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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'89 JUN 21 P5:37

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Administrative Judges:

Ivan W. Smith, Chairman
Gustave A. Linenberger, Jr.
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
) (Off-Site EP)
)

June 20, 1989

MASSACHUSETTS ATTORNEY GENERAL'S OBJECTION IN THE
NATURE OF A MOTION IN LIMINE TO PORTIONS OF THE
APPLICANTS' REBUTTAL TESTIMONY NO. 16
(EVACUATION TIME ESTIMATES)

The Massachusetts Attorney General ("Mass AG") hereby moves the Board, in the nature of a motion in limine, to exclude as evidence in this proceeding portions of the testimony of Anthony Callendrello and Edward B. Lieberman contained in Applicants' Rebuttal Testimony No. 16 (Evacuation Time Estimates).

In support of this motion, the Mass AG states as follows:

1. Beyond the scope of the direct testimony

In rebuttal testimony, the Applicants may respond only to matters which have been raised in the direct testimony.

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Applicants' No. 16 contains a number of sections which go well beyond the scope of the Intervenor's direct testimony on ETEs, including the following sections which should be excluded:

- a. In Part V.A, sections 1, 2 (except for the last full paragraph beginning on p. 6), 3, 4, 5
- b. In Part V.B, sections 4 and 5.

2. Res judicata/issue preclusion

The following sections of the testimony should be excluded as they raise issues which have been precluded by the Board's PID on the NHRERP:

- a. The paragraph on the top of p. 9. This testimony suggests that evacuees from Salisbury will deviate from their assigned evacuation route (south on I-95) and take another route which appears to be more attractive to them at the time. When the Mass AG litigated this issue in New Hampshire, arguing that this indeed would happen, and that it would affect the ETE calculations, the board ruled otherwise. PID, §§ 7.82-7.90.

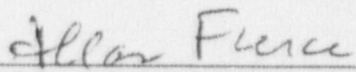
3. First Round/Traffic Management issues

All of part VII of the testimony should be stricken because it is additional testimony related to the traffic management contentions, the testimony for which had to have been filed by the Applicants in the first round of testimony filings. It is

too late to file this testimony now as part of the Applicants'
ETE testimony.

Respectfully submitted,

JAMES M. SHANNON
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Date: June 20, 1989

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CERTIFICATE OF SERVICE

I, Allan Fierce, hereby certify that on June 20, 1989, I made service of the MASSACHUSETTS ATTORNEY GENERAL'S OBJECTION IN THE NATURE OF A MOTION IN LIMINE TO PORTIONS OF THE APPLICANTS' REBUTTAL TESTIMONY NO. 16 (EVACUATION TIME ESTIMATES) via Federal Express Mail as indicated by [*], hand delivered as indicated by [**] and by First Class Mail on June 20, 1989 to:

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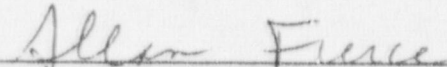
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DATED: June 20, 1989