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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket Nos. 50-336
Northeast Nuclear Energy Company)	50-423
)	
(Millstone Nuclear Power Station,)	ASLBP No. 00-783-09-LA
Units 2 and 3))	

NORTHEAST NUCLEAR ENERGY COMPANY'S
ANSWER TO AMENDED PETITION TO INTERVENE

I. INTRODUCTION

In accordance with the Atomic Safety and Licensing Board ("Licensing Board") order issued on October 6, 2000 ("Scheduling Order"), Northeast Nuclear Energy Company ("NNECO") hereby files its answer to the amended intervention petition ("Amended Petition") filed on October 27, 2000, by the Connecticut Coalition Against Millstone ("CCAM") and the STAR Foundation ("STAR") (hereinafter, "Petitioners" refers to CCAM and STAR). NNECO's answer addresses the standing of Petitioners to intervene in this proceeding and the admissibility of Petitioners' one contention proposed for litigation.

The Amended Petition is an attempt to address standing deficiencies in Petitioners' initial petition ("Petition") of September 8, 2000,¹ and repeats the contention set forth in the Petition. As discussed below, the Petitioners still have not satisfied the threshold

¹ Petitioners' original petition responded to the *Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations* ("Notice") published in the *Federal Register* on August 9, 2000 (65 Fed. Reg. 48754).

standing requirements and have not proposed an admissible contention. Therefore, under 10 C.F.R. § 2.714, the petition to intervene should be rejected and this proceeding terminated.

II. BACKGROUND

A. The Proceeding to Date

On September 8, 2000, CCAM and STAR filed their original request for hearing/petition for leave to intervene. On September 19, 2000, the Licensing Board was established to preside over the proceeding.² On September 25, 2000, NNECO filed its response (“Answer”) to the Petition and opposed it for failure to adequately demonstrate standing in this matter and for failure to set forth a contention with adequate basis and within the scope of this proceeding. On September 28, 2000, the Nuclear Regulatory Commission (“NRC”) Staff filed its response to the Petition, and opposed it on the same grounds as did NNECO. On October 6, 2000, the Licensing Board issued the Scheduling Order. Subsequently, on October 27, 2000, the Petitioners filed their Amended Petition, which attempts to address the standing deficiencies cited by the Licensing Board for CCAM with one new affidavit and reiterates the sole proposed contention with another new affidavit attached. On November 8, 2000, 12 days after the applicable deadline set by the Licensing Board, Petitioners filed a third affidavit from STAR member Christine Guglielmo, to further address the standing of STAR.

B. NNECO’s Proposed Amendment

As discussed in NNECO’s earlier Answer to the initial Petition (at pages 2 – 4), the license amendment request (“LAR”) at issue was submitted to the NRC on February 22, 2000, and concerns no more than relocating — intact — selected Radiological Effluent Technical Specifications (“RETS”), and the associated Bases, to the Millstone Radiological Effluent Monitoring and Offsite Dose Calculation Manual (“REMODOCM”). The proposed

² 65 Fed. Reg. 57627 (2000).

relocation is consistent with the requirements of 10 C.F.R. § 50.36c(2)(ii), which describes the limiting conditions for operation for which Technical Specifications must be established. Also, consistent with 10 C.F.R. § 50.36a(a), the proposed changes include a new programmatic Technical Specification addressing the radioactive effluent monitoring program, mandating the related operating procedures and specifying procedures for future changes. Finally, the proposed relocation is consistent with the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,"³ with Generic Letter 89-01,⁴ and with NUREG-1431 and NUREG-1432.⁵ The LAR does not involve any change to radiological monitoring instrumentation or radiological effluents from the nuclear units, nor does it impact the assumptions used in any accident analysis, affect plant equipment, plant configuration, or the way in which the plant is operated.

III. STANDING

With regard to standing, the Licensing Board's Scheduling Order requested the Petitioners to provide additional information. Specifically, the Licensing Board stated: "The petitioners shall, pursuant to 10 C.F.R. § 2.714(a)(2) & (d)(1), address in their amended petition the type of standing they wish to establish and provide the required particulars of such standing, including filing appropriate affidavits demonstrating how they meet the requirements of the rule...." The Scheduling Order set a deadline of October 27, 2000, for the filing of this additional

³ 58 Fed. Reg. 39132, 39136 (1993), as amended, 60 Fed. Reg. 36953 (1995).

