

**RAS 9670**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 03/31/05**

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

**SERVED 03/31/05**

Michael C. Farrar, Chairman  
Alan S. Rosenthal  
Dr. Peter S. Lam

In the Matter of

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station,  
Units 2 and 3)

Docket Nos. 50-336 and 50-423

ASLBP No. 05-837-01-LR

March 31, 2005

NOTICE OF CONFERENCE CALL

The County of Suffolk, New York -- areas of which extend considerably northeasterly toward Connecticut -- filed a Petition for Late Intervention in this NRC proceeding involving the application of Dominion Nuclear Connecticut for renewal of the operating licenses for two units of its Millstone nuclear plant, located near New London just north of Long Island Sound. A number of additional pleadings, timely filed/served and otherwise, have since been received, with the most recent one arriving a week ago, on March 24.

The Board believes that the timely resolution of this matter would be aided by convening a conference call among counsel for the County, Dominion, and the NRC Staff. That call will begin at 2:00 P.M. EDT on Tuesday, April 12, 2005, and should be concluded in two hours or less.

The Board is interested in obtaining from counsel certain additional information about the parties' positions, without conducting a formal oral argument as such. In particular, the Board wishes to hear, initially from Dominion and the Staff, counsel's view of the applicability here of the West Valley series of decisions (cited by the County as involving a situation

analogous to its own), given the circumstances and timing of this case.<sup>1</sup> The Board also wishes to hear, initially from the County, about the meaning and import (in terms of the applicable regulatory factors) of the following declaration in the County's March 10 Reply Brief (p. 11):

[T]hese issues should be considered and the problems rectified whether or not the County intervenes in the proceeding. Suffolk County will use all means at its disposal to have this correction of deficiencies occur. Thus, the cost to Dominion and any cost to the N.R.C. will be a factor regardless of whether this petition is granted.

In addition, the Board will entertain any other matters the parties believe should be addressed at this juncture. The Board will want to conclude the conference by setting a timetable for resolving the pending issues that reflects the status of the case and other priorities.

Those planning to participate in the conference should -- no later than Thursday, April 7 -- advise the Board's staff, in the manner to be set out in the electronic message transmitting this Notice to them, of the names of each party's representatives. That transmittal message will also inform them of the phone number to call, and the code to enter, to participate in the conference.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

**/RA/**

By Michael C. Farrar, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 31, 2005

Copies of this Notice were sent this date by Internet e-mail transmission to counsel for Applicant Dominion, Petitioner County, and the NRC Staff.

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<sup>1</sup> See Nuclear Fuel Services (West Valley Reprocessing Plant), LBP-75-04, 1 NRC 89 (1975), affirmed, ALAB-263, 1 NRC 208 (1975), reversed, CLI-75-04, 1 NRC 273 (1975).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF CONFERENCE CALL 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  
Michael C. Farrar, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Alan S. Rosenthal  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Brooke D. Poole, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge, CT 06876

Docket Nos. 50-336/423-LR  
LB NOTICE OF CONFERENCE CALL

Lillian M. Cuoco, Esq.  
Senior Nuclear Counsel  
Dominion Resources Services, Inc.  
Rope Ferry Road  
Waterford, CT 06385

David R. Lewis, Esq.  
Matias F. Travieso-Diaz, Esq.  
Timothy J. V. Walsh, Esq.  
ShawPittman, LLP  
2300 N Street, NW  
Washington, DC 20037-1128

Christine Malafi, Esq.  
Suffolk County Attorney  
H. Lee Dennison Building, 6<sup>th</sup> Floor  
P.O. Box 6100  
100 Veterans Memorial Highway  
Hauppauge, NY 11788

[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 31<sup>st</sup> day of March 2005