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September 21, 2000
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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**
Before the Atomic Safety and Licensing Board^A

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

**ORANGE COUNTY'S RESPONSE TO INTERROGATORIES
CONTAINED IN NRC STAFF'S FIRST SET OF DISCOVERY
REQUESTS REGARDING CONTENTION EC-6**

Orange County hereby responds to the interrogatories contained in the NRC Staff's First Set of Interrogatories and Requests for Production of Documents Directed to the Orange County Board of Commissioners (September 8, 2000) ("Staff's Request").

I. GENERAL OBJECTIONS

These general objections apply to the County's responses to all of the Staff's Request.

1. The County objects to the Staff's instructions and definitions on the grounds and to the extent that they request or purport to impose upon the County any obligation to respond in manner or scope beyond the requirements set forth in 10 C.F.R. §§ 2.740, 2.741 and 2.742.

2. The County objects to the Staff's discovery requests to the extent that they request discovery of information or documents protected under the attorney-client privilege, the attorney work product doctrine, and limitations on discovery of trial preparation materials and experts' knowledge or opinions set forth in 10 C.F.R. § 2.740

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or other protection provided by law. The County will provide the Staff with a Privilege Log that identifies documents subject to these privileges and protections, which the County reserves the right to supplement.

3. The County objects to the Staff's discovery requests to the extent they seek discovery beyond the scope of Contention EC-6, as admitted by the Board in this proceeding. 10 C.F.R. § 2.740(b).

4. Orange County is in the process of developing its evidentiary case in this proceeding, and anticipates that it will obtain more relevant information through discovery against the Staff. Therefore, the County anticipates that it will need to supplement its responses to these discovery requests. The County hereby reserves the right to rely upon any and all additional documents and information that it may discover, and reserves the right to supplement or modify its responses to the Staff's discovery requests to incorporate any additional information or documents, as provided by 10 C.F.R. § 2.740(e).

II. RESPONSE TO 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 and requests for admissions each such person supplied information. For requests for production, note for which contention each such person was consulted and/or supplied information.

ORANGE COUNTY'S RESPONSE: In addition to counsel for Orange County, answers to these interrogatories were provided by:

Dr. Gordon Thompson
Executive Director

Institute for Resource and Security Studies
27 Ellsworth Avenue
Cambridge, MA 02139

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.

ORANGE COUNTY'S RESPONSE: Orange County expects to provide a sworn declaration in the Subpart K proceeding by Dr. Gordon Thompson. Dr. Thompson's declaration will further support the assertions made in Contention EC-6. A copy of his resume is attached to Orange County's Response to Interrogatories Contained in Applicant's First Set of Discovery Requests Regarding Contention EC-6 (September 13, 2000), which was served on the NRC Staff.

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.

ORANGE COUNTY'S RESPONSE: Orange County expects to rely on the expert declaration of Dr. Gordon Thompson in the Subpart K proceeding. Dr. Thompson's declaration will provide further support for the assertions made in Contention EC-6.

The County previously provided a list of publications authored by Dr. Thompson within the preceding ten years, in Orange County's Objections to Applicant's First Set of Discovery Requests and Response to Applicant's First Set of Interrogatories (August 30, 1999). In addition, between August 30, 1999, and the present date, Dr. Thompson authored the following publications:

"Hazard Potential of the La Hague Site: An Initial Review (May, 2000).

"High-level Radioactive Liquid Waste at Sellafield: An Updated Review (June 2000)

Copies of these reports will be produced in response to the Applicant's document production request.

In its August 30, 1999, discovery response, the County also provided a list of proceedings in which Dr. Thompson had testified as an expert at a trial, hearing or by deposition within the preceding four years. In addition, between August 30, 1999, and the present date, Dr. Thompson delivered deposition testimony on May 10, 2000, in a license amendment proceeding for Millstone Unit 3, Docket No. 50-423-LA-3.

III. RESPONSES TO 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.

ORANGE COUNTY'S RESPONSE: At this time, Orange County has no responsive information other than the information provided in Contention EC-6. To the extent that there are identifiable and nonobjectionable documents containing information responsive

to this interrogatory, they will be produced by Orange County in response to the NRC Staff's document production request.

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.

ORANGE COUNTY'S RESPONSE: At this time, Orange County has no responsive information other than the information provided in Contention EC-6. To the extent that Orange County possesses nonobjectionable documents containing information responsive to this interrogatory, they will be produced by Orange County in response to the NRC Staff's document production request.

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.

ORANGE COUNTY'S RESPONSE: At this time, Orange County has no responsive information other than the information provided in Contention EC-6. To the extent that Orange County possesses nonobjectionable documents containing information responsive to this interrogatory, they will be produced by Orange County in response to the NRC Staff's document production request.

SPECIFIC INTERROGATORY NO. 4. Define and quantify "remote and speculative." Make specific reference to all documents, records, statements or sources which support your definition.

ORANGE COUNTY'S RESPONSE: Orange County objects to this interrogatory on the ground that it calls for a legal conclusion. Although Federal Rule of Civil Procedure 33(b) permits interrogatories which relate to "the application of law to fact," this interrogatory does not request application of law to any particular facts in this proceeding. Instead the interrogatory appears to ask Orange County to articulate the legal standard for the threshold level of accident risk for which an Environmental Impact Statement is required. This is purely a legal question which is not subject to discovery.

Respectfully submitted,



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September 21, 2000

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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) (Shearon Harris Nuclear) Power Plant)))) Docket No. 50-400 -OLEA) ASLBP No. 99-762-02-LA)
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CERTIFICATE OF SERVICE

I certify that on September 21, 2000, copies of Orange County's Response to Interrogatories Contained in NRC Staff's First Set of Environmental Discovery Requests Regarding Contention EC-6 and Orange County's Second Set of Environmental Discovery Requests Directed to the Applicant were served on the service list below by e-mail and/or first class mail as indicated below:

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