UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
DOMINION NUCLEAR CONNECTICUT, INC.	)	Docket Nos. 50-336-LA
	)	50-423-LA
(Millstone Nuclear Power Station	)	
Units 2 and 3)	)	

NRC STAFF'S RESPONSE IN OPPOSITION TO CONNECTICUT COALITION AGAINST MILLSTONE AND STAR FOUNDATION'S APPEAL OF LBP-01-10

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April 24, 2001

TABLE OF CONTENTS

TABLE OF AUTHORITIES

ADMINISTRATIVE DECISIONS:

Commission

Atomic Licensing Appeal Board:

Atomic Safety & Licensing Board:

STATUTES

REGULATIONS

FEDERAL REGISTER

MISCELLANEOUS

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INTRODUCTION

Pursuant to 10 C.F.R. § 2.714a(a), the NRC staff ("Staff") submits its brief in response to Connecticut Coalition Against Millstone and STAR Foundation's appeal[1] of LBP-01-10, Memorandum and Order, March 29, 2001. In LBP-01-10, the Atomic Safety and Licensing Board ("Board') found their contention to be inadmissible, denied their petition for intervention and terminated the proceeding.[2]

For the reasons set forth below, the Staff submits that the Commission should affirm the Board's disposition of this matter as set forth in LBP-01-10.

[1] Connecticut Coalition Against Millstone and STAR Foundation Petition for Review of LBP-01-10, April 9, 2001, hereinafter "Brief."

[2] The filing of April 9, 2001, is styled a petition for review pursuant to 10 C.F.R. § 2.786(b), even though the Board indicated that any appeal of its Memorandum and Order would be pursuant to 10 C.F.R. § 2.714a. LBP-01-10, slip op. at 19. The Staff treats the filing as if it were the appeal contemplated by 10 C.F.R. § 2.714a and responds accordingly.

BACKGROUND

On February 22, 2000, Northeast Nuclear Energy Company (NNECO) [3] filed an application to amend the operating licenses for its Millstone Units 2 and 3 and supplemented the application on August 28, 2000. The licensee requested approval to relocate procedural details and their associated bases of each unit's Radiological Effluent Technical Specifications (RETS) concerning the monitoring of routine operational radiological releases to the Millstone Radiological Monitoring Offsite Dose Calculation Manual (REMODCM) for each unit, in accordance with the Commission's technical specifications improvements policy statement, "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," 58 Fed. Reg. 39,132 (1993); the statement of considerations accompanying amendment of 10 C.F.R. § 50.36, 60 Fed. Reg. 36,953 (1995); Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program" ; and NUREG-1432, "Standard Technical Specifications, Combustion Engineering Plants" (1992) and NUREG-1431, "Standard Technical Specifications, Westinghouse Plants" (1995), the Commission's improved standard technical specifications for plants like Millstone Unit 2 and Millstone Unit 3, respectively. The request also sought to add two new

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[3] Dominion Nuclear Connecticut, Inc. (DNC) succeeded to NNECO's interest in the Millstone units on March 30, 2001 and assumed operating authority for those units. See Order Approving Transfer of Licenses and Conforming Amendments, dated March 9, 2001, by which the U.S. Nuclear Regulatory Commission consented to the transfer of Millstone Nuclear Power Station, Units 1, 2 and 3 to Dominion Nuclear Connecticut, Inc., effective on issuance, subject to the condition that should the transfer of licenses not be completed by March 9, 2002, the Order would become null and void.

In their brief, Appellants set forth the status of their State court action opposing the transfer on the basis of their claim that the Millstone NPDES permit was not transferable. The NRC is not a party to that action, which concerns a State agency's administration of the NPDES permit under the Clean Water Act. The action is not related to the matter on appeal here, which relates solely to radiological effluent, not to the nonradiological effluent that Appellants here address in their brief at 1, n.1.

technical specifications to the administrative controls section of the technical specifications to provide programmatic controls for radioactive effluent control and radiological monitoring programs in lieu of the relocated RETS requirements. The request did not involve any change to radiological release limits, radiological monitoring instrumentation, or radiological effluents. Nor did the request impact the assumptions used in any accident analysis, affect any plant equipment, plant configurations or plant operation.