⁴ "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program" (January 31, 1989).

⁵ NUREG-1431 and NUREG-1432 are the Improved Standard Technical Specifications for Westinghouse and Combustion Engineering plants, respectively. Millstone Units 2 and 3 employ Combustion Engineering and Westinghouse nuclear steam supply systems, respectively.

information in a supplemental petition. The Petitioners' minimal effort has failed to address the Licensing Board's requests and has failed to establish the standing of either CCAM or STAR.

A. Procedural Deficiencies Regarding Representational Standing

To demonstrate an organization's representational standing, a petitioner must "identify at least one of its members by name and address and demonstrate how that member may be affected ... and show (preferably by affidavit) that the group is authorized to request a hearing on behalf of that member." *Northern States Power Co.* (Independent Spent Fuel Storage Installation), LBP-96-22, 44 NRC 138, 141 (1996). To derive standing from a member, the organization must demonstrate that the individual member has standing to participate, and has authorized the organization to represent his or her interests. *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 390-96 (1979).⁶

The Amended Petition includes the declaration of Joseph H. Besade, which states that he resides approximately two miles from Millstone Station and that CCAM is authorized to represent him in this proceeding. The Amended Petition, however, initially contained no

⁶ As noted in NNECO's September 25, 2000, Answer, counsel for CCAM and STAR is well aware of this requirement. In at least two previous cases involving Millstone Station, wherein CCAM was represented by Ms. Burton, affidavits were submitted to the licensing boards identifying individual members of the organization and asserting that the organization was authorized to represent those members. See letter from Nancy Burton, Esq., to Office of the Secretary, U.S. Nuclear Regulatory Commission, forwarding affidavit of Joseph H. Besade (July 23, 1998), *Northeast Nuclear Energy Company* (Millstone Nuclear Power Station, Unit 3), ASLBP No. 98-743-03-LA (1998); and letter from Nancy Burton, Esq., to Office of the Secretary, U.S. Nuclear Regulatory Commission, forwarding affidavits of Susan Perry Luxton, Clarence O. Reynolds, and Joseph H. Besade (July 6, 1998), *Northeast Nuclear Energy Company* (Millstone Nuclear Power Station, Unit 3), ASLBP No. 98-740-02-LA (1998).

In a subsequent case involving Millstone and wherein CCAM was again represented by Ms. Burton, the affidavits were not submitted as part of the original petition to intervene, and were only submitted after being requested to do so by the Atomic Safety and Licensing Board. *Northeast Nuclear Energy Company* (Millstone Nuclear Power Station, Unit 3), ASLBP No. 00-771-01-LA (1999).

affidavit in support of STAR's claim of standing in this proceeding.⁷ On November 8, 2000, 12 days after the deadline set by the Licensing Board, without any motion or showing of good cause, Petitioners untimely filed the affidavit of STAR member Christine Guglielmo, which presumably attempts to establish STAR's representational standing based upon Ms. Guglielmo's standing.

The Licensing Board's Scheduling Order required the Petitioners to submit their Amended Petition by October 27, 2000.⁸ Accordingly, Section 2.714(a)(1) — addressing late-filed petitions — is applicable here. Petitioners did not even attempt to address any of the factors of Section 2.714(a) with regard to the filing of the Guglielmo Affidavit. The Commission has held that a failure to address the Section 2.714(a) lateness factors is sufficient to reject a late-filed petition.⁹ Given the deadline set in the Scheduling Order and the Petitioners' failure to comply with Section 2.714(a)(1), the Guglielmo Affidavit is untimely and must be rejected. STAR has failed to properly file any affidavits that purport to demonstrate how it meets the requirements of the rule. This omission is fatal to STAR's standing in this proceeding and consequently, with regard to STAR, the Amended Petition should be rejected.

⁷ The Certificate of Service accompanying the Amended Petition indicated that the Petitioners were filing an affidavit from John Thatcher (of unspecified affiliation). No such affidavit was included with the Amended Petition.

