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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 00 MAY 31 P3:32

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

OFFICE OF THE
ATTORNEY GENERAL
ADJUTANT GENERAL

CONNECTICUT COALITION AGAINST MILLSTONE AND
LONG ISLAND COALITION AGAINST MILLSTONE'S
REPLY TO NORTHEAST NUCLEAR ENERGY COMPANY'S
MOTION FOR PROTECTIVE ORDER
REGARDING UNTIMELY DISCOVERY REQUEST

The Connecticut Coalition Against Millstone ("CCAM") and Long Island Coalition Against Millstone ("CAM") (collectively, "Intervenors") reply herewith to the Motion for Protective Order dated May 22, 2000 submitted on behalf of Northeast Nuclear Energy Company ("NNACO").

The Intervenors reply as follows:

(1) The Intervenors concede untimeliness of their discovery request. However, such request is occasioned in part by evasive or incomplete information provided by NNECO or its representatives in these discovery proceedings.

For example, the Intervenors noticed and took the deposition of Michael C. Jensen, a NNECO employee, on May 11, 2000, in large part in reliance upon Mr. Jensen's sworn affidavit (appended to NNECO's Response to the Intervenors' First Set of Interrogatories dated April 4, 2000) that he supplied information in response to the Intervenors' Interrogatory Number F-1 which concerns fuel mishandling errors at Millstone and his asserted knowledgeability regarding the Millstone spent fuel pools.

Template = SECY-041

SECY-02

Although NNECO's response to Intervenors' Interrogatory Number F-1 identifies eleven (11) instances of fuel mishandling errors at Millstone, when he was questioned at deposition as to the sources relied upon to compile such response, Mr. Jensen testified that he did not compile the list, he could not identify all persons who assisted in compiling the list, and he could not identify the criteria or processes pursuant to which such compilation occurred.

Needless to say, Mr. Jensen's candor as to his lack of knowledgeability about the compilation of the list, while refreshing, was not a substitute for the information sought by the Intervenors. The present Third Set of Interrogatories was submitted in part to address some of the issues which Mr. Jensen was unable to answer, notwithstanding that he was NNECO's designated representative as to interrogatory Number F-1.

Having conceded untimeliness, yet having presented cause for the delay, the Intervenors would not object to an amendment of the Atomic Safety and Licensing Board Panel's scheduling order to provide NNECO with additional time to comply with the Intervenors' Third Set of Interrogatories and Request for Production. The Intervenors would recognize and agree that the scheduling order will not be correspondingly adjusted with regard to the briefing schedule.

(2) NNECO further objects that the scope of discovery now sought is overly broad. However, the discovery requests have been submitted consistent with the scope of the admitted contentions. The Intervenors represent that they are properly entitled to

the discovery sought. However, in order to eliminate any unnecessary burden on NNECO, the Intervenors would be amenable to reviewing such items as the control room operator logs, reactor engineering logs and fuel handling logs for refueling outages at a convenient location at the Millstone Nuclear Power Station, thereby negating the need for photocopies of all requested documents. The Intervenors strongly stand on their request to review such logs.

(3) With regard to FSAR materials, they are no longer maintained in a Public Document Room in the Town of Waterford, Connecticut, nor are they maintained nor kept secure at the Three Rivers Community College, as was once the case. The Intervenors, again, would be amenable to reviewing said documents at the Millstone Station and making copies there as appropriate.

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

By:



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ADJUDICATED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's Reply to Northeast Nuclear Energy Company's Motion for Protective Order Regarding Untimely Discovery Request" in the above-captioned proceedings was served on May 24, 2000 by deposit in the U.S. Mail, first class, to the following:

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