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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'90 JAN 19 P4:00

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

January 19, 1990

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

ORDER

The Massachusetts Attorney General (MassAG), by motion filed January 17, 1990, has requested leave to file a brief in excess of seventy pages relative to his pending appeals from various Licensing Board decisions regarding the utility-sponsored emergency plan for Massachusetts emergency planning zone communities and the June 1988 emergency planning exercise. In his motion, the MassAG asks permission to file a brief of up to 125 pages. At our request, the applicants and the NRC staff have filed expedited responses to his petition. Both assert that the motion should be denied.

In support of its motion, the MassAG states that, pursuant to our December 15, 1989 directive,¹ the nine appealing

¹ Order (Dec. 15, 1989) at 3 (unpublished). See also Order (Dec. 18, 1989) at 1 (unpublished) (granting Town of Hampton motion for extension of time to file brief under same conditions specified in December 15 order).

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intervenors have consulted among themselves and he is "confident" that the briefs being prepared will not, "for the most part," address the same issues.² The MassAG also declares that his brief will discuss at least nine matters not addressed in detail by any other party. As a result, he asserts that if he is confined by the seventy pages allotted by the Rules of Practice, he will have to "abandon his appeal of certain significant issues or present severly[sic] truncated briefing on the issues in this proceeding."³ To avoid this consequence, he requests an extension of fifty-five pages.

The MassAG's petition for review, like those of the other intervenors, covers Licensing Board determinations of significant length and complexity. On the other hand, as both the applicants and the staff note, given the number of separate appeals filed, intervenors have well in excess of five hundred pages within which to address the Board's determinations.⁴ In the circumstances, and with the understanding that the intervenors are taking steps to avoid, to the maximum extent possible, duplicative arguments, we conclude that an extension of thirty pages will amply provide for the MassAG's expressed concerns that

² [MassAG]'s Motion for Leave to file an Appeal Brief in Excess of 70 Pages (Jan. 17, 1990) at 1-2.

³ Id. at 2.


⁴ We observe, however, that we have been given no reason to believe that each of the intervenors will necessarily utilize all of its allotted pages.

he will not be able to brief the "significant" issues within the seventy page limit.

Accordingly, the MassAG's motion for leave to file appeal brief in excess of seventy pages is granted and he is authorized to file a brief of not more than 100 pages.

It is so ORDERED.

FOR THE APPEAL BOARD


Eleanor E. Hagins
Secretary to the
Appeal Board

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) 50-443/444-DL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB ORDER DTD 1/19/90 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
G. Paul Bollwerk, III
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Howard A. Wilber
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Robert R. Pierce, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Edwin J. Reis, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Law Judge
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Kenneth A. McCollon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Alternate Technical Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mitzi A. Young
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docket No. (s) 50-443/444-0L
AB ORDER DTD 1/19/90

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

Thomas G. Dignan, Jr., Esq.
Ropes & Gray
One International Place
Boston, MA 02110

Robert A. Backus, Esq.
Backus, Meyer & Solomon
116 Lowell Street
Manchester, NH 03106

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

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03842

Judith H. Mizner
Counsel for Newburyport
79 State Street
Newburyport, MA 01950

Barbara J. Saint Andre, Esq.
Kopelman and Paige, P.C.
77 Franklin Street
Boston, MA 02110

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

Ashod N. Amirian, Esq.
145 South Main Street, P.O. Box 38
Bradford, MA 01830

George W. Watson, Esq.
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Jack Dolan
Federal Emergency Management Agency
442 J.W. McCormack (POCH)
Boston, MA 02109

George D. Bisbee, Esq.
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Suzanne Breiseth
Board of Selectmen
Town of Hampton Falls
Drinkwater Road
Hampton Falls, NH 03844

John Traficante, Esq.
Chief, Nuclear Safety Unit
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

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AD ORDER DTD 1/19/90

Peter J. Brann, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station, #6
Augusta, ME 04333

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

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

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

Sandra Gavutis, Chairman
Board of Selectmen
RFD #1 Box 1154
Kensington, NH 03827

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

Anne Goodman, Chairman
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

William S. Lord
Board of Selectmen
Town Hall - Friend Street
Amesbury, MA 01913

Michael Santosuosso, Chairman
Board of Selectmen
South Hampton, NH 03827

R. Scott Hill-Whilton, Esquire
Lagoulis, Hill-Whilton & McGuire
79 State Street
Newburyport, MA 01950

Stanley W. Knowles, Chairman
Board of Selectmen
P.O. Box 710
North Hampton, NH 03862

Norman C. Katner
Superintendent of Schools
School Administrative Unit No. 21
Alumni Drive
Hampton, NH 03842

Sandra F. Mitchell
Civil Defense Director
Town of Kensington
Box 10, RR1
East Kingston, NH 03827

The Honorable
Gordon J. Humphrey
ATTN: Janet Colt
United States Senate
Washington, DC 20510

Docket No. (s) 50-443/444-OL
AB ORDER DTD 1/19/90

Dated at Rockville, Md. this
22 day of January 1990

Patty Henderson

Office of the Secretary of the Commission