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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
USNRC

In the Matter of

NORTHEAST NUCLEAR ENERGY
COMPANY, et. al.

(Millstone Nuclear Power Station,
Unit 2)



Docket NRC MAY 16 1993
(Spent Fuel Pool Design)

April 30, 1993

CCMN MOTION FOR LEAVE TO COMPEL AND MOTION TO COMPEL NNECO AND
NRC TO FULLY RESPOND TO CCMN'S DISCOVERY REQUESTS.

and

CCMN MOTION FOR VARIANCE IN SCHEDULE FOR FILING RESPONSE TO
LISCENEE'S SUMMARY DISPOSITION MOTION.

We believe we were duly diligent in the construction and presentation of our interrogatories submitted for the discovery process. Our expert has provided tremendous detail, and we believe our requests to be reasonable and prudent. However, without certain materials and/or information which NNECO has objected to providing, we are unable to properly respond to the statements of fact that NNECO will be presenting on May 7 when they file their motion for summary disposition.

Additionally, we failed to follow up and ask the Licensing Board for a motion to compel NECCO and the NRC to fully respond to our interrogatories because we misinterpreted the time frame in which we were to file our objections to their objections to our inquires.

We do not believe any delays will prejudice their case since NNECO has already been granted the Amendment in question. We need to be afforded the opportunity to receive full responses to our questions. We do believe that without access to the Keno programs and other programs that were used for predicting the K_{eff} and methods and materials used for determining the margin of safety afforded by Boraflex, we will not be able to properly respond to the NNECO summary disposition motion.

Also, because of the technical nature of the contention currently accepted before this board, all scheduling should include the availability of Dr. Kaku. Because of previous failure of the board to recognize this need, the partial responses to our discovery questions came at a time which gave him almost no time to review pertinent material. His teaching schedule will not enable him to give us the benefit of his expertise until June.

For the reasons heretofore presented, it is absolutely necessary that he have access to the Keno programs that were used by NNECO

and the NRC to check the K_{eff} calculations and have made available to him any other materials or programs which were used in this process. We also require that he be given sufficient time in June to run the program(s) as a check of the NRC and NNECO runs.

Objections were made by NNECO against making available to us the programs and input data used by Holtec for performing their calculations due to propriety. Dr. Kaku has indicated to us his need for this material and has stated to us his willingness to abide by the confidentiality of such propriety.

If our motion to compel is not accepted, then all we can do is move forward with what we have, prejudiced by its incompleteness.

Therefore, CCMN, Inc. hereby petitions the Atomic Licensing and Safety Board for leave to move that NNECO and the NRC be compelled to provide full responses to our discovery questions #1 and #2 of December 5, 1992. Such responses must include making available all materials and programs pertinent to the compilation of such information presented by NNECO and the NRC as material facts relating to the redesign of the Millstone II spent fuel pool.

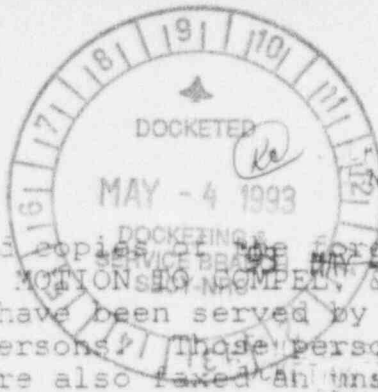
CCMN, Inc. also moves that the Board extend the period of time that we have to respond to the NNECO summary disposition motion, which they have stated will be filed on May 7, from May 29 to June 29 to allow our expert to properly evaluate the validity of the information presented by NNECO and NRC as material facts.

We further feel, at this time, it is fully appropriate for CCMN, Inc. to be provided with the list of witnesses NNECO and the NRC plan to have testify on their behalf.

Thank you for your consideration in the above matters.

Sincerely,

Mary Ellen Marucci
MARY ELLEN MARUCCI
Coordinator, CCMN, Inc.



I hereby certify that signed copies of the foregoing CCMN REQUESTS FOR LEAVE TO FILE, MOTIONS TO COMPEL, & MOTIONS FOR VARIANCE OF RESPONSE TIMES have been served by first class U.S. Mail on all the following persons. Those persons whose names are followed by a fax number were also faxed an unsigned copy.

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Dated at New Haven, CT
this 3rd day of May, 1993

Mary Ellen Marucci
Coordinator, CCMN, Inc.