In response to a notice of opportunity for hearing, 65 Fed. Reg. 48,74, 48,754 (Aug. 9, 2000), Connecticut Coalition Against Millstone and STAR Foundation filed an intervention petition on September 8, 2000, in which they included their one proposed contention, that the relocation of the RETS from technical specifications (TS) to the REMODCM would deprive them of the opportunity for hearing on changes to the Millstone radiological liquid and gaseous effluent monitoring instrumentation and that such deprivation would lower standards of radiological effluent monitoring and open the door to increases in the types and amounts of effluents that might be released offsite. The licensee and the Staff filed responses opposing the petition[4] and the Board issued a scheduling order establishing a deadline of October 27, 2000, by which the Petitioners could amend their petition and file their final contentions. Order (Setting Schedule for Proceedings), October 6, 2000. On October 27, 2000, the Petitioners filed an amended petition adding the affidavit of Joseph Besade, a member of the Coalition, who stated that he lived within two miles of the facility, in support of their claim of standing. They also added the declaration of Joseph Mangano, a research associate with the Radiation and Public Health Project in New York City, in support of the basis for their contention asserting that the public will be exposed to greater risk of radiation doses from the routine operation of the Millstone reactors if NNECO were to obtain

[4] Northeast Nuclear Energy Company's Answer to Request for a Hearing and Petition for Leave to Intervene, September 25, 2000; NRC Staff's Response to Petition for Leave to Intervene and Request for Hearing Filed by the Connecticut Coalition Against Millstone and the STAR Foundation, September 28, 2000.

the amendment requested. Mr. Mangano's declaration states that any increase in routine radiological effluent to the air and water by the Millstone reactors will expose the public to greater risk of cancer, immunodeficiency diseases and other adverse health effects.[5]

NNECO and the Staff filed responses opposing the amended petition.[6]

The Board conducted a telephone prehearing conference on December 7, 2000, and on March 29, 2000, it issued its Memorandum and Order, LBP-01-10, in which it found no need to freight the decision with an analysis of the standing issues in light of its finding that Petitioners had not submitted a contention that satisfied the Commission's criteria for contentions as set forth in 10 C.F.R. § 2.714(b). The Board denied the petition and terminated the proceeding. Judge Ann Marshall Young, Chairman, dissented. In her view, Petitioner Connecticut Coalition Against Millstone had demonstrated its standing, but Petitioner STAR Foundation had not. In addition, she would have admitted the contention.

DISCUSSION

A. The Board's Decision

The Board denied the contention on several grounds: 1) a contention alleging loss of hearing rights on a relocation out of technical specifications needed to state why the technical specifications in question needed to remain in the technical specifications part of the license; 2) the contention did not satisfy the basis requirements of the Commission's regulation concerning contentions; and 3) the contention constituted an impermissible attack on the Commission's regulations in 10 C.F.R. Parts 20 and 50.

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[5] On November 8, 2000, the Petitioners filed a corrected page to the amended petition, substituting the name of a different STAR Foundation member, Christine Guglielmo, as the member on whom STAR relied for its claim of representational standing, and providing Ms. Guglielmo's affidavit.

[6] Northeast Nuclear Energy Company's Answer to Amended Petition to Intervene, November 17, 2000; NRC Staff Response to Amended Petition to Intervene and Request for Hearing Filed by Coalition Against Millstone and STAR Foundation, November 17, 2000.

Considering Petitioners' proposed contention, the Board set out the Commission's requirements for contentions[7] and referenced Commission cases construing those requirements.

Against this background, the Board set out and considered the Petitioners' contention.[8]

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[7] Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. 10 C.F.R. § 2.714(b)(2) . . . . Section 2.714(b)(2)(i) (ii) and (iii) states that each contention must be accompanied by:

(i) A brief explanation of the bases of the contention.

(ii) (A concise statement of the alleged facts or expert opinion which support the contention . . . together with references to those specific sources and documents of which the petitioner is aware and on which petitioner intends to rely to establish those facts or expert opinion.

(iii) Sufficient information . . . to show that a genuine dispute exists with the applicant on a material issue of law or fact. This showing must include references to the specific portions of the application . . . that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief.

