

DOCKETED
USNRC

'98 MAY 15 P4:49

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the
ATOMIC SAFETY AND LICENSING BOARD
Administrative Law Panel:
James P. Gleason, Chairman
Dr. Thomas S. Elleman
Thomas D. Murphy

OFFICE OF SECRETARY
REGULATORY AFFAIRS
ADJUDICATIONS STAFF

In the Matter of)
)
YANKEE ATOMIC ELECTRIC COMPANY)
)
(Yankee Nuclear Power Station))
Docket No. 50-029-LA
ASLBP No. 98-736-01-LA

CITIZENS AWARENESS NETWORK'S SUPPORT FOR NEW ENGLAND
COALITION ON NUCLEAR POLLUTION, INC.'S OPPOSITION TO YANKEE
ATOMIC ELECTRIC COMPANY'S MOTIONS TO STRIKE AND FOR
CONDITIONAL LEAVE TO REPLY, AND A PROPOSED ORDER RELATING TO
THE MOTIONS AND RELATED ISSUES BEFORE THIS PANEL

Citizens Awareness Network, Inc. (CAN) hereby enters its Support for New England Coalition on Nuclear Pollution, Inc.'s (NECNP's) Opposition to YAEC's motions to strike and for conditional leave to reply (May 7, 1998). CAN bases its support on the Declaration of Deborah B. Katz, president and pro se representative for CAN in this matter, attached hereto as Exhibit CE¹. CAN incorporates by reference the facts and law contained in the attached declaration and the matters it incorporates. In lieu of an attached proposed form of order, CAN incorporates NECNP's (Proposed) Order by reference.

SECY-041

DS03

19077

U.S. NATIONAL ARCHIVES
RULEMAN, INC. 2775
OFFICE OF THE DIRECTOR
OF THE NATIONAL ARCHIVES

Document Statistics

Postmark Date 5/11/98 (Certified)
Copies Received 3
Add'l Copies Reproduced 0
Special Distribution _____
OGC, RIDS

CAN urges the Atomic Safety and Licensing Board Panel (Panel) in this case to issue an order similar to the one proposed by NECNP. CAN takes the position, due to financial hardship, that the Panel should first issue its decision on petitioners' standing. CAN contends that this Panel has all of the information it needs to make the decision on standing. CAN understands the NRC rules to permit all of the filing made so far in this case except the filings which YAEC made to strike the replies. CAN contends that YAEC's replies to the petitioners' replies contain nothing which YAEC did not already get to place before the Panel. In addition, YAEC also tries to get the Panel to consider new legal arguments and theories with each of its new filings. The Panel should put a stop to this costly and unnecessary motion practice by YAEC.

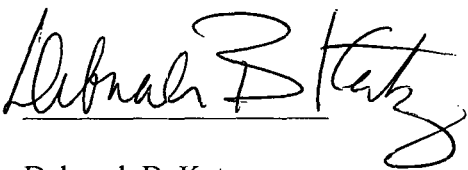
It would also be helpful to everyone involved if the Panel made its decision on standing and issued a order like the one NECNP proposed. That way, if there is going to be a hearing, we can all get on with the process in a way that will be fair, efficient, and economical. CAN supports NECNP's proposed order because it tries to make this process fair and efficient. With the same aim, CAN supports NECNP's Opposition, and urges the Panel to make the decision on standing based on the documents which it reasonably has before it under the NRC rules: the petitions, answers, amended petitions, answers, and reply. Along with the standing decision, the Panel should issue some guidelines if we are all going to be permitted to go forward to a hearing in this case.

CONCLUSION

NECNP's Opposition provides this Panel with adequate grounds in law and fact to deny YAEC's pending motions in this matter. The (Proposed) Order NECNP provided to this Panel is consistent with the law and facts set forth in the Opposition and supporting declaration. For the sake of economy and efficiency, this Panel should issue its ruling on standing and an appropriate Order on procedural matters in the event petitioners are found to have standing to go forward with presentation of contention to this Panel. The (Proposed) Order of NECNP would be appropriate and helpful to all parties in the event this Panel allows us to go forward..

