

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 REQUEST FOR EXTENSION OF TIME
 TO REPLY TO CONNECTICUT COALITION AGAINST MILLSTONE
 AND LONG ISLAND COALITION AGAINST MILLSTONE'S
 DECEMBER 21, 2001 RESPONSE TO
ATOMIC SAFETY AND LICENSING BOARD'S DECEMBER 10, 2001 ORDER

INTRODUCTION

Pursuant to 10 C.F.R. § 2.711 of the Commission's regulations, the NRC Staff ("Staff") files this request for a one week extension of time to file its response to Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's (CCAM/CAM) reply to the Staff's and Dominion Nuclear Connecticut, Inc's (DNC or Licensee) responses to CCAM/CAM's motion to reopen the record and file a late-filed contention.

BACKGROUND

On November 1, 2001, CCAM/CAM filed a motion to reopen the record and admit a late-filed contention. On November 13, 2001 and November 16, 2001, DNC and the Staff, respectively, filed their responses in opposition to CCAM/CAM's motion. On November 21, 2001, CCAM/CAM filed a motion for leave to reply to the Staff's and DNC's responses. On December 3, 2001 and December 6, 2001, DNC and the Staff, respectively, filed responses in opposition to the motion for for leave to reply. On December 10, 2001, the Licensing Board issued a Memorandum and Order granting CCAM/CAM's motion for leave to reply to alleged factual errors in the Licensee and Staff's

responses and requesting that CCAM/CAM reply to two Board questions. The Licensing Board ordered CCAM/CAM to file its reply by December 21, 2001, and invited DNC and the Staff to file replies to the two questions by January 3, 2002. On December 21, 2001, CCAM/CAM filed a twenty-one page reply expanding old arguments and introducing new arguments.

DISCUSSION

The Staff is seeking a one week extension of time to respond to the Licensing Board's Order, to January 10, 2002 for the following reasons. First, on January 3, 2002, Staff counsel has a filing due to the Commission in response to CCAM and Star Foundation's petition for reconsideration of the Commission's decision in *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 and 3), CLI-01-24, 54 NRC __ (2001). Second, due to scheduled leave, Staff co-counsel will be unavailable next week to prepare the reply. Third, due to the winter holidays, working days for the next two weeks are limited and Staff counsel will have insufficient time to prepare and file the Staff reply.

Staff counsel conferred with counsel for CCAM/CAM and counsel for DNC and neither object to the extension being requested herein.

CONCLUSION

Based on the foregoing, the staff respectfully requests that the time for reply in accordance with the Licensing Board's December 10, 2001 Order be extended to January 10, 2002.

Respectfully submitted,

/RA/

Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
this 21st day of December, 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))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REQUEST FOR EXTENSION OF TIME TO REPLY TO CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND COALITION AGAINST MILLSTONE'S DECEMBER 21, 2001 RESPONSE TO ATOMIC SAFETY AND LICENSING BOARD'S DECEMBER 10, 2001 ORDER" in the above-captioned proceeding have been served on the following through deposit in the NRC's internal mail system, or by deposit in the NRC's internal mail system with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service as indicated by a double asterisk, with copies by electronic mail as indicated, this 21st day of December, 2001:

Charles Bechhoefer, Chairman*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail copy to cxb2@nrc.gov)

Dr. Charles N. Kelber*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail copy to cnk@nrc.gov)

Dr. Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail copy to rfc1@nrc.gov)

Office of the Secretary*
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Docketing and Service
(E-mail copy to HEARINGDOCKET@nrc.gov)

Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of Commission Appellate
Adjudication
Mail Stop: O 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Lillian M. Cuoco, Esq.**
Dominion Nuclear Connecticut, Inc.
Millstone Power Station
Building 475/5
Rope Ferry Road (Route 156)
Waterford, Connecticut 06385
(E-mail copy to Lillian_Cuoco@dom.com)

David A. Repka**
Donald P. Ferraro
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502
(E-mail copy to drepka@winston.com)

Nancy Burton, Esq.**
147 Cross Highway
Redding Ridge, CT 06876
(E-mail copy to
nancyburtonsq@hotmail.com)

Diane Curran, Esq**
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
(E-mail copy to dcurran@harmoncurran.com)

/RA/

Susan L. Uttal
Counsel for NRC Staff