LBP-01-10, slip op. at 6-7.

[8] The contention states:

"Relocating" the selected radiological effluent Technical Specifications and the associated Bases to the Millstone Radiological Effluent Monitoring and Offsite Dose Calculation manual will deprive the public, and the membership of the Connecticut Coalition Against Millstone and STAR Foundation, of notice of proposed changes to the Millstone radiological liquid and gaseous effluent monitoring instrumentation. It will deprive them of the opportunity for hearing and to comment and object to changes, which can only be projected to lower standards of radiological effluent monitoring in the era of deregulation and electric restructuring. The amendment request is particularly objectionable in light of the levels of radiological effluent released to the environment by the Millstone reactors.

This amendment will degrade protection of the public health and safety from radiological effluents. Even according to the applicant, NNECO, the amendment opens the door to increases in the type and amounts of effluents that may be released offsite as well as individual and cumulative occupational radiation exposures. NNECO's amendment request states that such increases will not be "significant." (Application, February 22, 2000, cover letter, page 3.) However, as there will be no opportunity for hearing or public comment, the public will be exposed to greater risk of radiation doses from the routine operation of the Millstone nuclear reactors if NNECO obtains the amendment requested. The Petitioners are prepared to establish through expert testimony that any increase in routine radiological effluent to the air and water by the Millstone reactors will expose the public to greater risk of cancer, immunodeficiency diseases and other adverse health effects.

The Board stated, "Although it is not free from doubt, it appears that the first paragraph of the contention sets out the issue the Petitioners seek to litigate in an attempt to comply with the requirement of section 2.714(b)(2), and the second paragraph sets out the bases for the contention in an attempt tp comply with the requirements of section 2.714(b)(2)(i),(ii), and (iii)." LBP-01-10 at 9, slip op. at 9.

The Board viewed the Commission's decision in *Cleveland Electric Illuminating Company* (Perry Nuclear Power Plant, Unit 1), CLI-96-13, 44 NRC 315 (1996) as instructive. In *Perry*, the intervenor, like the Petitioners here, challenged the relocation of material from the technical specifications to a licensee-controlled document. Specifically, the licensee in *Perry* sought a license amendment to transfer the withdrawal schedule for the reactor vessel material specimens from the technical specifications to the updated safety analysis report, consistent with the Staff generic letter on the subject. LBP-01-10 at 10, *citing Perry*, CLI-96-13, 44 NRC at 316-17. Like the application here, that application included a new technical specification. The one in *Perry* required that the specimens be removed and examined in accordance with a specific regulation. The intervenor in *Perry* proffered a single contention raising a single legal issue: whether the removal of the withdrawal schedule from the technical specifications violated the notice and hearing requirements of section 189a of the Atomic Energy Act by depriving them of the opportunity for a hearing on future changes to the withdrawal schedule because such changes would be *de facto* license amendments. The *Perry* intervenor, however, conceded that there was no legal requirement that the withdrawal schedule remain in the technical specifications. LBP-01-10, slip op. at 11, *citing* 44 NRC at 320, 329.

The Board further characterized the *Perry* decision, stating that in *Perry* the Commission had held that future changes would not be *de facto* license amendments, as such changes would not permit the licensee to operate in any greater capacity than that prescribed by the original license, and that the Commission had concluded that if the intervenor believed that the nature and

significance of the withdrawal schedule was such that it needed to remain in the Perry license, the intervenor could have raised that argument in the proceeding. LBP-01-10 at 11, *citing Perry*, 44 NRC at 327-29.

The Board held that Petitioners' contention failed, as did that of the intervenor in *Perry*, because Petitioners had failed to make a claim that is an indispensable element of any contention challenging the relocation of material from a plant's technical specifications to a licensee-controlled document: that there is a statutory or regulatory requirement that the material in question remain in technical specifications as a part of the license. This is so, according to the Board, because there can only be a right to a hearing on future changes if there is a statutory or regulatory requirement that such matters be included in the plant's technical specifications in the first place. *Id.*, *citing* section 182a of the Atomic Energy Act and 10 C.F.R. §§ 50.36, 50.36a.

