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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of	:	Docket No. 50-423
Dominion Nuclear Connecticut, Inc.	:	
Millstone Nuclear Power Station Unit 3	:	
(License Amendment Request	:	
Stretch Power Uprate)	:	April 16, 2008

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

Petitioners Connecticut Coalition Against Millstone and Nancy Burton (collectively, "CCAM") respectfully move¹ for leave to file a single, consolidated reply to the responses of the NRC Staff and the applicant, Dominion Nuclear Connecticut, Inc. ("Dominion") to CCAM's Petition to Intervene and Request for Hearing and for an extension of time to file said consolidated reply on or before April 22, 2008, pursuant to 10 C.F.R. §2.323.

In support of this motion, CCAM respectfully represents as follows:

1. Due to CCAM's technical difficulties with regard to achieving the ability to participate in the NRC's new "e-filing" system (See footnote 1 supra), CCAM was unable to access the responses of NRC Staff and Dominion to CCAM's Petition to Intervene and Request for Hearing, which were "e-filed" with the Atomic Safety and Licensing Board Panel on April 11, 2008.

¹ On April 16, 2008, the Atomic Safety and Licensing Board Panel granted CCAM's Second Request for Exemption from 'E-Filing Requirements' dated April 15, 2008, by which CCAM sought a further waiver of the requirements of 10 C.F.R. §2.302(g)(4). CCAM continues to have technical difficulties with regard to achieving the ability to participate in the e-filing system but is endeavoring to overcome said difficulties in order to participate in the e-filing system in these proceedings.

Template See 041

DS-03

2. As a courtesy, Dominion counsel transmitted a copy of its filing on April 11, 2008 by ordinary email, which was received by CCAM on April 11, 2008.

3. The NRC Staff counsel did not transmit a courtesy copy of its April 11, 2008 filing by ordinary email on April 11, 2008 - admittedly, the NRC Staff counsel was not required to do so.

4. On April 11, 2008, CCAM emailed a request to Lloyd Subin, Esq., of the NRC General Counsel's staff, requesting an ordinary email copy of his April 11, 2008 filing.

5. Not having received a courtesy copy of the NRC Staff filing, again on Monday, April 14, 2008, CCAM reiterated its request to Mr. Subin and left a voice-mail message to him to such effect.

6. Still not having received a courtesy copy of the NRC Staff counsel filing nor a response to CCAM's voice-mail message, on Tuesday, April 15, 2008, CCAM sent an email request to Dominion's counsel for a courtesy copy of the NRC Staff filing.

7. On April 15, 2008, at 5:45 P.M., Dominion's counsel forwarded a courtesy copy of the NRC Staff's response by ordinary email to CCAM, which was received and accessed at such time. (Exhibit A)

8. Although Dominion's representative's cover email indicated that NRC Staff counsel had transmitted a courtesy copy to CCAM on April 14, 2008, CCAM did not receive it.

9. CCAM is at a loss to understand why the NRC Staff email transmitting as a courtesy copy its response in ordinary email format was not received by CCAM.

10. Immediately upon receipt of the NRC Staff counsel courtesy copy from Dominion's counsel, at 5:45 P.M. on Tuesday, April 15, 2008, CCAM forwarded the

transmission to Arnold Gundersen, CCAM's technical expert/declarant in this matter for his review.

11. Mr. Gundersen faces a host of professional commitments, including teaching and consulting obligations, which make it impossible for him to adequately review the NRC Staff response and assist CCAM in its reply to meet the April 18, 2008 deadline established by the ASLB Panel.

12. Due the technical difficulties as aforescribed, CCAM did not "receive" the NRC Staff filing dated April 11, 2008 until 5:45 P.M. on Tuesday, April 15, 2008.

13. Just as Dominion's counsel has previously in this matter sought to secure efficiency in these proceedings by requesting the ASLB panel to set the same date for NRC Staff and Dominion responses to the Petition to Intervene, similarly, CCAM requests that the ASLB Panel grant CCAM leave to file a single consolidated reply to the NRC Staff and Dominion responses and that CCAM be permitted to do so by or before Tuesday, April 22, 2008, that is, within seven (7) days following CCAM receipt of the NRC Staff submission.

14. While 10 C.F.R. §2.309(h)(2) provides that "[t]he reply must be filed within 7 days after service of that answer," CCAM requests that under the present circumstances the Board Panel deem service of the NRC Staff's response upon CCAM to have been effectuated on April 15, 2008.

