

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**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 15, 2008**

**CONNECTICUT COALITION AGAINST MILLSTONE AND NANCY BURTON  
SECOND REQUEST FOR EXEMPTION FROM "E-FILING" REQUIREMENTS**

Petitioners Connecticut Coalition Against Millstone And Nancy Burton (collectively, "CCAM") respectfully request an exemption from the requirements of 10 C.F.R. §2.302 (electronic transmission of documents through the "E-Filing system") in accordance with the provisions of 10 C.F.R. §2.302(g)(4).

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

1. On March 17, 2008, CCAM petitioned to intervene and requested a hearing in the matter of the Dominion Nuclear Connecticut, Inc. application for power uprate at the Millstone Nuclear Power Station Unit 3 nuclear reactor.

2. Notice of the availability of a hearing in this matter was published in the Federal Register on January 15, 2008 (Vol. 73, No. 10).

3. Said Federal Register notice directed prospective petitioners to take certain steps at least five (5) days prior to the filing deadline of a petition to intervene and request a hearing to challenge the license amendment application to enable filing of petitioning documents through the U.S. Nuclear Regulatory Commission's "E-Filing system."

4. Cognizant of such requirements and the petitioning deadline of March 15, 2008 (a Saturday), on or about March 8, 2008, CCAM contacted the NRC's Office of the Secretary by sending an email to HEARINGDOCKET@nrc.gov requesting a digital ID

certificate and creation of an electronic docket for this prospective proceeding.

5. A copy of said email is attached hereto as Exhibit A.

6. Not having received a response to the email, on or about Thursday, March 13, 2008, CCAM placed a telephone call to the Office of the Secretary at 301-415-1677, as provided in the Federal Register notice, to inquire as to the status of CCAM's efforts to obtain a digital ID certificate and otherwise comply with the Federal Register notice requirements.

7. No one was available to answer the telephone at the Office off the Secretary and CCAM left a telephone message request a call-back.

8. Not having received a call-back by Friday, March 14, 2008, CCAM sent another email to the Office of the Secretary on March 14, 2008 at 11:17 A.M. inquiring into the status of its request to obtain a digital ID certificate and otherwise comply with the Federal Register notice requirements.

9. A copy of the second email is attached hereto as Exhibit B.

10. On or about 4:30 P.M. on Friday, March 14, 2008, CCAM received a telephone call from the Office of the Secretary offering assistance to obtain a digital ID certificate and perform the computer functions necessary to enable "E-Filing" of the prospective petition.

11. While CCAM successfully obtained a digital ID certificate through the aid and assistance of the Office of the Secretary, CCAM was unable to download critical material on its computer for apparently technical reasons which are not yet understood, despite best efforts.

12. The Office of the Secretary noted that it is not unusual for a special NRC

computer specialist to be requested to aid a prospective petitioner to take the necessary steps to obtain "E-Filing" capability on its computer.

13. As set forth hereinabove, CCAM made every reasonable effort to achieve "E-Filing" capability for its filing under the circumstances; however, CCAM is unable to devote more time, prior to filing its petition to intervene, to this potentially slow and timestaking process without clear jeopardy to its ability to complete preparations of the petition and its supporting documents for timely filing.

14. The NRC permitted CCAM to file its Petition to Intervene and Request for Hearing by ordinary email but the Atomic Safety and Licensing Board Panel assigned to these proceedings by Order dated March 27, 2008 directed that future filings be made through the electronic filing system.

15. Subsequently thereto, the undersigned has engaged in communications with the staff of the NRC's Office of the Secretary and the NRC's technical consultant with regard to steps necessary to be undertaken for CCAM to achieve the ability to participate in the NRC's electronic filing system; Apparently, it is necessary for participants to install new computer software not otherwise needed at a cost of more than \$500 prior to continuing to take additional steps to achieve the ability to participate in the NRC's electronic filing system.

16. At the present time, CCAM, an all-volunteer, non-profit grassroots organization, is engaging in fundraising to raise adequate funding to take the first necessary step to achieve the ability to participate in the NRC's electronic filing system.