The Board rejected Petitioners' claim, offered for the first time at the prehearing conference, that 10 C.F.R. § 50.36(c)(1)(ii)(A) required that the RETS remain in the technical specifications. The Board found that the claim was not, as Petitioners' counsel stated at the prehearing conference, "implicit" in their petition nor, by its terms, applicable to the license amendment application at issue. *Id.* at 13-14. The Board stated that only 10 C.F.R. § 50.36(c)(2)(ii) is applicable to a determination of whether the procedural details of the Millstone RETS need to remain in the facility technical specifications.[9] However, Petitioners had not addressed § 50.36(c)(2)(ii). *Id.* at 14.

The Board found that Petitioners' failure to include references to the specific portions of the application that they disputed required that the contention be rejected for failure to satisfy 10 C.F.R. § 2.714(b)(2)(iii). *Id.*

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[9] Both the licensee and the Staff made this argument in their pleadings; *see* NNECO's Answer, September 25, 2000; NRC Staff's Response, September 28, 2000.

The Board found the Petitioners' assertion that the license amendment would lower standards of radiological effluent monitoring to be totally lacking in support, in that the assertion was not supported by references to documents or other sources, as required by 10 C.F.R. § 2.714(b)(2)(ii). *Id.* at 16. Similarly, the assertion that the license amendment would increase the types and amounts of effluent released offsite was without support. *Id.* Petitioners' reference to Licensee's cover letter as support for this claim was, according to the Board, inapposite, as the letter neither stated nor implied that the amendment request included increases in releases of radiological effluent offsite. Thus, with regard to this reference, the Board concluded that Petitioners had failed to satisfy the requirements of 10 C.F.R. § 2.714(b)(2)(i) and (ii). *Id.*

Petitioners offered the declaration of Joseph Mangano in support of their claim that the amendment would cause an increased risk to the public of cancer and other adverse health effects. However, the claims on which Mr. Mangano's allegations rested were unsupported and his affidavit had no relevance to the amendment request. *Id.*

The Board concluded that Mr. Mangano's allegations constituted a challenge to the Commission's regulations in 10 C.F.R. Parts 20 and 50, to the extent that he alleged that increases within regulatory limits would constitute a public health risk. *Id.* at 17, *citing* 10 C.F.R. § 2.758.

The Board concluded its analysis with a determination that, because their contention failed to satisfy the requirements of 10 C.F.R. § 2.714(b), the Petitioners could not be admitted as parties to the proceeding and that their Petition must be denied and the proceeding terminated. *Id.* at 18.

B. Standing

As noted above, the Board found it unnecessary to address standing.

In their brief, however, Appellants state without any support or argument that the dissent's view that Petitioner Connecticut Coalition Against Millstone had standing is correct. Brief at 5.

The Staff addressed Petitioners' standing in its Response filed September 28, 2000. The Staff argued there that Petitioners had not shown injury in fact by their statement that "should the

amendment be granted, the membership of CCAM and STAR Foundation will suffer increased risk of hazard from radiological releases from Millstone Units 2 and 3 and consequent adverse health effects with no opportunity for comment or objection" (Petition, Sept. 8, 2000, at 3), in that they had not shown any reason to believe that the proposed relocation would cause distinct and concrete injury to the health of their members. Response, September 28, 2000, at 8-9, citing *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329-30 (1989). In its Response to the Amended Petition, the Staff reiterated its argument that Petitioners had not shown injury in fact and observed that the affidavit of Joseph Besade did not cure the deficiency in that Mr. Besade merely repeated the allegations made in the original petition. Staff Response, November 17, 2000, at 4-5. In answer to a question posed by the Board in its scheduling order of October 6, 2000, the Staff stated that in *Cleveland Electric Illuminating Company*, (Perry Nuclear Power Plant, Unit 1),CLI-93-21, 38 NRC 87 (1993) ("*Perry 1*") , the Commission had found that the petitioners had standing because their pleadings before the Licensing Board sufficiently presented a link between the loss of procedural opportunities under section 189a of the Atomic Energy Act of 1954, as amended, and their asserted health and safety interests. *Id.* at 95. The Staff argued that Petitioners here had not identified a health and safety interest that is fairly traceable to the challenged action, in that the application request did not involve any change to radiological effluent releases for the Millstone plants. The Staff argued that the Commission, citing *Florida Power and Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329-30 (1989), had stated that, in deciding threshold standing, it could not conclude that no potential for offsite consequences was posed by the loss of notice and opportunity for hearing to challenge future changes to the material specimen withdrawal schedule, where the material condition of the plant's reactor vessel obviously bore on the health and safety of those members of the public residing in the plant's vicinity. *Id.* at 95-96. The Staff's argument was that no such potential exists here, where

