

RAS-1582

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF THE
ADMINISTRATIVE
ADJUTANT GENERAL

CONNECTICUT COALITION AGAINST MILLSTONE AND
LONG ISLAND COALITION AGAINST MILLSTONE'S
FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION
DIRECTED TO NORTHEAST NUCLEAR ENERGY COMPANY

In accordance with the schedule established in the Atomic Safety and Licensing Board ("Licensing Board") Prehearing Conference Order (Granting Request for Hearing) (LBP-00-02), issued on February 9, 2000, the Connecticut Coalition Against Millstone ("CCAM") and Long Island Coalition Against Millstone ("CAM") (collectively, "Intervenors") to: (1) answer this first set of interrogatories fully, in writing, and under oath, within 14 days after service of this request pursuant to 10 C.F.R. §2.740b; and (2) produce the documents requested below within 30 days after service of this request pursuant to 10 C.F.R. §2.741(d).

I. DEFINITIONS AND INSTRUCTIONS

A. Scope of Discovery

These interrogatories and document production requests cover all information in the possession, custody and control of NNECO, including information in the possession of employees, agents, representatives, investigators, attorneys, consultants or other persons directly or indirectly employed or retained by them or voluntarily working with them, or anyone else acting on NNECO's

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behalf or otherwise subject to its control. The discovery sought by this request encompasses material contained in, or that might be derived or ascertained from, the personal files of NNECO's employees, agents, representatives, investigators, attorneys, consultants, or other persons directly or indirectly employed or retained by it or voluntarily working with it, or anyone else acting on NNECO's behalf or otherwise subject to its control.

B. Lack of Information

If NNECO currently lacks information to answer any interrogatory completely, please state:

1. the responsive information currently available;
2. the responsive information identified but currently unavailable;
3. when NNECO anticipates receiving such information currently unavailable.

Each of the following requests is a continuing one requiring supplementation pursuant to 10 C.F.R. §§2.740(e)(1)-(2). Intervenors request that, in the event NNECO obtains or discovers any additional information that is responsive to any discovery request, NNECO promptly supplement its responses to these requests.

C. Objections

In the event that NNECO objects to any interrogatory or document production request under claim of privilege, immunity, or for any other reason, please indicate the reason for asserting the objection, the person on whose behalf the objection is asserted, and describe the factual basis for asserting the objection in sufficient detail so as

to permit Intervenors to consider, and the Licensing Board to ascertain, the validity of such objection.

D. Privilege Log

For any document covered by this request that is withheld under a claim of privilege, immunity, or for any other reason, please furnish a privilege log identifying each document for which the privilege, immunity or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and their affiliation, the subject matter of the document, and the basis for asserting the privilege, immunity or other reason.

E. NNECO

NNECO, "you" and "your" refer to any branch, department, division, or other organized entity of NNECO, including its employees, agents, representatives, investigators, attorneys, consultants, or other persons directly or indirectly employed or retained by it or voluntarily working with it, or anyone else working on its behalf or otherwise subject to its control.

F. Documents

"Documents" means the compete original or a true, correct and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, or any data compilation, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical, or electronic records or representation of any kind) including, but not limited to, any writing, letter, telegram, facsimile, meeting minutes, meeting

notes, memorandum, statement, computer file, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, database, data processing card, printout, microfilm or microfiche, interoffice and intraoffice communications, instructions, reports, demands, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, indices, notebooks, personel notes, diary entries, electronic mail, notes of interview, communication, contracts, any other agreements, data compilations, and all other writings and papers similar to any of the foregoing, however designated by you, including all drafts of such documents. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

G. Date

"Date" means the specific day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the basis for such approximation.

H. Discussion

"Discussion" means communication of any kind, including, but not limited to, any spoken, written, or signed form of communication.

I. Person

"Person" means any individual, association, group, corporation, partnership, joint venture, or any other business or legal entity.

