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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)	
)	
VERMONT YANKEE NUCLEAR)	Docket No. 50-271-OLA-4
POWER CORPORATION)	(Operating License
)	Extension)
(Vermont Yankee Nuclear)	
Power Station))	

STATE OF VERMONT
MOTION TO COMPEL ANSWERS TO
DOCUMENT PRODUCTION REQUESTS
(VERMONT SET NO. 3)

Pursuant to 10 C.F.R. § 2.740(f), Vermont moves that the Atomic Safety and Licensing Board ("Board") enter an order compelling the licensee, Vermont Yankee Nuclear Power Corporation ("Vermont Yankee"), to give proper responses to and to allow discovery of those of its "Document Production Requests Propounded by the State of Vermont to the Vermont Yankee Nuclear Power Corporation (Set No. 3)" as are set forth herein. The document production requests were served by mail on July 24, 1990; the responses were served by mail on September 14, 1990. By stipulation the time within which this motion was due was enlarged to October 12, 1990.

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I. General Arguments

A. Vermont Yankee Has Waived Its Right To Object

The purpose of Vermont's "Document Production Requests Propounded by the State of Vermont to the Vermont Yankee Nuclear Power Corporation (Set No. 3)" was to gain access to inspect and copy documents identified in response to Vermont Interrogatories Set No. 2 and Set No. 3. In both its responses to Interrogatories Set No. 2 and Set No. 3, the licensee made the following statement:

"General Response Regarding Documents: In each case in which a document is identified hereinafter to be available, the documents will be produced for inspection and copying ... on a date and at a time to be agree upon by counsel."

Answers of Vermont Yankee Nuclear Power Corporation to Interrogatories Propounded by the State of Vermont (Set No. 2) at 1, Filed July 3, 1990. Yet when such documents were subsequently requested in Vermont document production request Set No. 3, the licensee refused to produce them. For example, in response to Vermont Interrogatory (Set No. 2) No. 16c, the licensee identified "mobil oil analysis reports" and "PM Visi-cards" without objection. Yet when asked for these documents in Vermont Document Request Set No. 3 Request No. 8, the licensee objected.

Vermont Yankee cannot now object to documents it has already agreed to produce. If it had an objection, it should have made it in response to Vermont Interrogatories Set Nos. 2 and 3. Having failed to object at that time and having promised to provide documents identified in response to Vermont Set Nos. 2 and 3, Vermont Yankee has waived any objection it might have. Therefore Vermont requests the Board to compel the licensee to provide all documents identified in response to

Vermont Interrogatories Set Nos. 2 and 3 and requested in Vermont Requests Set No. 3¹.

B. Institute of Nuclear Power Operations (INPO) Documents

The licensee objects numerous times to providing documents which are related in some manner to the Institute of Nuclear Power Operations (INPO). Vermont has shown this objection to be without merit in its "Motion to Compel Answers to Document Production Request (Vermont Set No. 2), July 5, 1990, and incorporates those arguments here by reference.

The requested INPO documents present findings, conclusions, recommendations, strengths, weaknesses, deviations and violations which are specifically relevant to this proceeding. Vermont agrees to receive them under protective order of nondisclosure should the Board determine they involve the candor of an INPO source or insights as to root causes of events and experiences which are frequently found to involve human error.

¹ The clear meaning of the licensee's phrase "identified hereinafter to be available" is that any document which has been identified or used in response to an interrogatory is considered to be available. Licensee certainly does not offer its "General Response Regarding Documents" to apply to a null set. However, in response to Vermont Interrogatory (Set No. 34c) the licensee states:

"Documentation of all completed in leakage surveillances is available on the completed surveillance procedure forms for these two systems."

(Emphasis added). Yet, when requested by Request No. 23, the licensee objects. This illustrates the licensee's ambiguous intent in the use of the word "available" as it applies to the "General Response Regarding Documents." The only conclusion that can be drawn is the general interpretation given here

Vermont moves that the Board compel the licensee to produce the documents requested in Requests Nos. 34, 35, 36, 37, 38, 40, 43, 44, 45, 46, 47, 49, 52, 54, 55, 58, 61, 63, 65, 70, 74, 76, 79, 81, 84, 92, 94, 98, 101 and 126.

C. The "Programmatic Adequacy" Objection

In response to Request No. 5, the licensee objects to document production, claiming that only documents related to "programmatic adequacy" are discoverable, and not documents related to "details of, or adequacy of performance of" maintenance. The licensee refers to the objection for Request No. 5 in responses to Requests Nos. 8, 11, 15, 18, 20, 23, 26, 27, 28, 31 and 124. This objection should be overruled for the following reasons.

Even if the scope of Contention VII were limited to "programmatic adequacy," which it is not, such adequacy is shown or disputed by investigating the "details" and "adequacy of performance." However, the scope of Contention VII is not limited to programmatic adequacy but may necessarily involve the details of specific maintenance actions resulting in impacts on safety, as stated in argument to compel for Vermont Interrogatory (Set No. 3) No. 4, which argument is incorporated here by reference.

Finally, each of the requests for which the licensee offers this objection is for documents related to Vermont Yankee's predictive maintenance program. Predictive maintenance is specifically relevant since it is the method by which aging components could be determined and replaced before they were found to have aged to a point where they no longer meet plant safety standards, were that possible.