the amendment request did not include a proposal to change effluent releases or effluent release limits. Thus, the Staff's position regarding CCAM and STAR's standing in the instant matter, as set forth above and in the Staff's Response of September 28, 2000, is consistent with the Commission's finding of standing in *Perry 1*.

As noted above, Appellants state their reliance on the dissent's analysis of standing; however, they merely cite that section of the dissenting opinion and do not offer any argument based on it.

The Staff's review of the dissenting opinion does not cause the Staff to change its opinion regarding Petitioners' standing. To the extent that the dissent's finding of standing depends on a statement made by Stephen Klementowicz, the author of the Safety Evaluation issued with the amendment on November 28, 2000 (*see* LBP-01-10 at 35-36*),* the Staff notes that the dissent distorts Mr. Klementowicz's statement. Mr. Klementowicz's statement was that to "no longer monitor their units at release points" would constitute a violation and that this would be true without regard to whether the RETS were relocated or remained in technical specifications. Tr. 106-107. Thus, it was incorrect for the dissent to place any reliance on Mr. Klementowicz's statement to support Petitioners' claim that the amendment would harm them.

The Staff agrees with the Board's analysis of the dissent set forth in LBP-01-10 at 17, n.8, and observes further that, not only did the dissent make "factual findings" where there was no evidentiary hearing, but that, as noted above, those findings are incorrect.

While the Board should perhaps have ruled on standing, its failure to do so in this instance is not reversible error, since it correctly determined that the contention proffered by Petitioners is inadmissible. Should the Commission deem it necessary to consider the issue of standing, the arguments of Petitioners and the parties are amply set out in the pleadings below, and the Staff's position is reiterated above.

C. Appellants' Claims of Error

Appellants suggest that the Board found that their contention satisfied the specificity requirement of 10 C.F.R. § 2.714(b)(2). Brief at 6. However, this is not the case. What the Board said was: "Although it is not free of all doubt, it appears that the first paragraph of the contention sets out the issue the Petitioners seek to litigate in an attempt to comply with the requirement of 10 C.F.R. § 2.714(b)(2)." LBP-01-10 at 9. The Board addresses an "attempt" to satisfy the specificity requirement. There is no finding that the "attempt" was successful.

Similarly, Appellants read the Board's observations regarding their second paragraph in a way that the Board's language does not permit. Brief at 6. That paragraph, too, is said by the Board to represent an "attempt" to comply with the requirements of the applicable regulations. LBP-01-10 at 10. Thus, Appellants' conclusion that their contention satisfies the Commission's standards is just that, Appellants' conclusion. The Board's conclusion was to the contrary, as set forth above and as discussed below.

Appellants do not directly address the major finding of the Board, that their failure to plead that § 50.36 required that the RETS remain in the license was fatal to their petition. They do, however, state that the Board erred in finding that their contention failed to meet the requirements of 10 C.F.R. § 2.714(b). They charge that the Board erred in ruling their contention inadmissible on the grounds that it lacked a specific statutory reference. Brief at 6, citing LBP-01-10 at 12. However, the Board did not rule that the contention was inadmissible because it lacked a specific statutory or regulatory reference but rather that, in a proceeding such as this one where the request is to relocate procedural details concerning the monitoring of routine radiological releases out of technical specifications to a licensee-controlled document, to support its argument regarding hearing rights, a petitioner must propose a contention that alleges with the necessary basis that section 182a of the Atomic Energy Act or 10 C.F.R. § 50.36 or § 50.36a requires that those

technical specifications remain in the technical specifications portion of the license. Thus, although Petitioners and the dissent's characterization of 10 C.F.R. § 2.714 with respect to contentions and the statement of considerations on that regulation, that, to be admissible, a contention need not allege that an amendment request fails to satisfy a specific statute or regulatory requirement, is correct, that characterization is not relevant here where, as the Board made clear, the only issue raised by a contention challenging a request to relocate technical specifications to a licensee controlled document on the basis of loss of hearing rights is whether section 182a or § 50.36 or § 50.36a requires them to remain in the license. As stated above, Appellants' brief does not address this issue.

