

RAS 3589

November 19, 2001

DOCKETED 11/20/01

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
DOMINION NUCLEAR CONNECTICUT, INC.
(Millstone Nuclear Power Station, Unit No.3)
Docket No. 50-423-LA-3

Dear Administrative Judges:

Subsequent to filing the NRC Staff Response Opposing the Motion of Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Motion to Reopen the Record and Request for Admission of Late-Filed Environmental Contention on November 16, 2001, an error was discovered on page one of the response. The corrected page is attached hereto. The Staff requests that the attached corrected page be substituted for the page previously submitted.

Sincerely,

/RA/

Susan L. Uttal
Counsel for NRC Staff

Attachment: As stated
cc w/attachment: Service List

November 16, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DOMINION NUCLEAR CONNECTICUT, INC) Docket No. 50-423-LA-3
)
(Millstone Nuclear Power Station,)
Unit No. 3))

NRC STAFF RESPONSE OPPOSING THE MOTION OF
CONNECTICUT COALITION AGAINST MILLSTONE/ LONG ISLAND COALITION
AGAINST MILLSTONE TO REOPEN THE RECORD TO ADMIT
A LATE-FILED ENVIRONMENTAL CONTENTION

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.730(c) and 2.734 of the Commission's regulations, the NRC Staff ("Staff") files this response to "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Motion to Reopen the Record and Request for Admission of Late-Filed Environmental Contention," filed November 1, 2001 ("Motion"). For the reasons set forth below, the Licensing board should dismiss the motion for lack of jurisdiction. In the alternative, the Staff supports the licensee's motion to certify the issue to the Commission pursuant to 10 C.F.R. § 2.718(i). Nevertheless, if the Licensing Board determines it has jurisdiction to consider the motion, it should deny the motion because it fails to meet any of the regulatory requirements imposed on motions to reopen the record.