

RELATED CORRESPONDENCE

May 31, 2002

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

Before Administrative Judges:

Thomas S. Moore, Chairman

Charles N. Kelber

Peter S. Lam

June 13, 2002 (1:03PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)	
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 0-70-03098-ML
)	
(Savannah River Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 01-790-01-ML
)	

**GEORGIANS AGAINST NUCLEAR ENERGY
AND BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE
FIRST SET OF INTERROGATORIES TO
DUKE COGEMA STONE & WEBSTER**

Pursuant to the Atomic Safety and Licensing Board's ("ASLB's") order dated April 30, 2002, Georgians Against Nuclear Energy ("GANE") and Blue Ridge Environmental Defense League ("BREDL") hereby submit their first set of interrogatories to Duke Cogema Stone & Webster ("DCS") regarding DCS's proposed construction of a Mixed Oxide ("MOX") fuel facility at the Savannah River Site. GANE and BREDL request that DCS answer the following Interrogatories separately, fully, in writing, and under oath by June 28, 2002.

I. INSTRUCTIONS

1. Scope of Discovery. These interrogatories cover all information in the possession, custody and control of DCS, including information in the possession of

officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on DCS=s behalf or otherwise subject to its control. The discovery sought by this request encompasses information known by DCS employees, representatives, investigators, and agents, and information that may be derived from all documents in their possession.

2. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state:

1. The responsive information currently available;
2. The responsive information currently unavailable;
3. Efforts which you intend to make to secure the information currently unavailable; and
4. When you anticipate receiving the information currently unavailable.

3. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and GANE and BREDL hereby demand that, in the event that at any later date DCS obtains or discovers any additional information which is responsive to these interrogatories, DCS shall supplement its responses to this request promptly and sufficiently.

Such supplementation shall include, but not be limited to:

1. the identity and location of persons having knowledge of discoverable matters;
2. the identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is

expected to testify, and the substance of her/his testimony; and

3. new information which makes any response hereto incorrect.

4. Objections. If you object to or refuse to answer any interrogatory under a claim of privilege, immunity, or for any other reason, please indicate the basis for asserting the objection, privilege, immunity or other reason, the person on whose behalf the objection, privilege, immunity, or other reason is asserted, and describe the factual basis for asserting the objection, privilege, immunity, or other reason in sufficient detail so as to permit the administrative judges in this matter to ascertain the validity of such assertion.

5. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each interrogatory which follows:

1. "DCS," "Applicant," "you," and "your" refers to Duke Cogema Stone & Webster and its officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by DCS, or anyone else acting on its behalf or otherwise subject to their control.

2. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or

over which you have the ultimate right to custody or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, telegrams, telexes, wiring instructions, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions, reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. 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.

3. "All documents referring or relating to" means all documents that in whole or in part constitute, contain, embody, reflect, identify, state, interpret, discuss, describe, explain, apply to, deal with, evidence, or are in any way pertinent to a given subject.

4. The words "describe" or "identify" shall have the following meanings:
- a. In connection with a person, the words "describe" or "identify" mean to state the name, last known home and business address, last known home and business telephone number, and last known place of employment and job title;

- b. 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 date, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared, signed, and/or executed, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document;
- c. 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.
- d. 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 identify 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.

5. "Date" shall mean the exact 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.

6. The word "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

7. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

8. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.

9. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

10. The word "physical" means of or pertaining to that which is material.

III. INTERROGATORIES

A. GENERAL INTERROGATORIES

GENERAL INTERROGATORY NO. 1. State the name, business address, and job title of each person who supplied information for responding to these interrogatories, requests for admission, and requests for the production of documents. Specifically note for which interrogatories and requests for admissions each such person supplied information. For requests for production, note for which contention each such person supplied information.

GENERAL INTERROGATORY NO. 2. For each admitted GANE and BREDL contention, identify all individuals you intend to call as witnesses. For each of these individuals, give the following information. For purposes of answering subparts (a) and (b) of this interrogatory, the educational and scientific experience of expected expert witnesses may be provided by a resume of the person attached to the response.

- a. Name, employer, business address and telephone number;
- b. Current profession, areas of professional expertise, and educational and scientific experience;
- c. Whether the individual is to be called as a fact witness or an expert witness;
- d. Subject matter of the witness's testimony;

GENERAL INTERROGATORY NO. 3. For each expert witness identified in response to General Interrogatory No. 2, provide a list of all publications authored by the expert within the preceding ten years, and a listing of any other cases in which the expert has testified as an expert at a trial, hearing or by deposition within the preceding four years.

