



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. McCORMACK STATE OFFICE BUILDING  
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON  
ATTORNEY GENERAL

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FAX

Ivan Smith, Chairman  
Gustave Linenberger  
Jerry Harbour  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Judges;

After review of the document entitled "Stipulation as to Contentions" and consultation with counsel representing several other intervenors, I offer these hopefully clarifying comments:

1. Intervenors remain convinced that after contentions are admitted, bases offered (or not offered) in support of their admission do not limit the admissible evidence as to those contentions.

2. The Stipulation's primary purpose was to consolidate contentions around issues. This was done in the following manner:

A. The following Joint Intervenor Contentions are essentially unchanged although some have been consolidated: JI 6, 9, 10, 17, 24, 26, 27, 31, 34, 35, 37, 52, 58, 59, 61;

B. The following JI contentions were reduced to the contention statement only but the bases as admitted are essentially incorporated by reference: JI 1, 3, 11, 12, 15, 20, 22, 25, 28, 29, 32, 36, 38, 39, 40, 47, 48, 54, 56, 57;

C. The following JI contentions were consolidated and the contention statement was rewritten but the bases were omitted and are incorporated by reference: JI 5, 7, 8, 13, 16, 18, 19, 21, 23, 30, 45, 46, 49, 50, 51, 53, 55, 60, 62, 63;

D. The following JI contentions were rewritten (both the contention statement and the bases) and supercede older versions: JI 2, 4, 14, 33;

E. Finally, the legal contentions JI 41, 42, and 43 were reduced to the contention statement and JI 44A and 44B are set forth in full.

3. The following changes should be made:

A. CON 6 is now part of JI 4. It should be placed in JI 60 and JI 60 should include the City of Newburyport in its text;

B. TOWN 3 should be added as part of the derivation of JI 30 and JI 32 (as well as JI 34 as at present);

C. TOS 16 should be deleted as a derivation of JI 38 and should not appear as a separate contention.

Very truly yours,

*John Traficonte (EJX)*

John Traficonte  
Assistant Attorney General  
Nuclear Safety Unit  
Attorney General's Office