17. CCAM anticipates that once it concludes such fund-raising it will be in a position to take such further steps as are necessary to achieve the ability to participate in the

NRC's electronic filing system.

18. CCAM respectfully represents that the NRC is fully capable of functioning in adjudicative proceedings in which the NRC Staff and parties and petitioners engage in filing and sharing of filings by ordinary email, as such is presently occurring in the very filing-intensive proceedings involving challenges to the relicensing of the Indian Point Nuclear Power Station. (The undersigned is a participant in such proceedings personally and on behalf of the petitioner, Connecticut Residents Opposed to Relicensing of Indian Point.)

19. Accordingly, neither the applicant nor the NRC Staff will suffer prejudice if this motion is granted.

20. In contrast, CCAM will be substantially prejudiced in these proceedings if the motion is not granted.

21. For example, it appears that on April 11, 2008, NRC Staff filed a response electronically to CCAM's Petition to Intervene and Request for Hearing.

22. The undersigned attempted to open the filing but was unable to do so.

23. On April 11, 2008, the undersigned sent an email to NRC Staff counsel Lloyd Subin requesting that he email her his response as an ordinary email. (Exhibit C)

24. To date, there has been no response to such request, which was reiterated by email on April 14, 2008 and by telephone on April 14, 2008. (Exhibit D)

25. Although the undersigned forwarded Mr. Subin's April 11, 2008 email with the electronic attachment to CCAM's expert consultant-declarant Arnold Gundersen on April 11, 2008, to date Mr. Gundersen has also been unable to open the filing and thus commence preparations to assist CCAM in its response due on or before April 18,

2008..

26. Thus, CCAM is in the impossible and unreasonable position of having to file its reply to the Dominion and NRC Staff filings on or before April 18, 2008 without the benefit of being able to access the NRC staff filing.

27. In light of such dilemma, the undersigned requested by email on April 14, 2008 that Dominion 's legal representatives forward in an ordinary email format the NRC's April 11, 2008 response to CCAM's Petition to Intervene, as a courtesy. (Exhibit E)

28. However, to date, Dominion's legal representatives have not done so.

29. Pursuant to 10 C.F.R. §2.323(b), on April 14, 2008, the undersigned made a sincere effort to contact the other participants in these proceedings to resolve the issues raised in this motion by sending an email to NRC staff and Dominion representatives (Exhibit F).

30. Dominion's representatives oppose this motion. (Exhibit G)

31. To date, the undersigned has received no response to the email from NRC Staff.

32. Further on April 14, 2008, the undersigned attempted to speak with NRC Staff attorney Lloyd Subin and left him a voice mail message which has to date not been returned.

33. CCAM does look forward to availing itself of the technical assistance offered by the Office of the Secretary to enable it to achieve "E-Filing" capability for future filings in this matter, once it meets its fundraising objective as aforescribed.

34. Therefore, CCAM respectfully seeks leave to make and receive additional filings in this matter pursuant to an exemption from the electronic filing requirements as it endeavors in good faith to achieve the technical ability to participate in the electronic

mailing system

CONNECTICUT COALITION AGAINST  
MILLSTONE  
NANCY BURTON

---

Nancy Burton  
147 Cross Highway  
Redding Ridge CT 06876  
NancyBurtonCT@aol.com

## EXHIBIT A

Dear Office of the Secretary:

This is to request creation of an electronic docket in the matter of the application by Dominion Nuclear Connecticut, Inc. for a license amendment for a power uprate at Millstone Unit 3, as noticed in the January 15, 2008 Federal Register.

This is to further request a digital ID certificate.

This request is presented on behalf of the Connecticut Coalition Against Millstone, of which I am delegated representative, and myself individually.

Thank you for your assistance.

Sincerely,

Nancy Burton

147 Cross Highway

Redding Ridge CT 06876

Tel. 203-938-3952

[March 8, 2008]

**EXHIBIT B**

Dear Sirs:

Please respond to this request, which is time-sensitive.