B. SPECIFIC INTERROGATORIES

GANE CONTENTIONS 1 AND 2 (Consideration of Safeguards and Physical Protection in Facility Design)

Background: At a meeting of the Advisory Committee on Reactor Safeguards ("ACRS") on November 16, 2001, members of the NRC Staff provided information to the ACRS about security measures planned for the MOX Facility. (The ADAMS number for the transcript is ML013380365.) NRC Staff member Nancy Fragoyannis presented the ACRS with viewgraphs entitled "Physical Security." The meeting was transcribed.

The following interrogatories relate to statements made in the viewgraphs or recorded in the meeting transcript.

INTERROGATORY NO. 1.

- a. Identify all physical security measures for the proposed MOX facility that have been proposed for consideration by the NRC.
- b. For each such measure, explain whether it is a design feature of the facility, or an operational feature.
- c. If you assert that any measure identified in response to (a) is not a design feature of the MOX facility, please explain your rationale.

INTERROGATORY NO. 2. The third viewgraph refers to “Defense in depth: multiple barriers, alarms, communications, response.”

- a. Please describe all multiple barriers, alarms, and communication systems that DCS plans or proposes to use at the MOX Facility.
- b. Identify all documents in which the items identified in response to (a) are described.
- c. For any document identified in response to (b) above, was the document submitted to the NRC? If so, how and when was it submitted?

INTERROGATORY NO. 3. The fourth viewgraph states: “DCS presented detailed physical protection plan/protective strategy to NRC.”

- a. Please describe DCS’s detailed physical protection plan/protective strategy.
- b. Identify all documents in which the information identified in response to (a) are described.

- c. For any document identified in response to (b) above, was the document submitted to the NRC? If so, how and when was it submitted?

INTERROGATORY NO. 4. The fourth viewgraph states “Physical protection, T&Q and contingency plans approved by NRC.”

- a. Explain what T&Q means.
- b. Please describe physical protection, T&Q and contingency plans.
- c. Identify all documents in which the information identified in response to (b) are described.
- d. For any document identified in response to (c) above, was the document submitted to the NRC? If so, how and when was it submitted?
- e. How and when did the NRC approve the physical protection, T&Q and contingency plans?

INTERROGATORY NO. 5. The fifth viewgraph lists the following:

- Dual perimeter fences with isolation zone
- Vehicle barriers at the perimeter
- Perimeter intrusion detection and assessment system (PIDAS) with sufficient illumination
- Hardened central alarm station, independent secondary alarm station
- Volumetric alarms for unoccupied areas

- a. Describe the features identified in the bullets above.
- b. Identify all documents that describe the information described in the bullets above.
- c. How and when was the information described in the bullets above submitted to the NRC?
- d. Has NRC approved any of the features described in the bullets above?

INTERROGATORY NO. 6. The sixth viewgraph refers to “occupied access control point,” and “MAAs locked and alarmed, access limited and controlled.”

- a. Describe these measures.
- b. Identify all documents in which the measures identified in response to (a) are described.
- c. Explain how and when the information described in response to (a) was submitted to the NRC.
- d. Has NRC approved any of the features described above?

INTERROGATORY NO. 7. The tenth viewgraph states that: “MOX Facility, in addition to meeting NRC regs. – must meet certain DOE ‘Landlord’ requirements.”

- a. To your knowledge, what DOE “Landlord” requirements must DCS meet?
- b. Upon what is your understanding of DOE Landlord requirements based?
- c. Have you been presented with a Memorandum of Understanding between NRC and DOE regarding the MOX Facility, or have the terms of a proposed MOU been discussed with you?
- d. If your answer to (c) is yes, please identify all documents and/or other communications in which an MOU or proposed MOU has been described to you.

INTERROGATORY NO. 8. The tenth viewgraph states that “DCS plan meets and in some areas exceeds NRC regs.” Please explain what aspects of the DCS plan exceed NRC regs.

INTERROGATORY NO. 9. The tenth viewgraph refers to “current threat estimates.”

- a. Describe current threat estimates and how and by whom they were generated.
- b. Identify all documents in which current threat estimates are described.

INTERROGATORY NO. 10. Identify all communications with NRC, including their content, regarding any existing or proposed changes to the design basis threat following the events of September 11, 2001.

INTERROGATORY NO. 11. Identify all communications with NRC, including their content, regarding the imposition of or consideration of additional security measures at the MOX Facility in response to the events of September 11, 2001.

INTERROGATORY NO. 12. What physical aspects of the Materials Control and Accounting Design Basis have you submitted to the NRC?

INTERROGATORY NO. 13. At page 171 of the transcript of the November 16, 2001, ACRS meeting, Tom Pham of the NRC Staff states that: "At this stage, the staff found that the overall approach and the physical aspects of the DCS MC&A design basis, that they are adequate."

