

RAS 2176

RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

September 8, 2000
DOCKETED 9/12/00

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

**NRC STAFF'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY**

Pursuant to the Licensing Board's Memorandum and Order (Ruling on Late-Filed Environmental Contentions) (August 7, 2000), the Staff of the Nuclear Regulatory Commission ("the Staff") hereby requests the Board of Commissioners of Orange County, North Carolina ("BCOC") to answer the following General and Specific Interrogatories separately, fully, in writing, and under oath within 14 days after service of this discovery request pursuant to 10 C.F.R. § 2.740b, and to produce the documents requested below within 30 days after service of this discovery request pursuant to 10 C.F.R. § 2.741(d).

I. DEFINITIONS

1. The word "document" as used herein shall mean the originals and any copies of any written or recorded matter, whether produced, reproduced or stored on paper, cards, tapes, disks, film, e-mail, computer storage devices or any other medium and shall include, without limitation, matter in the form of books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, training materials, records, correspondence, diaries, plans, charts, diagrams, drawings, periodicals, lists, telephone

logs, recordings, minutes, photographs, negatives, computer printouts, legal pleadings (other than those filed in this proceeding), and any published materials, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.

2. The word "communication" shall mean correspondence, contact, discussion, or any other kind of written, electronic or oral exchange between two or more persons or entities including, but not limited to, all telephone conversations, face-to-face meetings or conversations, visits, conferences, internal and external discussions, and exchange of a document or documents or e-mail.

3. "Concerns," "concerning," or any other derivative thereof, includes referring to, responding to, relating to, pertaining to, in connection with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing, supporting, contradicting, and constituting.

4. "Relate" or "relating to" means pertaining to, recording, evidencing, setting forth, reflecting, referring to, discussing, showing, disclosing, describing, explaining, summarizing, concerning, or regarding.

5. "Identify" when used in reference to a natural person means to set forth the following: his name; his present or last known residential address and telephone number; his present or last known business address and telephone number; his employer; his title or position; his area of responsibility; and his business, professional, or other relationship with the Intervenor or other parties. If any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the

answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

6. "Identify" when used in reference to a corporation or other entity that is not a natural person shall mean to set forth the following:

- a. the full name of such entity, including its legal name and any assumed or trade names under which it transacts or has transacted business;
- b. the nature or form of such entity, if known;
- c. the address and telephone number of the entity's principal place of business or the principal place where such entity is to be found;
- d. whether the Intervenors have or have had a relationship or affiliation with such entity, its affiliates or subsidiaries, and, if so, a description of such relationship;
- e. the persons presently or formerly employed by or associated with that entity who have the principal knowledge concerning the subject matter in question;
and
- f. if any of the above information has changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time referenced in the interrogatory.

7. "Identify" when used in reference to a document shall mean to set forth the following: its title; its subject matter; its date; its author; its addressee (including the designated recipient, "cc" and "bcc" recipients, and the like); its file designation or other identifying designation; and its present location and present custodian.

8. "Identify" with respect to a contact or communication shall mean to set forth the following:

- a. the date of the communication;
- b. the type and means of communication;
- c. the substance of the communication;
- d. each person making the communication, and his location at the time the communication was made;
- e. each person to whom the communication was made, and his location at the time the communication was made;
- f. all other persons present during, participating in, or receiving the communication and the location of each such person at the time;
- g. each document concerning or relating to such communication; and
- h. each document upon which the communication is based or which is referred to in the communication.

9. "Possession, custody or control" includes actual and constructive possession, custody and control. Any document which is not in a person's immediate physical possession, but in regard to which the person has a right to compel production from a third person, or which is otherwise subject to the control of the person in question, is within the person's "possession, custody or control."

10. The words "you" or "your" as used in herein shall mean Intervenors, Board of Commissioners of Orange County, North Carolina and any member, agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other

person(s) acting for or on behalf of BCOC, or at its direction and control, or in concert with or assisting BCOC.

11. "Licensee" or "Applicant" means in the context of this discovery request, Carolina Power & Light Company and any agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

12. "Intervenor" or "BCOC" means in the context of this discovery request, the Board of Commissioners of Orange County, North Carolina and any agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them.

II. INSTRUCTIONS

1. Each interrogatory shall be answered separately and fully, in writing and under oath or affirmation, and shall include all pertinent information available to you, your officers, employees, directors, advisors, representatives, or counsel, based upon the personal knowledge of the person answering. The production of the documents requested herein shall take place at the offices of the U.S. Nuclear Regulatory Commission in Rockville, Maryland, unless other arrangements for inspection and copying are mutually agreed to by the parties.

