

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

July 27, 1985

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of:

BOSTON EDISON COMPANY

(Pilgrim Nuclear Power Station)

Docket No. 85-293-OLA

BOOKETED
USNRC

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PETITIONER JOHN F. DOHERTY'S EXCEPTION TO THE ATOMIC SAFETY AND LICENSING BOARD ORDER OF JULY 19, 1985, DISMISSING HIS REQUEST FOR HEARING AND PETITION FOR LEAVE TO INTERVENE

John F. Doherty, of 313 Summit Ave., Apartment #3, Brighton, Mass. 02135 (617) 232-3353, Petitioner in the above styled proceeding now timely files this Exception to the Atomic Safety and Licensing Board Order and Memorandum of July 19, 1985 (ASLBP No. 85-510-01 LA) which in effect terminates his intervention rights in this operating license amendment proceeding, to the Atomic Safety and Licensing Appeal Board (members undesignated) pursuant to 10 CFR 2.762(a) of the Commission's Rules of Practice, as authorized by the Commission in 10 CFR 2.735(a). 10 CFR 2.762(a) requires each exception be stated concisely, the single error of fact or law which is being asserted without supporting argumentation.

Exception

Petitioner excepts to (and thus maintains the Board was in error) the Board issuing its Order and Memorandum of dismissal of July 19, 1985, without permitting Petitioner a reasonable opportunity to respond to the Applicant's, "Licensee's Answer to John F. Doherty's Request for a Hearing and Petition for Leave to Intervene," of June 12, 1985, and the Staff's, "NRC Staff Response to John F. Doherty's Petition for Leave to Intervene," of July 19, 1985", and hence it

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must permit this opportunity before issuing an Order dismissing his Petition for Leave to Intervene.

Respectfully,

John F. Doherty
John F. Doherty, Petitioner

CERTIFICATE OF SERVICE

I certify that copies of this "PETITIONER JOHN F. DOHERTY'S EXCEPTION TO THE ATOMIC SAFETY AND LICENSING BOARD ORDER OF JULY 19, 1985, DISMISSING HIS REQUEST FOR HEARING AND PETITION FOR LEAVE TO INTERVENE" were served on the persons below via First Class United States Postal Service this 22nd of July, 1985 from Brighton, Massachusetts.

Peter B. Bloch, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Gustave A. Linenberger, Jr.
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John F. Doherty
John F. Doherty