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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 MAR 10 P4:02

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD BOARD OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	Docket Nos. 50-443 OL
PUBLIC SERVICE COMPANY OF)	50-444 OL
NEW HAMPSHIRE, <u>et al.</u>)	Off-site Emergency Planning
)	
(Seabrook Station, Units 1 and 2))	

NRC STAFF'S RESPONSE TO THE
MASSACHUSETTS ATTORNEY GENERAL'S
MOTION TO LIFT TEMPORARY PROTECTIVE ORDER

On February 17, 1988, the Licensing Board entered a temporary protective order, permitting the parties to gain access to certain information contained in the Applicants' offsite emergency plan for Massachusetts, which information the Applicants had filed under a request for confidential treatment. ^{1/} On February 19, 1988, the Massachusetts Attorney General ("Mass AG") filed a motion seeking to lift the temporary protective order and to compel public disclosure of all information redacted from the utility plan -- including information which had not previously been provided to the Staff or FEMA. ^{2/} For the reasons set

1/ "Memorandum and Order (Revising Schedule and Approving Protective Order)", dated February 17, 1988.

2/ "Motion of Attorney General James M. Shannon To Lift Temporary Protective Order and To Compel Disclosure of All Those Portions of the Seabrook Plan for Massachusetts Communities Which Have Yet To Be Disclosed To the Intervenors" ("Motion"), dated February 19, 1988.

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forth below, the Staff opposes the Mass AG's Motion and recommends that it be denied.

I. INTRODUCTION

On September 18, 1987, the Applicants in this proceeding filed before the Commission the "Seabrook Plan for Massachusetts Communities" ("SPMC"), representing the Applicants' offsite emergency preparedness plan for portions of the emergency planning zone ("EPZ") lying within the Commonwealth of Massachusetts. In doing so, the Applicants deleted certain information from the copies of the SPMC they filed, asserting that the deletions were made "to assure that there will not be any unwarranted invasion of personal privacy of individuals and organizations needed to implement the Plan and certain members of the general public."^{3/} Copies of this redacted version of the plan were transmitted simultaneously to the parties and Licensing Board.

On November 25, 1987, the Commission issued a decision which, inter alia, required the Applicants to provide to the NRC Staff and FEMA "any of the deleted information that [they] deem necessary for detailed full power review of the [SPMC]," as a condition of low power operation.^{4/} A list of the information required by FEMA and the Staff for full power review of the SPMC was provided to the Applicants in December 1987; this information included the names and addresses of individuals, companies and organizations who had contracted to provide facilities or

^{3/} Letter from George S. Thomas (PSNH) to NRC Document Control Desk, dated September 18, 1987.

^{4/} Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), CLI-87-13, 26 NRC _____, slip op. at 6 (Nov. 25, 1987).

services in the event of an emergency at Seabrook. ^{5/} This information was provided to the Staff on December 30, 1987, along with an affidavit requesting that the information be withheld from public disclosure pursuant to 10 C.F.R. § 2.790; ^{6/} on February 5, 1988, the Staff granted the Applicants' request for confidentiality on the grounds that it contained proprietary commercial information. ^{7/}

On several occasions during hearings before the Licensing Board, attorneys for the Massachusetts Attorney General ("Mass AG") requested that the Applicants be required to provide them with copies of the redacted information, which the Applicants agreed to do subject to a protective order (see, e.g., Tr. 8398-8425, 8987-9004); on February 10, 1988, the Mass AG acquiesced to this suggestion on a temporary basis (Tr. 9724-29). On February 17, 1988, the Licensing Board entered its temporary protective order, "intended to provide access to the information

^{5/} See Letter from Victor Nerses (NRC) to Robert J. Harrison (PSNH), dated December 23, 1987.

^{6/} Letter from Ted C. Feigenbaum (NHY) to NRC Document Control Desk, dated December 30, 1987.

