

RELATED CORRESPONDENCE

DOCKETED
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March 20, 2002 (11:25AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: : Docket No. 50-423-LA-3
Dominion Nuclear Connecticut, Inc. : ASLBP No. 00-771-01-LA-R
(Millstone Nuclear Power Station, :
Unit No. 3) : MARCH 7, 2002

**CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND
COALITION AGAINST MILLSTONE'S RESPONSE TO NRC STAFF'S FIRST SET
OF DISCOVERY REQUESTS IN THE REOPENED PROCEEDING**

In accordance with the schedule established in the Atomic Safety and Licensing Board ("Licensing Board") Memorandum and Order (Telephone Conference Call, 3/28/02) issued on March 6, 2002, Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone (collectively, "Intervenors") respond herewith to "NRC Staff's First Set of Discovery Requests Directed to Intervenors in the Reopened Proceeding" dated January 25, 2002.

General Interrogatories and Discovery Requests

General Interrogatory No. 1:

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

Response: Not applicable. See Responses *infra*.

General Interrogatory No. 2:

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

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

Response: David A. Lochbaum, nuclear safety engineer with the Union of Concerned Scientists, 16 P Street NW, Washington DC, who has been previously disclosed as an expert witness for the Intervenor in these proceedings, may provide a sworn affidavit or declaration in connection with the written filing for the Subpart K proceeding and he may present testimony in a subsequent evidentiary hearing. As to subsections (b), (c) and (d) the Intervenor do not have the requested information available at this time.

The Intervenor reserve the right to present other witnesses.

General Document Request No. 1:

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

Response: See Response to General Interrogatory No. 1.

General Document Request No. 2:

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

Response: The Intervenor have previously provided Mr. Lochbaum's *curriculum vitae* in these proceedings.

General Document Request No. 3:

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

Response: See Response to General Interrogatory No. 2.

General Document Request No. 4:

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

Specific Interrogatories and Discovery Requests

Interrogatory No. 1:

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

Response: The Intervenors object to this Interrogatory as it calls for legal conclusions outside the scope of proper discovery.

Interrogatory No. 2:

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

Response: The Intervenors object to this Interrogatory because it is not clear whether it seeks information confined to the Millstone Nuclear Power Station or whether it seeks information from a broader field.

Specific Document Requests

Document Request No. 1:

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

Response: See Response to Specific Interrogatory No. 1.

Document Request No. 2:

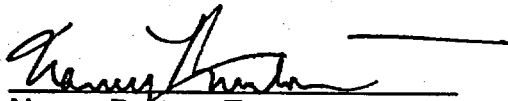
All documents related to your answer to Specific Interrogatory No. 2, supra. Specify the exact line(s), paragraph(s), page(s) or section(s) supporting your answer.

Response – See Response to Specific Interrogatory No. 2.

Respectfully submitted,

**CONNECTICUT COALITION AGAINST
MILLSTONE
LONG ISLAND COALITION AGAINST
MILLSTONE**

By:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's Response to "NRC Staff's First Set of Discovery Requests Directed to Intervenors in the Reopened Proceeding" dated January 25, 2002 was served upon the following on March 7, 2002 via U.S. Mail, first class, postage pre-paid. Additional e-mail service was made on March 7, 2002 as indicated below.

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Attn: Rulemakings and Adjudications
Staff
(original + two copies)
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Adjudicatory File
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