

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 8608

DOCKETED 10/08/04

SERVED 10/08/04

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

ORDER

On July 28, 2004, the Licensing Board issued LBP-04-15 denying the Connecticut Coalition Against Millstone's (CCAM) intervention petition on the ground that each of CCAM's six proffered contentions was inadmissible under 10 C.F.R. § 2.309(f)(1). On August 9, 2004, CCAM filed with the Commission a Notice of Appeal of LBP-04-15, and simultaneously filed with the Licensing Board a Motion for Reconsideration of that order. On August 23rd, the Commission issued an order holding CCAM's appeal in abeyance pending Board action on the Motion for Reconsideration. The Commission also suspended the deadlines for appellate filings until further notice.

On September 20th, the Board issued an order denying reconsideration, which CCAM appealed to the Commission on September 30th. Because the Board's September 20th order removed the basis for the Commission's suspension and abeyance order, the Commission hereby lifts the abeyance and stay. The licensee and the NRC Staff each shall file a single response to CCAM's August 9th and September 30th appellate filings within ten days of the date

of this order.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 8th day of October, 2004.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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DOMINION NUCLEAR) Docket Nos. 50-336-LR and
CONNECTICUT, INC.) 50-423-LR
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)
(Millstone Nuclear Power Station,)
Unit Nos. 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER LIFTING ABEYANCE AND STAY ON APPELLATE ACTIVITY have been served upon the following persons by electronic mail as indicated by an asterisk (*) on October 8, 2004, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail on October 8, 2004.

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Docket Nos. 336/423-LR
COMMISSION ORDER LIFTING
ABEYANCE AND STAY ON
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[Original signed by Emile L. Julian]

Office of the Secretary of the Commission

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