Therefore, the licensee's objection should be overruled, and the Board should compel the licensee to produce the documents requested by Requests Nos. 5, 8, 11, 15, 18, 20, 23, 26, 27, 28, 31 and 124.

D. The Requirement to Make a Diligent Attempt to Respond

The licensee responds to Requests Nos. 52, 55, 63, 70, 76, 81, 92, 94, 98 and 101 with the following form statement:

"Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in response to Interrogatory (Set No. 2) No. XX." (emphasis added)

The reference to the Interrogatory response is a reference to another form statement:

"The [INPO] document was necessarily reviewed. However, we have not been able to determine whether it was commented on or that it was used in the development of the VY Maintenance Program."

Yet the licensee has revealed a program for reviewing industry documents in response to Vermont Interrogatory (Set No. 3) No. 64. It has a "formal process that tracks the review and approval process to completion. The assessment is assigned by the department head to the appropriate technical personnel. The resulting assessment is reviewed and approved by the department head and the next higher level manager."

In light of the response to Interrogatory (Set No. 3) No. 64, some explanation is required. Why were the industry documents referenced in the Interrogatories (which in turn are referenced by Requests Nos. 52, 55, 63, 70, 76, 81, 92, 94, 98 and 101) not reviewed by the method described in Interrogatory No. 64? If these documents were reviewed in this manner, it is hard to believe that there is no documentation extant? The failure to retain such documentation is a concern in and of itself.

To what extent did the licensee attempt to determine the existence of documentation² of review of these industry documents?

Considering the licensee's response to Interrogatory (Set No. 3) No. 64, there is reason to question whether a diligent attempt has been made to determine and produce the documents requested by Requests Nos. 52, 55, 63, 70, 76, 81, 82, 94, 98 and 101. Vermont requests that the Board compel the licensee to make a diligent attempt to determine the requested documents and produce them for inspection and copying.

E. Incomplete Responses

In the responses for Requests Nos. 47, 49, 58, 61, 65, 74, 79 and 84 the licensee has failed to produce complete responses. In each case,

² There can be no confusion regarding the meaning of "document." "Document" is broadly defined in Vermont's Document Requests as follows:

"Document" as used herein is used in its broadest sense as expressed in Rule 34(a) of the Federal Rules of Civil Procedure, and specifically includes copies of every instrument or device by which, through which, or on which information has been recorded, including those reflecting meetings, discussions or conversations: notes; letters; memoranda (including internal Vermont Yankee Nuclear Power Corporation memoranda); manifests; tables; drawings; files; graphs; charts; maps; photographs; deeds; studies; data sheets; notebooks; books; appointment calendars; telephone bills; telephone messages; receipts; vouchers; minutes of meetings; pamphlets; computations; calculations; accounting statements; financial statements; voice recordings; computer printouts and disks; or any other device or media on which or through which information of any type is transmitted, recorded, or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

Vermont Yankee has limited its response to a sub-set of the documents requested, usually a single document. Each request takes the form:

"Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using [an industry document]." (emphasis added)

In response to Request No. 47, the licensee refers to the response to Request No. 41, which in turn grants access to a single document, VY-88-1250-1. However, Request No. 47 asks for all documentation reviewing, commenting upon, or using INPO 85-038, not a single document.

In response to Request No. 49, the licensee grants access to documents identified in response to Vermont Interrogatory (Set No. 2) No. 82(a), which in turn identifies Vermont Yankee's "preventative valve repacking program." However, Request No. 49 asks for all documentation reviewing, commenting upon, or using INPO 83-024, not just the resulting program.

In response to Request No. 58, the licensee refers to the response to Request No. 57, which in turn identifies procedures AP 0028 and AP 0312 which have been provided. However, Request No. 58 asks for all documentation reviewing, commenting upon, or using INPO 84-010, not just the resulting procedures.

In response to Request No. 61, the licensee refers to the response to Request No. 60, which in turn identifies procedures AP 0150 and AP 4000 which have been provided. However, Request No. 61 asks for all documentation reviewing, commenting upon, or using INPO 84-025, not just the resulting procedure.

In response to Request No. 65, the licensee refers to the response to Request No. 88, which in turn identifies procedure AP 0312 which has been provided. However, Request No. 65 asks for all documentation reviewing, commenting upon, or using INPO 87-007, not just the resulting procedure.

In response to Request No. 74, the licensee refers to the response to Request No. 73, which in turn identifies procedure AP 0831 which has been provided. However, Request No. 74 asks for all documentation reviewing, commenting upon, or using INPO 85-026, not just the resulting procedure.

In response to Request No. 79, the licensee refers to the response to Request No. 80, which in turn identifies procedure AP 0021 which has been provided. However, Request No. 79 asks for all documentation reviewing, commenting upon, or using INPO 85-032, not just the resulting procedure.

In response to Request No. 84, the licensee refers to the response to Request No. 83, which in turn grants access to procedure OP 5203 and the Snubber Maintenance Program. However, Request No. 84 asks for all documentation reviewing, commenting upon, or using INPO 86-014, not just the resulting procedure and program.

