

April 17, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Dominion Nuclear Connecticut, Inc.)	Docket No. 50-423
(Millstone Nuclear Power Station, Unit 3))	
)	

**DOMINION NUCLEAR CONNECTICUT'S RESPONSE TO
CONNECTICUT COALITION AGAINST MILLSTONE AND
NANCY BURTON'S MOTION FOR EXTENSION**

Dominion Nuclear Connecticut, Inc. ("Dominion") submits this response to, and respectfully opposes, the motion for an extension of time to file a reply filed by Connecticut's Coalition Against Millstone and Nancy Burton ("Petitioners") on April 16, 2008.¹ As Petitioners acknowledge, Dominion emailed to Petitioners a courtesy copy of Dominion's answer to Petitioners' hearing request on April 11, 2008, and Petitioners received Dominion's answer on that date. Therefore, there is no basis to extend the due date for any reply to Dominion's answer.

Similarly, Petitioners request for an extension to reply to the NRC Staff's answer has little merit. The NRC Staff properly served its answer on Petitioners. Further, the NRC Staff responded promptly to Petitioners request for an additional copy by email. In any event, the arguments that the NRC Staff presents in its answer to Petitioners' hearing request are encompassed by the arguments that Dominion presented in its response to Petitioners' hearing

¹ Connecticut Coalition Against Millstone and Nancy Burton's Motion to Consolidate Reply to NRC Staff and Dominion Responses to Petition to Intervene and for Extension of Time to File Consolidated Reply on or Before April 22, 2008 (Apr. 16, 2008) ("Motion").

request, which Petitioners received on April 11. Consequently, there is no apparent justification for extending the date for Petitioners' reply to the NRC Staff's answer.

Dominion also observes that Mr. Gundersen's commitments, to which Petitioners allude (Motion, ¶ 11), provides no basis for any extension. A reply to answers to a hearing request should be a "narrowly focused" response to the legal and logical arguments presented in the answers, and is not an appropriate vehicle for any new claims or allegations by Petitioners' expert. Louisiana Energy Services, L.P. (National Enrichment Facility), CLI-04-25, 60 N.R.C. 223, 225 (2004), reconsideration denied, CLI-04-35, 60 N.R.C. 619, 622-23 (2004); Nuclear Management Co. (Palisades Nuclear Plant), CLI-06-17, 63 N.R.C. 727, 732 (2006). In addition, neither Petitioners' nor their declarant's other commitments provides an adequate justification for failure to meet the timeliness requirements in the Commission regulations and Board orders.

For all of the foregoing reasons, Petitioners' motion should be denied.

Respectfully submitted,

/Original signed by Matias F. Travieso-Diaz/

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Dated: April 17, 2008

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CERTIFICATE OF SERVICE

I hereby certify that copies of “Dominion Nuclear Connecticut’s Response to Connecticut Coalition Against Millstone and Nancy Burton’s Motion for Extension” were served on the persons listed below in accordance with the Commission E-Filing rule, which the NRC promulgated in August 2007 (72 Fed. Reg. 49,139), and, where indicated by an asterisk, by e-mail, this 17th day of April, 2008.

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