

RAS 958

RELATED CORRESPONDENCE

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USNRC

September 8, 1999

'99 SEP 10 A9:43

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF THE
RULEMAKING
ADJUDICATING STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

**ORANGE COUNTY'S OBJECTIONS AND RESPONSES TO
NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS**

Orange County here by responds to the Nuclear Regulatory Commission ("NRC" or "Commission") Staff's First Set of Discovery Requests Directed to the Board of Commissioners of Orange County (August 23, 1999) ("Discovery Requests"). By agreement of the parties, this response is being filed one day out of time.

I. GENERAL OBJECTIONS

These objections apply to Orange County's responses to all of the the NRC Staff's First Set of Discovery Requests.

1. Orange 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 a manner or scope beyond the requirements set forth in 10 C.F.R. §§ 2.740, 2.741, and 2.742.

2. Orange 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 or other protection provided by law. Orange County will provide the Staff with a Privilege Log that identifies documents subject to these privileges and protections, which Orange County reserves the right to supplement.
3. Orange County objects to the Staff 's Discovery Requests to the extent they seek discovery beyond the scope of the County's two contentions, as admitted by the Board in this proceeding. The Staff is permitted only to obtain discovery on matters that pertain to the subject matter with which the County is involved 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 Applicant and the NRC Staff. Therefore, the County anticipates that it will need to supplement its responses to these Discovery Requests. The County hereby reserves its 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 such 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 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.

ORANGE COUNTY'S RESPONSE: In addition to counsel for Orange County, the following persons supplied information in responding to the three general interrogatories posed by the Staff:

Dr. Gordon Thompson
Executive Director
Institute for Resource and Security Studies
27 Ellsworth Avenue
Cambridge, MA 02139

David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1616 P Street N.W.
Suite 310
Washington, D.C. 20036

GENERAL INTERROGATORY NO. 2. For each admitted BCOC contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom BCOC expects to provide sworn affidavits and declarations in the written filing for the Subpart K proceeding described in the Board's July 29, 1999, 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.

ORANGE COUNTY'S RESPONSE: Orange County expects to provide an affidavit or declaration from Dr. Thompson regarding Contentions TC-2 and TC-3. His areas of professional expertise relevant to this proceeding are nuclear safety engineering and nuclear risk management. A copy of Dr. Thompson's resume is attached.

Orange County also expects to provide an affidavit or declaration from Mr. Lochbaum regarding Contentions TC-2 and TC-3. His area of professional expertise relevant to this proceeding is nuclear safety engineering. A copy of Mr. Lochbaum's resume is attached.

GENERAL INTERROGATORY NO. 3. For each admitted BCOC contention, identify each expert on whom BCOC intends to rely on in its written filing for the Subpart K proceeding described in the Board's July 29, 1999 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 that it will rely in part on Dr. Thompson for its written presentation in the Subpart K proceeding regarding contentions TC-2 and TC-3. Dr. Thompson will provide a sworn affidavit or declaration regarding the adequacy of the Applicant's compliance with the relevant regulatory requirements and the safety significance of any noncompliance. A list of Dr. Thompson's major publications within the last ten years is attached.

Within the preceding four years, Dr. Thompson provided testimony in a June 5, 1995, hearing before the Zoning Board of Adjustment, Township of Lacey, New Jersey, regarding

construction of an independent spent fuel storage installation on the site of the Oyster Creek Nuclear Generating Station.

Orange County also expects that it will rely on Mr. Lochbaum for its written presentation in the Subpart K proceeding regarding contentions TC-2 and TC-3. Mr. Lochbaum will provide a sworn affidavit or declaration regarding the adequacy of the Applicant's compliance with the relevant regulatory requirements and the safety significance of any noncompliance.

The following is a list of Mr. Lochbaum's major publications within the last ten years:

1. *Nuclear Waste Disposal Crisis*, (PennWell Books, Tulsa, OK, January 1996).
2. "Nuclear Plant Safety in a Changing Energy Market," article published in UCS's *Nucleus* magazine (Spring 1997).
3. "The Good, The Bad, and the Ugly: A Report on Safety in America's Nuclear Power Industry" (UCS, June 1998).
4. "The Good, The Bad, and the Ugly," article published in UCS' *Nucleus* magazine (Fall 1998).
5. "Nuclear Power Plants – How Long Before Our Luck Runs Out?," article published in *The Washington Spectator* (February 1, 1999).

Within the preceding four years, Mr. Lochbaum provided testimony in the following proceedings:

1. Kiick and Edward Kiick v. Metropolitan Edison Co. et al, Civil Action No. 1:CV-88-1452, United States District Court for the Middle of Pennsylvania.
2. Yankee Rowe nuclear power plant, intervention by Citizens Awareness Network in NRC proceeding for approval of License Termination Plan (Docket No. 50-029-LA, ASLBP No. 98-736-01-LA).
4. Seabrook nuclear power plant, intervention by Seacoast Anti-Pollution League in NRC license amendment proceeding regarding one-time exception to steam generator inspections (Docket No. 50-443-LA).

Respectfully submitted,


Diane Curran

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Power Plant))

Docket No. 50-400 -OLA
ASLBP No. 99-762-02-LA

OFFICE OF THE
GENERAL COUNSEL
ADJUDICATORY FILE

CERTIFICATE OF SERVICE

I certify that on September 8, 1999, copies of the foregoing ORANGE COUNTY'S OBJECTIONS AND RESPONSES TO NRC STAFF'S FIRST SET OF DISCOVERY REQUESTS were served on the following by e-mail and/or first class mail as indicated below:

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