



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

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DOCKET NUMBER PR 50
PROPOSED RULE (53 FR 16435)

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USNRC

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JAMES M. SHANNON
ATTORNEY GENERAL

May 20, 1988

OFFICE OF THE ATTORNEY GENERAL
DOCKETING SERVICE
BRANCH

James R. Wolf, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Proposed Rule, 53 Fed. Reg. 16435 (May 9, 1988)

Dear Mr. Wolf:

Massachusetts Attorney General James M. Shannon requests an extension of the comment period on the proposed rule published at 53 Fed. Reg. 16435 for one hundred twenty (120) days.

The proposed rule specifically addresses the perceived problem with the Appeal Board's Decision of February 3, 1988 in the Seabrook litigation (ALAB-883). The proposal affects a reversal of the July, 1982 rule change which required means to provide early notification and clear instruction to the populace within the EPZ before the issuance of a low power operating license.

The proposed rule would profoundly affect the population in the Massachusetts portion of the emergency planning zone surrounding Seabrook. An extension of time is necessary to notify the population in that area of the proposed rule and to provide them with the opportunity to write the Commission with their comments. It would be unfair if the Commission were not only to remove the early notification protection of the populace but also to do so with so limited an opportunity for them to comment on the proposed rule. Moreover, the rule purports to be based on analyses of the risk of offsite consequences to a low power accident. The Massachusetts Attorney General believes that those analyses are suspect and the NRC could benefit from additional comment on the issue. Additional time is needed to develop those comments.

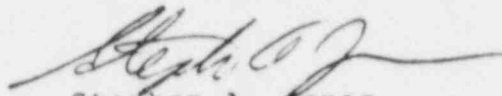
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James R. Wolf, Esq.
May 20, 1988
Page two

Finally, no sound reason exists to rush this proposed rule through a 30-day comment period into a Commission vote. The joint owners of Seabrook acknowledge that a full power commercial operating license for the plant cannot be obtained before January 1, 1990. Low power testing is itself of no benefit and is a benefit to the joint owners only if a full power operating license follows. The low power testing program for the Seabrook plant is a relatively short one. Therefore, a 120 day extension for comments on the rule change would not prejudice any legitimate interests of the joint owners.

Very truly yours,



Stephen A. Conas
Assistant Attorney General
Deputy Chief
Public Protection Bureau

SAJ:bm