In each of the responses to Requests Nos. 47, 49, 58, 61, 65, 74, 79 and 84, the licensee has objected that production of all documentation "reviewing, commenting upon, or using," is not sufficiently specific. However, Vermont Yankee has identified a formal program to review and evaluate industry documents (see its response to Interrogatory (Set No. 3) No. 64). It is the products of this formal program, or like products, which Vermont seeks. These products are able to be identified and sufficiently specific. The licensee also objects that the requests are not relevant to Contention VII. The relevance of INPO documents has been argued in Vermont's "Motion to Compel Answers to Document Production Request (Vermont Set No. 2), July 5, 1990, which is incorporated here by reference. Documentation concerning the review of these INPO documents will indicate the degree to which the licensee is aware of and willing to implement industry initiatives into its maintenance program. These objections are without merit and should be overruled.

In addition, Vermont refers to Section I.D above for the argument that a diligent attempt must be made to determine the existence of such documentation.

Since the licensee has failed to provide complete responses to Requests Nos. 47, 49, 58, 61, 65, 74, 79 and 84, the Board should compel Vermont Yankee to produce all the requested documentation reviewing, commenting upon, or using the identified industry documents.

F. Documents not Identified in Interrogatories

A number of Requests refer to Interrogatories for which the licensee has not provided complete and non-evasive responses, sometimes by objection, and for which Vermont has moved the Board to compel proper responses in its "Motion to Compel Answers to Interrogatories (Vermont Set No. 3)," October 5, 1990. Vermont likewise moves the Board to compel complete document production for the subjects of these interrogatories for the reasons stated in its previous motion to compel. These requests are Requests Nos. 107, 108, 109, 121, 124, 126, 129, 131, 132, 136, 137, 152, 153, 154, 159, 160, 161, 162, 164, 172, 174, 176, 177 and 179.

G. Objection Based on Previous Production

In a Requests Nos. 7, 17, 22, 25 and 132 the licensee has either declined production or implied that it will decline production based on an objection that the requested documents were previously made available and should not be made available a second time. This logic is incorrect, because in each case, the requested documents are identified in a response which was made after the previous document production. Thus, the identified documents are new information. Now that Vermont knows that these documents are applicable for the newly identified

purpose, Vermont has a new reason to inspect and copy these documents. The licensee's refusal to make these records available is completely inappropriate. Its objection should be overruled and it should be compelled to produce the requested documents.

II. Specific Document Requests

Request No. 5.

Please produce for inspection and copying the documentation of results of all vibration analyses in the last five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 10.

Objection:

Vermont Yankee objects to this request on the ground that it is believed to be beyond the scope of the contention as admitted by the Licensing Board. In particular, Vermont Yankee understands the Licensing Board to have admitted a contention going (in the particular respects set forth in the "basis") to the programmatic adequacy of the maintenance program with respect to identifying and repairing or replacing components aged to the point of being unsafe during operation beyond the year 2007, not to the details of, or adequacy of performance of, each aspect of maintenance over the past 18 years.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 7.

Please produce for inspection and copying each and every Visi-card PM that specifies requirements for lube oil analysis, as identified in response to Vermont Interrogatory (Set No. 2) No. 16.

Objection:

Vermont Yankee has previously made the entirety of the Visi-card records available to SOV. It respectfully objects to the request that these same records be made available a second time.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.G.

Request No. 8.

Please produce for inspection and copying all Mobil Oil reports of lube oil analysis in the past five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 16.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 11.

Please produce for inspection and copying all documentation of infrared thermography evaluations in the last five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 22. If in response to Vermont Interrogatory (Set No. 2) No. 22 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its objection to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 15.

Please produce for inspection and copying all documentation of spectrography and atomic absorption spectrophotometry evaluations in the past five years, as identified by Vermont Yankee in response to Vermont Interrogatory (Set No. 2) No. 25. If in response to Vermont Interrogatory (Set No. 2) No. 25 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its objection to Request no. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 17.

Please produce for inspection and copying procedure AP 0150, as identified in response to Vermont Interrogatory (Set No. 2) No. 31. If in response to Vermont Interrogatory (Set No. 2) No. 31 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

The request for AP 0150 duplicates Request No. 15 of Set No. 1.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.G.

Request No. 18.

Please produce for inspection and copying all documentation of bearing temperature trending in accordance with the Plant Performance Monitoring Program since October 1, 1989, as identified by Vermont Yankee in response to Vermont Interrogatory (Set No. 2) No. 31.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its objection to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 20.

Please produce for inspection and copying all documentation of age degradation mechanism detection by bearing temperature trending, as identified by Vermont Yankee in response to Vermont Interrogatory (Set No. 2) No. 32.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its objection to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 22.

Please produce for inspection and copying procedures DP 4153 and AP 4116, as identified in response to Vermont Interrogatory (Set No. 2) No. 34.a.

Response:

The request for DP 4153 and AP 4116 duplicates Request No. 15 of Set No. 1. A copy of DP 4153 was requested by SOV and provided by VY on June 20, 1990, and no copy of AP 4116 was requested.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.G.

Request No. 23.

Please produce for inspection and copying all documentation of main condenser and secondary containment leakage surveillances for the past five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 34.c. If in response to Vermont Interrogatory (Set No. 2)

No. 34 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 25.