- a. What is the Materials Control and Accounting design basis?
- b. Identify all documents in which the MC&A design basis is described.
- c. For all documents identified in response to (b) above, which have been submitted to the NRC?
- d. For all documents identified in response to (c) above, describe how and when they were submitted to the NRC.
- e. Describe how and when DCS obtained approval of the MC&A design basis, including all documents and conversations which document this approval.

INTERROGATORY NO. 14. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the concerns raised in GANE Contentions 1 and 2.

GANE CONTENTION 3 (Seismic Design)

INTERROGATORY NO. 15. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the concerns raised in GANE Contention 3.

INTERROGATORY NO. 16. Please provide references for all tables and figures at pages 1.3.6-27 through 1.3.6-35 of the Construction Authorization Request (“CAR”).

In addition, please provide the following information:

- a. In particular, identify the catalogues that were consulted for each table and figure.
- b. How were any conflicts between catalogues resolved in producing Table 1.3.6-1, Table 1.3.6-2, Table 1.3.6-3?

INTERROGATORY NO. 17. Please explain how GANE can obtain copies of the following references to the CAR seismic analysis that are not available on the Westinghouse website:

Bledsoe, H.W., R.K. Aadland, and K. S. Sargent, 1990.
Geomatrix Consultants, 1991
Housner, G.W., 1968
Lee, R.C., 1994
Lee, R.C., 1996
Lee, R.C., et al., 1997
Lee, R.C., 1998
Stieve, A.L. et al., 1994
Stokoe, K.H., et al., 1995
URS/John A. Blume and Associates, 1982.
WSRC (Westinghouse Savannah River Company), 1992.
WSRC, 1997a

WSRC, 1999a
WSRC, 1999b
WSRC, 1999c
WSRC, 2000a
WSRC, 2000b

INTERROGATORY NO. 18. In the CAR, DCS asserts that it “evaluated the relationship between geologic structure and seismic sources within the general site region.” Identify all of the documents and/or individuals you consulted for this evaluation, and how they contributed to your evaluation.

GANE CONTENTIONS 5 AND 8/BREDL CONTENTION 9A (Controlled Area Boundary)

INTERROGATORY NO. 19. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the any of the concerns raised in GANE Contention 5 or BREDL Contention 9A.

INTERROGATORY NO. 20. Describe all arrangements DCS has made with the DOE regarding DCS control over the controlled area as described in the CAR.

GANE CONTENTION 6 (Safety Analysis)

INTERROGATORY NO. 21. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the concerns raised in GANE Contention 6.

GANE CONTENTION 9 (Cost Comparison)

INTERROGATORY NO. 22. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the concerns raised in GANE Contention 9.

GANE CONTENTION 11/BREDL CONTENTION 1E (Aqueous Polishing Waste Stream)

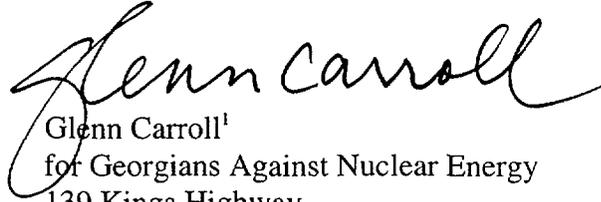
INTERROGATORY NO. 23. Identify all documents issued by DCS subsequent to August 13, 2001, which you believe address or resolve the concerns raised in GANE Contention 11/BREDL Contention 1E.

INTERROGATORY NO. 24. Identify all documents containing information about La Hague waste generation that is relevant to estimating the waste generation at the aqueous polishing line in the MFFF.

INTERROGATORY NO. 25. Does DCS have or contemplate any agreement with DOE regarding the High Alpha Waste Solidification Project/Program?

- a. Please describe any agreement identified above.
- b. Identify any documents that describe any agreement identified above.
- c. For any documents identified in (a) and (b), have the documents been supplied to NRC staff?

Respectfully submitted,



Glenn Carroll¹
for Georgians Against Nuclear Energy
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404-378-4263

Dated May 31, 2002
in Decatur, Georgia

¹ This pleading was prepared with substantial assistance from GANE's legal adviser, Diane Curran.

CERTIFICATE OF SERVICE
by Georgians Against Nuclear Energy
(Docket # 70-3098, ASLBP # 01-790-01-ML)

I hereby certify that copies of GANE's and BREDL's Interrogatories re the MOX facility were e-mailed to the following with hard copies served by First Class U.S. Mail.

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Respectfully submitted,


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May 31, 2002 in Decatur, Georgia