

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RAS 5351

DOCKETED 01/16/03

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 01/16/03

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Richard F. Cole  
Dr. Thomas S. Elleman

In the Matter of

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station, Unit No. 2)

Docket No. 50-336-OLA-2

ASLBP No. 03-808-02-OLA

January 16, 2003

ORDER

(Regarding Provision of License Amendment Application and Filing Requirements)

1. This proceeding involves a September 26, 2002, application of Dominion Nuclear Connecticut, Inc. (DNC), to amend the operating license for Millstone Power Station, Unit No. 2, by changing certain technical specifications, based upon a re-analysis of the limiting design basis Fuel Handling Accident using an Alternative Source Term in accordance with 10 C.F.R. § 50.67 and NRC Regulatory Guide 1.183. This application was among those included in a November 2002 NRC Biweekly Notice regarding Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations, published at 67 Fed. Reg. 68728, 68731 (Nov. 12, 2002). On December 12, 2002, in response to this notice and DNC's application, the Connecticut Coalition Against Millstone (CCAM) and the STAR Foundation (STAR) filed an "Amended Petition to Intervene and Request for Hearing."

2. In order that the Licensing Board and all participants may better understand and more efficiently address the matters at issue in this proceeding, DNC is requested to provide

**copies of the relevant amendment application and all attachments** to the Licensing Board, as well as to provide copies or access to copies of the same to the participants, unless they are already in possession of these documents. The documents should be provided to the Licensing Board members **in paper form, as soon as possible but no later than the close of business on Tuesday, January 21, 2003**, in accordance with the service instructions that follow. After receipt of the application, a further Order shall be issued addressing appropriate issues and scheduling matters.

3. All pleadings and other submissions by all participants shall have the **filing date** printed on the top right-hand side of the first page of the submission; and all participants in all their filings shall **avoid the use of mere abbreviated incorporation by reference** to other parts of the same or other documents, in place of stating the arguments supporting a position at the appropriate place in the document.

4. **Service on the Licensing Board Members and Other Participants.** Absent some other directive from the Board, **all filings in this case should be served** on the Board and the other participants **so as to ensure receipt on or before the filing deadline.** Except when a particular form is required (such as the paper hard copies of the application and attachments as specified in paragraph 2), participants may use any of the methods outlined below so long as the filing is received **no later than midnight Eastern Time** on the date due.

A. **Service on Licensing Board Members.** For each pleading or other submission filed in this proceeding, in addition to submitting an original and two conforming copies to the Office of the Secretary as required by 10 C.F.R. § 2.708(d) and serving a copy on every other participant in accordance with section 2.701(b), a participant should serve conforming copies on the members of the Licensing Board by one of the following methods:

i. **E-Mail.** To complete service on the members of the Licensing Board by e-mail transmission, a participant should (a) send the filing (which should include the certificate of service) as a file (preferably in Wordperfect) attached to an e-mail message directed to each Licensing Board member (at: AMY@nrc.gov, RFC1@nrc.gov, elleman@eos.ncsu.edu); and (b) send paper conforming copies that same date to each Licensing Board member by regular first-class mail, at the following addresses:

For Judges Young and Cole:  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

For Judge Elleman:  
704 Davidson Street  
Raleigh, NC 27609-5543

For regular mail service, the NRC staff may use the NRC internal mail system (Mail Stop T-3F23) in lieu of first class mail for Judge Young and Judge Cole.

Any attachments or exhibits to a pleading that cannot be transmitted by e-mail should be sent to the Licensing Board members by separate facsimile transmission or other means that will ensure receipt by the due date, with paper conforming copies mailed that same day to each of the Licensing Board members.

ii. **Facsimile Transmission.** To complete service on the members of the Licensing Board by facsimile transmission, a participant should (a) send copies to the attention of the Licensing Board members by name, at 301/415-5599 (verification (301/415-7393)); and (b) send paper conforming copies that same date to each of the Licensing Board members by regular mail at the addresses above.

iii. **Overnight or Hand Delivery.** To complete service on Judges Young and Cole via overnight (e.g., express mail, Federal Express, etc.) or hand delivery, participants should *not* use the Board's regular Washington, D.C., mailing address (see above), as this may delay

receipt of an overnight/hand delivered item; instead, when using such delivery methods, participants should send conforming copies to Judges Young and Cole at the following address:

Atomic Safety and Licensing Board Panel  
Third Floor, Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

B. **Service on Other Participants.** Whichever of the methods outlined above is used for service on the Licensing Board, the participant serving the pleading should make service on all other participants and the Office of the Secretary by the same or a comparable method.

5. **Motions for Extension of Time.** For any motion for extension of time, except upon a showing of good cause, the participant requesting the extension shall (a) ascertain whether and when any other participant intends to oppose or otherwise respond to the motion and apprise the Licensing Board of that information in the motion; (b) serve the motion on the Licensing Board so that it is received at least three business days before the due date for the pleading or other submission for which an extension is sought; and (c) state in the motion, specifically and in detail, what “unavoidable and extreme circumstances” warrant the extension. See STATEMENT OF POLICY ON CONDUCT OF ADJUDICATORY PROCEEDINGS, CLI-98-12, 48 NRC 18, 21 (1998).

6. **Notices of Appearance.** Any attorney or other representative for any participant who has not already filed such a notice shall file a notice of appearance that conforms with the requirements of 10 C.F.R. § 2.713(b) and provides all the information set forth therein, including the capacity in which the representation shall be and the basis for the eligibility or authority for such representation, along with a listing of e-mail address(es) and facsimile number(s) for future use in serving pleadings and issuances.

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  
January 16, 2003

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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 )  
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DOMINION NUCLEAR ) Docket No. 50-336-OLA-2  
CONNECTICUT, INC. )  
 )  
 )  
(Millstone Power Station, Unit No. 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING PROVISION OF LICENSE AMENDMENT APPLICATION AND FILING REQUIREMENTS) 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 M. Young, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board Panel  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Thomas S. Elleman  
ASLBP  
704 Davidson Street  
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Docket No. 50-336-OLA-2  
LB ORDER (REGARDING PROVISION OF  
LICENSE AMENDMENT APPLICATION AND  
FILING REQUIREMENTS)

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Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of January 2003