WHEREFORE, CAN respectfully requests that the relief NECNP asked for in this matter be granted, and the (Proposed) Order, or one containing such additional relief as the Panel sees fit to add, be issued as an Order of this Panel along with its decision on the matter of petitioners' standing.

Respectfully submitted:



Deborah B. Katz, pro se
for CAN
P.O. Box 3023
Charlemont, MA 01339-3023
413-339-5781
339-8768 (fax)
May 11, 1998

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the
ATOMIC SAFETY AND LICCENSING BOARD
Administrative Law Panel:
James P. Gleason, Chairman
Dr. Thomas S. Elleman
Thomas D. Murphy

In the Matter of)
) Docket No. 50-029-LA
) ASLBP No. 98-736-01-LA
YANKEE ATOMIC ELECTRIC COMPANY)
)
(Yankee Nuclear Power Station)) May 11, 1998

DECLARATION OF DEBORAH B. KATZ, PRESIDENT OF CITIZENS
AWARENESS NETWORK, INC.

I, Deborah B. Katz, declare the following to be true and correct:

1. My name is Deborah B. Katz. I am president of Citizens Awareness Network, Inc. (CAN), and I am representing CAN pro se in this matter.
2. I have reviewed the Declaration attached to the May 7, 1998, filing with the Panel by the New England Coalition on Nuclear Pollution (NECNP).
3. I completely agree with the Declaration of Jonathan M. Block, attorney for NECNP. CAN hereby adopts the facts and law contained in that declaration as our own in this one.
4. CAN currently has little financial resources for participation in this matter.
5. CAN takes the position that the Panel in this case has enough information to make a decision on standing for each of the petitioners.
6. CAN takes the position that it is economical for the Panel to make this decision now.
7. CAN also takes the position that it is important for the Panel, if it decides to allow petitioners to go forward in the hearing process, to issue procedural guidelines such

as those proposed by NECNP. Such guidelines will insure fairness to any and all parties, and will less the burden placed upon each and upon the Panel filings which just repeat the same argument.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 1998 Deborah B. Katz

Deborah B. Katz
pro se for CAN
P.O. Box 3023
Charlemont, MA 01339-3023
413-339-5781
413-339-8768 (fax)

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the
ATOMIC SAFETY AND LICENSING BOARD

'98 MAY 15 P 4:49

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
)
YANKEE ATOMIC ELECTRIC COMPANY)
)
(Yankee Nuclear Power Station))
Docket No. 50-029-LA
ASLBP No. 98-736-01-LA

Certificate of Service

I, Deborah Katz, pro se representative of the Citizens Awareness Network Inc., do hereby certify under penalty of perjury that copies of the within documents have on this day 11th of May 1998, been served pursuant to 10 CFR 2.701 upon the following persons:

James P. Gleason, Chairman
Atomic Safety and Licensing Board Panel
U.S.N.R.C.
Washington, DC 20555

Thomas D. Murphy
Atomic Safety and Licensing Board Panel
U.S.N.R.C.
Washington, DC 20555

Dr. Thomas Ellman
704 Davidson Street
Raleigh, North Carolina

Thomas G. Dignan, Jr. And Robert K. Gad III
Ropes & Gray
One International Place
Boston, MA 02110-2624

Jonathan M. Block, Attorney for
NECNP
PO Box 566
Putney, Vermont

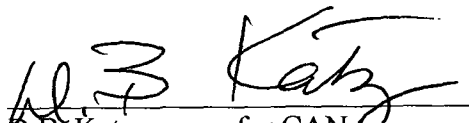
Mr. Adam Laipson, Chairman
Franklin Regional Planning Board
425 Main Street
Greenfield, MA 01301

Ann B. Hodgdon, and Martin L. Zobler
Office of the General Counsel
U.S. N.R.C.
Washington, DC 20555

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Secretary
Rulemakings and Adjudications Staff
U.S. NRC
Washington, DC 20555

Adjudications File
Atomic Safety and Licensing Board Panel
USNRC
Washington, DC 20555


D.B. Katz, pro se for CAN