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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT)
COMPANY)
(Shearon Harris Nuclear Power Plant)
)

Docket No. 50-400 -0LA

ASLBP No. 99-762-02-LA

OFFICE OF THE
GENERAL COUNSEL
ADJUTANT GENERAL

**ORANGE COUNTY'S FIRST SET OF ENVIRONMENTAL
DISCOVERY REQUESTS DIRECTED TO THE APPLICANT**

Pursuant to the Board's Memorandum and Order (Ruling on Late-Filed Environmental Contentions) (August 7, 2000), Orange County hereby requests that the Applicant, Carolina Power & Light Co. ("CP&L") answer the following Interrogatories separately, fully, in writing, and under oath within 14 days after service of this discovery request, and produce the documents requested below within 30 days after service of this request.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and document production requests cover all information in the possession, custody and control of CP&L, including information in the possession of officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on CP&L's behalf or otherwise subject to its control. The discovery sought by this request encompasses material contained in, or which might be derived or ascertained from, the personal files of CP&L employees, representatives, investigators, and agents.

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

Template = SECY-035

SECY-02

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

C. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and the County hereby demands that, in the event that at any later date CP&L obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, CP&L shall supplement its responses to this request promptly and sufficiently.

Such supplementation shall include, but not be limited to:

1. the identity and location of persons having knowledge of discoverable matters;
2. the identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is expected to testify, and the substance of her/his testimony; and
3. new information which makes any response hereto incorrect.

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

If you withhold any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a list identifying each document for which the privilege, immunity, or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and the job title and affiliation of any such persons, the subject matter of the documents, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted.

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

II. DEFINITIONS

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

1. "CP&L," "Applicant," "you," and "your" refers to Carolina Power & Light Co., and its their officers, employees, agents, servants, representatives, attorneys, or other persons directly or indirectly employed or retained by CP&L, or anyone else acting on its behalf or otherwise subject to their control.

2. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or over which you have the ultimate right to custody or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, telegrams, telexes, wiring instructions, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions,

reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

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

4. The words "describe" or "identify" shall have the following meanings:

(a) In connection with a person, the words "describe" or "identify" mean to state the name, last known home and business address, last known home and business telephone number, and last known place of employment and job title;

(b) In connection with a document, the words "describe" or "identify" mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the name of the author of the document, the date, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared, signed, and/or executed, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the

substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document;

(c) In connection with an entity other than a natural person (*e.g.*, corporation, partnership, limited partnership, association,¹ institution, etc.), the words “describe” or “identify” mean to state the full name, address and telephone number of the principal place of business of such entity.

(d) In connection with any activity, occurrence, or communication, the words “describe” or “identify” mean to describe the activity, occurrence, or communication, the date of its occurrence, the identify of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

5. “Date” shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the basis for such approximation.

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

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

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

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

III. GENERAL DISCOVERY

A. GENERAL INTERROGATORIES

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

If the information or opinions of anyone who was consulted in connection with your response to an interrogatory or request for admission differs from your written answer to the discovery request, please describe in detail the differing information or opinions, and indicate why such differing information or opinions are not your official position as expressed in your written answer to the request.

GENERAL INTERROGATORY NO. 2. For Contention EC-6, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom CP&L expects to call as a fact or expert witness at the hearing and/or whose affidavit or declaration the NRC Staff expects to submit in the Subpart K proceeding described in the Board's August 7, 2000, Memorandum and Order. For expert witnesses, provide a list of all publications authored by the witness within the preceding ten years and a listing of any other cases in which the witness has provided fact and/or expert testimony and/or submitted affidavit(s) or declaration(s) within the preceding four years. For purposes of answering this interrogatory, the educational and scientific experience of expected witnesses may be provided by a resume of the person attached to the response. Fact and expert witnesses should be distinguished.

