

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
DOMINION NUCLEAR CONNECTICUT, INC.)	
)	
(Millstone Nuclear Power Station,)	Docket No. 50-423-LA-3
Unit No. 3))	
)	

NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS DIRECTED
TO INTERVENORS IN THE REOPENED PROCEEDING

INTRODUCTION

Pursuant to the schedule established in the Atomic Safety and Licensing Board's November 5, 2001, Memorandum and Order (Telephone Conference Call, 10/31/01; Schedules for Proceeding) and 10 C.F.R. §§ 2.740b and 2.741 of the Commission's regulations, the NRC staff (Staff) hereby requests that the Connecticut Coalition Against Millstone ("CCAM") and Long Island Coalition Against Millstone ("CAM") (collectively, "Intervenors") (1) respond to the following interrogatories and (2) produce, for inspection and copying, the documents requested below.

Each interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to Intervenors, their officers, employees, directors, advisors, associates, representatives, consultants, spokespersons or counsel, based upon their personal knowledge, unless it is objected to, in which event the reasons for objection shall be stated in full. The answers shall be signed by the person making them, and the objections by the attorney making them. The production of documents requested herein shall take place at the Office of the General Counsel, 11555 Rockville Pike, Rockville, MD, unless other arrangements are made, by agreement, in this regard. Documents produced may be copies, or may be originals sent to Staff Counsel for copying and return.

GENERAL INSTRUCTIONS

1. To the extent that Intervenors do not have specific, complete, and accurate information with which to answer any interrogatory, Intervenors 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.

2. Each interrogatory and request for production shall be deemed to be continuing, and Intervenors are required seasonably to supplement 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).

3. The words "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

4. 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.

5. Please produce a copy of each document requested 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.

6. If Intervenors object to or claim a privilege (*e.g.*, 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 or other nature of the data, please set forth all reasons and the underlying factual basis for the objection or claim of privilege in sufficient detail to permit the Atomic Safety and Licensing Board to determine the validity of the objection or claim of privilege. This description by Intervenors should include, with respect to any document:

- a. author, addressor, addressee, and recipients of indicated and "blind" copies together with their job titles;
- b. date of preparation;
- c. subject matter;
- d. purpose for which the document was prepared;
- e. all persons to whom distributed, shown, or explained;
- f. present custodian;
- g. all persons believed to have a copy of the document;
- h. the nature of the privilege or objection asserted.

7. For any document or part of a document that was at one time, but is no longer, in Intervenors' 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 or produced and the reasons therefore, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

8. Documents produced in compliance with this request should be accompanied by an indication as to the particular paragraph(s) of the Staff's discovery request under which the particular document(s) are being produced.

**DEFINITIONS AND GUIDELINES TO BE USED
IN RESPONDING TO THESE DISCOVERY REQUESTS**

A. "Communication" shall mean correspondence, contact, discussion, or any other 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 exchanges of documents or e-mails.

B. "Computer file" means all computer files, disks and diskettes of whatever type without regard to the manner in which the file is stored.

C. "Consultant" means any person who provides professional, scientific, or technical input, advice and/or opinion to Intervenors, whether that person is employed specifically for this case or is a regular employee or official of Intervenors.

D. "Document" or "writing" as used herein shall mean any written matter, whether produced, reproduced or stored on paper, cards, tapes, disks, belts, charts, film, computer file, 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, electronic mail, diaries, plans, diagrams, drawings, periodicals, lists, telephone logs, minutes, photographs, and any published materials and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

E. "Identify" when used in reference to a natural person means to set forth the following:

1. his/her name;
2. his/her last known residential address;
3. his/her last known business address;
4. his/her last employer;
5. his/her title or position;
6. his/her area of responsibility;
7. his/her business, professional, or other relationship with Intervenors; and

8. if any of the information is 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.

F. "Identify" when used in reference to a document shall mean to set forth the following:

1. its title;
2. its subject matter;
3. its date;
4. its author;
5. its addressee (including the designated recipient, "cc" and "bcc" recipients, and the like);
6. its file designation or other identifying designation, and
7. its present location and present custodian.

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

1. the date of the communication;
2. the type and means of communication;
3. the substance of the communication;
4. each person making a communication, and his/her location at the time the communication was made;
5. each person to whom the communication was made, and his/her location at the time the communication was made;
6. all other persons present during, participating in, or receiving the communication, and the location of each such person at the time;

7. each document concerning or relating to such communication; and
8. each document upon which the communication is based or which is referred to in the communication.

H. "Intervenors" means Connecticut Coalition Against Millstone (CCAM) and Long Island Coalition Against Millstone (CAM) and its members, officers, directors, employees, agents, servants, representatives, attorneys, consultants or other persons directly or indirectly employed or retained by Intervenors, or anyone else assisting, acting on behalf of, or otherwise subject to the direction or control of Intervenors.

I. "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."

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

GENERAL INTERROGATORIES

GENERAL INTERROGATORY NO. 1:

Identify each person who was consulted and/or who supplied information in responding to these interrogatories and requests for the production of documents. Indicate for which specific interrogatories and requests for production each person was consulted and/or supplied information.