^{7/} Letter from Victor Nerses (NRC) to Robert J. Harrison (PSNH), dated February 5, 1988. While the Staff had the Applicants' request for confidential treatment under review, the Staff received a request for release of the redacted information, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. On February 10, 1988, Staff Counsel informed the Board and parties in this proceeding that the Staff had determined to deny the FOIA request on grounds of economic impact (Tr. 9719, 9752); the request was subsequently denied on February 25, 1988 (see Attachment 1 hereto).

until the Board can rule finally on whether any protective order should issue." On February 19, 1988, the Mass AG filed the instant Motion. ^{8/}

II. DISCUSSION

Pursuant to 10 C.F.R. § 2.740(c), the Licensing Board is authorized to enter a protective order, upon a showing of good cause, "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . that the discovery may be had only on specified terms and conditions, . . . that certain matters not be inquired into, or that the scope of discovery be limited to certain matters[, . . . or] that, subject to the provisions of §§ 2.744 and 2.790, a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way." ^{9/} Although the Licensing Board's current order arose in a context different than discovery -- prior to the filing of contentions or the commencement

^{8/} An opposition to the Motion was filed by the Applicants on February 25, 1988; see "Applicants' Reply to Memorandum of Attorney General of the Commonwealth of Massachusetts Regarding Unrestricted Publication of Information Redacted from the Seabrook Plan for Massachusetts Communities".

^{9/} 10 C.F.R. §§ 2.744 and 2.790 apply to requests for the production of documents directed to the NRC Staff, and incorporate the standards for release of information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. While no such request is pending before the Licensing Board, the rules governing exemptions from disclosure recited in 10 C.F.R. § 2.790(a) may be referred to by the Board in determining whether the information at issue here warrants confidential treatment. In particular, §§ 2.790(a)(4) and (a)(6) provide an exemption for disclosure of "[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential", and "[p]ersonnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (emphasis added).

of discovery -- the Board's authority to enter such an order is not subject to serious dispute, particularly since it was entered in the interest of providing the intervenors with immediate access to the redacted information and thus avoiding delay in the filing of contentions and litigation related to the adequacy of the SPMC. ^{10/}

The standards governing the entry of a protective order to prevent the unwarranted disclosure of proprietary information were addressed by the Appeal Board in Kansas Gas and Electric Co. (Wolf Creek Nuclear Generating Station, Unit No. 1), ALAB-327, 3 NRC 408, 416-17 (1976), aff'd, 4 AEC 409 (1970). There, the Appeal Board adopted a four-part analysis, requiring the proponent of a protective order to demonstrate (1) that the information is of a type customarily held in confidence by its originator, (2) that the information has in fact been kept confidential by its originator, (3) that the information is not available from public sources, and (4) that there is a rational basis for customarily holding the information confidential. ^{11/} The Appeal Board recognized that there is a strong public interest in conducting an adjudicatory proceeding which is as open as possible to full public scrutiny, which interest "most assuredly would be disserved were a licensing board . . . to place a veil of secrecy over some aspect of a licensing proceeding in the absence of a concrete

^{10/} See generally, 10 C.F.R. § 2.718 (the presiding officer "has the duty to conduct a fair and impartial hearing according to law, to take appropriate action to avoid delay, and to maintain order," and "has all powers necessary towards those ends, including the powers to . . . [r]egulate the course of the hearing and the conduct of the participants").

^{11/} Accord, Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-555, 10 NRC 23, 27 (1979).

indication that it was necessary to do so to avoid significant harm to a competing, equally cognizable interest." Wolf Creek, supra, 3 NRC at 417. ^{12/} The Appeal Board then remanded the issue to the Licensing Board, noting that if the applicant could demonstrate a "rational basis" for treating its information as confidential, the interim protective order was to remain in effect, "unless the Board further finds there to be countervailing considerations militating in favor of public disclosure which clearly outweigh the potential harm . . . which might inure from such disclosure." Id., 3 NRC at 318.