The Board's finding that Petitioners' contention does not satisfy the requirements of 10 C.F.R. § 2.714(b)(2)(i),(ii) and (iii) is also correct. The contention is totally lacking in references to specific sources and documents, but relies entirely on unsupported allegations. Also, as the Board found, the contention is totally lacking in references to the application.

D. Appellants' Reliance on the Dissent

Appellants argue that the dissenting opinion is correct and quote several passages with which they agree. Brief at 7-8. However, Appellants fail to reconcile the contention they submitted, which they now characterize as "should the contention be granted, the door will be opened to 'increases in the types and amounts of effluents that may be released offsite,' which will lead to greater risk of radiation doses harmful to health from routine operations of the Millstone reactors," Brief at 7, with the dissent's understanding of it, "Less frequent monitoring could possibly result in a failure to detect and address an accidental abnormal release of radiological effluent as quickly or effectively as on an unchanged more frequent schedule." Brief at 7, citing LBP-01-10, slip op. at 30. It will be noted that the dissent's version of the contention is not the contention that Connecticut Coalition Against Millstone and STAR Foundation proffered. The contention as

interpreted by the dissent concerns accidental releases, as opposed to the routine releases that are of concern to Petitioners.

Appellants also regard as correct the dissent's summary of what is at issue here: "The relevant area that appears to be in question in this proceeding is that area in which effluents that are not in the high range of possible effluent releases might still increase to the point that they would exceed the limits of Appendix I to Part 50 , resulting not from the sort of major accident that would produce high-range releases but rather from some other cause, such as a relatively minor accidental or other failure of equipment, accompanied by a failure to detect and correct as quickly the increased release, by virtue of changed surveillance schedules or setpoints (or placement of monitors at inappropriate points) as well as failure of whatever redundant systems exist to detect and/or stop such 'moderately excessive' releases." Brief at 7-8, citing LBP-01-10, slip op. at 35. Again, this is not Petitioners' contention which, as noted above, concerns routine releases. Further, in essentially rewriting Petitioners' contention, the dissent postulates a scenario that depends, not just on the possibility of an increase in a release caused by a postulated increase in surveillance intervals resulting in degradation of monitoring equipment, but also on a confluence of that occurrence with several other events that are entirely independent of any change in surveillance that might be made subsequent to the relocation of the RETS, namely an unspecified "minor accidental or other failure of equipment" concurrent with a failure of "whatever redundant systems exist to detect and/or stop such 'moderately excessive' releases." Had a petitioner submitted a contention dependent on such pure speculation, it would be inadmissible. Not only is the postulated accident beyond the scope of the amendment request and, thus, beyond the scope of the proceeding, but it is also too speculative to satisfy the requirements of 10 C.F.R. § 2.714(b) for admission of contentions to the proceeding. *See Florida Power and Light Co.* (St. Lucie Nuclear Power Plant, Unit 1) LBP-88-10A, 27 NRC 452, 458 (1988), *citing Pacific Gas and Electric Co.*

(Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-880, 26 NRC 449, 454-57 (1987). Also, as noted above, Petitioners did not propose such a contention but rather proposed a contention concerning routine releases.

Appellants' reliance on the dissent does not support an argument that the Board erred in its determination not to admit their contention.

CONCLUSION

For the reasons discussed, the Commission should affirm LBP-01-10.

Respectfully submitted,

/RA/

Ann P. Hodgdon
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Dated at Rockville, Maryland
this 24th day of April 2001

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE IN OPPOSITION TO CONNECTICUT COALITION AGAINST MILLSTONE AND STAR FOUNDATION'S APPEAL OF LBP-01-10" in the above-captioned proceeding have been served on the following through deposit in the NRC's internal mail system, or by deposit in the NRC's internal mail system with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service as indicated by a double asterisk, with copies by electronic mail as indicated, this 24th day of April, 2001:

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