

May 20, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
DOMINION NUCLEAR CONNECTICUT, INC.)	Docket Nos. 50-336, 50-423
)	
(Millstone Power Station, Units 2 & 3))	ASLBP No. 05-837-01-LR

NRC STAFF'S SECOND STATUS REPORT

INTRODUCTION

On May 6, 2005, the participants in this proceeding informed the Atomic Safety and Licensing Board ("Licensing Board") that efforts were under way to hold a meeting, in the context of settlement, to discuss the issues raised by petitioner County of Suffolk (the "County") in this matter. In its Memorandum of May 11, 2005, the Licensing Board directed the participants to continue settlement efforts, and to inform the Licensing Board as to the date of the meeting in order to convene a conference call thereafter.

DISCUSSION

On May 18, 2005, representatives of the County, Dominion Nuclear Connecticut, Inc. ("Dominion"), and the NRC Staff¹ attended a closed settlement meeting. The meeting provided an opportunity for an exchange of information and discussion with the County regarding its concerns associated with emergency preparedness for the Millstone Power Station. Although the meeting provided a forum for an open and useful dialogue, the participants did not settle the issues raised by the County in its Petition.

As stated in its May 6, 2005 Status Report,² the Staff considers its interactions with the

¹ At the request of the NRC Staff, representatives of the Federal Emergency Management Agency and the New York State Emergency Management Office also attended the meeting.

² See "NRC Staff's Status Report," dated May 6, 2005.

County on emergency preparedness issues as relating to performance of the NRC's ongoing regulatory processes. While the Staff is committed to interact with the County and Dominion on these issues as necessary, the Staff continues to believe that the County's late-filed petition to intervene is fatally flawed from a procedural standpoint and, moreover, raises issues which are clearly outside the scope of this license renewal proceeding. As such, the Staff renews its request that the Licensing Board lift its stay regarding this matter and decide the issues briefed by the participants.

Respectfully submitted,

/RA/

Brooke D. Poole
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of May 2005

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S SECOND STATUS REPORT" in the captioned proceeding have been served on the following through electronic mail and with copies by deposit in the NRC's internal mail system, or through electronic mail with copies by deposit in the U.S. Postal Service as indicated by an asterisk, this 20th day of May, 2005:

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