

June 20, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

VIRGINIA ELECTRIC AND POWER COMPANY)	Doc. Nos. 50-338SP
	50-339SP
(North Anna Power Station,	(Proposed Amendment
Units 1 and 2)	to Operating License
	NPF-4)

VEPCO'S OBJECTIONS TO INTERROGATORIES POSED BY
POTOMAC ALLIANCE AND CITIZENS' ENERGY FORUM, INC.

The intervenors in this proceeding, the Potomac Alliance and the Citizens' Energy Forum, Inc. (CEF), have both posed interrogatories to Vepco. Both intervenors served these interrogatories by placing them in the mail on June 1, 1979. Vepco objects to certain of these interrogatories, and the bases for those objections are stated below.

Vepco's Objections to Potomac Alliance Interrogatories
Format for Answers

Pages 1 and 2 of the Potomac Alliance's

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interrogatories specify a format for Vepco's response. Vepco objects to the request contained in part C of that format, which asks Vepco to "[i]dentify all documents and studies, and the particular parts thereof, known to exist but not relied upon, which pertain to the subject matter of the question. In lieu thereof, a copy of each document and study may be attached to the answer." Vepco objects to this request on the grounds that it is overly broad and calls for the identification or production of documents that are not relevant to the contested issues in this proceeding and that are not likely to lead to the discovery of admissible evidence. Compliance with this request would also impose an undue burden on Vepco. If the Potomac Alliance wishes to narrow this request, Vepco will attempt to make specific documents or studies that are relevant to the issues of this proceeding available for inspection.

Question 21

This question called for Vepco to describe all information in its possession, including personal knowledge, concerning the adverse affects upon (1) fuel rod cladding, (2) other fuel assembly materials, (3) fuel storage racks and (4) the pool liner from exposure to an environment similar to that in the North Anna Units 1 and 2

spent fuel pool. This question included a request for Vepco to discuss the occurrence of such effects at all nuclear reactors. Vepco objects to this question because it is overly broad and the preparation of a responsive answer would place an undue burden upon Vepco. This interrogatory is so broadly worded that the "effects" discussed therein are not necessarily limited to the contested issues in this proceeding and may therefore not be relevant. To be responsive, Vepco would have to poll its employees to ascertain their personal knowledge and conduct a literature search of all of the journals and articles in its possession. There are numerous journal articles that discuss the corrosion of zirconium alloys and stainless steel and the experience the nuclear industry has had with these metals. It appears that the Potomac Alliance is asking Vepco to do the research necessary to support the intervenor's own contentions. This information is just as readily available to the Potomac Alliance as it is to Vepco.

Question 44

The Potomac Alliance asked Vepco to identify all correspondence between Vepco and NRC concerning the proposed modifications to the spent fuel pool. Vepco objects

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to this request on the grounds that it is overly broad and calls for the identification or production of documents that are not relevant to this proceeding and that are not likely to lead to the discovery of admissible evidence. Identification of these documents would place an unnecessary burden on Vepco, particularly when all the documents covered by the interrogatory are in the NRC's Public Document Room and available for inspection by the intervenor.

Question 45

In this question Potomac Alliance asked Vepco to "[i]dentify all memoranda and written summaries or transcripts of other communications between Vepco employees concerning the proposed modification of the SFP." Vepco objects to this question on the grounds that it is overly broad and calls for the identification or production of documents that are not relevant to the contested issues in this proceeding or likely to lead to the discovery of admissible evidence. The request that Vepco identify all such documents also imposes an undue burden on Vepco. Vepco is willing to make any documents that are responsive to this question and relevant to the contested issues available for inspection at Vepco's offices.

Question 46

The Potomac Alliance also asked Vepco to "[i]dentify all memoranda and written summaries or transcripts of other communications between Vepco employees and others, including legal counsel, concerning the proposed modification of the SFP." Again Vepco objects for the reasons stated in its objection to Question 45. In addition, to the extent the intervenor seeks evidence of communications between Vepco and its legal counsel, these materials are protected from discovery by the attorney-client privilege and by the "work product" doctrine. Vepco objects on these grounds also.

Question 47

The Potomac Alliance asked Vepco to identify or produce "all correspondence between Vepco and the United States Department of Energy." Vepco objects to this question for the reasons stated in its objection to Question 45.

Vepco's Objection to CEF Interrogatory

Question 5-1

CEF asked Vepco to provide detailed drawings of one new spent fuel pool racks. The drawings requested by this interrogatory are considered proprietary to NUS

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Corporation, the rack supplier. Vepco objects to their production on this basis. Vepco will, however, make these drawings available for inspection by CEF if requested to do so.

Respectfully submitted,

VIRGINIA ELECTRIC AND POWER COMPANY

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431 359