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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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 FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO CONNECTICUT COALITION AGAINST MILLSTONE
AND LONG ISLAND COALITION AGAINST MILLSTONE

Pursuant to 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, NRC staff (Staff) hereby requests the Connecticut Coalition Against Millstone (CCAM) and the 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

1. The word "document" as used herein shall mean any written or recorded matter, whether produced, reproduced or stored on paper, cards, tapes, disks, film, e-

mail, computer storage devices or any other medium and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, diaries, plans, charts, diagrams, drawings, periodicals, lists, telephone logs, recordings, minutes, photographs, negatives, computer printouts, legal pleadings (other than those filed in this proceeding), and any published materials, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

2. The word "communication" shall mean correspondence, contact, discussion, or any other kind of written, electronic or oral exchange between two or more persons or entities including, but not limited to, all telephone conversations, face-to-face meetings or conversations, visits, conferences, internal and external discussions, and exchange of a document or documents or e-mail.

3. "Concerns," "concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

4. "Relate" or "relating to" means pertaining to, recording, evidencing, setting forth, reflecting, referring to, discussing, showing, disclosing, describing, explaining, summarizing, concerning, or regarding.

5. "Identify" when used in reference to a natural person means to set forth the following: his name; his present or last known residential address and telephone number; his present or last known business address and telephone number; his employer; his title or position; his area of responsibility; and his business, professional, or other relationship with the Intervenor or other parties. If any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

6. "Identify" when used in reference to a corporation or other entity that is not a natural person shall mean to set forth the following:

- a. the full name of such entity, including its legal name and any assumed or trade names under which it transacts or has transacted business;
- b. the nature or form of such entity, if known;
- c. the address and telephone number of the entity's principal place of business or the principal place where such entity is to be found;
- d. whether the Intervenor has or has had a relationship or affiliation with such entity, its affiliates or subsidiaries, and, if so, a description of such relationship;

- e. the persons presently or formerly employed by or associated with that entity who have the principal knowledge concerning the subject matter in question; and
- f. if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

7. "Identify" when used in reference to a document shall mean to set forth the following: its title; its subject matter; its date; its author; its addressee (including the designated recipient, "cc" and "bcc" recipients, and the like); its file designation or other identifying designation; and its present location and present custodian.

8. "Identify" with respect to a contact or communication shall mean to set forth the following:

- a. the date of the communication;
- b. the type and means of communication;
- c. the substance of the communication;
- d. each person making the communication, and his location at the time the communication was made;
- e. each person to whom the communication was made, and his location at the time the communication was made;

- f. all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
- g. each document concerning or relating to such communication; and
- h. each document upon which the communication is based or which is referred to in the communication.

9. "Possession, custody or control" includes actual and constructive possession, custody and control. Any document which is not in a person's immediate physical possession, but in regard to which the person has a right to compel production from a third person, or which is otherwise subject to the control of the person in question, is within the person's "possession, custody or control."

10. The words "you" or "your" as used in herein shall mean Intervenors, Connecticut Coalition Against Millstone, CCAM, Long Island Coalition Against Millstone, CAM and any member, agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

II. INSTRUCTIONS

1. Each interrogatory shall be answered separately and fully, in writing and under oath or affirmation, and shall include all pertinent information available to you, your officers, employees, directors, advisors, representatives, or counsel, based upon the

personal knowledge of the person answering. The production of the documents requested herein shall take place at the offices of the U.S. Nuclear Regulatory Commission in Rockville, Maryland, unless other arrangements for inspection and copying are mutually agreed to by the parties.

2. To the extent that you do not have specific, complete and accurate information with which to answer any interrogatory, you should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

3. Each interrogatory and document request shall be deemed to be continuing, and you are requested timely to supplement your answers with additional facts, documents, information, and names of witnesses which become known, in accordance with 10 C.F.R. § 2.740(e)(1) and (2) of the NRC's Rules of Practice.

4. The word "and" and "or" shall be construed either in the conjunctive or in the disjunctive so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

5. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

6. Wherever appropriate, the word "his" shall include "her" or "their," and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

7. Please produce each document requested herein in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

8. Documents produced in compliance with this request should be accompanied with an indication as to the particular paragraph(s) or questions under which the documents are being produced.

