

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 11/30/00**

ATOMIC SAFETY AND LICENSING BOARD PANEL

**RAS 2449**

**SERVED 11/30/00**

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Charles N. Kelber  
Thomas S. Moore

In the Matter of

NORTHEAST NUCLEAR ENERGY  
COMPANY

(Millstone Nuclear Power Station,  
Units 2 and 3)

Docket No's. 50-336-LA and 50-423-LA

ASLBP No. 00-783-09-LA

November 30, 2000

ORDER

(Re-Scheduling Telephone Conference)

1. This proceeding involves two applications of Northeast Nuclear Energy Company (NNECO), to amend its operating licenses for Millstone Nuclear Power Station, Units 2 and 3, by relocating selected radiological effluent technical specifications (RETS) and associated bases from the licenses at issue to the Millstone Radiological Effluent Monitoring and Offsite Dose Calculation Manual (REMODCM). Petitioners Connecticut Coalition Against Millstone (CCAM) and the STAR Foundation (STAR) have petitioned to intervene and requested a hearing with regard to the amendment applications.

2. By Order dated October 6, 2000, deadlines were set for the filing of an amended and supplemented petition and responses thereto, and a telephone prehearing conference was scheduled for November 30, 2000, from 10:00 a.m. to 12:00 noon, to hear oral argument on the issues of standing and the admissibility of the contention in this case.

3. At the appointed time for the conference, counsel for NNECO and the NRC Staff were present (also present to listen was Mike Firsick of the Connecticut Department of Environmental Protection); however, Petitioners' counsel, Nancy Burton, did not call in as directed in the October 6 Scheduling Order, nor was she reachable at the telephone number she provided in her pleadings in this case. Jacob Zimmerman, NRC Project Manager for Millstone Unit 2, stated that approximately five attempts had been made to contact Ms. Burton over the past several days, to alert her to the NRC's issuance of the amendments at issue in this case, but that these attempts had not been successful. Those present for the call waited until 10:20 a.m. to see whether Ms. Burton might call in, and the conference was then rescheduled for the following week at the same time.

4. It is clear that Ms. Burton had notice of the scheduled conference, as she filed CCAM's and STAR's Amended Petition for Leave to Intervene and Request for Hearing on the deadline set in the October 6 Scheduling Order. However, because it was not clear what circumstances prevented her from appearing for the scheduled telephone conference, it was deemed appropriate to reschedule the conference rather than hold the Petitioners in default under 10 C.F.R. § 2.707 at this point.

5. Therefore, the telephone prehearing conference previously scheduled for November 30 is hereby rescheduled for Thursday, December 7, 2000, from 10:00 a.m. to 12:00 noon EST, at which time oral argument will be held on the issues of standing and the admissibility of the contention in this case. Participants should call in to 301/231-5539 and give the pass code 4103# to be connected to the call; any member of the public wishing to listen to the conference may also, subject to the availability of telephone lines, call in to the same number and give the same pass code.

6. If the Petitioners' counsel does not appear at this rescheduled conference, or file a motion to reschedule the conference again and show good cause therefor, prior to December 7, 2000, the Petitioners may be held in default and an appropriate order entered pursuant to 10 C.F.R. § 2.707.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

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Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 30, 2000

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<sup>1</sup>Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
NORTHEAST NUCLEAR ENERGY ) Docket Nos. 50-336/423-LA  
COMPANY )  
)  
(Millstone Nuclear Power Station, )  
Units Nos. 2 and 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RE-SCHEDULING TELEPHONE CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Ann Marshall Young, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Charles N. Kelber  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Thomas S. Moore  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Ann P. Hodgdon, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Lillian M. Cuoco, Esq.  
Senior Nuclear Counsel  
Northeast Utilities Service Company  
107 Selden Street  
Berlin, CT 06037

Docket Nos. 50-336/423-LA  
LB ORDER (RE-SCHEDULING  
TELEPHONE CONFERENCE)

David A. Repka, Esq.  
Donald P. Ferraro, Esq.  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge, CT 06876

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 30<sup>th</sup> day of November 2000