J. Describe or Identify

The words "describe" or "identify" shall have the following meanings:

1. In connection with a person, the words "describe" or "identify" mean to state the name, last known business address, last known business telephone number, and last known place of employment and job title;

2. In connection with a document, the words "describe" or "identify" mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the name of the author of the document, the name of each person or entity signing or approving the document, the date on which the document was prepared, signed, and/or executed, and any other information necessary to adequately identify the document;

3. In connection with an entity other than a natural person (e.g., corporation, partnership, limited partnership, association, institution, etc.), the words "describe" or "identify" mean to state the full name, address and telephone number of the principal place of business of such entity; and

4. In connection with any activity, occurrence, or communication, the words "describe" or "identify" mean to describe the activity, occurrence, or communication, the date of its occurrence, the identity of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence or communication.

II. GENERAL INTERROGATORIES

A. Interrogatory G-1

Identify each person who supplied information for responding to these interrogatories and requests for the production of documents. Specifically note the interrogatories for which each such person supplied information. For requests for production, note the contention for which each such person supplied information.

B. Interrogatory G-2

For each admitted contention, identify each person whom NNECO expects to provide sworn affidavits and declarations for the written filing for the Subpart K proceeding and each person who would testify in any subsequent evidentiary hearing. For each person identified, describe that person's professional affiliation, address, area of professional expertise, qualifications, and educational and scientific experience. Also, describe the general subject matter on which each person is expected to provide sworn affidavits or testimony in the proceeding.

C. Interrogatory G-3

For each person identified under Interrogatory G-2, provide a list of all publications authored by the expert within the preceding 10 years, and a listing of any other cases in which the expert has testified as an expert at a trial or hearing, or by deposition within the preceding four years.

III. SPECIFIC INTERROGATORIES

A. Contention 4: "Undue and Unnecessary Risk to Worker and Public Health and Safety"

Interrogatory No. 4-1: Please identify any and all documents on which NNECO intends to rely in support of its position regarding Contention 4.

Interrogatory No. 4-2: Please identify any and all actual events, at Millstone Station or elsewhere, on which NNECO intends to rely in support of its position regarding Contention 4.

B. Contention 5: "Significant Increase in Probability of Criticality Accident"

Interrogatory No. 5-1: Please identify any and all documents on which NNECO intends to rely in support of its position regarding Contention 5.

Interrogatory No. 5-2: Please identify any and all actual events, at Millstone Station or elsewhere, on which NNECO intends to rely in support of its position regarding Contention 5.

C. Contention 6: "Proposed Criticality Control Measures Would Violate Nuclear Regulatory Commission Regulations"

Interrogatory No. 6-1: Please identify any and all documents or citations to documents on which NNECO intends to rely in support of its position regarding Contention 6.

Interrogatory No. 6-2: Please identify any and all actual events, at Millstone Station or elsewhere, on which NNECO intends to rely in support of its position regarding Contention 6.

D. FSAR

Interrogatory D-1: Please identify the complete table of contents of the Final Safety Analysis Report (FSAR) for the Millstone Station.

E. Systems and Procedures

Interrogatory E-1: Please identify the systems and procedures used at Millstone for planning, implementing and overseeing the management, movement and placement of fresh and spent fuel.

Interrogatory E-2: Please identify the systems and procedures used at Millstone for planning, implementing and overseeing control

of concentrations of soluble boron in fuel pool water.

Interrogatory E-3: Please identify all documents pertaining to Interrogatory E-1 and E2.

Interrogatory E-4: Please identify the names of NNECO personnel responsible for the systems and procedures, and their planning, implementing and overseeing, regarding fresh and spent fuel.

F. Errors

Interrogatory No. F-1: Please identify all instances of errors (at Millstone or other nuclear plants) in managing, moving, placing or tracking fresh or spent fuel and all documents pertinent thereto.

Interrogatory No. F-2: Please identify all instances of errors (at Millstone or other nuclear plants) in managing the concentration of soluble boron in fuel pool water and all documents pertinent thereto.

Interrogatory No. F-3: Please identify all instances of errors (at Millstone or other nuclear plants) in criticality calculations and all documents pertinent thereto.

Interrogatory No. F-4: Please identify all instances of unplanned leakage from spent fuel pools at Millstone and all documents pertinent thereto.

Interrogatory No. F-5: Please identify all instances of unplanned deposits of debris in spent fuel pools at Millstone and all documents pertinent thereto.

G. Probabilities and Consequences of Accidents

Interrogatory G-1: Please identify all analyses related to the probabilities and consequences of potential criticality incidents and accidents in fuel pools.