⁸ The requirements of 10 C.F.R. § 2.714(a)(3) allow an intervention petition to be amended at any time up to 15 days prior to the "special prehearing conference." Pursuant to 10 C.F.R. § 2.711, however, the Licensing Board is authorized to lengthen or shorten the times described in the NRC's regulations, and did so in this case.

⁹ See *Baltimore Gas and Electric Co.* (Calvert Cliffs Nuclear Power Plant, Units 1 & 2), LBP-98-26, 48 N.R.C. 232, 241 (1998) (petition rejected for failure to address Section 2.714(a) lateness factors); *Houston Lighting and Power Co., et al.* (South Texas Project Units 1 and 2), LBP-85-42, 22 N.R.C. 795, 801 (1985) (late-filed contention could be rejected for not addressing 2.714(a) lateness factors); and *Boston Edison Co.* (Pilgrim Nuclear Power Station), ALAB-816, 22 NRC 461, 465-66 (1985) (Atomic Safety and Licensing Appeal Board affirms Licensing Board finding that petition to intervene was correctly denied because it failed to address the Section 2.714(a) lateness factors).

B. No Showing of Offsite Consequences

Setting aside the procedural defect, both CCAM and STAR appear to base their standing on claims of representational standing. The representational standing would be based on the proximity of Mr. Besade's (CCAM) and Ms. Guglielmo's (STAR) residences to Millstone Station. The proffered affidavits claim that Mr. Besade's and Ms. Guglielmo's residences are two miles and 20 miles from Millstone Station, respectively. Where representational standing is based on nearby residence, however, the Commission has held that petitioners must allege an "obvious potential for offsite consequences" resulting from the amendment at issue. *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329-30 (1989). Both CCAM and STAR have failed to establish standing based on potential offsite consequences. Nowhere in its filings have the Petitioners even attempted to directly establish the "obvious potential for offsite consequences," as they are required to do with particularity. *Cf. Sequoyah Fuels Corp.* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 72-74 (1994) (focusing on whether alleged injury is "concrete and particularized" and whether there is a "realistic threat" of a direct injury).¹⁰

An essential element of standing is that the alleged potential injury can be fairly traced to the challenged action.¹¹ As discussed in NNECO's Answer, the LAR is administrative:

¹⁰ NNECO also notes, as in the prior Answer, that the proposed contention still refers to alleged increases in "individual and cumulative occupational radiation exposures." To the extent the Petitioners would rely on such alleged injuries, they would need to establish that the organizations represent *plant workers*. There is no such suggestion in the Amended Petition and, therefore, the Petitioners cannot have standing to intervene in matters related to worker safety. *Compare Yankee Atomic Electric Company* (Yankee Nuclear Power Station), LBP-96-2, 43 NRC 61, 70 n.4 (1996) (finding standing to intervene on matters related to injuries to the public, but not with respect to matters involving worker occupational radiation exposure).

¹¹ *See generally Lujan v. Defenders of Wildlife*, 112 S. Ct. 2130, 2136 (1992); *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-1, 43 NRC 1, 6 (1996); *Georgia Institute of Technology* (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995); *Cleveland Elec. Illuminating Co.* (Perry Nuclear Power Plant), CLI-93-

it moves limiting conditions for operation and surveillance requirements related to the radiological monitoring program verbatim from the Technical Specifications to the REMODCM. The LAR itself does not involve equipment changes or operational changes that could give rise to the potential for offsite consequences. Likewise, the LAR does not change radiological effluent limits, and therefore no offsite radiological harm can follow from the LAR. To the extent that CCAM and STAR allege offsite injuries due to *future* plant changes, hypothetical future changes are not within the scope of the *present* proceeding. Moreover, Petitioners have not identified any changes and have not shown how the regulatory radiological effluent limits could be exceeded. Therefore, the claims of representational standing based on the mere proximity of members' residences to Millstone Station must fail.