An application of these principles to the present case indicates that the protective order should be remain in effect. As indicated above, the information redacted from the SPMC consists primarily of the names and addresses of persons, companies and organizations who have contracted to provide services and/or facilities to the Applicants in the event of an emergency at Seabrook. Included in this information are the names of companies and individuals who have entered into letters of agreement; the names of host facilities; the names and inventories of road crew companies; the names of bus, ambulance, snow removal, and wheelchair van companies; the names of congregate care centers, host school facilities and other special facilities; the identity of a hospital; the locations of certain offsite response facilities; the location of agricultural

^{12/} In this regard, the Appeal Board compared 10 C.F.R. § 2.740(c)(6) (concerning protective orders for proprietary information) with its "judicial counterpart", Rule 26 (c)(7), Fed. R. Civ. P. The Appeal Board noted that the latter rule requires "a showing that the public disclosure of the allegedly confidential commercial information would 'work a clearly defined and very serious injury to the business' of the applicant for the protective order." Id., 3 NRC at 417 n.13.

producers in the ingestion pathway EPZ; and a bus priority dispatch for West Newberry. ^{13/} This information was assembled by the Applicants in the course of their efforts to develop a utility plan for the Massachusetts portion of the EPZ in accordance with 10 C.F.R. § 50.47(c), after the Commonwealth of Massachusetts had determined that it would no longer participate in emergency planning for Seabrook.

The identities and addresses of contractors and subcontractors have been recognized to be the type of information that qualifies for treatment as confidential proprietary information upon request by the owner of the information. See, e.g., BDM Corp. v. Small Business Administration, 2 GDS ¶ 81,189, 81,495 (D.D.C. 1981). Where proprietary information is protected from disclosure, such confidential treatment is usually afforded in order to avoid injury to a private party's competitive position. National Parks & Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974). Even where no competitive position is at risk, however, such information can be protected from public disclosure as confidential where such disclosure could result in substantial economic harm to the information's owner. See generally, 9 to 5 Organization for Women Office Workers v. Board of Governors of the Federal Reserve System, 721 F.2d 1 (1st Cir. 1983).

The potential loss of contracts -- which required considerable time and money to negotiate and bring to closure -- is an identifiable private

^{13/} It is unclear whether the Applicants are seeking to protect the confidentiality of the last three items of information listed in the text above, or whether those items had simply not yet been developed at the time the SPMC was submitted for NRC and FEMA review.

interest subject to protection under the holding of 9 to 5. Further, the Applicants' assertion that they could be harmed by public disclosure of the subject information meets the criteria for non-disclosure set forth in Wolf Creek. With respect to the first of the Wolf Creek criteria, information concerning the identities and addresses of persons contracting to provide services, equipment and facilities in the event of an emergency is normally disclosed in emergency response plans developed and submitted for review by a governmental entity that participates in emergency preparedness planning.^{14/} Only in Seabrook and one other proceeding (involving the Shoreham plant), however, has a "utility plan" has been proffered for review. Although information of this type was disclosed in that plan, it cannot be said that any "customary practice" has yet developed with respect to the disclosure of such information in utility plans. Moreover, given the difficulties experienced by Long Island Lighting Company in having to replace various contracting entities who withdrew their commitments to assist in an emergency at Shoreham, it is not unlikely that any future applicants who proffer a "utility plan" to support licensing of their facilities will seek, like the Applicants here, to retain confidentiality for the names of their emergency workers and of

^{14/} In such cases, where State and local governmental entities support the emergency planning effort, there is little reason to expect that public disclosure of this type of information will result in harassment, embarrassment, or social pressure directed against contracting parties or emergency workers. Accordingly, in those circumstances there is little need to keep such information confidential.

persons and entities who commit to provide assistance in the event of an emergency. ^{15/}

The other three criteria set forth in Wolf Creek have also been satisfied by the Applicants. Thus, the Applicants have held the information in confidence, the information is not available from public sources, and there is a rational basis for holding the information confidential. With regard to the last of these criteria, it is likely that substantial economic harm could be caused to the Applicants by public disclosure of the names and addresses of persons and entities who have entered into contractual arrangements to provide services, equipment or facilities in the event of an emergency at Seabrook, as well as by the disclosure of the names and addresses of SPMC emergency workers. It is well known that the licensing of Seabrook is a greatly contested issue outside the confines of the hearing room. As the Board is aware, various individuals in the past have engaged in protests and acts of civil disobedience in an attempt to frustrate the Applicants' licensing efforts (Tr. 9742-43). The Mass AG has not provided any reason to

^{15/} The Appeal Board has indicated that the initial burden is on the owner of the allegedly proprietary information to demonstrate that it is of the type customarily held in confidence by the originator, further stating that:

