

July 7, 2000

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 50-423-LA-3
NORTHEAST NUCLEAR ENERGY	)	
COMPANY	)	ASLBP No. 00-771-01-LA
	)	
(Millstone Nuclear Power Station,	)	
Unit No. 3)	)	

**NRC STAFF MOTION TO STRIKE DETAILED SUMMARY OF FACTS, DATA AND ARGUMENTS AND SWORN SUBMISSION ON WHICH CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND COALITION AGAINST MILLSTONE INTEND TO RELY AT ORAL ARGUMENT TO DEMONSTRATE THE EXISTENCE OF A GENUINE AND SUBSTANTIAL DISPUTE OF FACT WITH THE LICENSEE REGARDING THE PROPOSED EXPANSION OF SPENT FUEL STORAGE CAPACITY AT THE MILLSTONE UNIT NO. 3 NUCLEAR POWER PLANT**

INTRODUCTION

On July 3, 2000, Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone (CCAM/CAM or Intervenors) filed their written summary of facts, data and arguments on which they intend to rely at oral argument in this matter.<sup>1</sup> The NRC staff (Staff) hereby files this motion to strike Intervenors' written summary for failure to comply with 10 C.F.R. § 2.1113 and Section 134 of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10154) (NWPA), in that the facts and data relied upon are not properly sworn to as required by the statute and the regulation.

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<sup>1</sup> The July 3, 2000 filing was three days out of time. At approximately 10:25pm on the date it was due, Intervenors filed a Motion For Permission to File Summary Untimely, but that motion has not been ruled on. On July 4, 2000, Intervenors filed a superceding written summary and on July 6, 2000, Intervenors filed a motion to file a supplementary declaration (of David Lochbaum) and conform the summary. Those multiple filings are the subject of the "NRC Staff Response to 'Intervenors' Motion to File Supplementary Declaration and Conform Their Summary' and Request for Further Relief" (Staff Response), filed July 6, 2000.

STATEMENT OF FACTS

This matter concerns a March 19, 1999 license amendment request made by Northeast Nuclear Energy Company (NNECO) to rerack the spent fuel pool for its Millstone Nuclear Power Station, Unit 3 (Millstone 3). The proceeding is being conducted pursuant to 10 C.F.R. § 1101, *et seq.* (Subpart K).<sup>2</sup> On July 3, 4 and 6, 2000, the intervenors filed their "Detailed Summary of Facts, Data and Arguments and Sworn Submission on Which Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Intend to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Millstone Unit No. 3 Nuclear Power Plant" (July 3, 2000 Summary). The July 3, 2000 Summary was accompanied by a "Declaration of Dr. Gordon Thompson in Support of Intervenors' Summary and Sworn Submission Regarding Contentions 4, 5 and 6," (copy attached as Exhibit 1). That declaration stated that Dr. Thompson had reviewed the license amendment application, portions of the FSAR for the Millstone Nuclear Power Station and other related correspondence and technical documents. Exhibit 1, ¶ 4. The declaration asserted that Dr. Thompson participated in the preparation of the contentions and assisted in evaluating whether the license application "poses an undue and unnecessary risk of a criticality accident, increases the probability of a criticality accident and whether it conforms to General Design Criterion 62 and applicable NRC staff guidance." *Id.*, ¶ 5. The declaration goes on to state that in making his evaluation, Dr. Thompson "conducted an extensive review of documents related to criticality prevention at Millstone and in

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<sup>2</sup> On February 22, 2000, pursuant to 10 C.F.R. § 2.1109, the Licensee filed a request to invoke the hybrid hearing procedures of Subpart K and for oral argument. On April 19, 2000, the Board issued a memorandum and order acknowledging that this matter would proceed pursuant to Subpart K and establishing a schedule for filing written presentations and a date for oral argument.

general” and that he participated in preparing for depositions, reviewed the deposition testimony of the witnesses and was himself deposed. *Id.*, ¶ 6. Finally, the declaration averred:

*I have contributed to the development of the technical factual assertions contained in Detailed Summary of Facts, Data and Arguments and Sworn Submission on Which Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Intend to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Millstone Unit No. 3 Nuclear Power Plant, including Appendices A, B and C, submitted to the Licensing Board on June 30, 2000 (hereinafter “Summary”). My contributions to the Summary have been true and correct to the best of my knowledge and professional judgment.*

*Id.*, ¶ 7 (emphasis supplied). The Declaration was signed on June 30, 2000.