2. To the extent that you do not have specific, complete and accurate information with which to answer any interrogatory, you should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

3. Each interrogatory and document request shall be deemed to be continuing, and you are requested timely to supplement your answers with additional facts, documents, information, and names of witnesses which become known, in accordance with 10 C.F.R. § 2.740(e)(1) and (2) of the NRC's Rules of Practice.

4. The word "and" and "or" shall be construed either in the conjunctive or in the disjunctive so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

5. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

6. Wherever appropriate, the word "his" shall include "her" or "their," and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

7. Please produce each document requested herein in the form and condition in which it exists on the date of service of this request, including all comments, notes, remarks, and other material that may have been added to the document after its initial preparation.

8. Documents produced in compliance with this request should be accompanied with an indication as to the particular paragraph(s) or questions under which the documents are being produced.

9. If you object to or claim a privilege (attorney-client, work product, or other) with respect to any interrogatory or document request, in whole or in part, or seek to withhold documents or information because of the alleged proprietary nature of the data,

please identify the information or document, set forth the nature of the privilege or objection asserted and the underlying factual basis for the objection or claim of privilege, and respond to the remainder of the interrogatory or document request.

10. For any document or part of a document that was at one time, but is no longer, in your possession, custody, or control, or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefor, and identify each person having knowledge concerning such disposition or loss and the contents of the document.

III. GENERAL INTERROGATORIES

GENERAL INTERROGATORY NO. 1.

State the name, business address, and job title of each person who was consulted and/or 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 supplied information. For requests for production, note for which contention each such person was consulted and/or 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 BCOC expects to call as a witness at the hearing and/or 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 witnesses 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 BCOC 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 BCOC 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.

IV. **SPECIFIC INTERROGATORIES**

SPECIFIC INTERROGATORY NO. 1.

Specify the basis, including all facts, circumstances and documents relied upon, for your conclusion as to the probability of each of the seven parts of the accident sequence described on page 13 of the Board's August 7, 2000, Memorandum and Order. Make specific reference, including pinpoint citations to particular page numbers where applicable, to all documents, records, statements or sources which support your position.

SPECIFIC INTERROGATORY NO. 2.

Specify the basis, including all facts, circumstances, and documents relied upon, for your conclusion as to the ultimate probability of the seven part accident sequence described on page 13 of the Board's August 7, 2000, Memorandum and Order. Make

specific reference, including pinpoint citations to particular page numbers where applicable, to all documents, records, statements or sources which support your position.

SPECIFIC INTERROGATORY NO. 3.

Explain, in detail, including all facts and circumstances, and with reference to specific examples which support your position, your conclusion that the accident sequence described on page 13 of the Board's August 7, 2000, Memorandum and Order is not "remote and speculative." Make specific reference, including pinpoint citations to particular page numbers where applicable, to all documents, records, statements or sources which support your conclusion.

SPECIFIC INTERROGATORY NO. 4.

Define and quantify "remote and speculative." Make specific reference to all documents, records, statements or sources which support your definition.

VII. DOCUMENT PRODUCTION REQUESTS

The Staff requests Orange County to produce the following documents directly or indirectly within its possession, custody or control.

DOCUMENT REQUEST NO. 1

All documents requested by, and provided to, the Applicant pursuant to Applicant's First Set of Discovery Requests Regarding Contention EC-6 Directed to the Board of Commissioners of Orange County dated August 30, 2000, at 5-10.

DOCUMENT REQUEST NO. 2.

All documents that are identified, referred to or used in responding to all of the above general and specific interrogatories and any subsequent interrogatories and requests

for admissions relating to contention EC-6. Specify the interrogatory to which each document relates, and the exact line(s), page(s), or section(s) where applicable.

DOCUMENT REQUEST NO. 3.

All documents (including experts' opinions, work papers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to affidavits, declarations, testimony or evidence that you intend to use in your Subpart K presentation and/or the hearing on Contention EC-6.

DOCUMENT REQUEST NO. 4.

Provide any and all studies Dr. Gordon Thompson has conducted regarding the probability of nuclear reactor accidents, indicating whether these studies have been peer reviewed and which studies are relevant and contain information related to the probability of the seven part accident sequence referenced on page 13 of the Board's August 7, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 5.

Any and all documents, studies or data relied upon by Dr. Gordon Thompson in any of the studies provided in response to Document Request No. 4.

DOCUMENT REQUEST NO. 6

All documents upon which Dr. Gordon will rely for his opinion and/or testimony relating to Shearon Harris Nuclear Power Plant and the probability of the seven part accident sequence referenced on page 13 of the Board's August 7, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 7.