Thank you.

Sincerely,

Nancy Burton

147 Cross Highway

Redding Ridge CT 06876

Tel. 203-938-3952

[March 14, 2008]

---

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.

-----  
Forwarded Message:

Subj: Request for Creation of an Electronic Docket and Digital ID Certificate

Date: 3/8/2008 4:56:19 PM Eastern Daylight Time

From: NancyBurtonCT

To: hearingdocket@nrc.gov

CC: NancyBurtonCT

Dear Office of the Secretary:

This is to request creation of an electronic docket in the matter of the application by Dominion Nuclear Connecticut, Inc. for a license amendment for a power uprate at



Millstone Unit 3, as noticed in the January 15, 2008 Federal Register.

This is to further request a digital ID certificate.

This request is presented on behalf of the Connecticut Coalition Against Millstone, of which I am delegated representative, and myself individually.

Thank you for your assistance.

Sincerely,

Nancy Burton

147 Cross Highway

Redding Ridge CT 06876

Tel. 203-938-3952

**Exhibit C**

Dear Mr. Subin:

Please be kind enough to forward me as a Word document your reply to the CCAM/Nancy Burton petition to intervene of this date.

Thank you for your assistance.

Sincerely,

Nancy Burton

---

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.

## Exhibit D

Dear Mr. Subin:

As I indicated on Friday, April 11, 2008, I am unable to access your filing.

I repeat my request that you please re-send it as an ordinary email.

Thank you for your assistance.

Sincerely,

Nancy Burton

---

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.

-----  
Forwarded Message:

Subj: EIE document available: NRC STAFF ANSWER TO CCAM PETITION

Date: 4/11/2008 4:58:10 PM Eastern Daylight Time

From: hearingdocket@nrc.gov

To: hearingdocket@nrc.gov, aslbp\_hlw\_adjudication@nrc.gov,  
OCAAMAIL@NRC.GOV, lbs3@nrc.gov, axw5@nrc.gov,  
maria.webb@pillsburylaw.com, matias.travieso-diaz@pillsburylaw.com,  
lbs3@nrc.gov, marcella.schiappacasse@pillsburylaw.com, tpr@nrc.gov,  
der@nrc.gov, cmp@nrc.gov, esn@nrc.gov,  
stefanie.nelson@pillsburylaw.com, linda.lewis@nrc.gov,  
david.lewis@pillsburylaw.com, eik1@nrc.gov, mfk2@nrc.gov,  
elj@nrc.gov, hearingdocket@nrc.gov, erh@nrc.gov, nsg@nrc.gov,  
rll@nrc.gov, wjf1@nrc.gov, Lillian.Cuoco@dom.com, atb1@nrc.gov,  
NancyBurtonCT@aol.com, pba@nrc.gov

Sent from the Internet (Details)

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY COMMISSION

Re: NRC Hearing Docket Millstone Power Station 50-423-OLA

The Office of the Secretary has received a document entitled

'NRC STAFF ANSWER TO CCAM PETITION'

that was submitted by Lloyd B. Subin who is affiliated with NRC Staff.

It is intended for inclusion in the referenced docket. It was submitted through the NRC's Electronic Information Exchange (EIE) system and arrived on 04/11/2008 17:59:57.

The file(s) associated with this submission comprise 215 KB

As a hearing participant you are entitled to view and/or retrieve this document by visiting the following web link:

<https://eie.nrc.gov/cgi-bin/eieone.exe?f=retrieve&docid=649>

The document will remain available through this link for 14 days after which it will be removed from the EIE system. Not later than 3 days from the date of this message the document will also be available through NRC's Electronic Hearing Docket (EHD) web sites, under the above referenced Hearing Docket. The web links for these site are:

For non-protective order file (POF) documents related to the High Level Waste Hearing:  
[http://hlwehd.nrc.gov/public\\_hlw-ehd](http://hlwehd.nrc.gov/public_hlw-ehd)

For non-POF documents related to Reactors, Materials and other hearings:  
[http://ehd.nrc.gov/ehd\\_proceeding](http://ehd.nrc.gov/ehd_proceeding)

For POF documents associated with any hearing, please utilize the web address provided by the Office of the Secretary to those authorized to access POF materials in that proceeding.