On July 6, 2000, intervenors filed a motion to file an additional declaration and to conform their summary.<sup>3</sup> The motion was accompanied by a new version of their summary (July 6, 2000 Summary). The July 6, 2000 Summary was supported by two declarations, the above cited declaration of Dr. Thompson and a declaration of David Lochbaum.<sup>4</sup> (Copy attached as Exhibit 2). Mr. Lochbaum’s declaration states that he reviewed the license amendment application, portions of the FSAR for the Millstone Nuclear Power Station and other related correspondence and technical documents. Exhibit 2, ¶ 4. The declaration asserted that Mr. Lochbaum also participated in the preparation of the contentions and assisted in evaluating whether the license application “poses an undue and unnecessary risk of a criticality accident, increases the probability of a criticality accident and whether it conforms to General Design Criterion 62 and applicable NRC staff guidance.” *Id.*, ¶ 5. The declaration goes on to state that, in making his evaluation, Mr. Lochbaum “conducted an extensive review of documents related to criticality prevention at Millstone and in

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<sup>3</sup> See footnote 1, *supra*.

<sup>4</sup> The issue of whether Mr. Lochbaum’s declaration should be considered by the Board due to lack of timeliness is addressed in the Staff Response filed July 6, 2000. See footnote 1, *supra*.

general” and that he participated in preparing for depositions, reviewed the deposition testimony of the witnesses and was himself deposed. *Id.*, ¶ 6. Finally, the declaration averred:

*I have contributed to the development of the technical factual assertions contained in Detailed Summary of Facts, Data and Arguments and Sworn Submission on Which Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Intend to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Millstone Unit No. 3 Nuclear Power Plant, including Appendices A, B and C, submitted to the Licensing Board on June 30, 2000<sup>5</sup> (hereinafter “Summary”). My contributions to the Summary have been true and correct to the best of my knowledge and professional judgment.*

*Id.*, ¶ 7 (emphasis supplied). The Declaration is dated June 30, 2000, but the e-mailed copy does not contain a signature.

#### DISCUSSION

Subpart K requires that each party to the proceeding file a “detailed written summary of all the facts, data, and arguments which are known to the party at such time and on which the party proposed to rely at the oral argument either to support or refute the existence of a genuine and substantial dispute of fact.” 10 C.F.R. § 2.1113(a). The regulation also requires that:

Each party shall also submit all supporting facts and data in the form of *sworn* written testimony or other sworn written submission.  
\* \* \*

(b) *Only facts and data in the form of sworn written testimony or other sworn written submission may be relied on by the parties during oral argument, and the presiding officer shall consider those facts and data only if they are submitted in that form.*

10 C.F.R. § 2.1113. It is clear that the requirements of the regulation were designed to insure that only those issues that are genuine and substantial and otherwise meet the criteria of 10 C.F.R. § 2.1115(b) are designated for hearing and that the issues are not decided based on the bare

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<sup>5</sup> As noted above, the various versions of the intervenors’ Summary were not submitted to the Board until July 3, 4 and 6, 2000.

assertions and opinions of counsel, unsupported by sworn testimony or other sworn submission. Moreover, the Board and the other parties must be able to determine which asserted facts are supported by the witnesses and which witness is sponsoring each assertion and every document relied upon. It is also important to be able to determine which witness is supporting each expert opinion.<sup>6</sup>

The various summaries filed by the Intervenors are deficient in that the facts are not properly sworn. There is no way of determining what Dr. Thompson or Mr. Lochbaum have contributed to the summary. This is especially true since, as discussed above, both witnesses have offered declarations that contain identical substantive paragraphs. There is also no way of determining whether any facts and opinion have been provided by counsel.<sup>7</sup> It will be, therefore, almost impossible for the Board to determine which alleged factual issues are genuine and substantial and supported by sworn testimony or other sworn submission.