C. Standing Based On Loss of Hearing Rights

As discussed in NNECO's prior Answer (at pages 8 – 10), Petitioners claim that the proposed amendments will deprive the members of CCAM and STAR of the opportunity for hearing and comment on future changes to radiological monitoring or effluent requirements. The first question asked by the Licensing Board in the Scheduling Order concerns this standing issue and the relevance of the Commission's decision in *Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Unit 1)*, CLI-93-21, 38 NRC 87 (1993) (hereinafter "*Perry I*"): "How does standing in this case fit within the analysis provided by the Commission at pages 93 through 96 of *Perry I*, and how may this case be distinguished?"

Perry I concerned a license amendment to delete the reactor vessel material surveillance program withdrawal schedule from the plant's Technical Specifications and transfer it to the updated safety analysis report. *Cleveland Electric Illuminating Co. (Perry Nuclear*

21, 38 NRC 87, 92 (1993). Injury may be actual or threatened. *Kelly v. Selin*, 42 F.3d 1501, 1508 (6th Cir. 1995); *Wilderness Soc'y v. Griles*, 824 F.2d 4, 11 (D.C. Cir. 1987).

Power Plant, Unit 1), LBP-92-4, 35 NRC 114, 116 (1992). The Licensing Board in that proceeding denied the petition for leave to intervene and for a hearing, finding that the petitioners there had failed to allege sufficient interest in the proceeding, as required by 10 C.F.R. § 2.714(a)(1). The Commission reversed, holding that the threshold standing requirements were indeed satisfied by the alleged “loss of the rights to notice, opportunity for a hearing, and opportunity for judicial review....” *Perry I*, CLI-93-21, 38 NRC at 93. The Commission held that “[s]tanding may be based upon the alleged loss of a procedural right ‘so long as the procedures in question are designed to protect some threatened concrete interest’ that is the ultimate basis of the individual’s standing.” *Id.* at 94 (citing *Lujan*, 112 S.Ct. at 2143, n.8). *Perry I*, therefore, stands for the proposition that, if a license amendment could create procedural harm, standing could be based on that claim — but only if the procedure would in turn protect “some threatened concrete interest.” This does not compel the Licensing Board to simply accept the current claim of standing based on *Perry I* and an uncritical look at the alleged procedural harm. Several factors distinguish the present case from *Perry I*.

First, *Perry I* dealt with the procedural rights that might attach to future changes to the reactor vessel material surveillance program. The Commission explicitly concluded that the procedural right in that case might protect a concrete interest: “the surveillance of the Perry reactor vessel might become lax and prevent detection of a weakened reactor vessel, and ultimately result in an accidental release of fission products into the environment if the vessel should fail.” *Id.* In the present case, there is no link established between the unspecified, hypothetical future changes and concrete *offsite* harm. Future changes to the radiological effluent control program and radiological environmental monitoring program could not cause accidental releases. Any future changes also would remain subject to the regulatory radiological effluent requirements (*e.g.*, 10 C.F.R. Part 20 and Part 50, Appendix I).

Radiological monitoring equipment at Millstone is currently subject to 10 C.F.R. § 50.59. Accordingly, certain equipment changes can be made, subject to the existing RETS, without prior NRC approval, notice, and opportunity for hearing. While the existing RETS establish operability requirements, surveillance requirements, action statements, and effluent limitations, equipment or operational changes within these requirements could be made under Section 50.59. The Petitioners erroneously pre-suppose a hearing right that does not currently extend to all equipment changes. Furthermore, after the RETS are re-located to the REMODCM, changes still will be under the control of Section 50.59, as well as the new Technical Specification programmatic controls described in NNECO's Answer (at pages 3 – 4). Equipment changes that would involve increased effluents beyond NRC requirements would not be permissible. Hence, the Petitioners' entire argument — a lack of a hearing opportunity on equipment changes that would lead to offsite radiological consequences — is unfounded.

The Licensing Board should also consider the Commission's ultimate decision in the *Perry* case. See *Cleveland Electric Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-96-13, 44 NRC 315 (1996) (hereinafter "*Perry II*"). For the reasons discussed in NNECO's Answer, and again below in the context of the proposed contention, Petitioners have failed to show any legal basis for the claim of a loss of notice, comment, and hearing rights with respect to future changes. For such a harm to exist, there would need to be a claim that the requirements at issue must be in Technical Specifications in the first place. However, as in *Perry II*, the Petitioners have not articulated or established such a claim. Therefore, the legal harm alleged cannot be redressed in this proceeding any more than it was in *Perry II*.