Receipt of this message constitutes completion of service of this filing.

## Exhibit E

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

---

It's Tax Time! Get tips, forms and advice on AOL Money & Finance.

## Exhibit F

Dear NRC Staff and Dominion Representatives:

This communication is submitted pursuant to the provisions of 10 CFR Section 2.323(b) in a sincere effort to resolve the issues raised below.

To date, I do not have access to the NRC's electronic filing system. Dominion's representatives were kind enough to forward me their April 11, 2008 response to the CCAM/Nancy Burton Petition to Intervene by ordinary email on April 11, 2008.

I am aware that a filing was made electronically by the NRC Staff on April 11, 2008; however, I was unable to access it. I emailed a request to the NRC Staff on April 11, 2008 for an ordinary email version; however, to date, I have received no response to such request.

I wish to bring to your attention that Arnold Gundersen, a technical expert who provided a Declaration in support of the Petition to Intervene and whose input is required for the prospective CCAM/Nancy Burton reply to the Dominion and NRC Staff April 11, 2008 responses, also was unable to access the NRC Staff response.

I wish to further relate that the NRC Staff filing does not appear to be available on the NRC's ADAMS website as of this writing.

Finally, the petitioners object to further proceedings in this matter if filings are not made accessible to members of the public, as they apparently are not as of this time. As a general rule, restricted proceedings -involving filings to which the public and parties are denied otherwise easily available access through ADAMS or ordinary email - cannot be reconciled with the expectations of a free society.

CCAM/Nancy Burton request your consent to:

(a) A waiver during this proceeding from NRC's new requirements for "electronic" filings" until the NRC devises a means to make such filings simultaneously accessible to the public and the parties without imposing financial burdens on them and

(b) An extension of time to April 25, 2008 for CCAM/Nancy Burton to respond to the Dominion and NRC Staff responses to the Petition to Intervene and Request for Hearing, assuming the NRC Staff makes its April 11, 2008 filing accessible to CCAM/Nancy Burton and the public-at-large on or before April 18, 2008.

Please call me at 203-938-3952 to discuss this matter further if you wish.

I thank you in advance for your response

Sincerely,

Nancy Burton

---

It's Tax Time! Get tips, forms and advice on [AOL Money & Finance](#).

## Exhibit G

Dear Ms. Burton: Your potential requests to the Board that (a) there be a waiver during this proceeding from NRC's new requirements for "electronic" filings" until the NRC devises a means to make such filings simultaneously accessible to the public and the parties without imposing financial burdens on them and (b) that CCAM/Nancy Burton be granted an extension of time to April 25, 2008 to respond to the Dominion and NRC Staff responses to the Petition to Intervene and Request for Hearing are unreasonable and without basis and Dominion will oppose them, if filed.

In the future, please note and use my correct name and electronic address. Thank you.

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](mailto:matias.travieso-diaz@pillsburylaw.com)  
Bio: [www.pillsburylaw.com/Matias.travieso-diaz](http://www.pillsburylaw.com/Matias.travieso-diaz)  
[www.pillsburylaw.com](http://www.pillsburylaw.com)

-----Original Message-----

From: Lewis, David R.  
Sent: Monday, April 14, 2008 11:48 AM  
To: Travieso-Diaz, Matias F.  
Subject: Fw: Millstone 3 Uprate Proceedings

----- Original Message -----

From: NancyBurtonCT@aol.com <NancyBurtonCT@aol.com>  
To: lbs3@nrc.gov <lbs3@nrc.gov>  
Cc: matias.travesio-diaz@pillsburylaw.com  
<matias.travesio-diaz@pillsburylaw.com>; Lewis, David R.;  
Lillian.Cuoco@dom.com <Lillian.Cuoco@dom.com>; Nelson, Stefanie M.;  
NancyBurtonCT@aol.com <NancyBurtonCT@aol.com>  
Sent: Mon Apr 14 10:25:23 2008  
Subject: Millstone 3 Uprate Proceedings

Dear NRC Staff and Dominion Representatives:

This communication is submitted pursuant to the provisions of 10 CFR Section 2.323(b) in a sincere effort to resolve the issues raised below.