The Staff notes the following pervasive deficiencies:

1. Both witnesses have stated that they "have contributed to the development of the technical factual assertions contained in Detailed Summary of Facts, Data and Arguments and Sworn Submission . . . including Appendices A, B and C," yet they provide no specification of their input. Both state that their contributions to the Summary are true and correct, but that assertion is meaningless where it is impossible to determine the substance of their contributions. Exhibits 1 and 2, ¶ 7.

2. Both witnesses state that they contributed to the development of Appendices A, B and C. *Id.* But that assertion does not appear to be entirely correct. Appendix A is an exact duplicate

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<sup>6</sup> This is especially true in this case, where the witnesses' qualifications to render opinions in the asserted areas of expertise are being questioned.

<sup>7</sup> This problem is further compounded by the fact that the Summary contains no citations to Dr. Thompson or Mr. Lochbaum.

of Appendix A filed by Orange County in the *Shearon Harris* matter. See "Detailed Summary of Facts, Data and Arguments and Sworn Submission on which Orange County Intends to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Harris Nuclear Power Plant, with Respect to Criticality Prevention Issues (Contention TC-2)," Appendix A, January 4, 2000. Appendices B and C are substantially similar to those filed in the *Harris* matter. *Id.*, Apps. B and C. Although both Dr. Thompson and Mr. Lochbaum were witnesses in that case, Dr. Thompson was asserted to be the sole contributor to the technical factual assertions of all appendices. Exhibit 3, ¶ 7. In the instant case, both Mr. Lochbaum and Dr. Thompson are stating that they contributed to the appendices. Ex. 1 and 2, ¶ 7. Therefore, it is impossible to determine the extent of either witnesses' contribution to Appendix A, B or C.

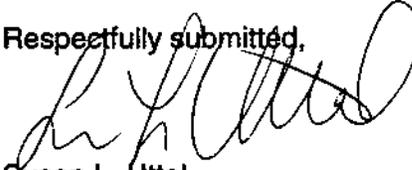
3. There are many documents referenced in the Summary which have apparently not been reviewed, sponsored or analyzed by either of the witnesses. See, e.g., Intervenors' Summary at 14-24. Numerous factual assertions and opinions are not attributed or supported.

It is clear from the above discussion and a close reading of the Intervenors' Summary and the witnesses' declarations that none of the Intervenors' facts and opinions are properly sworn to as required by the Commission's regulation. Because the Summary and the declarations do not meet the requirements of 10 C.F.R. § 2.1113, they should be stricken.

CONCLUSION

Based on the foregoing, the Staff respectfully requests that the Intervenors' Written Summary and the supporting Declarations be stricken.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan L. Uttal", written over the typed name below.

Susan L. Uttal  
Counsel for NRC Staff

Dated at Rockville, Maryland this  
7<sup>th</sup> day of July, 2000.

**EXHIBIT 1**

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:

Docket No. 50-423-LA-3

Northeast Nuclear Energy Company

(Millstone Nuclear Power Station,  
Unit No. 3)

ASLBP No. 00-771-01-LA

**DECLARATION OF DR. GORDON THOMPSON IN SUPPORT OF  
INTERVENORS' SUMMARY AND SWORN SUBMISSION REGARDING  
CONTENTIONS 4, 5 AND 6**

I, Gordon Thompson, declare as follows:

1. I am the executive director of the Institute for Resource and Security Studies (IRSS), a nonprofit, tax-exempt corporation based in Massachusetts. Our office is located at 27 Ellsworth Avenue, Cambridge, MA 02139. IRSS was founded in 1984 to conduct technical and policy analysis and public education, with the objective of promoting peace and international security, efficient use of natural resources, and protection of the environment.
2. I received an undergraduate education in science and mechanical engineering at the University of New South Wales, in Australia. Subsequently, I pursued graduate studies at Oxford University and received from that institution a Doctorate of Philosophy in mathematics in 1973, for analyses of plasma undergoing thermonuclear fusion. During my graduate studies I was associated with the fusion research program of the UK Atomic Energy Authority.
3. During my professional career, I have performed technical and policy analyses on a range of issues related to international security, energy supply, environmental protection, and sustainable use of natural resources. Since 1977, a significant part of my work has consisted of technical analyses of safety and environmental issues related to nuclear facilities. These analyses have been sponsored by a variety of nongovernmental organizations and local, state and national governments, predominantly in North America and Western Europe. Drawing upon these analyses, I have provided expert testimony in legal and regulatory proceedings, and have served on committees advising US governmental agencies. A copy of my resume is appended as Exhibit 4 to the CCAM/CAM Supplemental Petition to Intervene (November 17, 1999).
4. I have reviewed the March 19, 1999 license amendment application filed by the Northeast Nuclear Energy Company (NNECO) for an amendment to Facility