GENERAL INTERROGATORY NO. 3. For each witness identified in response to General Interrogatory No. 2 above, describe the facts and opinions to which each witness is expected to testify, including a summary of the grounds for each opinion, and identify the

documents (including all pertinent pages or parts thereof), data or other information which each witness has reviewed and considered, or is expected to consider or to rely on for his or her testimony.

IV. SPECIFIC DISCOVERY

A. SPECIFIC INTERROGATORIES

SPECIFIC INTERROGATORY NO. 1: Please provide any information in your possession which is responsive to the question posed in paragraph 1 on page 17 of the Board's August 7, 2000, Memorandum and Order.

SPECIFIC INTERROGATORY NO. 2: Please provide any information in your possession which is responsive to the concerns raised by the Licensing Board in paragraph 2 on page 17 of the Board's August 7, 2000, Memorandum and Order. To wit, please identify any old or recent information relating to the estimation of the probabilities of the individual events in the chain of seven events referred to on page 13 of the Board's August 7 Memorandum and Order, and provide any information which is responsive to the two questions posed in paragraph 2.

SPECIFIC INTERROGATORY NO. 3: Please provide any information in your possession which is responsive to the question posed in paragraph 3 on page 17 of the Licensing Board's August 7, 2000, Memorandum and Order.

B. DOCUMENT REQUESTS

The County requests the Applicant to produce the following documents directly or indirectly within its possession, custody or control. This request does not include final published versions of NUREG or NUREG-CR reports.

REQUEST NO. 1. All documents in your possession, custody or control that evaluate or otherwise discuss the probability of a degraded core reactor accident with containment failure or bypass at a nuclear power plant, including the Harris nuclear power plant.

REQUEST NO. 2. All documents in your possession, custody or control that evaluate or otherwise discuss the onsite or offsite consequences of a degraded core reactor accident with containment failure or bypass at a nuclear power plant, including the Harris nuclear power plant.

REQUEST NO. 3. All documents in your possession, custody or control that evaluate or otherwise discuss the probability of an accident involving exothermic reaction of fuel cladding in spent fuel pool(s) at nuclear power plant(s), including the Harris nuclear power plant.

REQUEST NO. 4. All documents in your possession, custody or control that evaluate or otherwise discuss the onsite or offsite consequences of an accident involving exothermic reaction of fuel cladding in spent fuel pool(s) at nuclear power plant(s), including the Harris nuclear power plant.

REQUEST NO. 5. All documents in your possession, custody or control that contain any information responsive to the question posed in paragraph 1 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 6. All documents in your possession, custody or control that contain any information responsive to the concerns and questions raised in paragraph 2 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 7. All documents in your possession, custody or control that contain any information responsive to the question posed in paragraph 3 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 8. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or

evidence that you intend to use in your Subpart K presentation and/or the hearing on Contention EC-6.

REQUEST NO. 9. A current and fully updated version of the Final Safety Analysis Report ("FSAR") and Technical Specifications ("Tech Specs") for the Harris nuclear power plant.

C. REQUEST FOR ENTRY UPON THE HARRIS SITE

Pursuant to 10 C.F.R. § 2.741, Orange County requests the opportunity to enter upon the site of the Harris nuclear power plant for purposes of inspecting all accessible levels and locations in the auxiliary building, waste processing building and fuel handling building, including the roofs of these buildings and the control room, at a date and time to be arranged at the mutual convenience of the parties. The site visit is necessary in order to support an assessment of the effects on equipment and personnel of potential releases of material from the containment in the event of a degraded core reactor accident with containment failure or bypass.

Respectfully submitted,

Diane Curran (by DEE)

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August 21, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT)
(Shearon Harris Nuclear Power Plant)
)
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Docket No. 50-400 -OLA
ASLBP No. 99-762-02-LA

CERTIFICATE OF SERVICE

I certify that on August 21, 2000, copies of Orange County's First Set of Environmental Discovery Requests Directed to the Applicant and First Set of Environmental Discovery Requests Directed to the NRC Staff were served on the service list below by e-mail and/or first class mail as indicated below:

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