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OFFICE OF SECRETARY
RULING ON LATE-FILED
ADJUDICATORY PROCEEDINGS

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

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

**APPLICANT'S DISCOVERY REQUESTS REGARDING CONTENTION EC-6
DIRECTED TO THE NUCLEAR REGULATORY COMMISSION STAFF**

Pursuant to 10 C.F.R. § 2.744 and the Board's August 7, 2000 Memorandum and Order (Ruling on Late-Filed Environmental Contentions), Applicant Carolina Power & Light Company ("CP&L") hereby requests the Nuclear Regulatory Commission ("NRC") Staff ("the Staff") to answer the following Interrogatories within 14 days after service of this discovery request and to produce the documents requested below within 30 days after service of this discovery request.

The general interrogatories included in this request are those agreed to between the Staff and the Applicant on August 17, 1999. The general document request included herein requests that the Applicant have access to those documents, if any, that the Staff produces to the Board of Commissioners of Orange County ("BCOC") pursuant to BCOC's "First Set of Environmental Discovery Requests to NRC Staff," dated August 21, 2000.

Template = SECY-035

SECY-02

I. DEFINITIONS AND INSTRUCTIONS

1. **Scope of Discovery.** These interrogatories and document production requests cover all information in the possession, custody and control of the Staff, including information in the possession of directors, branch chiefs, managers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on the Staff'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 members of the NRC Staff, including all directors, branch chiefs, managers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by them, working with them, or acting on the Staff's behalf.

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

1. The responsive information currently available;
2. The responsive information identified but currently unavailable; and
3. When you anticipate receiving such information currently unavailable.

3. **Supplementation of Responses.** Each of the following requests is a continuing one by agreement of the parties and pursuant to 10 C.F.R. § 2.740(e)(3). CP&L thereby requests that, in the event prior to the close of discovery on October 20, 2000, as established by the Board, the Staff obtains or discovers any additional information which is responsive to any discovery requests, the Staff promptly supplement its responses to

these requests. The supplementation duties of 10 C.F.R. § 2.740(e)(1) (persons having knowledge and experts) and 10 C.F.R. § 2.740(e)(2) (known incorrect responses) are continuing and unaffected by the parties' agreement.

4. Objections. In the event that the Staff objects to any interrogatory, request for admission, or document production request under claim of privilege, immunity, or for any other reason, please indicate the basis for asserting the objection, the person on whose behalf the objection is asserted, and describe the factual basis for asserting the objection in sufficient detail so as to permit CP&L to consider, and the Board to ascertain, the validity of such objection.

5. Privilege Log. If you withhold any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a privilege log 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 their affiliation, the subject matter of the document, 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.

6. 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.

7. Nuclear Regulatory Commission Staff. "The NRC Staff," "the Staff," "you," and "your" means any branch, department, division, or other organized entity of the Staff, including its directors, branch chiefs, managers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by the Staff, or anyone else acting on the Staff's behalf or otherwise subject to its control.

8. Documents. The term "documents" means the complete original or a true, correct, and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical, or electronic records or representation of any kind) including, but not limited to, any writing, letter, telegram, facsimile, meeting minutes, meeting notes, memorandum, statement, book, record, survey, map, study, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm or microfiche, interoffice and intraoffice communications, instructions, reports, demands, schedules, notices, recordings, analyses, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, indices, notebooks, personal notes, diary entries, e-mail, notes of interview, communication, contracts, any other agreements, data compilations, and all other writings and papers similar to any of the foregoing, however designated by you. The phrase "data compilation" includes, but is not limited to, any material stored on or accessible through a computer or other information storage or retrieval system, including videotapes, computer files and disks, and tape recordings. 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.

9. Date. "Date" means the specific 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.

10. Discussion. "Discussion" means communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

11. Person. "Person" means any individual, association, group, corporation, partnership, joint venture, or any other business or legal entity.

12. All Documents. "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.

13. And and Or. "And" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

14. Describe or Identify. 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 business address, last known 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 and title of the document, and identification numbers applicable to the document, the name of each person or entity signing or approving the document, the date on which the document was prepared, signed, and/or executed, and any other information necessary to adequately identify the document;
- (c) In connection with an entity other than a natural person (e.g., corporation, partnership, limited partnership, association, institution, etc.), the words “describe” or “identify” mean to state the full name, address and telephone number of the principal place of business of such entity;
- (d) In connection with any activity, occurrence, or communication, the words “describe” or “identify” mean to describe the activity, occurrence, or communication, the date of its occurrence, the identify of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

II. GENERAL INTERROGATORIES

Pursuant to agreement between the Staff and the Applicant, these general interrogatories apply to the admitted contention, are in addition to the fifteen

interrogatories per contention allowed by the Board's July 29, 1999, Memorandum and Order, and are continuing in accordance with 10 C.F.R. § 2.740(e) through the end of the discovery period, October 20, 2000, as established in the Board's August 7, 2000 Memorandum and Order.

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

GENERAL INTERROGATORY NO. 2. For contention EC-6, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom the Staff expects to provide sworn affidavits and declarations in the written filing for the Subpart K proceeding described in the Board's August 7, 2000, Memorandum and Order and the general subject matter on which each person is expected to provide sworn affidavits and declarations for the written filing. For purposes of answering this interrogatory, the educational and scientific experience of expected affiants and declarants may be provided by a resume of the person attached to the response.

GENERAL INTERROGATORY NO. 3. For contention EC-6, identify each expert on whom the Staff intends to rely on in its written filing for the Subpart K

proceeding described in the Board's August 7, 2000 Memorandum and Order, the general subject matter on which each expert is expected to provide sworn affidavits and declarations for the written filing, the qualifications of each expert whom the Staff expects to provide sworn affidavits and declarations for the written filing, a list of all publications authored by the expert within the preceding ten years, and a listing of any other cases in which the expert has testified as an expert at a trial, hearing or by deposition within the preceding four years.

III. GENERAL DOCUMENT PRODUCTION REQUEST

The Applicant requests the Staff to produce the following documents:

GENERAL REQUEST NO 1. All documents requested by, and provided to, the Board of Commissioners of Orange County ("BCOC") pursuant to BCOC's August 21, 2000 "First Set of Environmental Discovery Requests to NRC Staff," or pursuant to any other request.

Respectfully submitted,



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Dated: August 30, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**
Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Discovery Requests Regarding Contention EC-6 Directed to the Nuclear Regulatory Commission Staff," dated August 30, 2000, was served on the persons listed below by U.S. mail, first class, postage prepaid, and by electronic mail transmission, this 30th day of August, 2000.

G. Paul Bollwerk, III, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: gpb@nrc.gov

Dr. Peter S. Lam
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Attention: Rulemakings and Adjudications
Staff
e-mail: hearingdocket@nrc.gov
(Original and two copies)

Susan L. Uttal, Esq.
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Pursuant to the requirements of 10 C.F.R. § 2.744(a), a copy of the foregoing
“Applicant’s Discovery Requests Regarding Contention EC-6 Directed to the Nuclear
Regulatory Commission Staff,” dated August 30, 2000, was also served on the person
listed below by U.S. mail this 30th day of August, 2000.

* William D. Travers
Executive Director for Operations
Mail Stop O-16 E15
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* by mail only


William R. Hollaway