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DOCKETED
USNRC

August 18, 2004

August 24, 2004 (4:04PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

By Electronic Mail and U.S. Mail

Office of Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Dominion Nuclear Connecticut, Inc.
(Millstone Nuclear Power Station, Units 2 and 3)
Docket Nos. 50-336-LR and 50-423-LR
ASLBP No. 04-824-01

Dear Sir:

In response to Connecticut Coalition Against Millstone's (CCAM) Notice of Appeal, dated August 9, 2004, in the Millstone license renewal proceeding, the NRC staff has submitted an answer stating that CCAM's appeal should be denied, without prejudice to it being resubmitted following a ruling by the Atomic Safety and Licensing Board on a motion for reconsideration also filed by CCAM on August 9. NRC Staff Answer to Notice of Appeal of Connecticut Coalition Against Millstone (Aug. 18, 2004). Dominion Nuclear Connecticut, Inc. (Dominion), however, has taken the position that the Licensing Board no longer has jurisdiction to entertain CCAM's motion for reconsideration. Dominion's Answer to CCAM's Motion for Reconsideration and Request for Leave to Amend Petition (Aug. 18, 2004).

Because of the divergence on views on where jurisdiction lies, Dominion suggests CCAM's Notice of Appeal be held in abeyance until the Licensing Board considers whether it has jurisdiction over CCAM's motion, and if so, issues a ruling addressing that motion. Dominion does not believe that it is necessary to deny CCAM's appeal or require a later refiling. Rather, the matter can be addressed simply by deferring any further briefing and action on CCAM's appeal, pending the Board's action. Accordingly,

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absent further instruction from the Commission, Dominion intends to defer submitting its brief in opposition to CCAM's appeal until the jurisdictional question is resolved.

Sincerely

A handwritten signature in black ink, appearing to read 'D. Lewis', with a stylized flourish at the end.

David R. Lewis

Counsel for Dominion Nuclear Connecticut, Inc.

cc: Service List

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* Persons designated by an asterisk were provided a copy of this letter by both electronic mail and by U.S. Mail.