

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Thomas S. Moore, Chairman  
Dr. John H. Buck  
Dr. W. Reed Johnson



SERVED AUG 28 1981

In the Matter of

PACIFIC GAS AND ELECTRIC COMPANY

(Diablo Canyon Nuclear Power  
Plant, Unit Nos. 1 and 2)

) Docket Nos. 50-275 OL  
) 50-323 OL

) (Low Power Proceeding)  
)

ORDER

August 27, 1981

We have before us a motion from Governor Brown seeking permission to exceed the 70-page limit on briefs imposed by 10 CFR §2.762(e). That section provides that parties may, for "good cause," request an enlargement; Governor Brown seeks permission to file a 90-page brief. As good cause, we are pointed to the 143 exceptions filed by the Governor and the "diverse issues involved."

This short explanation to justify the enlargement does not provide us with sufficient information to grant the request. While 143 may be a large number of exceptions, a look at the exceptions leads us to believe that many can

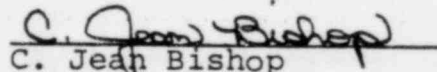
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be combined for briefing purposes. (Indeed, if this were not the case, we question whether 143 exceptions could be briefed properly in even 90 pages.) Although Governor Brown mentions a "large number of issues," he does not tell us what issues the brief will focus on or why they cannot be covered in 70 pages. We are mindful of the difficulties inherent in pruning a brief down to a certain page limit, but a 70-page limit strikes us as quite generous. Enlargements will certainly be granted where shown to be necessary. But the Governor's terse motion falls short of establishing that need here. While we are denying the instant motion, we will permit the Governor to file a supplemental explanation setting forth in greater detail why an enlargement is essential.

Motion denied.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Bishop  
Secretary to the  
Appeal Board