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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DUCKETING & SERVICE  
BRANCH

Before Administrative Judges:

Ivan W. Smith, Chairman  
Dr. Charles N. Kelber  
Dr. Jerry R. Kline

SERVED AUG 26 1992

RE-SERVED AUG 28 1992

In the Matter of  
  
NORTHEAST NUCLEAR ENERGY  
COMPANY  
  
(Millstone Nuclear Power  
Station, Unit No. 2)

Docket Nos. 50-336-OLA  
FOL No. DPR-65  
(ASLBP No. 92-665-02-OLA)  
  
(Spent Fuel Pool Design)

August 25, 1992

MEMORANDUM

The Board has received four very similar petitions (styled "affidavits") requesting a hearing and intervenor status in this proceeding. The petitions are in the same format and type face as pleadings filed by Mary Ellen Marucci on behalf of Co-Operative Citizens Monitoring Network (CCMN).<sup>1</sup> Each petition authorizes CCMN (or Earthvision) to represent the respective petitioner's

<sup>1</sup>Petitions, or "affidavits" were filed by Rosemary Griffiths, June 29, 1992; Joseph M. Sullivan, July 6, 1992; Don't Waste Connecticut, June 26, 1992 (postmarked August 13, 1992); and Frank X. Lo Sacco, August 13, 1992.

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interests and provides CCMN's telephone number for further information.

On August 19, 1992, I initiated two telephone conversations with Ms. Marucci, who acknowledged that the petitions were the result of her organizing effort and were in the format provided by her.

The purpose of the telephone calls to Ms. Marucci was to inform her that the form petitions were ambiguous. It is not clear whether the petitioners intend to advance their own contentions and to directly participate in any hearing, or whether their affidavits are intended only to establish derivative standing for CCMN. Three of the petitioners (Lo Sacco, Sullivan and Griffiths) indicate that they are members of, or are associated with, CCMN.<sup>2</sup>

I explained that it would be helpful to the Board and potential parties if the ambiguity could be resolved promptly. We discussed the fact that the Licensee and the NRC Staff must be given the opportunity to respond to late-filed petitions, and that her program of encouraging ambiguous petitions is not consistent with her stated desire to resolve her concerns very early. I also reminded Ms. Marucci that petitioners are required to serve their

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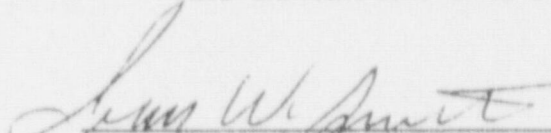
<sup>2</sup>On August 13, 1992, Ms. Griffiths filed a "clarification" of her "affidavit" noting that she wishes to have her interests represented by CCMN. Accordingly, the Board deems that Ms. Griffiths' intent is not to intervene separately from CCMN.

pleadings on all other participants in the proceeding, and that the Board had provided a copy of the service list for that purpose.

Ms. Marucci was unable speak for the petitioners, except to note that the "Don't Waste Connecticut" petitioners would meet later to determine whether that group would directly participate in any hearing. She stated also that additional petitions in her format might yet be filed.

In answer to Ms. Marucci's question, I explained that the Board's Memorandum and Order (Establishing Pleading Schedule), LBP-92-17, July 29, 1992, did not extend the time for filing initial petitions for leave to intervene and requests for hearing by new petitioners.<sup>3</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

  
Ivan W. Smith, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

August 25, 1992

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<sup>3</sup>The Federal Register notice set May 28, 1992 as the date for filing requests for a hearing and petitions for leave to intervene. 57 Fed. Reg. 17934, April 28, 1992.

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NUCLEAR REGULATORY COMMISSION

In the Matter of

NORTHEAST NUCLEAR ENERGY COMPANY

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Docket No.(s) 50-336-OLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM DATED 8/25/92 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.

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

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

Administrative Judge  
Charles N. Kelber  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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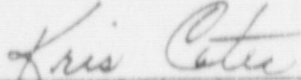
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Jocket No.(s)50-336-OLA  
LB MEMORANDUM DATED 8/25/92

Mary Ellen Marucci  
104 Brownell Street  
New Haven, CT 06511

Michael J. Pray, AIA  
87 Blinman Street  
New London, CT 06320

Dated at Rockville, Md. this  
26 day of August 1992

  
Office of the Secretary of the Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Waterford, CT 06385

\*Rosemary Griffiths  
39 South Street  
Niantic, CT 06357

Dated at Rockville, Md. this  
28 day of August 1992

*Kris Cater*

Office of the Secretary of the Commission