/78

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