

RAS 3573

DOCKETED 11/15/01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

SERVED 11/15/01

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

In the Matter of

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station, Unit No. 3;
Facility Operating License NPF-49)

Docket No. 50-423-LA-3

ASLBP No. 00-771-01-LA-R

November 15, 2001

MEMORANDUM AND ORDER
(Appendices to OI Report , Case 1-2001-007)

On October 31, 2001, as previously directed by this Licensing Board, the NRC Staff submitted to the Board and parties copies of OI Report 1-2001-007. The report as transmitted included the basic OI report but excluded appendices (exhibits) to the report.

In our Memorandum and Order (Telephone Conference Call, 10/31/01; Schedules for Proceeding), dated November 5, 2001, we established a discovery schedule extending from November 7, 2001 until February 8, 2002, but with no questions asked the Staff prior to December 4, 2001. By letter dated November 7, 2001, a copy of which was transmitted by e-mail to the Licensing Board, the Intervenor, CCAM/CAM, asked the Staff for copies of the appendices (identified in a "List of Exhibits") that accompanied the OI report. In a request for documents filed against the Licensee, dated November 7, 2001, CCAM/CAM also requested copies of these appendices from the Licensees.

The Licensing Board views the appendices or exhibits as integral portions of the OI Report that, as mentioned above, we had ordered to be circulated to the Board and

parties. Accordingly, they need not be included as CCAM/CAM discovery requests to the Licensee or Staff but instead should be furnished by the Staff to the Board and parties (in redacted form, if necessary) as soon as they are available for distribution.

The Licensing Board notes that, although the purpose of the OI investigation differs in some respects from resolution of the remaining issue before us at this time, the report appears to address the nature of the system used at Millstone-1 for locating fuel rods or assemblies in the spent fuel pool and for accounting for those rods or assemblies at all of the Millstone reactors.

Accordingly, the NRC Staff is directed, at its earliest convenience, to forward copies of the appendices to the OI Report (redacted, if necessary) to the Board and to all parties that have not yet been furnished those appendices.

IT IS SO ORDERED.

For the Atomic Safety and Licensing Board

/RA/

Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 15, 2001

[Copies of this Memorandum and Order have been transmitted this date by e-mail to counsel for each of the parties.]

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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DOMINION NUCLEAR CONNECTICUT, INC.)	Docket No. 50-423-LA-3
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(Millstone Nuclear Power Station,)	
Unit No. 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (APPENDICES TO OI REPORT, CASE 1-2001-007) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Administrative Judge Charles Bechhoefer, Chairman Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001
Administrative Judge Richard F. Cole Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23	Administrative Judge Charles N. Kelber Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001
Ann P. Hodgdon, Esq. Robert M. Weisman, Esq. Office of the General Counsel Mail Stop - O-15 D21 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Lillian M. Cuoco, Esq. Dominion Nuclear Connecticut, Inc. Millstone Nuclear Power Station Building 475/5 Rope Ferry Road (Route 156) Waterford, CT 06385

Docket No. 50-423-LA-3
LB MEMORANDUM AND ORDER
(APPENDICES TO OI REPORT,
CASE 1-2001-007)

David A. Repka, Esq.
Donald P. Ferraro, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge, CT 06876

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of November 2001