

October 1, 2001 (11:15AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

|  |   |                               |
|--|---|-------------------------------|
| <b>In the Matter of:</b>                                 | : | <b>Docket No. 50-423-LA-3</b> |
|  | : |                               |
|  | : | <b>ASLBP No. 00-771-01-LA</b> |
|  | : |                               |
| <b>Dominion Nuclear Connecticut, Inc.</b>                | : |                               |
|  | : |                               |
| <b>(Millstone Nuclear Power Station,<br/>Unit No. 3)</b> | : | <b>September 26, 2001</b>     |

**CONNECTICUT COALITION AGAINST MILLSTONE  
AND LONG ISLAND COALITION AGAINST MILLSTONE  
MOTION FOR LEAVE TO OBJECT AND OBJECTION TO NRC STAFF'S  
MOTION TO CONTINUE TO HOLD PROCEEDINGS IN ABEYANCE**

The Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone (collectively ""Intervenors'") object herewith to the NRC Staff's Motion to Continue to Hold Proceeding in Abeyance dated September 4, 2001.

Over the Intervenors' objection, the Board granted the NRC Staff's initial motion to hold these proceedings in abeyance dated May 22, 2001. The Intervenors' objection was based, in part, on the NRC Staff's complete lack of factual specificity as to justify its request.

By Memorandum and Order issued on June 21, 2001 ("Memorandum and Order"), the Board directed that "if the Staff sought a further deferral beyond Labor Day, the Board would consider (with the parties) whether, and to what extent, continued deferral was warranted. If necessary, the Board would inquire into the specific information being

considered by OI and the extent to which it would overlap information in dispute in this proceeding . . ."

In its present motion and supporting papers, NRC Staff has again utterly failed to set forth facts sufficient to justify a further stay of these proceedings.

Moreover, in the intervening time since issuance of the Memorandum and Order, with one exception, the Staff has also failed, with one exception, to provide on a continuing basis "periodic reports as to the status of the OI investigation, together with interim inspection reports on this matter," as directed by the Board.

At the very least, the Intervenors would have expected that the Staff would have provided such "periodic report" and "interim inspection report" contemporaneously with their 11th hour motion to continue this stay of proceedings.

While the Staff has provided the affidavit of Barry R. Letts, Region 1 Field Office Director, Office of Investigations (OI), in support of its present motion, said affidavit gives no information as to "the specific information being considered by OI and the extent to which it would overlap information in dispute in this proceeding."

(Memorandum and Order at 5)


Without such information, the Board has no basis to grant the Staff's motion.

The Intervenors note that the licensee, Dominion Nuclear Connecticut, Inc., in its response to the Staff's motion dated September 14, 2001, now projects that its Fuel Rod Accountability Project ("FRAP") will not be issued prior to the first week in October, or 100 days beyond the "target date" it established earlier in these proceedings, a target date relied upon by the Board when it issued its Memorandum and Order. Similarly, the licensee has provided no explanation of the delay in issuance of the FRAP.

Therefore, the Intervenors believe it would be appropriate for the Board to make inquiry by means of a teleconference call among the parties what factual basis exists, if any, for further delay of these proceedings.

The Intervenors note the delay in their own response to the present motion and their response to the licensee's filing. Said delay was occasioned by scheduling disruptions brought about by the terrorism events of September 11, 2001, for which delay the Intervenors extend their sincere apology. The Intervenors do not believe that either the Staff or the licensee will be prejudiced if the Board takes due consideration of the present filing at this time.

**THE INTERVENORS**

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**Certificate of Service**

I hereby certify that copies of Intervenors' "Motion for Leave to Object and Objection to NRC Staff's Motion to Continue to Hold Proceeding in Abeyance" in the above-captioned proceeding have been served on the following by E-Mail as indicated by asterisk on September 26, 2001, and to all by conforming copy via U.S. Mail, postage pre-paid, on September 26, 2001:

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Administrative Judge  
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U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001  
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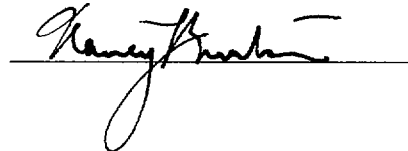
Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
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Office of the Secretary\*  
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U.S. Nuclear Regulatory Commission  
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A handwritten signature in black ink, appearing to read "Nancy Brantley", is written over a horizontal line.