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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE ADMINISTRATIVE JUDGES:
Helen F. Hoyt, Chairman
Dr. Emmeth A. Luebke
Dr. Jerry Harbour

In the Matter of
PUBLIC SERVICE COMPANY OF
NEW HAMPSHIRE, et al.
(Seabrook Station, Units 1 and 2)

Docket Nos.
50-443-OL
50-444-OL

October 12, 1983

MOTION OF ATTORNEY GENERAL BELLOTTI
FOR LEAVE TO FILE RESPONSE TO STAFF
LETTER DATED OCTOBER 6, 1983

The NRC Staff has, through the extraordinary device of a letter to this office (dated October 6, 1983) served on the Board and parties to the proceeding, effectively filed a supplemental answer to Attorney General Bellotti's contention relative to emergency planning for the New Hampshire Beach communities. While objecting to the Staff's failure to move for the right to so supplement its original answer, Attorney General Bellotti hereby requests that the Board accept this brief response to the new objection to admission of the contention set forth therein.

In its letter of October 6 the Staff suggests for the first time that the Attorney General's proffered contention is untimely. The Staff relies in so arguing on NUREG-0654, Criterion J.10.m. which, it asserts, indicates that it is the State Plan, rather than local plans, which must contain "the bases for protective action decision-making." Attorney General Bellotti has not, however, with his proffered contention challenged compliance with NUREG-0654, Criterion J.10.m. He has challenged, rather, compliance with 10 C.F.R. §50.47(a)(1), which requires that there be reasonable assurance that adequate protective measures can and will be taken in the event of an emergency. The regulation does not specify which plans must provide the requisite assurance and does not, therefore, in any way preclude a contention that local emergency plans do not provide it. Indeed, since the proffered contention relates only to certain New Hampshire communities within the EPZ, it would have been premature if submitted before local plans which might afford the necessary assurances were available.

Respectfully submitted,

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

By:



Jo Ann Shotwell
Assistant Attorney General
Environmental Protection Division
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2265

CERTIFICATE OF SERVICE

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I, Jo Ann Shotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on October 12, 1983, I made service of the Notice of Continuance of Depositions and Motion of Attorney General Bellotti For Leave To File Response To Staff Letter Dated October 6, 1983 by mailing copies thereof, postage prepaid, to the parties named below:

Helen Hoyt, Chairperson*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Emmeth A. Luebke*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Jerry Harbour*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D C 20555

Rep. Beverly Hollingworth
Coastal Chamber of Commerce
209 Winnacunnet Road
Hampton, NH 03842

William S. Jordan, III, Esquire
Diane Curran
Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, DC 20006

Edward L. Cross, Jr., Esquire*
Assistant Attorney General
Dana Bisbee, Esquire
Assistant Attorney General
Office of the Attorney General
208 State House Annex
Concord, NH 03301

Roy P. Lessy*
Deputy Assistant Chief
Hearing Counsel
U.S.N.R.C.
7735 Old Georgetown Road
Bethesda, Maryland 20814
Guard Call - X27505

*By Express Mail

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Philip Ahrens, Esquire
Assistant Attorney General
Department of the Attorney
General
Augusta, ME 04333

David R. Lewis*
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Rm. E/W-439
Washington, DC 20555

Charles Cross, Esquire
Shaines, Madrigan, & McEachern
25 Maplewood Avenue
P.O. Box 366
Portsmouth, NH 03801

Roberta C. Pevear
Designated Representative of
the Town of Hampton Falls
Drinkwater Road
Hampton Falls, NH 03844

Mrs. Sandra Gavutis
Designated Representative of
the Town of Kensington
RFD 1
East Kingston, NH 03827

Patrick J. McKeon
Selectmen's Office
1C Central Road
Rye, NH 03870

Richard E. Sullivan, Mayor
Town Hall
Newburyport, MA 01950

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

Dr. Mauray Tye
Sun Valley Association
209 Summer Street
Haverhill, MA 01830

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

Ms. Olive L. Tash
Designated Representative of
the Town of Brentwood
R.F.D. 1, Dalton Road
Brentwood, NH 03833

Edward F. Meany
Designated Representative of
the Town of Rye
155 Washington Road
Rye, NH 03870

Calvin A. Canney
City Manager
City Hall
126 Daniel Street
Portsmouth, NH 03801

Jane Doughty
Field Director
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, NH 03801

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

*By Express Mail

**By Hand Delivery on 10/13/83

Brian P. Cassidy**
Regional Counsel
FEMA Region 1
John W. McCormack Post Office
& Courthouse
Boston, MA 02109

Mr. Angie Machiros, Chairman
Newbury Board of Selectmen
Town of Newbury, MA 01950

Patrick J. McKeon
Chairman of Selectmen, Rye,
New Hampshire
10 Central Road
Rye, NH 03870

Donald E. Chick
Town Manager
Town of Exeter
10 Front Street
New Hampshire 03833

Selectmen of North Hampton
Town of North Hampton
New Hampshire 03862

Senator Gordon J. Humphrey
1 Pillsbury Street
Concord, NH 03302
(Attn: Herb Boynton)

Representative Nicholas J. Costel.
1st Essex District
Whitehall Road
Amesbury, MA 01913

Diana P. Randall
70 Collins Street
Seabrook, NH 03874

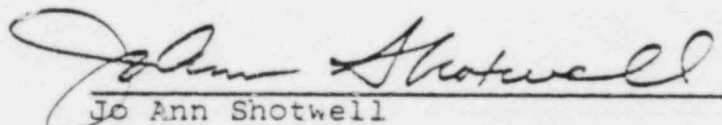
Anne Verge, Chairperson
Board of Selectmen
Town Hall
South Hampton, NH 03842

Maynard B. Pearson
Board of Selectmen
40 Monroe Street
Amesbury, MA 01913

Mr. Daniel Girard
Civil Defense Director
25 Washington Street
Salisbury, MA 01930

Senator Gordon J. Humphrey
U.S. Senate
Washington, D.C. 20510
(Attn: Tom Burack)

Signed under the pains and penalties of perjury, this 12th day of
October, 1983.


Jo Ann Shotwell
Assistant Attorney General
Environmental Protection Division
Public Protection Bureau
One Ashburton Place
Boston, MA 02108

**By Hand Delivery on 10/13/83