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February 9, 1993

VIA FEDERAL EXPRESS

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Jerry R. Kline
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Washington, D.C. 20555

Re: NORTHEAST NUCLEAR ENERGY COMPANY, Millstone Nuclear
Power Station, Unit No. 2, Docket No. 50-386-OLA
(Spent Fuel Pool Design) 336

Dear Administrative Judges:

This letter will document various discussions and informal agreements between counsel for Northeast Nuclear Energy Company ("NNECo") and Mary Ellen Marucci of Citizens Cooperative Monitoring Network ("CCMN") regarding pending discovery matters.

As you are aware, on December 18, 1992, NNECO filed Interrogatories and Requests for Production of Documents by CCMN. Pursuant to the Licensing Board's previous scheduling order in this matter, a response was required of CCMN by January 21, 1993. However, on or about that date, CCMN informally requested of counsel for NNECo and the NRC Staff an extension of time to file a response until February 1, 1993. NNECo granted that request and understands that counsel for the NRC Staff did likewise.¹

¹ In granting the request, we at the time requested that Ms. Marucci notify the Licensing Board of this development, of CCMN's reasons for the delay, and NNECo's consent to more time. Ms. Marucci agreed to take this step, but subsequently, apparently has been unable to do so.

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January 7, 1993

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Nonetheless, for a variety of reasons explained to NNECo's counsel in conversations late last week, CCMN did not meet the new February 1, 1993 deadline. CCMN now expects to be able to respond this week. (In addition, it should be noted that CCMN has stated that it will not respond to some of the questions, preferring instead to have Dr. Kaku respond during his deposition. NNECo can generally accept this position, but remains entitled to a response to the remainder of its discovery requests -- on a schedule that will allow some review prior to the upcoming deposition.)

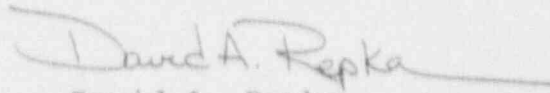
NNECo, in the spirit of cooperation in discovery matters, has accepted CCMN's newly proposed schedule. However, NNECo cannot -- in light of CCMN's record in this proceeding -- be entirely confident that the schedule will be met. Under the NRC's Rules of Practice, a motion to compel a response would be due on February 11, 1993, assuming ten days to file from the initially agreed upon extended date of February 1, 1993. See 10 C.F.R. 2.740(f). NNECo does not desire to file a motion to compel unnecessarily and would as soon avoid the paperwork.

Accordingly, in a conversation yesterday with Ms. Marucci, NNECo agreed to allow CCMN until February 12, 1993 to respond to the pending NNECo discovery request. CCMN, for its part, agreed to waive any argument regarding timeliness of a motion to compel if NNECo should later need to file such a motion to compel a response. CCMN also agreed that we would document these matters in a letter to the Licensing Board.

Unless the Licensing Board has an objection to this agreement, NNECo will not file a motion to compel on Thursday, February 11, 1993. We will await CCMN's response. If the Licensing Board wishes to proceed on any other path, we request that the Licensing Board advise the parties.

On a separate matter, the upcoming deposition of Dr. Kaku remains scheduled for February 22, 1993 at 10:30 a.m. in New York City. CCMN has confirmed this date. The parties have agreed to resolve the matter of Dr. Kaku's fee among themselves.

Respectfully submitted,


David A. Repka

Counsel for Northeast
Utilities

cc: Service List