RAS 3796

RELATED CORRESPONDENCE

December 20, 2001

DOCKETED
USNRC

January 18, 2002 (10:40AM)
OFFICE OF SECRETARY

RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
Dominion Nuclear Connecticut, Inc.	)	Docket No. 50-423-LA-3
	)	
(Millstone Nuclear Power Station, Unit No. 3)	)	ASLBP No. 00-771-01-LA-R
	)	

DOMINION NUCLEAR CONNECTICUT, INC.'S RESPONSE TO INTERVENORS' SECOND SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION IN THE REOPENED PROCEEDINGS

I. Introduction

In accordance with the directives of the Atomic Safety and Licensing Board ("Licensing Board") in its November 5, 2001, Memorandum and Order (Telephone Conference Call, 10/31/01; Schedules for Proceeding), and the rules and procedures of 10 C.F.R. Part 2, Dominion Nuclear Connecticut, Inc. ("DNC") hereby responds to the Second Set of Interrogatories and Request for Production in the Reopened Proceeding filed by the Connecticut Coalition Against Millstone ("CCAM") and Long Island Coalition Against Millstone ("CAM") (collectively, "Intervenors").

II. Request for Interrogatories

1. Re: United States Nuclear Regulatory Commission, Technical Study of Spent Fuel Accidents at Decommissioning Plants, October 2000.

   Please provide the following information regarding attributes identified by the Technical Study as necessary to achieve high levels of human reliability for responding to potential spent nuclear fuel pool accident scenarios at Millstone, whether these attributes have been achieved and the date(s) by which such have been achieved:

Template=SECY-035

SECY-02

(a) Draft and final analyses of cask drop accidents at spent fuel pools;

(b) The installment and deployment of single-failure-proof cranes for handling of heavy loads;

(b) [1]Written and formalized procedures and training of personnel to ensure that onsite and offsite resources can be brought to bear during a spent fuel pool accident;

(c) Proof of the availability of diesel driven fire pumps required for offsite replenishment of spent fuel pool water;

(d) Written and formal procedures to establish communication between onsite and offsite organizations during severe weather or seismic events;

(e) A written and formal offsite resource plan that includes access to portable pumps and emergency power to supplement onsite resources and identifies organizations and suppliers where offsite resources could be obtained in a timely manner;

(f) Documentation demonstrating the deployment of spent fuel instrumentation including temperature, radiation levels, water chemistry, water levels, equipment failure diagnostics, readouts and alarms in the control room (or wherever cognizant personnel are stationed);

(g) Proof of the installation of self limiting spent fuel seals or other engineered features so that drainage cannot occur, that could cause leakage and lead to fuel unrecovery;

(h) Written and formal procedures and administrative controls to reduce the likelihood of rapid drain down events such as (1) prohibitions on the use of pumps that lack adequate siphon protection; (2) controls for pump suction and discharge points; and periodic verification of the functionality of anti-siphon devices;

(i) An onsite restoration plan to provide repair of spent fuel cooling and chemistry control systems; to provide access to makeup water to the spent fuel pool; and to

[1] The mis-numbering of the Intervenors' Request for Interrogatories is reproduced herein.

provide for remote realignment of the makeup source to the spent fuel pool without requiring entry to the refuel floor;

(j) Written and formal procedures to control spent fuel operations that have the potential to rapidly decrease spent fuel pool inventory, such as necessary additional operations of management reviews, the presence of management for designated operations and administrative limitations (i.e. restrictions on heavy load movements);

(k) Written and formal procedures for the routine testing of the alternative fuel pool makeup system components as well as administrative controls for equipment out of service, and the timely availability of needed components;

(l) Written and formal procedures relative to the frequency and specifics of walk downs of spent fuel pool systems;

(m) Procedures to give fuel handlers guidance on the capability and availability of onsite and offsite inventory makeup sources and on the time available to utilize these resources for various loss of cooling events;

(n) The presence of control room instrumentation that provides alarms calling for offsite resources and for declaring a general emergency.

Response: Licensee objects to this discovery request on the grounds that the information sought is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. The requested information exceeds the defined scope of the reopened proceeding which "is limited to the procedures or controls for management of the SFPs and their modes of execution that may be common to Millstone-1 and Millstone-3." *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Unit No. 3), Memorandum and Order (CCAM/CAM Motion for Reconsideration of LBP-01-1) (May 10, 2001) (slip op. at 15).

More precisely, the issue in the reopened proceeding is whether the causes and contributing factors leading to loss of accountability of special nuclear material in the form of individual fuel rods in the 1970s and 1980s at Millstone Unit 1 bear on the procedures at issue in this proceeding relating to a license amendment authorizing regional storage of spent fuel assemblies (based on reactivity limits) at Unit 3.

Contrary to this limited focus, this interrogatory seeks information related to the technical study of postulated spent fuel accidents at plants that have been decommissioned or are undergoing decommissioning, not operating

plants such as Millstone Unit 3. Moreover, this interrogatory is based upon a technical study that addressed a broad range of issues well beyond the limited issue of fuel rod movement and hence the narrow scope of the contention here.

III. Request for Production

1. Please produce the last report prepared by the licensee and filed with the NRC in 1980 inventorying the missing spent fuel rods.

   Response: This document will be provided.

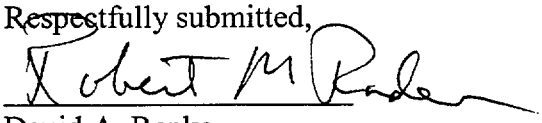
2. Please provide a complete list of low-level radioactive waste contractors and their business addresses used by Northeast Nuclear Energy Company from 1972 to the present time.

   Response: Licensee objects to this discovery request on the grounds that the information sought is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

3. Please produce all documents substantiating the responses to Interrogatory 1, a through n.

   Response: See objection to Interrogatory No. 1.

Respectfully submitted,



David A. Repka
Robert M. Rader
Donald P. Ferraro
WINSTON & STRAWN
1400 L Street, NW
Washington, D.C. 20005–3502

Lillian M. Cuoco
DOMINION NUCLEAR CONNECTICUT, INC.
Millstone Power Station
Building 475/5
Rope Ferry Road (Route 156)
Waterford, CT 06385

Counsel for Dominion Nuclear Connecticut, Inc.

Dated in Washington, D.C.
this 20th day of December 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
Dominion Nuclear Connecticut, Inc.	)	Docket No. 50-423-LA-3
	)	
	)	ASLBP No. 00-771-01-LA-R
(Millstone Nuclear Power Station, Unit No. 3)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Dominion Nuclear Connecticut, Inc.'s Response to Intervenors' Second Set of Interrogatories and Request for Production in the Reopened Proceedings" in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 20th day of December 2001. Additional e-mail service has been made this same day as shown below.

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: cxb2@nrc.gov)

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: rfc1@nrc.gov)

Dr. Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(e-mail: cnk@nrc.gov)

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemakings and Adjudications Staff
(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Ann P. Hodgdon, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(e-mail: aph@nrc.gov)

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, L.L.P.
1726 M Street, N.W.
Suite 600
Washington, DC 20036
(e-mail: dcurran@harmoncurran.com)

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge, CT 06876
(e-mail: nancyburtonesq@hotmail.com)

Donald P. Ferraro

Donald P. Ferraro
Counsel for DNC, Inc.

240048.3