GENERAL INTERROGATORY NO. 2:

With regard to Reopened Contention 4, identify each person Intervenor intend or expect to (1) provide sworn affidavits or declarations for the written filing for this Subpart K proceeding and (2) call as a witness to testify in any related subsequent evidentiary proceeding.

For each person Intervenor expect to provide sworn affidavits or declarations for the written filing for this Subpart K proceeding or expect to call as an expert witness: (a) state the details of each witness's education, employment history, and asserted area of expertise; (b) state the subject matter on which each of the witnesses is expected to provide expert testimony; (c) describe the facts and opinions to which each witness is expected to provide expert testimony, including a summary of the grounds for each opinion; and (d) identify all documents, data, or other information which each witness has reviewed and considered or is expected to rely on for his or her testimony. For purposes of answering this interrogatory, the details of each witness's education and employment history may be provided by a resume attached to Intervenor's response, in conjunction with the response to General Document Request No. 2, *infra*.

GENERAL DOCUMENT REQUESTS

The Staff requests that Intervenor produce the following documents directly or indirectly within their possession, custody or control to the extent not previously produced in this proceeding:

GENERAL DOCUMENT REQUEST NO. 1:

For each person identified in response to General Interrogatory No. 1, *supra*, a copy of his/her statement of professional qualifications, resume, or *curriculum vitae*.

GENERAL DOCUMENT REQUEST NO. 2:

For each person identified in response to General Interrogatory No. 2, *supra*, a copy of his/her statement of professional qualifications, resume, or *curriculum vitae*.

GENERAL DOCUMENT REQUEST NO. 3:

All documents identified in response to General Interrogatory No. 2, *supra*, including, but not limited to, any documents containing data or other information which any witness identified in response to General Interrogatory No. 2 has reviewed and considered or is expected to rely on for his or her testimony. Specify the exact line(s), paragraph(s), page(s) or section(s) reviewed and considered by the witness or expected to be relied on by the witness for his or her testimony.

GENERAL DOCUMENT REQUEST NO. 4:

All documents in your possession, custody or control identified, referred to, related to, relied on, or used in any way in responding to the following interrogatories in this document.

SPECIFIC INTERROGATORIES

REOPENED CONTENTION 4

INTERROGATORY NO. 1:

To the extent that Intervenors assert that the loss of accountability of the two individual spent fuel rods at Millstone Unit 1 bears upon the adequacy of administrative controls or procedures currently in place at the Millstone Unit 3 spent fuel pool, identify and fully explain all bases for such assertion.

INTERROGATORY NO. 2:

Identify other instances, if any, of which Intervenors are aware, in which spent nuclear fuel rods or rod segments have been lost, misplaced, or otherwise unaccounted for, and identify the source(s) of such knowledge, including, but not limited to, any communications and/or documents upon which such knowledge is based.

SPECIFIC DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

All documents related to your answer to Specific Interrogatory No. 1, *supra*. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

DOCUMENT REQUEST NO. 2:

All documents related to your answer to Specific Interrogatory No. 2, *supra*. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

Respectfully submitted,

/RA/

Ann P. Hodgdon
Counsel for NRC Staff

/RA/

Martin J. O'Neill
Counsel for NRC Staff

Dated at Rockville, Maryland
this 25th day of January, 2002

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))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS DIRECTED TO INTERVENORS IN THE REOPENED PROCEEDING" in the above-captioned proceeding have been served on the following through deposit in the NRC's internal mail system, or by deposit in the NRC's internal mail system with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service as indicated by a double asterisk, with copies by electronic mail as indicated, this 25th day of January, 2002:

Charles Bechhoefer, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail copy to CXB2@nrc.gov.)

Dr. Charles N. Kelber*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail copy to CNK@nrc.gov.)

Dr. Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail copy to RFC1@nrc.gov.)

Office of the Secretary
ATTN: Rulemaking and Adjudications Staff
Mail Stop: O 16C-1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail copy to HEARINGDOCKET@nrc.gov.)

Office of the Commission Appellate
Adjudication
Mail Stop: O 16C-1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Lillian M. Cuoco, Esq. **
Dominion Nuclear Connecticut, Inc.
Millstone Power Station
Building 475/5
Rope Ferry Road (Route 156)
Waterford, Connecticut 06385
(E-mail copy to Lillian_Cuoco@dom.com.)

Nancy Burton, Esq. **
147 Cross Highway
Redding Ridge, CT 06876
(E-mail copy to
nancyburtonsq@hotmail.com.)

Adjudicatory File
Atomic Safety and Licensing Board Panel
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

David A. Repka, Esq. **
Donald P. Ferraro
Counsel for Dominion Nuclear
Connecticut, Inc.
Winston & Strawn
1400 L. Street N.W.
Washington, D.C. 20005-3502
(E-mail copy to drepka@winston.com.)

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
(E-mail copy to
dcurran@harmoncurran.com)

/RA/

Ann P. Hodgdon
Counsel for NRC Staff