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THE COMMONWEALTH OF MASSACHUSETTS

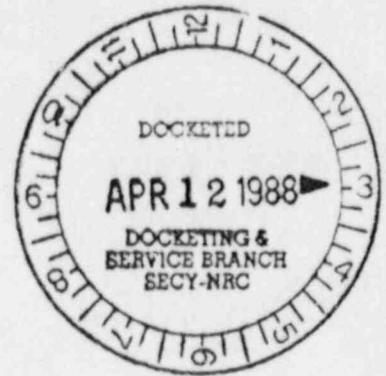
DEPARTMENT OF THE ATTORNEY GENERAL

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JAMES M. SHANNON  
ATTORNEY GENERAL

~~RELATED CORRESPONDENCE~~



BY HAND

April 7, 1988

Thomas G. Dignan, Esq.  
Ropes & Gray  
225 Franklin Street  
Boston, MA 02110

Dear Tom:

Enclosed find attached as Exhibit 1 the transmittal letter that accompanied Amendment 3 to the Seabrook Plan for Massachusetts Communities ("SPMC"). You will note that the transmittal date set forth on the document is 4-1-88. However, it was sent to this office by overnight delivery from the site and received on April 6. I have the following observations:

(1) The date of this Amendment is April 1, 1988. You will recall that the original deadline for contentions on the SPMC was April 1. This contention deadline was known to the Applicant by the end of February. However, no indication was provided to the parties or the Board that a significant revision of the SPMC was to be issued on the very day the contentions were to be filed.

(2) In late March, the contention deadline was moved forward to April 6, 1988. You agreed to such additional time out of professional courtesy (which I did and do appreciate). The Board allowed this time, inter alia, because a significant amendment to the SPMC was filed on February 19 by the Applicant after the Board had set the April 1 deadline. Again, during these discussions concerning additional time needed to review Amendment 2, no mention was made that an equally significant Amendment 3 was in the offing. As noted, Amendment 3, for unknown reasons, was not transmitted on April 1 but on April 5, literally on the eve of the new deadline for contentions.

(3) A pattern seems to be emerging which I am sure you find as disturbing as I do. It appears that SPMC revisions are prepared and/or transmitted in parallel with the parties' deadlines for filing their positions on the SPMC. In short, as

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Thomas G. Dignan, Esq.  
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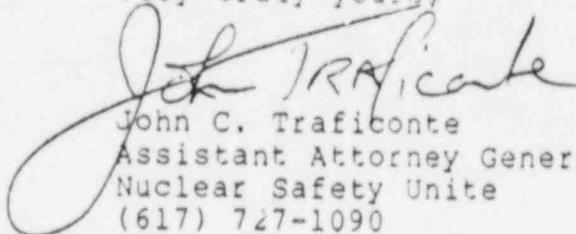
April 7, 1988

the hunter releases his arrow, the quarry without notice scurries to the other side of the field. If it were not so burdensome for all concerned, there would be some humor in this.

(4) Finally, although I have now mastered the exotic art of following the "Change Instructions" that appear on pages 2 through 8 of Exhibit 1, and, at least for now, am confident I see the SPMC as it sits on its most recent roost, I have no idea what changes have actually been made from Amendment 2 to 3. For example, the addition of one more personnel paragraph in § 2.1.1 would require the change and replacement of many pages simply because text would be moved forward. But no substantive changes in those pages would be involved. Thus, the pages to be replaced have been identified, but the changes actually made can only be determined by a remarkably painstaking process of reading each page of Amendment 3 and comparing it with the replaced Amendment 2 page. In light of the time constraints under which we are all working, the result may be contentions filed that are resolved by Amendment 3 but it was impossible in the time available for the Intervenor to determine this. The solution is obvious. Provide us with a red-lined Amendment 2 that permits the parties and the Board to focus on the changes so that issues can be clarified and contentions crafted to the present form of the SPMC (at least until it molts again). Also, please keep informed of planned major revisions by your client and let the parties have some notice of these, so that issues are not addressed and explored on the basis of a plan that has again already taken wing.

In advance, I thank you for your cooperation.

Very truly yours,

  
John C. Traficante  
Assistant Attorney General  
Nuclear Safety Unit  
(617) 727-1090

JCT/ccd  
Enclosure