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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairman
Dr. Emmeth A. Luebke
Dr. Jerry Harbour

In the Matter of

PUBLIC SERVICE COMPANY OF

NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1 and 2)

Docket Nos.

50-443-OL

50-444-OL

October 12, 1983

MOTION OF ATTORNEY GENERAL BELLOTTI
FOR LEAVE TO FILE RESPONSE TO STAFF
LETTER DATED OCTOBER 6, 1983

The NRC Staff has, through the extraordinary device of a letter to this office (dated October 6, 1983) served on the Board and parties to the proceeding, effectively filed a supplemental answer to Attorney General Bellotti's contention relative to emergency planning for the New Hampshire Beach communities. While objecting to the Staff's failure to move for the right to so supplement its original answer, Attorney General Bellotti hereby requests that the Board accept this brief response to the new objection to admission of the contention set forth therein.

In its letter of October 6 the Staff suggests for the first time that the Attorney General's proffered contention is untimely. The Staff relies in so arguing on NUREG-0654, Criterion J.10.m. which, it asserts, indicates that it is the State Plan, rather than local plans, which must contain "the bases for protective action decision-making." Attorney General Bellotti has not, however, with his proffered contention challenged compliance with NUREG-0654, Criterion J.10.m. He has challenged, rather, compliance with 10 C.F.R. §50.47(a)(1), which requires that there be reasonable assurance that adequate protective measures can and will be taken in the event of an emergency. The regulation does not specify which plans must provide the requisite assurance and does not, therefore, in any way preclude a contention that local emergency plans do not provide it. Indeed, since the proffered contention relates only to certain New Hampshire communities within the EPZ, it would have been premature if submitted before local plans which might afford the necessary assurances were available.

Respectfully submitted,

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

By:



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CERTIFICATE OF SERVICE

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I, Jo Ann Shotwell, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on October 12, 1983, I made service of the Notice of Continuance of Depositions and Motion of Attorney General Bellotti For Leave To File Response To Staff Letter Dated October 6, 1983 by mailing copies thereof, postage prepaid, to the parties named below:

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**By Hand Delivery on 10/13/83

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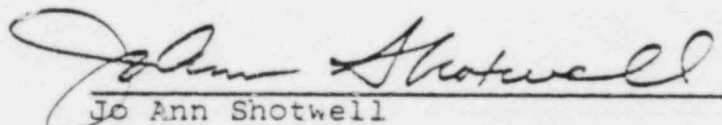
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Signed under the pains and penalties of perjury, this 12th day of
October, 1983.


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**By Hand Delivery on 10/13/83