For all of the above reasons, the Amended Petition should be rejected for lack of an adequate basis for Petitioners' standing.

IV. PETITIONERS' PROPOSED CONTENTION

In its September 25, 2000, Answer, NNECO fully discussed the Commission's requirements related to the admission of contentions in licensing proceedings. NNECO will not repeat all of its earlier discussion — but that discussion remains as valid now as it was then and it is incorporated here by reference. The Petitioners, in the Amended Petition, have done nothing to address NNECO's prior discussion or to otherwise advance the cause of the admissibility of the one proposed contention. Indeed, except for the addition of an unsigned Affidavit from Joseph Mangano, the proposed contention is simply restated verbatim. NNECO's response below highlights the key points from the prior Answer, addresses the addition of the Mangano Affidavit, and responds to the second of the Licensing Board's two questions in the Scheduling Order.

As before, the Petitioners' lone contention argues that moving the RETS to the REMODCM: (a) "will deprive the public of notice of proposed changes to the radiological liquid and gaseous effluent monitoring instrumentation" and "will deprive them of the opportunity for hearing and to comment and object to [future] changes:" and (b) "opens the door to increases in the type and amounts of effluents that may be released offsite as well as individual and cumulative occupational radiation exposures." The Licensing Board's second question is relevant to the first point, but was ignored by Petitioners. Based on reasoning reflected in *Perry II* and cited by the Licensing Board, the present proposed contention cannot be admitted. While the Amended Petition is not clear, the Mangano Affidavit seems intended to buttress the second aspect of the proposed contention. However, in this regard and as discussed below, Petitioners continue to pursue a red herring. The Affidavit raises a generic issue related to the health effects of low level radiation that is far beyond the scope of the present proceeding.

A. Alleged "Deprivation" of Hearing Rights

The issue of hearing rights was fully addressed in NNECO's prior Answer. Under the Atomic Energy Act, hearing rights only attach to changes to the operating license, which includes the Technical Specifications. Plant changes that do not affect the operating license (or raise an unreviewed safety question) do not require NRC approval and do not create hearing rights. *See* 10 C.F.R. § 50.59. Programmatic, operability or surveillance requirements related to radiological monitoring instrumentation, or any other equipment, are only required to be included in Technical Specifications if the equipment and requirements meet the criteria of 10 C.F.R. §§ 50.36 or 50.36a.

As explained in NNECO's LAR, the details of the RETS do not meet the criteria requiring that they be included in the license. For their part, the Petitioners have not argued that the RETS details meet the Section 50.36/50.36a criteria and have not supplied any technical basis on which to conclude that the RETS details meet those criteria. The Mangano Affidavit does not address the issue and therefore does not support this aspect of the contention. The contention continues to fail to meet the admissibility requirements of 10 C.F.R. § 2.714. *See* 10 C.F.R. § 2.714(b)(2).

The Licensing Board, in its second question, inquired as to how the contention in this case fits within the reasoning provided by the Commission in the following language from *Perry II*, and how this case may be distinguished:

If the Intervenor believed that the nature and significance of the material specimen withdrawal schedule was such that it needed to remain in the Perry technical specifications - as a specific term of the Perry license - the Intervenor could have raised that argument in this proceeding. They instead concurred with the NRC Staff that there is no statutory or regulatory requirement that the withdrawal schedule remain in the Perry license.

For the reasons discussed in NNECO's prior Answer, the present case falls squarely under the reasoning of *Perry II* and the Petitioners have offered no distinction. While the Petitioners here (unlike in *Perry II*) have not explicitly agreed that there is no statutory or regulatory requirement that the Technical Specifications at issue remain in the license, it is — as in *Perry* — incumbent upon the Petitioners to demonstrate that the details of the RETS are of the “nature and significance” that they need to remain in the Technical Specifications. The Petitioners have not done that. They have not provided any technical basis citing 10 C.F.R. §§ 50.36/50.36a, have not focused a challenge on any of the conclusions of the LAR with respect to those criteria, and have not even responded to the Licensing Board's question. In total, Petitioners have failed to meet their burden of coming forward under 10 C.F.R. § 2.714.

