



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

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

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September 7, 1982

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

Helen Hoyt, Esquire, Chairperson
Dr. Emmeth A. Luebke
Dr. Jerry Harbour
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

PROD. & UTIL. DIV. 50-443
50-444

RE: In the Matter of Public Service Co. of New Hampshire, et al.
(Seabrook Station, Units 1 and 2) Docket Nos. 50-443 OL and
50-444 OL

Dear Members of the Board:

I have recently received a copy of a letter from the Staff to the Board dated August 23, 1982, enclosing a copy of ALAB-687, the Appeal Board's decision in the Catawba matter. In its letter the Staff suggests that the Appeal Board decision rejects a position taken by the Commonwealth of Massachusetts in its filing of July 22, 1982, entitled "Brief of the Commonwealth of Massachusetts In Support of Its Contentions." See Staff's Letter to the Board dated August 23, 1982 ["Staff's Letter"], fn. 1. This is not so.

Contrary to the Staff's suggestion, the Commonwealth has never taken the position that it is not obliged "to examine the publicly available documentary material pertaining to the facility in question with sufficient care to enable it to uncover any information that could serve as the foundation for a specific contention." See Staff's Letter, at 2 (quoting Catawba decision). The Commonwealth has merely explained that adoption of the Staff's position with respect to its second contention, relating to the size and shape of the EPZ's for this site, would (1) require it to file a substantively different contention than that which it has filed; (2) place on the Commonwealth and other intervenors a requirement which the Commission's regulations place on the Applicants; and (3) require the Commonwealth to provide further specificity not possible given currently available public information. See Brief of the Commonwealth of Massachusetts in Support of its Contentions, ["Brief"] at 4-11 (July 22, 1982); Response of the Commonwealth of Massachusetts to "Applicants' Reply to Brief of the

Commonwealth of Massachusetts in Support of its Contentions," ["Response"] 1-3. In particular, the Commonwealth is unable to provide the specificity requested by the Staff because the Applicants have not conducted a required study of the impact of local factors on EPZ boundaries. See Response, at 2. Further relevant information not currently available to the Commonwealth includes the detailed results of a liquid pathway study and consequence analysis conducted by the Staff for the Seabrook site. See Brief, at 9. As the Commonwealth has previously noted, there may also be Staff documents (not available in the Public Document Room) which describe the proper effect to be given local factors in drawing EPZ boundaries. Id., at 8.

In short, in its response to the Commonwealth's second contention the Staff has attempted to place the Commonwealth and other intervenors in the precise "Catch-22" situation which the Appeals Board has deplored in the Catawba decision. See Slip Op. at 17-18. The Staff would require submission of a different contention than that which the Commonwealth has filed and would require specificity in the drafting of the new contention which is not possible given currently available information.

Very truly yours,



Jo Ann Shotwell
Assistant Attorney General
Environmental Protection Division
(617) 727-2265

JAS:ck

cc: Service List

CERTIFICATE OF SERVICE

I, Jo Ann Shotwell, Esquire, hereby certify that a copy of the foregoing correspondence has been mailed this 7th day of September, 1982, first class mail, postage prepaid, to:

Helen Hoyt, Chairwoman
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. NRC
Washington, D.C. 20555

Dr. Jerry Harbour
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. NRC
Washington, D.C. 20555

Lynn Chong
Bill Corkum
Mary McCool
Box 65
Plymouth, NH 03264

Roy P. Lessy, Jr., Esquire
Office of the Executive Legal
Director, 10205 MNBB
U.S. NRC
Washington, D.C. 20555

Robert A. Backus, Esquire
116 Lowell Street
P.O. Box 516
Manchester, NH 03105

Rep. Arnie Wight
State of New Hampshire
House of Representatives
Concord, NH 03301

Paul A. Fritzche, Esquire
Public Advocate
State House, Station #12
Augusta, ME 04333

Dr. Emmeth A. Luebke
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. NRC
Washington, D.C. 20555

E. Tupper Kinder, Esquire
Assistant Attorney General
Office of the Attorney General
208 State House Annex
Concord, NH 03301

Rep. Nicholas J. Costello
1st Essex District
Whitehall Road
Amesbury, MA 01913

Tomlin P. Kendrick
822 Lafayette Road
P.O. Box 596
Hampton, NH 03842

William S. Jordan, II, Esquire
Ellyn R. Weiss, Esquire
Lynne Bernabei
Diane Curran
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Philip Ahrens, Esquire
Assistant Attorney General
State House, Station #6
Augusta, ME 04333

Donald L. Herzberger, MD
George Margolis, MD
Hitchcock Hospital
Hanover, NH 03755

Wilfred L. Sanders, Esquire
Sanders and McDermott
408 Lafayette Road
Hampton, NH 03842

Atomic Safety and Licensing
Appeal Board Panel
U.S. NRC
Washington, D.C. 20555

Docketing and Service Sec.
Office of the Secretary
U.S. NRC
Washington, D.C. 20555

Ms. Patti Jacobson
3 Orange Street
Newburyport, MA 01950

Cooperative Members for
Responsible Investment
Box 65
Plymouth, NH 03264

Senator Robert L. Preston
State of New Hampshire
Senate Chambers
Concord, NH 03301

Robert G. Perlis
Office of the Executive Legal
Director, 10205 MNBB
U.S. NRC
Washington, D.C. 20555

Edward J. McDermott, Esquire
Sanders and McDermott
408 Lafayette Road
Hampton, NH 03842

Atomic Safety and Licensing
Board Panel
U.S. NRC
Washington, D.C. 20555

Robert L. Chiesa, Esquire
Wadleigh, Starr, Peters,
Dunn & Kohls
95 Market Street
Manchester, NH 03101

David A. Repka, Esquire
Counsel for NRC Staff
U.S. NRC
Washington, D.C. 20555

Thomas G. Dignan, Jr., Esquire
Robert K. Gad, III, Esquire
Ropes and Gray
225 Franklin Street
Boston, MA 02110

Beverly Hollingworth
7 A Street
Hampton Beach, NH 03842


JO ANN SHOTWELL