To date, I do not have access to the NRC's electronic filing system.

Dominion's representatives were kind enough to forward me their April 11, 2008 response to the CCAM/Nancy Burton Petition to Intervene by ordinary email on April 11, 2008.

I am aware that a filing was made electronically by the NRC Staff on April 11, 2008; however, I was unable to access it. I emailed a request to the NRC Staff on April 11, 2008 for an ordinary email version; however, to date, I have received no response to such request.

I wish to bring to your attention that Arnold Gundersen, a technical expert who provided a Declaration in support of the Petition to Intervene and whose input is required for the prospective CCAM/Nancy Burton reply to the Dominion and NRC Staff April 11, 2008 responses, also was unable to access the NRC Staff response.

I wish to further relate that the NRC Staff filing does not appear to be available on the NRC's ADAMS website as of this writing.

Finally, the petitioners object to further proceedings in this matter if filings are not made accessible to members of the public, as they apparently are not as of this time. As a general rule, restricted proceedings -involving filings to which the public and parties are denied otherwise easily available access through ADAMS or ordinary email - cannot be reconciled with the expectations of a free society.

CCAM/Nancy Burton request your consent to:

(a) A waiver during this proceeding from NRC's new requirements for "electronic" filings" until the NRC devises a means to make such filings simultaneously accessible to the public and the parties without imposing financial burdens on them and

(b) An extension of time to April 25, 2008 for CCAM/Nancy Burton to respond to the Dominion and NRC Staff responses to the Petition to Intervene and Request for Hearing, assuming the NRC Staff makes its April 11, 2008 filing accessible to CCAM/Nancy Burton and the public-at-large on or before April 18, 2008.

Please call me at 203-938-3952 to discuss this matter further if you wish.

I thank you in advance for your response

Sincerely,

Nancy Burton



<<http://money.aol.com/tax?NCID=aolcmp00300000002850>> .

=====

\*

Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.

=====

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

<b>In the matter of</b>	<b>:</b>	<b>Docket No. 50-423</b>
<b>Dominion Nuclear Connecticut, Inc.</b>	<b>:</b>	
<b>Millstone Nuclear Power Station Unit 3</b>	<b>:</b>	
<b>(License Amendment Request</b>	<b>:</b>	
<b>Stretch Power Uprate)</b>	<b>:</b>	<b>April 15, 2008</b>

**CERTIFICATE OF SERVICE**

I certify that copies of the "Connecticut Coalition Against Millstone and Nancy Burton Second Request for Exemption from 'E-Filing' Requirements" with accompanying Exhibits A, B, C, D, E, F and G were transmitted on April 15, 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  
Adjudication  
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  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001  
pba@nrc.gov

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

Lloyd Subin, Esq.  
David Roth, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington DC 20555  
OGCMailCenter@nrc.gov  
lbs@nrc.gov  
david.roth@nrc.gov

David Lewis, Esq.  
Stefanie Nelson, Esq.  
Matias Travieso-Diaz, Esq.  
Pillsbury Winthrop Shaw Pittman LLP  
Maria Webb, Paralegal  
2300 N Street NW  
Washington DC 20037-1122  
david.lewis@pillsburylaw.com  
stefanie.nelson@pillsburylaw.com  
matias.travieso-diaz@pillsburylaw.com  
maria.webb@pillsburylaw.com

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

[Signed in Original]   
Nancy Burton  
147 Cross Highway  
Redding Ridge CT 06876  
NancyBurtonCT@aol.com