



THE COMMONWEALTH OF MASSACHUSETTS
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February 14, 2008

BY HAND

Richard Cushing Donovan, Clerk
United States Court of Appeals for the First Circuit
1 Courthouse Way, Suite 2500
Boston, MA 02110

Re: *Commonwealth of Massachusetts v. NRC*,
Nos. 07-1482 and 07-1483

Dear Mr. Donovan:

Enclosed for filing please find nine copies and disk of Supplemental Reply Brief for Petitioner Commonwealth of Massachusetts with

1. Attorney's Certificate of Compliance with Rule 32(a);
2. Addendum;
3. an original and three copies of Petitioner Commonwealth Of Massachusetts' Notice Regarding Addendum Or, In The Alternative, Motion For Leave To Exceed Page Limit On Addendum To Brief; and
4. Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Brock".

Matthew Brock
Assistant Attorney General
Environmental Protection Division
Commonwealth of Massachusetts

Enclosure



UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF
MASSACHUSETTS,

Petitioner,

v.

UNITED STATES NUCLEAR REGULATORY
COMMISSION, and the UNITED STATES
OF AMERICA

Respondents

and

ENERGY NUCLEAR OPERATIONS, INC.,
ENERGY NUCLEAR VERMONT
YANKEE LLC, and ENERGY NUCLEAR
GENERATION COMPANY

Intervenors.

Nos. 07-1482 and
07-1483
(Consolidated)

PETITIONER COMMONWEALTH OF MASSACHUSETTS'
NOTICE REGARDING ADDENDUM
OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO EXCEED
PAGE LIMIT ON ADDENDUM TO BRIEF

Petitioner Commonwealth of Massachusetts wishes to notify the Court that the Addendum attached to its Supplemental Reply Brief includes, in addition to several relevant regulations, a complete copy of the transcript of the December 6, 2007, oral argument in this case. The addendum is

included in conformance with F.R.App.P. 28(f), which requires the Petitioner to reproduce, in its brief or an addendum, “statutes, rules, regulations, etc.” for “. . . the court’s determination of the issues presented . . .” and Local Rule 28(a)(1), which requires the Petitioner to reproduce the “judgments, decisions, rulings, or orders appealed from including any supporting explanation (*e.g.*, a written or transcript opinion). . .” The Commonwealth believes that because the transcript includes a discussion by the U.S. Nuclear Regulatory Commission’s (NRC’s) of its position in this case, it constitutes a “supporting explanation” of the NRC’s administrative decision on appeal, and Commonwealth’s rebuttal to that position is, in turn, necessary “for the court’s determination of the issues,” that must be included in the addendum.

In the alternative, if the Court determines that the transcript does not fall within the scope of material that is required for the addendum, the Commonwealth requests that the Court make an exception to the 25-page limitation established by Local Rule 28(a)(2) for “[o]ptional, but encouraged” documentary material that may be included in the addendum to a brief. The Commonwealth respectfully submits that inclusion of the entire transcript should be allowed, because it sets forth the NRC’s position with respect to key issues on appeal, the Commonwealth’s rebuttal to that

position, and is "necessary for understanding the specific issues on appeal."

Id.

Respectfully submitted,

By its Attorneys

MARTHA COAKLEY
ATTORNEY GENERAL



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February 14, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above
document was served upon the attorney of
record for each other party by mail (by hand)

on

2/14/08