Please produce for inspection and copying procedures OP 5220, OP 5225, OP 5235, OP 5245 and Maintenance Department Guideline - 480 VAC Switchgear and MCCs, as identified in response to Vermont Interrogatory (Set No. 2) No. 37. If in response to Vermont Interrogatory (Set No. 2) No. 37 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Copies of procedures OP 5220, OP 5225, OP 5235, OP 5245 have previously been offered to SOV for inspection and, if requested, copying (only OP 5220 was requested to be copied and a copy of that procedure was provided on June 22, 1990), and Vermont Yankee respectfully declines to duplicate that process. Vermont Yankee will produce Maintenance Department Guideline-480 VAC Switchgear and MCCs for inspection and copying at the offices of Vermont Yankee Nuclear Power Corporation, Ferry Road, Brattleboro, on a date and at a time mutually agreed upon by counsel for the parties.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.G.

Request No. 26.

Please produce for inspection and copying all documentation of insulation resistance (meggering) evaluations in the past five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 37.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 27.

Please produce for inspection and copying all documentation of age degradation mechanism detection by insulation resistance (meggering) evaluation, as identified in response to Vermont Interrogatory (Set No. 2) No. 38.b.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 28.

Please produce for inspection and copying all documentation of all polarization index evaluations in the past five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 40. If in response to Vermont Interrogatory (Set No. 2) No. 40 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 31.

Please produce for inspection and copying all documentation of eddy current testing the past five years, as identified in response to Vermont Interrogatory (Set No. 2) No. 43.c.

Objection:

Vermont Yankee objects to this request, for the reasons set forth above in its object to Request No. 5.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.C.

Request No. 34.

Please produce for inspection and copying all documentation for usage of the INPO NPRDS data base and its applicability to the Vermont Yankee plant. Documentation should include, but not be limited to, preparation and evaluation of CFARs, as identified in response to Vermont Interrogatory (Set No. 2) No. 49.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation for usage on the INPO NPRDS data base and its applicability to the Vermont Yankee plant" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

If the intent was, in whole or in part, to request documentation access to which is limited by INPO, Vermont Yankee also objects on the grounds set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)" (June 14, 1990), and on the further ground that the request is duplicative of other requests by SOV.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B. The licensee's objection to lack of specificity is without merit. Vermont Interrogatory (Set No. 2) No. 49 requested identification of INPO Component Failure Analysis Reports (CFARs). In response, the licensee offered that Vermont had a "lack of understanding of the INPO NPRDS database." Once stated in a response in that manner, the licensee cannot now claim lack of specificity. Rather, Vermont is seeking information regarding the INPO NPRDS database which the licensee claims Vermont does not understand. Furthermore, Vermont specifically identified in its request "preparation and evaluation of CFARs." Thus, the objection to lack of specificity should be overruled.

This information is needed to determine the means by which the Vermont Yankee maintenance program uses the CFARs to determine and replace aging components before they have aged to a point where they no longer meet the safety standards of the plant. As such, this information is directly relevant to Contention VII, and the relevancy objection should be overruled. The licensee should be compelled to produce the requested documents and information.

Request No. 35.

Please produce for inspection and copying all CFARs, commencing May 1990, for the Vermont Yankee plant, as identified in response to Vermont Interrogatory (Set No. 2) No. 49. If in response to Vermont Interrogatory (Set No. 2) No. 49 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Insofar as Vermont Yankee understands this request, it calls for the production of output products of the INPO NPRDS system, to which Vermont Yankee objects for the reasons set forth in "Object to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No.1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B, and Request No. 34.

Request No. 36.

Please produce for inspection and copying all INPO NPRDS component specific failure rate reports since inception ("approximately mid-1989") for the Vermont Yankee plant. Documentation should include, but not be limited to, reports on uninterruptible power supply and MOVs, as identified in response to Vermont Interrogatory (Set No. 2) No. 49.

Objection:

Insofar as Vermont Yankee understands this request, it calls for the production of output products of the INPO NPRDS system, to which Vermont Yankee objects for the reasons set forth in "Object to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No.1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B, and Request No. 34.

Request No. 37.

Please produce for inspection and copying all details of Vermont Yankee plant component failures that have been reported to INPO for inclusion in the NPRDS data base, as identified in response to Vermont Interrogatory (Set No. 2) No. 50. If in response to Vermont Interrogatory (Set No. 2) No. 50 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B, and Request No. 34.

Request No. 38.

Please produce for inspection and copying all INPO evaluations of maintenance activities at Vermont Yankee, as identified in response to Vermont Interrogatory (Set No. 2) No. 52. If in response to Vermont Interrogatory (Set No. 2) No. 52 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

All such documents are classified in INPO as "Restricted Distribution." Vermont Yankee objects to this request for the reasons set forth in "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B.

Request No. 40.

Please produce for inspection and copying all semi-annual and/or annual reports from INPO showing industry comparisons for performance indicators beginning in 1985, as identified in response to Vermont

Interrogatory (Set No. 2) No. 54. If in response to Vermont Interrogatory (Set No. 2) No. 54 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

All such documents are classified by INPO as "Limited Distribution." Vermont Yankee objects to this request for the reasons set forth in "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B. INPO performance indicator information is currently being evaluated and used by the NRC and the Industry in development of a maintenance performance indicator ("Maintenance Indicator Demonstration Project," AEOD/S804C, May 1990). As such, this same performance indicator information is relevant for Vermont in this proceeding.

Request No. 42.

Please produce for inspection and copying all documentation of the implementation of the recommendations in the INPO report "Assessment of Maintenance Practices at the Vermont Yankee Nuclear Power Station (Reference INPO 85-038); VY-88-1250-1," as identified in response to Vermont Interrogatory (Set No. 2) No. 55.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of the implementation of the recommendations" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII. For the underlying document itself (which was prepared by VYNPC and not INPO), please see the response to Request No. 41.

