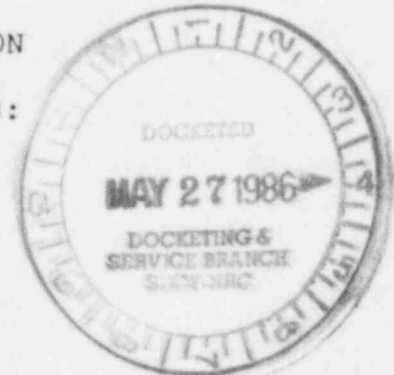


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before Administrative Judges:
Helen F. Hoyt, Chairperson
Emmeth A. Luebke
Jerry Harbour



In the Matter of

PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE ET AL.
(Seabrook Station, Units 1 and 2)

)
)
)
) Docket Nos.
) 50-433/444-OL
) (Off-Site EP)
) May 22, 1986
)

ATTORNEY GENERAL FRANCIS X. BELLOTTI'S RESPONSE
TO APPLICANTS' OFF-SITE EP INTERROGATORIES AND
REQUEST FOR THE PRODUCTION OF DOCUMENTS
(SET NO. 1) AND MOTION FOR PROTECTIVE ORDER

Attorney General Francis X. Bellotti hereby responds to the
Applicants' Offsite EP interrogatories and request for
production of documents as follows:

1. The Attorney General objects to the interrogatories and
the request for production of documents on the ground that
discovery may be served only upon a "party." 10 C.F.R.
§§ 2.740; 2.740b and 2.741. Per memorandum and order, dated
April 29, 1986, the Atomic Safety and Licensing Board rejected
the single contention filed by the Attorney General in this

proceeding. The Attorney General's right to further participate as a party in this proceeding pursuant to 10 C.F.R. § 2.714 is therefore terminated. 10 C.F.R. § 2.714(b).^{1/}

2. Attorney General Bellotti has filed an appeal pursuant to 10 C.F.R. § 2.714a of the Licensing Board's Order of April 29, 1986 rejecting the Attorney General's single contention. Should the Attorney General be reinstated as a party to this proceeding pursuant to that appeal, or otherwise become a party, he shall timely file a response to the Applicants' interrogatories and request for production of documents.

Attorney General Bellotti therefore moves the Board for a protective order pursuant to 10 C.F.R. § 2.740(c) that

^{1/} Although Attorney General Bellotti has been accorded status pursuant to 10 C.F.R. § 2.715(c) to participate in this licensing proceeding as an "interested state," an "interested state" is not a "party." See 10 C.F.R. § 2.715(c) ("participation by a person not a party") (emphasis added). See also, Cleveland Electric Illuminating Co. (Perry Nuclear Power Plants, Units 1 and 2), LBP-81-35, 14 NRC 682, 688 (1981) ("Ashtabula [county] shall be admitted as a non-party participant under § 2.715(c)" (emphasis added); Mississippi Power and Light Co., (Grand Gulf Nuclear Station, Units 1 and 2), LBP-82-92, 16 NRC 1376, 1381 (1982). Moreover, Attorney General Bellotti has not at this time indicated to the Board any subject area in which he intends to participate as an "interested state." It is therefore the position of the Attorney General that, at least insofar as he has not adopted an admitted contention of another party or otherwise indicated a subject area in which he intends to participate, discovery on him pursuant to 10 C.F.R. §§ 2.740b and 2.741 as a "party" may not be had.

discovery on him not be had, unless and until such time as he is reinstated as a party.

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

By: Carol S. Snider
Carol S. Snider
Assistant Attorney General
Environmental Protection Division
Department of the Attorney General
One Ashburton Place, Room 1902
Boston, MA 02108
(617) 727-2265

Dated: May 22, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

)
)
) Docket No.(s) 50-433/444-OL
)
)
)

CERTIFICATE OF SERVICE

I, Carol S. Sneider, hereby certify that on May 22, 1986 I made service of the within document by mailing copies thereof, postage prepaid, by first class mail, or as indicated by an asterisk by express mail, or as indicated by a double asterisk by hand delivery to:

*Helen Hoyt, Chairperson
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory
Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

*Dr. Emmeth A. Luebke
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

*Dr. Jerry Harbour
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory
Commission
East West Towers Building
4350 East West Highway
Bethesda, MD 20814

*Sherwin E. Turk, Esq.
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Tenth Floor
7735 Old Georgetown Road
Bethesda, MD 20814

H. Joseph Flynn, Esq.
Assistant General Counsel
Office of General Counsel
Federal Emergency Management
Agency
500 C Street, S.W.
Washington, DC 20472

Stephen E. Merrill, Esq.
Attorney General
George Dana Bisbee, Esq.
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Docketing and Service
U.S. Nuclear Regulatory
Commission
Washington, DC. 20555

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

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

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

Paul McEachern, Esq.
Matthew T. Brock, Esq.
Shaines & McEachern
25 Maplewood Avenue
P.O. Box 360
Portsmouth, NH 03801

Ms. Sandra Gavutis, Chairperson
Board of Selectmen
RFD 1, Box 1154
Rte. 107
E. Kingston, NH 03827

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

Senator Gordon J. Humphrey
1 Pillsbury Street
Concord, NH 03301
(Attn: Herb Boynton)

Mr. Donald E. Chick
Town Manager
Town of Exeter
10 Front Street
Exeter, NH 03833

Paul A. Fritzsche, Esq.
Office of the Public Advocate
State House Station 112
Augusta, ME 04333

Ms. Diana P. Randall
70 Collins Street
Seabrook, NH 03874

Robert A. Backus, Esq.
Backus, Meyer & Solomon
116 Lowell Street
P.O. Box 516
Manchester, NH 03106

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

J. P. Nadeau
Board of Selectmen
10 Central Road
Rye, NH 03870

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

Mr. Angelo Machiros, Chairman
Board of Selectmen
25 High Road
Newbury, MA 01950

Mr. Peter J. Matthews
Mayor
City Hall
Newburyport, MA 01950

William Lord
Board of Selectmen
Town Hall
Friend Street
Andover, MA 01913

Brentwood Board of Selectmen
RFD Dalton Road
Brentwood, NH 03833

Philip Ahrens, Esq.
Assistant Attorney General
Department of the Attorney
General
State House Station #6
Augusta, ME 04333

**Thomas G. Dignan, Esq.
R.K. Gad III, Esq.
Ropes & Gray
225 Franklin Street
Boston, MA 02110

Beverly Hollingworth
209 Winnacunnet Road
Hampton, NH 03842

William Armstrong
Civil Defense Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Robert Carrigg, Chairman
Board of Selectmen
Town Office
Atlantic Avenue
North Hampton, NH 03862

Allen Lampert
Civil Defense Director
Town of Brentwood
20 Franklin Street
Exeter, NH 03833

Jerard A. Croteau, Constable
82 Beach Road, P.O. Box 5501
Salisbury, MA 01950

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03841

Diane Curran, Esq.
Harmon & Weiss
Suite 430
2001 S Street, N.W.
Washington, DC 20009

Richard A. Hampe, Esq.
Hampe & McNicholas
35 Pleasant Street
Concord, NH 03301

Edward A. Thomas
Federal Emergency Management
Agency
442 J.W. McCormack (POCH)
Boston, MA 02109

Michael Santosuosso, Chairman
Board of Selectmen
Jewell Street, RFD 2
South Hampton, NH 03827

Mrs. Anne E. Goodman, Chairperson
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

Administrative Judge Sheldon
J. Wolfe, Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Carol S. Snider

Carol S. Snider
Assistant Attorney General
Environmental Protection Division

May 22, 1986