H. Regulatory Requirements

Interrogatory H-1: Please identify all documents related to regulatory requirements for pool storage of fuel, including the requirements imposed by GDC 62.

I. Criticality Calculations

Interrogatory I-1: Please identify all available spent fuel pool criticality calculations for Millstone, including calculations of K under different conditions and assumptions.

J. Potential Events Involving Soluble Boron Dilution

Interrogatory J-1: Please identify all analyses of potential events involving dilution of soluble boron in Millstone and all documents pertinent thereto.

IV. GENERAL DOCUMENT PRODUCTION REQUESTS

A. Request No. G-1

All documents that are identified, or referred to, in responding to all of the above interrogatories.

B. Request No. G-2

All documents (including experts' opinions, work papers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to the written filing and oral argument that NNECO intends to use in this Subpart K proceeding on each admitted contention.

V. SPECIFIC DOCUMENT PRODUCTION REQUESTS

A. Contention 4: "Undue and Unnecessary Risk to Worker and Public health and Safety"

Request No. 4-1: All documents (including industry event reports,

deviation reports and the like) that NNECO will rely on as a basis to object to the contention that the proposed administrative controls will result in an increased probability of a criticality accident in the Millstone Unit 3 SFDP.

Request No. 4-2: All documents that refute the increased likelihood that NNECO will violate k_{eff} of -0.95 or 1.00 if the proposed administrative controls are implemented.

B. Contention 5: "Significant Increase in Probability of Criticality Accident"

Request No. 5-1: All documents that NNECO will rely on to object to the contention that changing the Millstone Unit 3 Technical Specification to require 800 parts per million of soluble boron in the SFSP only during fuel movements increases the probability of a criticality accident.

Request No. 5-2: All documents that support NNECO's objection that the mispositioning of fuel in the Millstone SFSP is a "likely event."

Request No. 5-3: All documents concerning the potential for boron dilution in the Millstone Unit 3 SFSP, including the:

- (a) mechanism to accomplish boron dilution, including, but not limited to, the source and quantity of water required to accomplish the dilution;
- (b) basis for assumptions that boron dilution could not credibly occur, including whether such an event would be noticed and terminated; and
- (c) criticality analyses identifying boron dilution limits required to achieve criticality.

**C. Contention 6: "Proposed Criticality Control Measures
Would Violate Nuclear Regulatory Commission Regulations"**

Request No. 6-1: All documents that NNECO will rely on to object to the contention that the use of enrichment and burnup limits for criticality control in spent fuel pools, implemented in part by administrative controls, is not permitted by General Design Criterion ("GDC") 62.

Request No. 6-2: All documents relied upon by NNECO concerning the interpretation of GDC 62 regarding the use of enrichment and burnup limits for criticality control in spent fuel pools.

Request No. 6-3: All documents that state, imply or infer that the Nuclear Regulatory Commission ("NRC") agrees or disagrees with the NRC Staff's position on the use of burnup credit for criticality control in SFSPs, including the NRC Staff's position on the use of burnup credit in Reg. Guide 1.13.

Request No. 6-4: All documents that state, imply or infer that the NRC might be uninformed or unaware of the NRC Staff's position on the use of burnup credit for criticality control in SFSPs, including the NRC Staff's position in Reg. Guide 1.13.

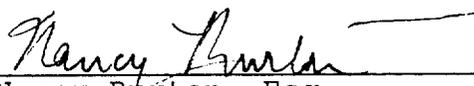
Request No. 6-5: All documents that state, imply or infer that the NRC might be informed or aware of the NRC Staff's position on the use of burnup credit for criticality control in SFSPs, including the NRC Staff's position in Reg. Guide 1.13.

Respectfully submitted,

CT Coalition Against Millstone
[LI] Coalition Against Millstone

Dated at Redding CT
this 21st day of March 2000

By:



Nancy Burton, Esq.
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Redding Ridge CT 06876

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF THE SECRETARY
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555

CERTIFICATE OF SERVICE

I hereby certify that copies of Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's First Set of Interrogatories and Requests for Production have been served on the following by deposit in the United States Mail, first class, this 21st day of March, 2000.

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Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington DC 20555
(Attn: Rulemakings and
Adjudications Staff)
(original + 2 copies)

Adjudicatory File
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington DC 20555

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