Argument:

Vermont incorporates by reference its argument in Section I.A.

The licensee's objection that this request is not sufficiently specific is without merit. The licensee has responded concerning implementation of the recommendations from INPO Report, "Assessment of Maintenance Practices at the Vermont Yankee Nuclear Power Station," in response to Vermont Interrogatory (Set No. 3) No. 143. Even if the licensee is unwilling to reveal "all documentation of the implementation of the recommendations," it could have in good faith provided production of the documents identified in response to Vermont Interrogatory (Set No. 3) No. 143. Thus, this objection should be overruled.

The licensee offers no explanation why "documentation of the implementation of the recommendations" of ar. "Assessment of Maintenance Practices at the Vermont Yankee Nuclear Power Station" is not relevant to maintenance Contention VII. Thus, the relevancy objection should be overruled.

The licensee should be compelled to produce the requested documents.

Request No. 44.

Please produce for inspection and copying all INPO assessments of Vermont Yankee since 1980.

Objection:

All such documents are classified by INPO as "Restricted Distribution." Vermont Yankee objects to this request for the reasons set forth in "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B.

Request No. 45.

Please produce for inspection and copying all INPO SOERs, issued since 1980, applicable to Vermont Yankee.

Objection:

All such documents are classified by INPO as "Limited Distribution." Vermont Yankee objects to this request for the reasons set forth in "Object to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to state of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Vermont Yankee, noting that documentation of the disposition of all maintenance-related SOERs has previously been produced for SOV's inspection, further objects to this request on the ground that it is not relevant to the admitted contention.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B. Noting that documentation of the disposition of all maintenance-related SOERs has previously been produced for Vermont inspection, Vermont now states that it cannot evaluate this disposition without the SOERs themselves. The licensee's objection regarding relevancy proves the opposite case, and should thus be overruled.

The licensee should be compelled to produce the requested SOERs.

Request No. 46.

Please produce for inspection and copying all INPO guidelines for maintenance, applicable to Vermont Yankee.

Objection:

All such documents are classified by INPO as "Limited Distribution." Vermont Yankee objects to this request for the reasons set forth in "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument:

Vermont incorporates by reference its arguments in Sections I.A and I.B.

Request No. 47.

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 85-038, "Guidelines for the Conduct of Maintenance at Nuclear Power Stations", as identified in response to Vermont Interrogatory (Set No. 2) No. 79. If Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that Compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Restricted Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objection, but rather expressly relying upon the same, please see the response to Request No. 41, above.

Argument:

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 49.

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 83-024, "Planned Valve Repacking as Preventive Maintenance", as identified in response to Vermont Interrogatory (Set No. 2) No. 82. If Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified in INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing, but rather expressly relying upon the same, Vermont Yankee will produce for inspection and copying at the offices of Vermont Yankee Nuclear Power Corporation, Ferry Road, Brattleboro, on a date and at a time mutually agreed upon by counsel for the parties, the documents constituting the preventative valve repacking program referenced in Vermont Yankee's response to SOV's Interrogatory (Set No. 2) No. 82(a).

Argument:

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 52

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 83-045, "Plant Material Deficiency Identification", as identified in response to Vermont Interrogatory (Set No. 2) No. 83. If Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 83.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 55

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 83-047, "Component Verification and System Validation Guidelines", as identified in response to Vermont Interrogatory (Set No. 2) No. 84. If Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 84.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 58

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 84-010, "Vendor Equipment Technical Information Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 85. If Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power

Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 85.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee refers to SOV to Vermont Yankee's response to the immediately preceding request.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 61

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 84-025, "Operations Surveillance Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 86. If in response to Vermont Interrogatory (Set No. 2) No. 86 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont

Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 86.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee refers SOV to Vermont Yankee's response to the immediately preceding request.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 63

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 84-026, "Setpoint Change Control Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 87. If in response to Vermont Interrogatory (Set No. 2) No. 87 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, and its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Response:

Without waiving the foregoing objection, but rather expressly relying upon the same, please see the response to Interrogatory (Set No. 2) No. 87.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D. Vermont Yankee's reference to Interrogatory No. 87 is apparently to the response to sub-part 87c, "We are not aware of any specific documents."

Request No. 65

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 87-009, as identified in response to Vermont Interrogatory (Set No. 2) No. 88. If in response to Vermont Interrogatory (Set No. 2) No. 88 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to

be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 99.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee refers SOV to Vermont Yankee's response to Request No. 88, below.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 70

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 85-010, "Surveillance and Periodic Task Scheduling Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 90. If in response to Vermont Interrogatory (Set No. 2) No. 90 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the reference document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 90.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 74

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 85-026, "Writing Guideline for Maintenance, Test and Calibration

Procedures", as identified in response to Vermont Interrogatory (Set No. 2) No. 93. If in response to Vermont Interrogatory (Set No. 2) No. 93 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.d

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 93.a., which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee refers SOV to Vermont Yankee's response to the immediately preceding request.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 76

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 85-031, "Guidelines for the Conduct of Technical Support Activities at Nuclear Power Stations", as identified in response to Vermont Interrogatory (Set No. 2) No. 94. If in response to Vermont Interrogatory (Set No. 2) No. 94 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 94.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 79

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 85-032, "Preventive Maintenance", as identified in response to Vermont Interrogatory (Set No. 2) No. 95. If in response to Vermont Interrogatory (Set No. 2) No. 95 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 95.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 94.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 81

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 86-002, "Maintenance History Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 96. If in response to Vermont Interrogatory (Set No. 2) No. 96 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SCV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 96.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 84

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 86-014, "Snubber Maintenance Program", as identified in response to Vermont Interrogatory (Set No. 2) No. 97. If in response to Vermont Interrogatory (Set No. 2) No. 97 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 97.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee refers SOV to Vermont Yankee's response to the immediately preceding request.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.E.

