

RAS 2268

RELATED CORRESPONDENCE October 5, 2000
DOCKETED 10/10/00

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-OLA
)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA
)	

NRC STAFF'S SECOND SET OF INTERROGATORIES
DIRECTED TO THE APPLICANT

Pursuant to the 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 Applicant, Carolina Power & Light Co. ("CP&L") answer the following 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,

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 CP&L 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 CP&L has or 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 the Applicant, Carolina Power & Light Co. ("CP&L"), and any member, agent, servant, employee, consultant, contractor, technical advisor, representative, officer or other person(s) acting for or on behalf of CP&L, or at CP&L's direction and control, or in concert with or assisting CP&L.
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 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 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 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. If you object to or claim a privilege (attorney-client, work product, or other) with respect to any interrogatory, 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.

IV. SPECIFIC INTERROGATORIES

SPECIFIC INTERROGATORY NO. 1.

In Revision 1 of Chapter 7 of the Probabilistic Safety Assessment, as indicated in Table 7-19, the number of plant damage states (PDSs) and their frequencies has changed from the 1993 IPE submittal. Please explain why. In addition, PDS 1R and 1P refer to contributions

from seismic events. How were the seismic contributions determined?

Respectfully submitted,

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

Dated at Rockville, Maryland
this 5th day of October 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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(Shearon Harris Nuclear Power Plant))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SECOND SET OF INTERROGATORIES DIRECTED TO THE APPLICANT" 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 5TH day of October, 2000:

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