

RAS 10745

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

DOCKETED
USNRC

November 18, 2005 (4:01pm)

Before Administrative Judges:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Lawrence G. McDade, Chairman
Richard E. Wardwell
William M. Murphy

In the Matter of the Application of Nuclear
Management Company, LLC for the
Re-Licensing of the Monticello Nuclear
Generating Plant

Docket No. 50-263-LR
ASLBP No. 05-841-02-LR

November 11, 2005

**APPEAL OF THE NORTH AMERICAN WATER OFFICE
TO THE NOVEMBER 1, 2005 ORDER OF THE
ATOMIC SAFETY AND LICENSING BOARD
DENYING STANDING AND REJECTING CONTENTIONS
OF THE NORTH AMERICAN WATER OFFICE
IN THE ABOVE CAPTIONED MATTER**

The North American Water Office (NAWO) hereby appeals the November 1, 2005 Order of the Atomic Safety and Licensing Board denying standing and rejecting contentions of NAWO in the re-licensing proceeding for the Monticello Nuclear Generating Plant.

NAWO's standing to do its work is recognized by a rich assortment of state and federal authorities, and across a broad spectrum of public and private institutions that are concerned with a wide array of issues and interests related to energy management. By any rational, common sense measure, NAWO has standing to participate in this proceeding. But not according to you guys. You, who cannot even manage to pay your

own freight in at least three different ways, (technology development, nuclear waste management, nuclear liability) apply rules designed to deny standing and disenfranchise those with legitimate interests. This is a Jim Crow application that serves the same type of abusive privilege that Jim Crow always serves when bigots run blatantly amok. You should stop doing that.

Your rejection of NAWO contentions is equally disgusting and demonstrates a duplicitous nature that is common among those who protect abusive privilege. NAWO brought forward a whole new category of reactor components that had escaped scrutiny in your aging management program even though those components are subject to age related deterioration, and their performance is critical to safe reactor operations. The validity of the NAWO contention regarding these components was demonstrated by NRC staff interrogatories to the Applicant about a small fraction of them, which were submitted to the Applicant after NAWO brought them to the attention of parties in this proceeding. Yet, instead of recognizing this irrefutable evidence of genuine contention, you simply ignore the reality of who is actually producing what specific documentation, and hide within page after page of speculation about the degree of NAWO's expertise. And then, as with Jim Crow, you purport that our contentions do not measure up to your own jaundiced standards for a proof that must be met even prior to any actual hearing, so case dismissed. This is not right.

Reconsider. Grant NAWO standing. Accept the NAWO contentions.

With all due respect,



George Crocker
Executive Director