Considerable weight should be accorded the view of the supplier of information that the data he is furnishing is proprietary; and such a proprietary designation, while not conclusive, should be overturned only if it is unreasonable in the light of what is customarily held in confidence by an originator. In the latter connection, the staff has stated in its response that the information involved herein is of a type "customarily held in confidence by the originator."

believe that such actions will not continue in the future, and there may well be some individuals who will seek to disrupt the Applicants' contractual arrangements by attempting to harass, embarrass or otherwise apply social pressure on those persons who have agreed to be of service in the event of an emergency; ^{16/} Public disclosure of this information may be expected to result in substantial expense to the Applicants and considerable delay to the conclusion of the proceeding. Further, public disclosure of the names and identities of contracting parties and of the SPMC emergency workers would constitute an unwarranted invasion of their personal privacy, and could cause those persons to be exposed to harassment, annoyance and embarrassment by persons who are opposed to the plant's licensing. ^{17/}

In light of the potential that substantial economic impact and an invasion of privacy may result from public disclosure of the information,

^{16/} Sec Affidavit of Ted C. Feigenbaum, dated December 30, 1987, and submitted in support of Applicants' request for confidential treatment of the information submitted therewith to the NRC. Therein, Mr. Feigenbaum asserts that providers of services might suffer undo harassment and an invasion of their privacy if their identities were to be disclosed. Such assertions are supported by events in the Shoreham proceeding, requiring the applicant there to have to renegotiate various letters of agreement for emergency services and resulting in substantial expense and delay in the operating license proceeding.

^{17/} With respect to the burden placed upon the owner of the information to demonstrate that economic harm is likely to result from disclosure of the information in order to meet the "rational basis" standard, it has been stated that the proponent of a protective order need not show that it would sustain significant commercial injury, but need only make a prima facie case showing that it might suffer such injury. Kansas Gas and Electric Co. (Wolf Creek Nuclear Generating Station, Unit 1), LBP-76-42, 4 NRC 580, 591-97 (1976) (dissenting opinion of Judge Kornblith), approved in ALAB-391, 5 NRC 754, 758 (1977).

any request for such disclosure should be denied in the absence of an overriding public need for the information. See, e.g., Monticello, supra, 4 AEC at 398. ^{18/} In this regard, the Appeal Board has noted that the need for public disclosure could be sharply reduced by providing limited disclosure, such as through the use of protective orders and in camera proceedings. Id. Accord, Commonwealth Edison Co. (Zion Station, Units 1 and 2), ALAB-196, 7 AEC 457 (1974); Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 2), ALAB-137, 6 AEC 491 (1973).

The temporary protective order entered by the Licensing Board affords the Mass AG and other intervenors full disclosure of the information submitted by the Applicants for Staff and FEMA review. ^{19/} The protective order permits the parties to divulge the information to a reasonable number of persons who agree to the terms of the protective order, and provides an ample opportunity for the intervenors to evaluate and litigate the adequacy of these aspects of the SPMC. While the Mass AG claims that it requires broader distribution of the information in order

^{18/} The Appeal Board has summarized this balancing test as follows:

[I]n considering a request for production of proprietary information, the Licensing Board should weigh the detrimental effects of disclosure against the demonstrated need for production.

Consumers Power Co.(Midland Plant, Units 1 & 2), ALAB-35, 4 AEC 711, 714 (1971).

^{19/} Information as to the identities of emergency workers was not requested by the Staff and FEMA, and was not supplied for Staff and FEMA review. Should the Board determine that such information is necessary for inspection by the intervenors, the Applicants have suggested that it be subject to a protective order similar to the one which has been entered by the Board. See Applicants' Response at n.1. The Staff does not oppose that suggestion.

to litigate more effectively (Motion at 14), no showing has been made to support that assertion. ^{20/} Further, even if the Mass AG should later find that it must make broader distribution of the information in order to litigate its case effectively, it could then seek to make a specific application to the Board requesting such broader distribution, explaining in detail why its employees and experts are unable to provide sufficient litigation assistance.

