

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
Northeast Nuclear Energy Company	)	
	)	Docket No. 50-423-LA-3
(Millstone Nuclear Power Station,	)	
Unit No. 3)	)	
	)	

NRC STAFF'S MOTION FOR PROTECTIVE ORDER  
CONCERNING UNTIMELY DISCOVERY REQUEST

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.740(c), the NRC staff (Staff) moves the Licensing Board to issue a protective order protecting the Staff against discovery sought by "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone Secind [ sic ] Set of Interrogatories and Request for Production Directed to Nuclear Regulatory Commission Staff," dated May 19, 2000.

II. DISCUSSION

In its Prehearing Conference Order (Granting Request for Hearing), *Northeast Nuclear Energy Company* (Millstone Nuclear Power Station, Unit 3), LBP-00-02, 51 NRC 25 (2000), the Licensing Board established May 30, 2000, as the closing date for discovery in this proceeding. Subsequently, the Board issued a Memorandum and Order (Schedule for Proceedings), April 19, 2000, in which it set a schedule for the filing of written summaries (June 30, 2000) and for oral argument (July 19, 2000), which schedule was premised on the May 30, 2000, discovery completion date that had been established.

On May 19, 2000, without having sought the Board's leave to file discovery requests out of time and without any showing of good cause for filing such a request, Citizens Against

Millstone/Long Island Coalition Against Millstone filed their "Secind [ sic ] Set of Interrogatories and Request for Production Directed to the Nuclear Regulatory Commission Staff."

Pursuant to the Commission's regulations in 10 C.F.R. § 2.740b(b), answers to interrogatories are due fourteen days after service. Five days are added where service is by first class mail. 10 C.F.R. § 2.710. Thus, a response to interrogatories filed May 19, 2000, would be due June 7, 2000. This date is deeyond the date for completion of discovery established by the Board.

#### CONCLUSION

For the reasons discussed, the Staff requests the Board to issue a protective order providing that the untimely discovery sought by Connecticut Coalition Against Millstone/Long Island Coalition Against Millstone not be had.

Respectfully submitted,

Ann P. Hodgdon  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 25<sup>th</sup> day of May, 2000

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NORTHEAST NUCLEAR ENERGY COMPANY ) Docket No. 50-423-LA-3  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR PROTECTIVE ORDER CONCERNING UNTIMELY DISCOVERY REQUEST" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system or; by deposit in the Nuclear Regulatory Commission's internal mail system with copies by electronic mail, as indicated by an asterisk; or by E-mail as indicated by a double asterisk, followed by a conforming copy via first-class mail this 25<sup>th</sup> day of May, 2000.

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