9. If you object to or claim a privilege (attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seek to withhold documents or information because of the alleged proprietary nature of the data, please identify the information or document, set forth the nature of the privilege or objection asserted and the underlying factual basis for the objection or claim of privilege, and respond to the remainder of the interrogatory or document request.

10. For any document or part of a document that was at one time, but is no longer, in your possession, custody, or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefor, and identify

each person having knowledge concerning such disposition or loss and the contents of the document.

III. GENERAL INTERROGATORIES

1. Identify all persons whom you expect or intend 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 proceeding. For each such person, identify the subject matter and substance of his anticipated testimony.

2. State the name, business address, and job title of each person who supplied information for responding to these interrogatories and requests for production of documents. Specifically note for which interrogatories each such person supplied information. For requests for production, note for which contention each such person supplied information. Provide a statement of qualification, resume or *curriculum vitae* for each such person.

IV. SPECIFIC INTERROGATORIES

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

1. Define "administrative control." Make specific reference to all documents, records, statements or sources which support your definition.

2. Define "physical protection." Make specific reference to all documents, records, statements or sources which support your definition.

3. Define "configuration." Make specific reference to all documents, records, statements or sources which support your definition.

4. Specify the basis, including all facts and circumstances, for your position that the licensee has a history of not being able to adhere to administrative controls with respect to the spent fuel pool (SFP) configuration. Make specific reference to all relevant incidents, documents, records, statements, or other sources which support your position.

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

1. Specify the basis, including all facts and circumstances, for your statement that the applicant's evaluation demonstrates that a single movement error can result in criticality unless there is soluble boron in the SFP water. (Tr. at 107). Make specific reference to all documents, records, statements or sources which support your position.

2. Define "misposition." Make specific reference to all documents, records, statements or sources which support your definition.

3. Identify any and all actual mispositionings or misplacements of fuel assemblies at SFPs which have gone undetected, and please identify your basis for concluding there is a nexus between any or all actual mispositionings and an increase in the probability of a criticality accident at the Millstone Unit 3 SFP. Make specific reference to all documents, records, statements or sources which support your position.

4. Identify any and all actual mispositionings or misplacements of fuel assemblies in SFPs which have resulted in criticality. Make specific reference to all documents, records, statements or sources which relate to your answer.

5. Identify any and all boron dilution or boron loss events which have resulted in criticality in SFPs. Make specific reference to all documents, records, statements or sources which relate to your answer.

6. Identify the boron loss event cited on page 100 of the prehearing conference transcript, as to name of plant and date. Specify the cause, the amount of boron lost, the duration of the event, the actions taken and the result. Make specific reference to all documents, records, statements or sources which relate to your answer.

C. Contention 6: "Proposed Criticality Control Measures Would Violate NRC Regulations"

1. Specify the basis, including all facts and circumstances, for your position that credit for administrative measures is not permitted under General Design Criterion (GDC) 62 for the prevention of criticality (Tr. at 134). Make specific reference, including pinpoint citations to particular page numbers where applicable, to all documents, records, statements or sources which support your position.

2. Explain, in detail and with reference to specific examples, your position that there are two classes of administrative measures: "those that are made over a finite time and after having been made are no longer necessary;" and "administrative measures that are required on an ongoing basis." (Tr. at 139). Make specific reference, including

pinpoint citations to particular page numbers where applicable, to all documents, records, statements or sources which support your position.

3. Specify the basis, including all facts and circumstances, for your position that only those administrative measures "that are made over a finite time and after having been made are no longer necessary" are permissible under GDC 62 for the prevention of criticality.

V. EXPERTS

1. Identify each and every expert who will provide sworn affidavits or declarations for the written filing for the Subpart K proceeding , including each expert's name, affiliation, business address and telephone number.

2. For each expert named in the answer to General Interrogatory 1 , state (a) the subject matter and substance of his/her testimony, (b) the facts and opinions upon which that testimony will be based, (c) the grounds for each opinion, and (d) any authorities and/or treatises upon which the expert relies.

3. Identify all persons from whom you, or any of your agents, servants or employees, have taken statements. Specify (a) when the statement was taken; (b) where the statement was taken; (c) who took the statement; (d) whether the statement was reduced to writing; (e) who has possession of the statement; and (f) the substance of the statement.