The Mass AG also raises a concern that there may be additional persons who would seek to intervene if they first had access to the protected information (Motion at 12-13). This assertion is wholly speculative. Further, even if additional persons should wish to intervene, there is no reason why they could not file intervention petitions at this time raising any other concerns they may have. In the event they were to succeed with their petitions, they would then be able to gain access to the protected information under the same terms as the other parties, and could then participate in any litigation concerning the protected information.

Finally, the Mass AG's assertion that "the public has both an interest and a right to know who these responders will be in order to

^{20/} Indeed, it is doubtful that any such showing could be made by the Mass AG. The Commonwealth of Massachusetts is a sovereign State, with long and substantial experience in emergency planning. The Commonwealth currently has in place emergency response plans for use at other nuclear plant sites, and until 1986 participated actively in drafting an emergency plan for use in the Seabrook EPZ. In the course of its work, the State has doubtless gained considerable expertise in evaluating the adequacy of resources and commitments made by providers of services, equipment and facilities, and may even have detailed knowledge of the capabilities of the particular providers retained by the Applicants.

judge for itself how adequate the response will be" (Motion at 12), should be rejected. As discussed in Monticello, supra, the public's interest in full disclosure of matters involved in an adjudicatory licensing proceeding must be balanced against the Applicants' interest in protecting the information. In this respect, it should be noted that virtually all of the SPMC is available for public inspection, and that confidentiality has been sought for only a few discrete portions of the plan. The availability of this other information, coupled with the fact that all of the information has been made available for review and litigation by the Commonwealth of Massachusetts -- with all its expertise in emergency planning and legal capabilities -- should be sufficient to meet the public's interest in disclosure. Accordingly, a balancing of the Applicants' and public's interests should be found to weigh against broader disclosure of the information at this time.

CONCLUSION

For the reasons set forth above, the Mass AC's Motion should be denied.

Respectfully submitted,

Edward C. Shomaker / SET
Edward C. Shomaker

Sherwin E. Turk
Sherwin E. Turk

Counsel for NPC Staff

Dated at Rockville, MD
this 3rd day of March, 1988

NRC FORM REQUEST NUMBER
FOIA-88-24
RESPONSE

Attachment 1



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FINAL
DATE

FEB 25 1988

DOCKET NUMBER(S) (if applicable)

REQUESTER **Mr. Coregey Bezman**

PART I - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to the request have been located.
- No additional agency records subject to the request have been located.
- Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request that are identified in Appendix _____ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

SIGNATURE OF DIRECTOR, DIVISION OF RULES AND RECORDS

Linda Robinson for Donnie Brinsley

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices A are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

- 1. The withheld information is properly classified pursuant to Executive Order 12958 (EXEMPTION 1)
- 2. The withheld information relates solely to the internal personnel rules and procedures of NRC (EXEMPTION 2)
- 3. The withheld information is specifically exempted from public disclosure by statute indicated: (EXEMPTION 3)

Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

- 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)

The information is considered to be confidential business (proprietary) information.
 The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).
 The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).

- 5. The withheld information consists of interagency or intra-agency records that are not available through discovery during litigation. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. (EXEMPTION 5)

- 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy (EXEMPTION 6)

- 7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated: (EXEMPTION 7)

Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))
 Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))
 The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any officials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Thomas E. Murley	Director Nuclear Reactor Regulation	Appendix A		X

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX A

RECORDS TOTALLY WITHHELD

NUMBER

DATE

DESCRIPTION & EXEMPTION

The portions of the Public Service Company of New Hampshire's Seabrook Plan for Massachusetts Communities that were not previously made public will continue to be withheld pursuant to Exemption 4.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'88 MAR 10 P4:03

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	Docket Nos. 50-443 OL
PUBLIC SERVICE COMPANY OF)	50-444 OL
NEW HAMPSHIRE, <u>et al.</u>)	Off-site Emergency Planning
)	
(Seabrook Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO THE MASSACHUSETTS ATTORNEY GENERAL'S MOTION TO LIFT TEMPORARY PROTECTIVE ORDER" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 3rd day of March 1988.

Ivan W. Smith, Chairman*
Administrative Judge
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U.S. Nuclear Regulatory Commission
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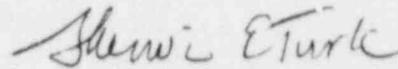
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