Operating License No. NFP-49, which seeks permission to expand the storage capacity of the Millstone Unit No. 3 spent fuel pool. I have also reviewed pertinent portions of the Final Safety Analysis Report for the Millstone Nuclear Power Station, and various correspondence and technical documents relating to the proposed amendment and to risks of spent fuel storage, which are identified in the Intervenor's contentions. In addition, I attended a site inspection of the Millstone Unit 3 spent fuel pool on May 10, 2000.

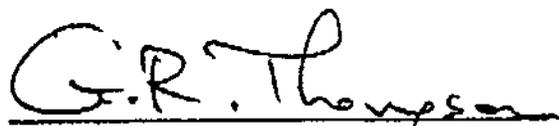
5. I participated in the preparation of the Intervenor's contentions regarding the proposed license amendment. Following admission of Contentions 4, 5 and 6, I assisted in evaluating whether NNECO's license amendment application poses an undue and unnecessary risk of a criticality accident, increases the probability of a criticality accident and whether it conforms to the requirements of General Design Criterion 62 and applicable NRC Staff guidance.

6. In making my evaluation, I conducted an extensive review of documents related to criticality prevention at Millstone and in general, including correspondence between NNECO and the NRC Staff, criticality studies performed by or for NNECO, NRC Staff and licensee documents regarding proposed spent fuel storage expansion applications, Licensee Event Reports of criticality-related occurrences, NRC Staff and industry guidance documents and related correspondence, the rulemaking history of GDC 62, and other publicly available information regarding spent fuel storage and criticality prevention. I also participated in preparing for depositions of NNECO and NRC Staff witnesses regarding Contentions 4, 5 and 6, and in reviewing the deposition testimony of these witnesses. In addition, I was deposed by NNECO.

7. I have contributed to the development of the technical factual assertions contained in Detailed Summary of Facts, Data and Arguments and Sworn Submission on Which Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Intend to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Millstone Unit No. 3 Nuclear Power Plant, including Appendices A, B and C, submitted to the Licensing Board on June 30, 2000 (hereinafter "Summary"). My contributions to the Summary have been true and correct to the best of my knowledge and professional judgment.

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

Executed on June 30, 2000.

  
Gordon Thompson

**EXHIBIT 2**

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:

Docket No. 50-423-LA-3

Northeast Nuclear Energy Company

(Millstone Nuclear Power Station,  
Unit No. 3)

ASLBP No. 00-771-01-LA

**DECLARATION OF DAVID A. LOCHBAUM IN SUPPORT OF INTERVENORS'  
SUMMARY AND SWORN SUBMISSION REGARDING CONTENTIONS 4, 5  
AND 6**

I, David A. Lochbaum, declare as follows:

1. I serve as nuclear safety engineer with the Union of Concerned Scientists, 1616 P Street NW, Washington DC 20036, and in such capacity am responsible for directing UCS's nuclear safety program, for monitoring developments in the nuclear industry, for serving as the spokesperson on nuclear safety issues, and for initiating action to correct safety concerns.
2. I received a Bachelor of Science in Nuclear Engineering Degree from the University of Tennessee at Knoxville in 1979.
3. During my professional career, I have provided system engineering and consulting services at numerous nuclear facilities. My professional experience includes development of administrative procedures for the Independent Safety Engineering Group (ISEG) at the Grand Gulf Nuclear Station. A copy of my resume is appended as Exhibit A to the declaration I provided as was submitted in Intervenor's Petition to Intervene, October 6, 1999.
4. I have reviewed the March 19, 1999 license amendment application filed by the Northeast Nuclear Energy Company (NNECO) for an amendment to Facility Operating License No. NFP-49, which seeks permission to expand the storage capacity of the Millstone Unit No. 3 spent fuel pool. I have also reviewed pertinent portions of the Final Safety Analysis Report for the Millstone Nuclear Power Station, and various correspondence and technical documents relating to the proposed amendment and to risks of spent fuel storage, which are identified in the Intervenor's contentions. In addition, I attended a site inspection of the Millstone Unit 3 spent fuel pool on May 10, 2000.