This aspect of the proposed contention was and remains an exercise in circular reasoning. The Petitioners argue that the RETS details must remain in Technical Specifications to create a hearing opportunity on future changes, merely because they want a hearing on future changes. However, under the law, there is only a right to a hearing on future changes if the requirements need to be in Technical Specifications in the first place. The Petitioners have never shown that the RETS requirements at issue are required to be in Technical Specifications and that they have any entitlement to a hearing on future changes. The contention should be dismissed under reasoning similar to that of the Commission in *Perry II*.

B. Alleged Increases in Radiological Effluents and Radiation Injuries

As before, the proposed contention presumes future increases in radiological effluents from the Millstone units beyond those allowed by current Technical Specification limits. As discussed in NNECO's initial Answer, and again above, the presumption is unfounded and has no basis in the LAR. The proposed amendment is purely administrative and does not involve any change to plant operation, radiation monitoring, or radiological effluent

releases. *See, e.g.*, LAR, Attachment 1, page 11. With respect to any future equipment changes (and note again that future, hypothetical changes are not the subject of the *present* LAR), those changes will be subject to the change controls of the new programmatic Technical Specifications for the radiological monitoring program and, as now, to 10 C.F.R. § 50.59 and to the NRC's substantive requirements related to radiological effluents (*e.g.*, 10 C.F.R. Part 20 and Part 50, Appendix I).

The Mangano Affidavit apparently is offered to support the aspect of the contention related to the "risk of cancer, immunodeficiency diseases and other adverse effects" from low level radiological effluents from Millstone that might, hypothetically, result from future changes. In the Affidavit, Mr. Mangano charges that in the past the releases to the air at Millstone have been at "excessive levels," that "[s]tandards of effluent monitoring instrumentation should be tightened," and that he has prepared books and articles on alleged health effects from low level radiation. None of this, however, bears any relationship to the present license amendment application.

NNECO's application will not increase radiological effluents, and Mr. Mangano does not show how it will. Likewise, Mr. Mangano has not identified the past "excessive" releases from Millstone that he alleges and, in any event, NNECO's present application would not be responsible for past releases. NNECO in the past has been, and in the future will be, subject to NRC inspection and enforcement related to radiological releases.¹²

In effect, Mr. Mangano is challenging the Commission's radiological release requirements, based on alleged health effects. A challenge to the existing regulations and the released levels allowed by those regulations must be pursued as a generic matter with the

¹² Any information germane to the NRC's inspection functions is more appropriately addressed through the 10 C.F.R. § 2.206 process.

Commission. *See* 10 C.F.R. § 2.758.¹³ In the end, Mr. Mangano and the Petitioners have not raised an issue properly within the scope of this proceeding.¹⁴ The proposed contention must be rejected.

V. CONCLUSION

For reasons set forth above, Petitioners have failed to propose an admissible contention. Accordingly, the Petition should be denied and this proceeding terminated.

Respectfully submitted,



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ATTORNEYS FOR NORTHEAST NUCLEAR
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Dated in Washington, D.C.
this 17th day of November 2000

¹³ *See Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-89-08, 29 NRC 399, 417 (1989) (pursuant to Section 2.758, adjudicatory hearing not a permissible forum for a challenge to NRC regulations), and *Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), LBP-89-10, 29 NRC 297, 299 (1989) (“It is well established that a party may not directly challenge a Commission regulation in an agency adjudicatory proceeding.”).

¹⁴ If a hearing were to be held on the LAR, the scope of that hearing would extend to no more than whether the RETS can be re-located to the REMODCM under NRC regulations and guidance. This is precisely the issue that Petitioners and Mr. Mangano have avoided addressing.

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OFFICE
OF THE
ADJUDICATOR

CERTIFICATE OF SERVICE

I hereby certify that copies of "Northeast Nuclear Energy Company's Answer To Amended Petition To Intervene" in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 17th day of November 2000. In addition, for those parties marked by an asterisk (*), a courtesy copy has been provided this same day by e-mail.

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A handwritten signature in black ink that reads "David A. Repka". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

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