

In the Matters of	)	
	)	
Constellation Generation Group, LLC	)	Docket Nos. 50-220-LT-2
(Nine Mile Point Nuclear Station, Units 1 and 2)	)	50-410-LT-2
(R.E. Ginna Nuclear Plant)	)	50-244-LT
(Calvert Cliffs Nuclear Power Plant,	)	50-317-LT
Units 1 and 2)	)	50-318-LT
	)	72-8-LT

**ORDER**

Petitioner, the Maryland Office of the People’s Counsel, has filed an “Appeal” of my March 17, 2006, Order dismissing petitions to intervene and participate in hearings in connection with these three license transfer applications. I issued my dismissal order under 10 C.F.R. § 2.346(h), which authorizes me, on the Commission’s behalf, to reject hearing requests that “fail to comply with the Commission’s pleading requirements.” The petitions to intervene failed to include any contentions, as required by 10 C.F.R. § 2.309(a).

No NRC regulation authorizes petitioner’s current “Appeal.” Construing it as the equivalent of a late-filed petition to intervene or as an amended petition to intervene, I must reject it (like the original petitions to intervene) as procedurally deficient. It does not address the eight “nontimely filing” factors set forth in 10 C.F.R. § 2.309(c) or otherwise explain why the Commission should consider Petitioner’s late filing.

Hence, pursuant to my authority under 10 C.F.R. §§ 2.346(c) and (h), I dismiss Petitioner’s “Appeal.” I have, however, forwarded petitioner’s March 24<sup>th</sup> Comments to the NRC Staff for review.<sup>1</sup>

IT IS SO ORDERED.

For the Commission

*/RA/*

\_\_\_\_\_  
J. Samuel Walker  
Acting Secretary of the Commission

Dated at Rockville, Maryland,  
this 12<sup>th</sup> day of April, 2006.

<sup>1</sup> Petitioner’s “Appeal” and its Comments appear essentially identical.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matters of	)	
	)	
Constellation Generation Group, LLC	)	Docket Nos. 50-220-LT-2
(Nine Mile Point Nuclear Station, Units 1 and 2)	)	50-410-LT-2
(R.E. Ginna Nuclear Plant)	)	50-244-LT
(Calvert Cliffs Nuclear Power Plant,	)	50-317-LT
Units 1 and 2)	)	50-318-LT
	)	72-8-LT

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER DISMISSING APPEAL OF THE MARYLAND OFFICE OF THE PEOPLE'S COUNSEL have been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

Susan L. Uttal, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ogclt@nrc.gov](mailto:ogclt@nrc.gov)

Catherine C. Hester, Esq.  
Assistant People's Counsel  
Maryland Office of People's Counsel  
6 St. Paul Street, Suite 2102  
Baltimore, MD 21202  
E-mail: [catherineh@opc.state.md.us](mailto:catherineh@opc.state.md.us)

Jay M. Gutierrez, Esq.  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue  
Washington, DC 20004  
E-mail: [jgutierrez@morganlewis.com](mailto:jgutierrez@morganlewis.com)

[Original signed by Evangeline S. Ngbea]

\_\_\_\_\_  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 12<sup>th</sup> day of April 2006