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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Before Administrative Judges:

G. Paul Bollwerk, Chairman  
Alan S. Rosenthal  
Howard A. Wilber

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

) January 17, 1990

MASSACHUSETTS ATTORNEY GENERAL'S MOTION FOR LEAVE  
TO FILE AN APPEAL BRIEF IN EXCESS OF 70 PAGES

Pursuant to 10 C.F.R. §2.762(e), the Massachusetts Attorney General ("Mass AG") moves for leave to file an appeal brief in excess of the seventy-page limit in support of his appeal of the Licensing Board's partial initial decision on the adequacy of the SPMC and the June, 1988 FEMA Graded Exercise, LBP-89-32, 29 NRC \_\_\_\_\_ (1989), and LBP-89-17, 29 NRC 519 (1989). Specifically, the Mass AG seeks leave to file a brief not in excess of 125 pages. In support of this motion and in response to the directive set forth by this Board in its order dated December 15, 1989, the Mass AG states as follows:

1. The Mass AG has consulted with the other Intervenor's whose briefs are also to be filed on the appeal of LBP-89-32. As a result of these discussions, the Intervenor's are confident

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that the briefing that is being prepared will not overlap issue areas. The Intervenor has divided their labors and each remaining brief, for the most part, will take up different aspects of the lower Board's decision and the record of the proceeding below. Specifically, the appeal brief being prepared by the Mass AG will focus on distinct issue areas not covered in detail by the other Intervenor including: Mass AG contentions on the SPMC and FEMA Graded Exercise that were not admitted for litigation; issues involving governmental response and the FEMA standard of review; response personnel issues; evacuation time estimates errors; issues concerning schools, special populations and the availability of an adequate number of emergency vehicles; issues concerning monitoring, reception centers and congregate care; issues concerning the performance of NHY ORO during the June 1988 Graded Exercise; issues pertaining to communications under the SPMC. The appeal of LBP-89-27, supra, is also being brief by the Mass AG alone.

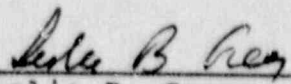
2. The Mass AG is unable to fully present his arguments on these issues within the allotted 70 pages because of the numerous separate issue areas involved.

3. Although not complete, significant portions of most sections of the Mass AG's appeal brief are in draft. It is clear that without the requested relief, the Mass AG will either have to abandon his appeal of certain significant issues or present severely truncated briefing on the issues in this proceeding. Although this Board has noted that "the number of

pages contained in the appellate briefs does not bear any necessary relationship to the substance of the issues raised", 23 NRC 9, 11 (1986) (emphasis supplied), the Mass AG requires this extension of the page limitation to brief adequately the many errors presented in the decisions below.

Respectfully submitted,

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ATTORNEY GENERAL

  
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