Request No. 86

Please produce for inspection and copying all documentation of Vermont Yankee's performance based training program, as identified in response to Vermont Interrogatory (Set No. 2) No. 98. If in response to Vermont Interrogatory (Set No. 2) No. 98 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII. Vermont Yankee further objects on the grounds that, even if the request were relevant, it is overbroad.

Argument

The licensee should be compelled to produce the requested documents. Information concerning training is specifically relevant through sub-part j of Contention VII, and thus the relevancy objection should be overruled.

The objection that the request is overbroad is likewise without merit. The licensee responded, in part, to Interrogatory (Set No. 2) No. 98:

"INPO 86-018 was used as a cross-reference with VY's performance based training program; portions of the Guideline were used to confirm the sequence of training content."

Of necessity, the licensee had some tangible documentation of "VY's performance based training program" in mind when the interrogatory response was made. Vermont's request specifically references the interrogatory response. Therefore, there can be no valid claim the request is overbroad, and this objection also should be overruled.

Request No. 92

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 88-022, "Vendor Manual Specification and Procurement", as identified in response to Vermont Interrogatory (Set No. 2) No. 101. If in response to Vermont Interrogatory (Set No. 2) No. 101 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retrieved and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power

Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 101.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 94

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 89-009, "Plant Predictive Maintenance", as identified in response to Vermont Interrogatory (Set No. 2) No. 102. If in response to Vermont Interrogatory (Set No. 2) No. 102 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 102.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 98

Please produce for inspection and copying all documentation of Vermont Yankee reviewing, commenting upon, or using INPO Guideline 87-030, "Performance Objectives and Criteria for Corporate Evaluations", as identified in response to Vermont Interrogatory (Set No. 2) No. 104. If in response to Vermont Interrogatory (Set No. 2) No. 104 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to

be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 104.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 101

For each and every Vermont Yankee employee (direct or contract) and Yankee Atomic Electric Corporation employee (direct or contract) who reviewed, commented on, or used INPO Guideline 85-002, "The Accreditation of Training in the Nuclear Power Industry" in the development of Vermont Yankee's maintenance program, as identified in response to Vermont Interrogatory (Set No. 2) No. 105, please produce for inspection and copying all personnel files, including, but not limited to, performance evaluations, ratings by supervisors, qualification records, and training records and test scores.

Objection:

Vermont Yankee objects to this request on the ground that the term "all documentation of Vermont Yankee reviewing, commenting upon, or using" is not sufficiently specific to permit Vermont Yankee to determine what documents are requested to be retried and produced. Vermont Yankee further objects on the ground that the request does not appear to be relevant to Contention VII.

To the extent that compliance with this request would necessarily disclose the contents of the referenced document, which is classified by INPO as "Limited Distribution," Vermont Yankee further objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective Order (INPO Documents)," filed June 15, 1990, its "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and its request for a protective order concerning SOV's Interrogatory (Set 2) No. 82.a, which request was filed on July 3, 1990.

Response:

Without waiving the foregoing objections, but rather expressly relying upon the same, Vermont Yankee is unaware of the existence of any such documents, for the reasons set forth in the response to Interrogatory (Set No. 2) No. 105.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.D.

Request No. 107

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 16.b.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its arguments in Sections I.F.

Request No. 108

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 16.d.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its arguments in Sections 1.F.

Request No. 109

If in response to Vermont Interrogatory (Set No. 3) No. 16 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its arguments in Sections I.F.

Request No. 117

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 46. If in response to Vermont Interrogatory (Set No. 3) No. 46 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

To the extent that this request calls for the production of documents concerned with the plant life extension (PLEX) process, Vermont Yankee objects on the ground that the request is not relevant to the admitted.

Argument

Vermont incorporates by reference its argument in Section I.A. In response to Vermont Interrogatory (Set No. 1) No. 105, which the licensee did not find objectionable, the licensee made reference to "following the efforts of EPRI." When asked on followup about "following the EPRI" in Vermont Interrogatory (Set No. 3) No. 46, which again the licensee did not find objectionable, the licensee identified various documents. It is inappropriate, after responding twice, to now make objection based upon relevance.

Furthermore, the requested information is specifically relevant since it related to the licensee's knowledge and, and therefore the use of such information in its maintenance program, regarding aging components.

Therefore, the objection should be overruled and the licensee should be compelled to produce the requested documents.³

³ Vermont notes in passing that the licensee has not responded to this request. The terms of the objection are limited by the phrase "[t]o the extent" which implies that part of the request is not part of that

Request No. 121

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 51. If in response to Vermont Interrogatory (Set No. 3) No. 51 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Response:

Without waiving the foregoing objection, but rather expressly relying upon the same, Vermont Yankee incorporates herein by reference its response to Request No. 116, above.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 124

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 55. If in response to Vermont Interrogatory (Set No. 3) No. 55 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request for the reasons set forth above in its objection to Request No. 5.

