

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 04/17/08  
SERVED 04/17/08

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chair  
Dr. Paul B. Abramson  
Dr. Michael Kennedy

In the Matter of

Dominion Nuclear Connecticut, Inc.  
(Millstone Power Station, Unit No. 3)

Docket No. 50-423-OLA

ASLBP No. 08-862-01-OLA-BD01

April 17, 2008

**ORDER**

(Granting CCAM and Nancy Burton Request for Extension of Time to File Consolidated Reply)

On April 16, 2008, the Connecticut Coalition Against Millstone and Nancy Burton (Petitioners) filed a Motion to Consolidate Reply to NRC Staff and Dominion and for Extension of Time to File Consolidated Reply on or Before April 22, 2008.<sup>1</sup> In support of their motion, Petitioners allege they continue to experience technical difficulties with the Nuclear Regulatory Commission's (NRC or Commission) e-filing system and that they were unable to access the Answers of the NRC Staff and Dominion Nuclear Connecticut, Inc. (Dominion) to Petitioners' Petition to Intervene and Request for Hearing, which were e-filed on April 11, 2008.<sup>2</sup> Petitioners

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<sup>1</sup> 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) [hereinafter CCAM Motion].

<sup>2</sup> See NRC Staff Answer to Request to Intervene and For Hearing of the Connecticut Coalition Against Millstone and Nancy Burton (Apr. 11, 2008); Dominion Nuclear Connecticut's Response to Connecticut Coalition Against Millstone and Nancy Burton's Petition to Intervene and Request for Hearing (Apr. 11, 2008).

further state they received by ordinary e-mail Dominion's Answer on April 11, 2008<sup>3</sup> and the NRC Staff's Answer on April 15, 2008.<sup>4</sup> In addition, Petitioners explain that due to scheduling conflicts, Arnold Gundersen, Petitioners' technical expert, is unable to adequately review the NRC Staff Answer and assist Petitioners in their Reply by the April 18, 2008 deadline.<sup>5</sup> For these reasons the Petitioners request until April 22, 2008 to submit a consolidated reply to the Dominion and NRC Staff Answers.<sup>6</sup> Dominion<sup>7</sup> and the NRC Staff<sup>8</sup> oppose Petitioners' request for additional time.

Due to the technical difficulties Petitioners have experienced relating to the NRC's e-filing system and the scheduling conflicts of Petitioners' expert, Petitioners are given an extension of time until Tuesday, April 22, 2008 to file a consolidated reply to the NRC Staff and Dominion Answers. Petitioners are reminded that "[a]ny reply should be narrowly focused on the legal or logical arguments presented in the applicant/licensee or NRC staff answer."<sup>9</sup> The

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<sup>3</sup> CCAM Motion ¶ 2.

<sup>4</sup> CCAM Motion ¶ 7 (stating that Dominion's counsel transmitted a courtesy copy of the NRC Staff's answer on April 15, 2008). When Dominion's counsel transmitted a courtesy copy of the NRC Staff's answer, counsel indicated that he received an e-mail courtesy copy of the NRC Staff Answer on April 14, 2008, and that Petitioners should have also received the Staff's courtesy copy on that day. See id. at ¶¶ 7-8; id. at Exh. A. Petitioners state they did not receive the NRC Staff's courtesy copy. Id. ¶¶ 8-9.

<sup>5</sup> CCAM Motion ¶ 11.

<sup>6</sup> CCAM Motion ¶ 18. The Board notes the apparent difficulties experienced by Petitioners in complying with the Commission's electronic filing rules and acknowledges the cooperation and courtesies extended by counsel for the Applicant and the NRC Staff in this case.

<sup>7</sup> Dominion Nuclear Connecticut's Response to Connecticut Coalition Against Millstone and Nancy Burton's Motion for Extension (Apr. 17, 2008) at 2.

<sup>8</sup> Notice of Staff Compliance with Board Order Dated April 16, 2008 Granting CCAM and Nancy Burton's Request for a Second E-Filing Exemption and Staff's Opposition to Petitioners' Request for Extension of Time to Reply (Apr. 16, 2008) at 6.

<sup>9</sup> 69 Fed. Reg. 2182, 2203 (Jan. 14, 2004).

Board also requests that Petitioners include page numbers in their Reply and any other pleading filed with the Board.

It is so ORDERED.<sup>10</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 17, 2008

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<sup>10</sup> Copies of this order were sent this date by the agency's E-Filing system to counsel for (1) applicant Dominion Nuclear Connecticut, Inc.; (2) the Connecticut Coalition Against Millstone and Nancy Burton; and (3) the NRC Staff. A courtesy copy was also sent to these individuals via e-mail.

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NUCLEAR REGULATORY COMMISSION

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DOMINION NUCLEAR CONNECTICUT, INC. ) Docket No. 50-423-OLA  
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(Millstone Power Station, Unit No. 3) )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING CCAM AND NANCY BURTON REQUEST FOR EXTENSION OF TIME TO FILE CONSOLIDATED REPLY) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 50-423-OLA  
LB ORDER (GRANTING CCAM AND NANCY BURTON REQUEST  
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[Original signed by R. L. Giitter]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 17<sup>th</sup> day of April 2008