15. Furthermore, in its April 8, 2008 Order at page 3, the Board Panel indicated it would consider a motion by any "party" which "[found] it necessary to request an extension of time to comply with any procedural dates in this proceeding" so long as such request conformed to the requirements of 10 C.F.R. §2.323.

16. Pursuant to the provisions of 10 C.F.R. §2.323(b), the undersigned certifies that she has made a sincere attempt to contact NRC Staff counsel and Dominion counsel to resolve the issues raised in this motion, but to date she has been unable to do so.

17. More particularly, on April 16, 2008, the undersigned sent an email to NRC Staff counsel and Dominion counsel in an attempt to resolve the issues raised in this motion; Dominion counsel previously indicated objection to this prospective motion and the undersigned has received no response from the NRC Staff counsel.

18. Accordingly, CCAM respectfully moves that the Board Panel grant CCAM's request for leave to file a single consolidated reply to the NRC Staff and Dominion responses to its Petition to Intervene and Request for Hearing and that the deadline for filing be extended to Tuesday, April 22, 2008.

Respectfully submitted,

**CONNECTICUT COALITION AGAINST
MILLSTONE
NANCY BURTON**



Nancy Burton
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952
NancyBurtonCT@aol.com

Exhibit A

[April 15, 2008]

Dear Ms. Burton: As you requested, I am enclosing a copy of the Staff's April 11, 2008 response to CCAM's Petition to Intervene. However, you should have received – as I did -- an email from the Staff yesterday providing a copy of this document.

Matias F. Travieso-Diaz | Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.8142 | Fax: 202.663.8007 | Cell: 703.472.6463
2300 "N" Street, NW | Washington, DC 20037-1122

Email: matias.travieso-diaz@pillsburylaw.com
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From: NancyBurtonCT@aol.com [mailto:NancyBurtonCT@aol.com]
Sent: Monday, April 14, 2008 12:55 PM
To: Travieso-Diaz, Matias F.
Subject: Re: FW: Millstone 3 Uprate Proceedings

Dear Sir:

Please accept my sincere apologies for addressing the email to you incorrectly and thank you for bringing the error to my attention. Apparently, my message was forwarded to you by others at your law firm.

I have sent two emails and left a telephone message with Mr. Subin of the NRC General Counsel's office in pursuit of my request that he forward to me in email format a copy of his April 11, 2008 response to the CCAM/Nancy Burton petition. I have received no response from him as to any of these communications.

Would you be so kind as to forward me a copy of Mr. Subin's response in an email format.

Thank you in advance for your kind assistance.

Sincerely,

Nancy Burton

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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Dominion Nuclear Connecticut, Inc. :
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Stretch Power Uprate) : **April 16, 2008**

CERTIFICATE OF SERVICE

I certify that copies of the "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" with Exhibit A were transmitted on April 16, 2008 by email and by U.S. Mail, First Class, postage pre-paid to the individuals and offices as indicated below:

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16G4
Washington DC 20555-0001
HearingDocket@nrc.gov
Secy@nrc.gov
(Original + 2 copies)

Office of Commission Appellate
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U.S. Nuclear Regulatory Commission
Mail Stop: O-16G4
Washington DC 20555-0001
OCAAMAIL@nrc.gov

Administrative Judge
William J. Froelich, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear regulatory Commission
Washington DC 20555-0001
wjf1@nrc.gov

Administrative Judge
Dr. Paul B. Abramson
Atomic Safety and Licensing Board Panel
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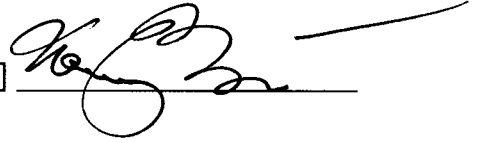
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Administrative Judge
Dr. Michael F. Kennedy
Atomic Safety and Licensing Board
Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001
mfk2@nrc.gov

Lillian Cuoco, Esq.
Dominion Resources Services, Inc.
120 Tredegar Street, RS-2
Richmond VA 23219
Lillian.Cuoco@dom.com

[Signed in Original]

A handwritten signature in black ink, appearing to read 'Nancy Burton', written over a horizontal line.

Nancy Burton

147 Cross Highway

Redding Ridge CT 06876

NancyBurtonCT@aol.com