

RAS 7901

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 06/08/04

SERVED 06/08/04

Before Administrative Judges:

Dr. Paul B. Abramson, Chairman
Ann Marshall Young
Dr. Richard F. Cole

In the Matter of

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station, Units 2
and 3)

Docket Nos. 50-336-LR, 50-423-LR

ASLBP No. 04-824-01-LR

June 8, 2004

ORDER
(Initial Prehearing Order)

This proceeding involves the applications of Dominion Nuclear Connecticut, Inc. to renew the operating licenses for Millstone Nuclear Power Station Units 2 and 3 in Waterford, Connecticut. The participants are directed to the following scheduling considerations and administrative directives for this proceeding:

I. POSSIBLE INITIAL PREHEARING CONFERENCE

The participants¹ are advised that it is possible that the Licensing Board will hold an initial prehearing conference for this proceeding in the Waterford, Connecticut area during the week of June 28, 2004. For planning purposes, the participants are requested to set aside Tuesday, June 29, and Wednesday, June 30, 2004 as possible dates for such a conference, if the Board determines one is necessary.

¹ The Board is aware that it is the NRC Staff's understanding that the Town of Waterford, Connecticut, has expressed an intent to participate in this proceeding as a 10 C.F.R. 2.315(c) interested governmental entity. We note that while the Staff's April 1, 2004 letter to the Town's designated representative indicated the need for the Town to file with this Board a formal request to participate as a non-party, this Board has not yet received such a request.

The Board will determine whether a prehearing conference is warranted after it reviews all of the participants' prehearing phase submissions, the last of which is permitted to be filed by petitioner Connecticut Coalition Against Millstone (CCAM) no later than June 14. The Board will notify the participants promptly after receipt of such filing of its decision regarding whether or not it will hold such a conference. In the event the Board elects to hold such a conference, we will provide the participants with additional information regarding the location and starting time of the prehearing conference and will outline how the oral presentations will be conducted.

II. ADMINISTRATIVE MATTERS

A. Format for Submissions

All pleadings and other submissions to be filed in this proceeding by all participants shall have the filing date printed on the top right-hand side of the first page of the submission. In addition, participants in all their filings shall avoid the use of mere abbreviated incorporation by reference to other pleadings and documents but rather shall state all arguments to be made with regard to the issues addressed in any pleading within that pleading itself.

B. Service on the Licensing Board Members and Other Participants

Absent some other directive from the Board, all filings in this case shall be served on the Board and the other participants so as to ensure receipt on or before the filing deadline. 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.

1. 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. § 2.304(d) and serving a copy on every other participant in accordance with sections 2.302(b)

and 2.305(b), a participant should serve conforming copies on the members of the Licensing Board by one of the following methods:

a. Regular Mail. To complete service on the members of the Licensing Board, a participant should send conforming copies to each of the members of the Licensing Board at the following address:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

For regular mail service, the NRC Staff may use the NRC internal mail system (Mail Stop T-3F23) in lieu of first-class mail.

b. Overnight or Hand Delivery. To complete service on Licensing Board members via overnight (e.g., express mail, Federal Express, etc.) or hand delivery, a participant should send conforming copies to each of the Licensing Board members at the following address:

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

It should be noted that use of the Board's regular Washington, D.C., mailing address on an overnight/hand delivery may delay receipt of the filing.

c. Facsimile Transmission. To complete service on the members of the Licensing Board by facsimile transmission, a participant should (a) send one copy to the attention of each of the members of the Licensing Board at (301) 415-5599 (verification (301) 415-7550); and (b) send paper conforming copies that same date to each of the Licensing Board members by regular mail at the address listed in section II.B.1.a above.

d. 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 attached to an e-mail message directed to each of the Licensing Board

members (e-mail addresses: PBA@nrc.gov, AMY@nrc.gov, RFC1@nrc.gov); and (b) send paper conforming copies that same date to each of the Licensing Board members by regular first-class mail, at the address given in section II.B.1.a above.

If a participant has a pleading it wishes to send by e-mail that includes attachments it is unable to convert to electronic form, it should do one of the following:

- i. If the attachments the participant is unable to convert to electronic form are fifteen pages or less, contemporaneous with the transmission of the pleading by e-mail the attachments should be sent by a separate facsimile transmission. The e-mail and facsimile transmissions should note that separate transmission modes are being used. The paper conforming copies of the pleading and attachments should be sent to the presiding officer by regular mail at the address given in section II.B.1.a above.
- ii. If the attachments the participant is unable to convert to electronic form are more than fifteen pages, the pleading should be sent by e-mail and the paper conforming copy of the pleading with the attachments should be sent to the presiding officer by express mail or other means that will ensure delivery on the next business day. The e-mail should note that there will be next-day service of the pleading with the attachments.

2. 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.

C. Motions for Extension of Time

A motion for extension of time filed with the Licensing Board in this proceeding shall be submitted in writing at least three business days before the due date for the pleading or other submission for which an extension is sought. A motion for extension of time must (1) indicate whether the request is opposed or supported by the other participants to the particular proceeding; and (2) demonstrate appropriate cause that supports permitting the extension.

Any written opposition to a request to extend the time for filing a pleading shall be served on the Licensing Board members, the Office of the Secretary, and counsel for the other participants in the particular proceeding by facsimile transmission, e-mail, or other means that will ensure receipt on the next business day after the filing of the request.

D. Notice of Appearance

Any attorney or other representative for any participant who has not already filed a notice of appearance shall file such a notice that conforms with the requirements of 10 C.F.R. § 2.314(b) within seven days of the date of this order. In each notice of appearance, besides providing a business address and telephone number, if an attorney or representative has a facsimile number and/or an internet e-mail address, the attorney or representative should provide that information as well. Counsel or representatives who have already submitted a notice of appearance that does not provide facsimile or e-mail information should file a supplemental statement with that information within seven days of the date of this issuance.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

Dr. Paul B. Abramson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 8, 2004

² Copies of this order were sent this date by internet e-mail transmission to counsel for (1) licensee Dominion Nuclear Connecticut, Inc.; (2) petitioner CCAM; and (3) the NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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DOMINION NUCLEAR) Docket Nos. 50-336-LR and
CONNECTICUT, INC.) 50-423-LR
)
)
(Millstone Nuclear Power Station,)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (INITIAL PREHEARING ORDER) 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
Paul B. Abramson, Chair
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young
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Administrative Judge
Richard F. Cole
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Docket Nos. 50-336/423-LR
LB ORDER (INITIAL PREHEARING ORDER)

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Town of Waterford
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Waterford, CT 06385

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 8th day of June 2004