"extent." Yet the licensee is silent concerning the remaining part.

Argument

Vermont incorporates by reference its arguments in Sections I.C and I.F.

Request No. 126

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 58. If in response to Vermont Interrogatory (Set No. 3) No. 58 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request for the reasons set forth in its "Objection to Document Production and Request for Protective order (INPO Documents)," filed June 15, 1990, and "Motion to Supplement Answer of Vermont Yankee Nuclear Power Corporation to State of Vermont Motion to Compel (Document Requests, Set No. 1)," filed July 24, 1990, and requests a protective order in respect of the same.

Argument

Vermont incorporates by reference its arguments in Sections I.B and I.F. The requested documents were originally identified in response to Vermont Interrogatory (Set No. 1) No. 113. That interrogatory requested the licensee to state its basis for believing its "Maintenance Policy" document provided reasonable assurance of safety; this is to a great extent the crux of Contention VII. The licensee stated that it relied, in part, upon "independent assessments performed by others including ... INPO." It is unfair for the licensee to rely on information to prove its case that it will not provide to Vermont. Therefore, the licensee should be compelled to provide the requested information.

Request No. 129

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 64. If in response to Vermont Interrogatory (Set No. 3) No. 64 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII. Vermont Yankee further objects on the grounds that the request, even if it were in part relevant, is overbroad and unduly burdensome.

Argument

The requested information was derived from the response to Vermont Interrogatory (Set No. 1) No. 113. That interrogatory requested the licensee to state its basis for believing its "Maintenance Policy" document provided reasonable assurance of safety; this is to a great extent the crux of Contention VII. The licensee stated that it relied, in part, upon "independent assessments performed by others including NRC, INPO, YNSD, QA audits/surveillances." In followup, Vermont Interrogatory (Set No. 3) No. 64 requested information regarding the "independent assessments." In response to Vermont Interrogatory (Set No. 3) No. 64, the licensee revealed that it has a formal review process for reviewing industry documents. Such a process has associated with it implementing documents establishing the process, indexes and other tracking documentation for items which were or are being reviewed, and results and products of the review and approval. It is access to these products and documents that is requested here. Such production of identifiable documents cannot be considered burdensome.

Furthermore, it is unfair for the licensee to rely on information to prove its case (i.e., the response to Vermont Interrogatory (Set No. 1) NO 113) that it will not provide to Vermont.

Vermont also incorporates by reference its argument in Section I.F.

Therefore, the licensee should be compelled to provide the requested documents.

Request No. 131

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 74. If in response to Vermont Interrogatory (Set No. 3) No. 74 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII. Vermont Yankee further objects on the grounds that the request, even if it were in part relevant, is overbroad and unduly burdensome.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 132

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 75. If in response to Vermont Interrogatory (Set No. 3) No. 75 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

The Vermont Yankee Maintenance program has already been produced to SOV, and Vermont Yankee respectfully objects to producing it a second time.

Argument

Vermont incorporates by reference its arguments in Sections I.F and I.G.

Request No. 133

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 76.a.

Response:

Vermont Yankee incorporates by reference its objection to Request No. 117, above.

Argument

Vermont incorporates by reference its arguments for Request No. 117.

Request No. 134

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 76.b.

Response:

Vermont Yankee incorporates by reference its objection to Request No. 117, above.

Argument

Vermont incorporates by reference its arguments for Request No. 117, above.

Request No. 136

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 77.a.

Objection:

Vermont Yankee incorporates by reference its objection to Request No. 129, above.

Argument

Vermont incorporates by reference its arguments for Request No. 129, above.

Request No. 137

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 77.b.

Objection:

Vermont Yankee incorporates by reference its objection to Request No. 129, above.

Argument

Vermont incorporates by reference its arguments for Request No. 129, above.

Request No. 141

For each and every Vermont Yankee employee (direct or contract) and Yankee Atomic Electric Corporation employee (direct or contract) identified in response to Vermont Interrogatory (Set No. 3) No. 83, please produce for inspection and copying all personnel files, including, but not limited to, performance evaluations, ratings by supervisors, qualification records, and training records and test scores.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII.

Vermont Yankee further objects on the ground that the request, even if it were relevant, is overboard and improperly invades the privacy of the individuals in question, and pursuant to 10 C.F.R. § 2.740(c) requests a protective order that the same not be disclosed.

Vermont Yankee further objects to this request to the extent that it seeks documents possessed by the Mercury Company rather than by Vermont Yankee.

Argument

In this request, personnel files are requested for craftspersons who scraped paint from the interior surfaces of the drywell and torus during the 1989 refueling outage. Vermont needs this information to prepare for depositions of this personnel. The containment paint issue is being investigated as a potential example of deficient maintenance causing the containment coating to age to a point where it no longer met safety standards (specifically, the ECCS pump minimum NPSH requirements).

Vermont does not believe the qualification and training records of craftspersons merit protection in accordance with 10 C.F.R. § 2.740(c). Nevertheless, if so determined, Vermont agrees to receive such information under a protective order of nondisclosure.

