

RAS 1724

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
11/13/00

In the Matter of: : Docket No. 50-423-LA-3
Northeast Nuclear Energy Company : : '00 MAY 16 P4:41
(Millstone Nuclear Power Station, : :
Unit No. 3) : ASLBP No. 00-771-01-LA
ADD

CONNECTICUT COALITION AGAINST MILLSTONE AND
LONG ISLAND COALITION AGAINST MILLSTONE'S
OBJECTION TO NORTHEAST NUCLEAR ENERGY COMPANY'S
MOTION FOR PROTECTIVE ORDER

Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone (collectively, "Intervenors") object herewith to the Motion for Protective Order dated May 9, 2000 filed on behalf of the applicant, Northeast Nuclear Energy Company ("NNECO"). Pursuant to 10 CFR §2.740(c), NNECO moves that the Atomic Safety and Licensing Board ("ASLB") issue an order precluding Intervenors from deposing Robert Griffin, chemistry manager of the Millstone Nuclear Power Station ("Millstone") in these proceedings. Mr. Griffin's deposition was noticed on May 8, 2000; it is scheduled to take place on May 12, 2000 at 10 A.M. in Mystic, Connecticut.

A movant seeking an order barring discovery is required to demonstrate "good cause" pursuant to 10 CFR §740(c). In this instance, NNECO has failed to meet its burden.

NNECO concedes, at pages 2-3 of its Motion for Protective Order, that, as Millstone chemistry manager, Mr. Griffin would be able to speak to procedures and experience related to boron surveillances for the Millstone Unit 3 spent fuel pool. Such procedures and experience are relevant to both Contentions 4 and

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SECY-02

5, both of which are admitted contentions.

NNECO does not protest Mr. Griffin's lack of availability. Therefore, the Intervenor presumes Mr. Griffin's availability to be deposed as scheduled.

NNECO having failed to demonstrate good cause why the chemistry manager of Millstone Nuclear Power Station, who supervises procedures related to boron surveillances for the Millstone Unit 3 spent fuel pool, should not be deposed as scheduled.

Wherefore, NNECO's motion must be denied.

**CONNECTICUT COALITION AGAINST MILLSTONE
LONG ISLAND COALITION AGAINST MILLSTONE**

By:



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CERTIFICATION OF SERVICE

ADJUDICATION

I hereby certify that copies of "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's Objection to Northeast Nuclear Energy Company's Motion for Protective Order" in the above-captioned proceedings have been served upon the following by deposit in the United States Mail, first class, this 10th day of May, 2000. Additional copies were hand-delivered to those indicated by an asterisk below. Additional copies were telefaxed to those indicated by a double asterisk at the numbers indicated.

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