4. Identify all persons, you, or any of your agents, servants or employees, have interviewed. Specify (a) the date of the interview; (b) where the interview occurred; (c) who was present during the interview; (d) whether the interview was recorded or reduced to writing, including notes; (e) who is in possession of the recording or writing; and (f) the substance of the interview.

VII. GENERAL DOCUMENT PRODUCTION REQUESTS

1. For each expert named in the answer to General Interrogatory 1, a complete copy of his/her *curriculum vitae*, resume or professional qualifications.

2. All expert reports, including all data, authorities and treatises relied upon in preparing the report. Specify whether each report or treatise was subject to peer review.

3. The Staff requests that CCAM and CAM produce all documents requested by, and provided to the Applicant pursuant to Northeast Nuclear Energy Company's First Set of Interrogatories and Requests for Production of Documents Directed to Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone.

VII. SPECIFIC DOCUMENT PRODUCTION REQUESTS

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

1. All documents related to the definition of "administrative control." Specify the exact line(s), paragraph(s), page(s) or section(s) relevant to the definition.

2. All documents related to the definition of "physical protection." Specify the exact line(s), paragraph(s), page(s) or section(s) relevant to the definition.

3. All documents related to the definition of "configuration." Specify the exact line(s), paragraph(s), page(s) or section(s) relevant to the definition.

4. All documents related to your position that the licensee will be unable to adhere to administrative controls with respect to the SFP due to a history of inability to comply with administrative controls. All documents referenced in the answer to Specific Interrogatory A.3. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your position.

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

1. All documents related to your answer to Specific Interrogatory B.1, including, but not limited to, all documents relating to your position that a single movement error will cause criticality unless there is soluble boron present in the SFP water. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your position.

2. All documents related to your answer to Specific Interrogatory B.2. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

3. All documents that relate to your position that the Applicant's evaluations showed that a single fuel movement error is a credible event (Tr. at 104).

4. All documents that relate to the basis for your assumption that the boron concentration level in the spent fuel pool could drop. (Tr. at 106).

5. All documents demonstrating that "the history of the industry does support that there is . . . a likelihood of a misplacement of more than one fuel assembly." (Tr. at 119).

6. All records that include reports of misloaded fuel assemblies. (Tr. at 106).

7. All documents supporting your statement that "there is a rather dismal history of mispositioning fresh fuel assemblies in the spent fuel pools." (Tr. at 108).

8. All documents supporting your position that mispositioning of fuel assemblies is a likely event. (Tr. at 108).

C. Contention 6: "Proposed Criticality Control Measures Would Violate NRC Regulations"

1. All documents related to your answer to Specific Interrogatory C.1. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

2. All documents related to your answer to Specific Interrogatory C.2. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

3. All documents related to your answer to Specific Interrogatory C.3.

Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

Respectfully submitted,



Brooke D. Poole
Counsel for NRC staff

Dated at Rockville, Maryland
this 24th day of March 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

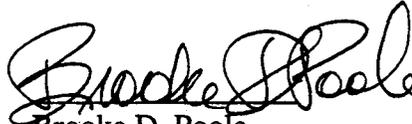
In the Matter of)
)
)
NORTHEAST NUCLEAR ENERGY COMPANY) Docket No. 50-423-LA-3
)
(Millstone Nuclear Power Station, Unit No. 3))

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with § 2.713(b), 10 C.F.R., Part 2, the following information is provided:

Name: Brooke D. Poole
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Admissions: Maryland
Court of Appeals for the District of Columbia
Circuit
Name of Party: NRC Staff

Respectfully submitted,


Brooke D. Poole
Counsel for NRC Staff

Dated at Rockville, Maryland
this 24th day of March, 2000

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USNRC

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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-LA3
)
(Millstone Nuclear Power Station, Unit No. 3))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND COALITION AGAINST MILLSTONE" and "NOTICE OF APPEARANCE" for Brooke D. Poole 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 of 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 24th day of March, 2000:

Charles Bechhoefer, Chairman*
Administrative Judge
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Washington, DC 20555-0001
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Dr. Richard F. Cole*
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