5. I participated in the preparation of the Intervenors' contentions regarding the proposed license amendment. Following admission of Contentions 4, 5 and 6, I assisted in evaluating whether NNECO's license amendment application poses an undue and unnecessary risk of a criticality accident, increases the probability of a criticality accident and whether it conforms to the requirements of General Design Criterion 62 and applicable NRC Staff guidance.

6. In making my evaluation, I conducted an extensive review of documents related to criticality prevention at Millstone and in general, including correspondence between NNECO and the NRC Staff, criticality studies performed by or for NNECO, NRC Staff and licensee documents regarding proposed spent fuel storage expansion applications, Licensee Event Reports of criticality-related occurrences, NRC Staff and industry guidance documents and related correspondence, the rulemaking history of GDC 62, and other publicly available information regarding spent fuel storage and criticality prevention. I also participated in preparing for depositions of NNECO and NRC Staff witnesses regarding Contentions 4, 5 and 6, and in reviewing the deposition testimony of these witnesses. In addition, I was deposed by NNECO.

7. I have contributed to the development of the technical factual assertions contained in Detailed Summary of Facts, Data and Arguments and Sworn Submission on Which Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Intend to Rely at Oral Argument to Demonstrate the Existence of a Genuine and Substantial Dispute of Fact with the Licensee Regarding the Proposed Expansion of Spent Fuel Storage Capacity at the Millstone Unit No. 3 Nuclear Power Plant, including Appendices A, B and C, submitted to the Licensing Board on June 30, 2000 (hereinafter "Summary"). My contributions to the Summary have been true and correct to the best of my knowledge and professional judgment.

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

Executed on June 30, 2000.

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David A. Lochbaum

**EXHIBIT 3**

January 4, 2000

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT	)	Docket No. 50-400
(Shearon Harris Nuclear	)	
Power Plant)	)	

**DECLARATION OF DR. GORDON THOMPSON  
IN SUPPORT OF ORANGE COUNTY'S SUMMARY  
AND SWORN SUBMISSION REGARDING CONTENTION  
TC-2 (INADEQUATE PREVENTION OF CRITICALITY)**

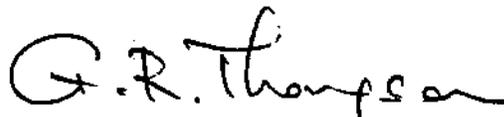
I, Gordon Thompson, declare as follows:

1. I am the executive director of the Institute for Resource and Security Studies (IRSS), a nonprofit, tax-exempt corporation based in Massachusetts. Our office is located at 27 Ellsworth Avenue, Cambridge, MA 02139. IRSS was founded in 1984 to conduct technical and policy analysis and public education, with the objective of promoting peace and international security, efficient use of natural resources, and protection of the environment.
2. I received an undergraduate education in science and mechanical engineering at the University of New South Wales, in Australia. Subsequently, I pursued graduate studies at Oxford University and received from that institution a Doctorate of Philosophy in mathematics in 1973, for analyses of plasmas undergoing thermonuclear fusion. During my graduate studies I was associated with the fusion research program of the UK Atomic Energy Authority.
3. During my professional career, I have performed technical and policy analyses on a range of issues related to international security, energy supply, environmental protection, and sustainable use of natural resources. Since 1977, a significant part of my work has consisted of technical analyses of safety and environmental issues related to nuclear facilities. These analyses have been sponsored by a variety of nongovernmental organizations and local, state and national governments, predominantly in North America and Western Europe. Drawing upon these analyses, I have provided expert testimony in legal and regulatory proceedings, and have served on committees advising US government agencies. A copy of my resume is appended as Attachment A to the Declaration of Dr. Gordon Thompson (February 12, 1999), which is attached as Exhibit 2 to Orange County's Supplemental Petition to Intervene (April 5, 1999).