Provide all sources, including but not limited to documents, records, statements or treatises, upon which Dr. Gordon Thompson relies in calculating the probability of the seven event accident sequence described on page 13 of the Board's August 7, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 8.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point # 1 on page 17 of the Board's August 17, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 9.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point # 2 on page 17 of the Board's August 17, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 10

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point # 3 on page 17 of the Board's August 17, 2000, Memorandum and Order.

DOCUMENT REQUEST NO. 11.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of a degraded core accident with containment failure or bypass at the Harris Nuclear Plant.

DOCUMENT REQUEST NO. 12.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, mechanisms for containment failure or bypass that could affect accessibility of spent fuel pool cooling and makeup systems at the Harris Nuclear Power Plant.

DOCUMENT REQUEST NO. 13.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, mechanisms for degraded core accident that could affect accessibility of spent fuel pool cooling and makeup systems at the Harris Nuclear Power Plant.

DOCUMENT REQUEST NO. 14. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, radiation doses at the Harris Nuclear Power Plant that would occur following a degraded core accident with containment failure or bypass.

DOCUMENT REQUEST NO. 15.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the inability to restart any pool cooling or makeup systems at the Harris Nuclear Plant due to extreme radiation doses.

DOCUMENT REQUEST NO. 16.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the loss of most or all pool water at the Harris Nuclear Plant through evaporation following the loss of pool cooling and makeup systems.

DOCUMENT REQUEST NO. 17.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the initiation of an exothermic oxidation reaction in pools C and D at the Harris Nuclear Plant following a partial or complete loss of spent fuel pool water.

DOCUMENT REQUEST NO. 18.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of an accident involving the initiation of an exothermic oxidation reaction in pools C and D at the Harris Nuclear Plant following a partial or complete loss of spent fuel pool water.

DOCUMENT REQUEST NO. 19.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of the propagation of an exothermic oxidation reaction between adjacent assemblies in pools C and D at the Harris Nuclear Plant following the initiation of such a reaction.

DOCUMENT REQUEST NO. 20.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, contention EC-6 that were used to develop the February, 1999 report by Dr. Gordon Thompson entitled "Risks and Alternative Options Associated with Spent Fuel Storage at the Shearon Harris Nuclear Power Plant." This includes any documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding probabilities, dose consequences, and inaccessibility to reestablish cooling within the scope of contention EC-6.

DOCUMENT REQUEST NO. 21.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, contention EC-6 that are referenced in the February, 1999 report by Dr. Gordon Thompson entitled "Risks and Alternative Options Associated with Spent Fuel Storage at the Shearon Harris Nuclear Power Plant." This includes any documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding probabilities, dose consequences, and inaccessibility to reestablish cooling within the scope of contention EC-6.

DOCUMENT REQUEST NO. 22.

All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, any proceeding in which Dr. Gordon Thompson has been a witness or a consultant on any subject within the scope of contention EC-6. This request includes, but is not limited to: any deposition transcripts, testimony, affidavits, declarations, or expert reports sponsored in whole or in part by Dr. Gordon Thompson; any documents considered or relied on by Dr. Gordon Thompson in developing such testimony, affidavits, declarations, or expert report documents; any deposition transcripts, testimony, affidavits, declarations or expert reports filed by other parties to the proceedings; and any documents turned over by Dr. Thompson or any party in discovery.

Respectfully submitted,

Susan L. Uttal */RA/*
Counsel for NRC staff

Dated at Rockville, Maryland
this 8th day of September 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY" in the above-captioned proceeding have been served on the following through deposit in the NRC's internal mail system, or by deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in U.S. Postal Service as indicated by double asterisk, with copies by electronic mail as indicated this 8TH day of September, 2000:

G. Paul Bollwerk, III, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Thomas D Murphy*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Peter Lam*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of the Secretary*
ATTN: Rulemaking and Adjudications
Staff
Mail Stop: O 16-C-1
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of the Commission Appellate
Adjudication
Mail Stop: O 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

James M.Cutchin, Jr.*
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.**
Harmon, Curran, Spielberg
& Eisenberg, L.L. P.
1726 M. Street, N.W., Suite 600
Washington, DC 20025

John H. O'Neill, Jr.**
William R. Hollaway**
Counsel for Licensee
Shaw Pittman Potts & Trowbridge
2300 "N" Street, N.W.
Washington, DC 20037-1128

Steven Carr**
Legal Department
Carolina Power and Light Co.
411 Fayetteville Street Mall
P.O. Box 1551 - CPB 13A2
Raleigh, North Carolina 27602

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
T-3F23
Washington, DC 20555

Susan L. Uttal */RA/*
Counsel for NRC Staff