The objection that the requested documents are not in Vermont Yankee's possession is without merit for the reasons stated previously in Section III.E.3 of Vermont's "Motion to Compel Answers to Document Production Requests (Vermont Set No. 2)," July 5, 1990, at 17-18 and note 13. This argument is equally applicable to a Vermont Yankee contractor. And furthermore, the licensee bears a responsibility to have a knowledge of the qualifications and skills of the craftspersons it allows to work on the plant.

Thus, the objections should be overruled and the licensee should be compelled to produce the requested documents.

Request No. 143

For each and every Vermont Yankee employee (direct or contract) and Yankee Atomic Electric Corporation employee (direct or contract) identified in response to Vermont Interrogatory (Set No. 3) No. 84, please produce for inspection and copying all personnel files, including, but not limited to, performance evaluations, ratings by supervisors, qualification records, and training records and test scores.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII.

Vermont Yankee further objects on the ground that the request, even if it were relevant, is overboard and improperly invades the privacy of the individuals in question, and pursuant to 10 C.F.R. § 2.740(c) requests a protective order that the same not be disclosed.

Vermont Yankee further objects to this request to the extent that it seeks documents possessed by the Mercury Company rather than by Vermont Yankee.

Argument

Vermont incorporates by reference its arguments for the foregoing request.

Request No. 152

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 104.c.

Response:

There are no such documents.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 153

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 104.e.

Response:

There are no such documents.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 154

If in response to Vermont Interrogatory (Set No. 3) No. 104 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

No response is required by the terms of the request.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 159

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 115. If in response to Vermont Interrogatory (Set No. 3) No. 115 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Vermont Yankee has already produced YAEC 1696, the document identified in its response to Interrogatory (Set No. 3) No. 114.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 160

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 116. If in response to Vermont Interrogatory (Set No. 3) No. 116 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Vermont Yankee has already produced YAEC 1696, the document identified in its response to Interrogatory (Set No. 3) No. 116.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 161

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 117. If in response to Vermont Interrogatory (Set No. 3) No. 117 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Vermont Yankee has already produced YAEC 1696, the document identified in its response to Interrogatory (Set No. 3) No. 117.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 162

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 118. If in response to Vermont Interrogatory (Set No. 3) No. 118 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Vermont Yankee has already produced YAEC 1696, the document identified in its response to Interrogatory (Set No. 3) No. 118.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 164

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 120. If in response to Vermont Interrogatory (Set No. 3) No. 120 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Response:

Vermont Yankee has already produced YAEC 1696, the document identified in its response to Interrogatory (Set No. 3) No. 120.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 172

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 147. If in response to Vermont Interrogatory (Set No. 3) No. 147 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee incorporates by reference its objection to Interrogatory No. 147.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 174

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 155. If in response to Vermont Interrogatory (Set No. 3) No. 155 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 176

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 162. If in response to Vermont Interrogatory (Set No. 3) No. 162 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 177

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 187. If in response to Vermont Interrogatory (Set No. 3) No. 187 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its argument in Section I.F.

Request No. 178

For each and every Vermont Yankee employee (direct or contract) and Yankee Atomic Electric Corporation employee (direct or contract) identified in response to Vermont Interrogatory (Set No. 3) No. 189, please produce for inspection and copying all personnel files, including, but not limited to, performance evaluations, ratings by supervisors, qualification records, and training records and test scores.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to Contention VII.

Vermont Yankee further objects on the ground that the request, even if it were relevant, is overboard and improperly invades the privacy of the individuals in question, and pursuant to 10 C.F.R. § 2.740(c) requests a protective order that the same not be disclosed.

Argument

In this request, personnel files are requested for craftspersons who determined excessive seat leakage for Valve FW-028B. Vermont needs this information in preparation for depositions. Seat leakage for Valve FW-028B is a part of the containment integrity issue which is being investigated as a potential example of deficient maintenance causing containment isolation valves to age to a point where they no longer meet the safety standards of the plant.

Vermont does not believe the qualification and training records of craftspersons merit protection in accordance with 10 C.F.R. § 2.740(c). Nevertheless, if so determined, Vermont agrees to receive such information under a protective order of nondisclosure.

Thus, the objection should be overruled and the licensee should be compelled to produce the requested documents.

Request No. 179

Please produce for inspection and copying all documents identified in response to Vermont Interrogatory (Set No. 3) No. 190. If in response to Vermont Interrogatory (Set No. 3) No. 190 Vermont Yankee has not identified all documents requested to be identified by that interrogatory, please produce for inspection and copying all such documents.

Objection:

Vermont Yankee objects to this request on the ground that it is not relevant to the admitted contention.

Argument

Vermont incorporates by reference its argument in Section I.F.

By its attorney,

James Volz
Director for Public Advocacy
Department of Public Service
120 State Street
Montpelier, Vermont 05620
(802) 828-2811

Dated: October 12, 1990

10917

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

'90 OCT 15 P4:24

In the Matter of
VERMONT YANKEE NUCLEAR
POWER CORPORATION

(Vermont Yankee Nuclear
Power Station)

Docket No. 50-271-OLA-4
(Operating License
Extension)

OFFICE OF SECRETARY
DOCKETING SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 1990, I made service of "Motion to Compel Answers to Document Production Requests (Vermont Set No. 3)", in accordance with rules of the Commission by mailing a copy thereof postage prepaid to the following:

Administrative Judge
Robert M. Lazo, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Administrative Judge
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Washington, DC 20555

James Volz
Director for Public Advocacy

Dated: October 12, 1990

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