4. I have reviewed the December 23, 1998, license amendment application filed by Carolina Power and Light (CP&L) for an amendment to Facility Operating License No. NPF-63, which seeks permission to activate spent fuel storage pools C and D at the Shearon Harris nuclear power plant. I have also reviewed the NRC's Federal Register notice for the proposed license amendment, the Final Safety Analysis Report for the Shearon Harris Nuclear Power Plant, and the Final Environmental Statement related to the operation of Shearon Harris Nuclear Power Plant, Units 1 and 2 (NUREG-0972, October 1983). In addition, I reviewed various correspondence and technical documents relating to the proposed license amendment and to risks of spent fuel storage, which are identified in Orange County's contentions.
5. I participated in the preparation of Orange County's contentions regarding the proposed license amendment. Following admission of Contention TC-2, Inadequate Criticality Prevention, I was principally responsible for evaluating whether CP&L's License Amendment Application conforms to the requirements of General Design Criterion 62 and applicable NRC Staff guidance.
6. In making my evaluation, I conducted an extensive review of documents related to criticality prevention at Harris and in general, including correspondence between CP&L and the NRC Staff, criticality studies performed by or for CP&L, NRC Staff and licensee documents regarding proposed spent fuel storage pool expansion applications, Licensee Event Reports of criticality-related occurrences, NRC Staff and industry guidance documents and related correspondence, the rulemaking history of GDC 62, and other publicly available information regarding spent fuel storage and criticality prevention. I also participated in preparing for depositions of CP&L and NRC Staff witnesses regarding contention TC-2, and in reviewing the deposition testimony of these witnesses. In addition, I was deposed by both CP&L and the NRC Staff.
7. I am responsible for all of the technical factual assertions contained in Orange County's Detailed Summary Of Facts, Data And Arguments On Which Orange County Intends To Rely At Oral Argument To Demonstrate The Existence Of A Genuine And Substantial Dispute Of Fact With The Licensee Regarding The Proposed Expansion Of Spent Fuel Storage Capacity At The Harris Nuclear Power Plant, With Respect To Criticality Prevention Issues (Contention TC-2), including Appendices A, B, and C, submitted to the Licensing Board on January 4, 2000 (hereinafter "Summary"). As I have attested in signing the Summary, the technical factual assertions therein are true and correct to the best of my knowledge, and all expressions of technical opinion therein are based on my best professional judgment.

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

Executed on January 4, 2000.



Gordon Thompson

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
NORTHEAST NUCLEAR ENERGY ) Docket No. 50-423-LA-3  
COMPANY )  
 )  
(Millstone Nuclear Power Station, )  
Unit No. 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION TO STRIKE DETAILED SUMMARY OF FACTS, DATA AND ARGUMENTS AND SWORN SUBMISSION ON WHICH CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND COALITION AGAINST MILLSTONE INTENT TO RELY AT ORAL ARGUMENT TO DEMONSTRATE THE EXISTENCE OF A GENUINE AND SUBSTANTIAL DISPUTE OF FACT WITH THE LICENSEE REGARDING THE PROPOSED EXPANSION OF SPENT FUEL STORAGE CAPACITY AT THE MILLSTONE UNIT NO. 3 NUCLEAR POWER PLANT" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system or; by deposit in the Nuclear Regulatory Commission's internal mail system with copies by electronic mail, as indicated by an asterisk; or by E-mail as indicated by a double asterisk, followed by a conforming copy via first-class mail this 7<sup>th</sup> day of July 2000.

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Atomic Safety and Licensing Board  
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Office of the Secretary  
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Staff  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
(E-mail copy to  
[HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov).)

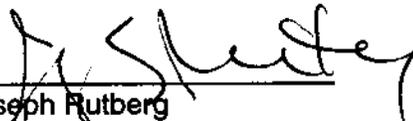
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David A. Repka, Esq. \*\*  
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Winston & Strawn  
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Reactor Programs