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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of DUKE ENERGY
CORPORATION (McGuire Nuclear Station,
Units 1 and 2, Catawba Nuclear Station, Units
1 and 2)

Docket No's. 50-369-LR, 50-370-LR, 50-
413-LR, and 50-414-LR ASLBP No. 02-
794-01-LR March 28, 2002

Interrogatories, Requests for Admission and Requests for Production to Duke Energy

Now comes Nuclear Information and Resource Service, intervenor herein, and submits interrogatories, requests for production and requests for admissions to Duke Energy in the above captioned matter.

PLEASE NOTE THAT THE FOLLOWING DEFINITIONS AND INSTRUCTIONS ARE AN INTEGRAL PART OF THESE DISCOVERY REQUESTS.

- A. As used in this document "Intervenor" shall mean NIRS.
- B. As used in this document "Respondent" shall mean Duke Energy.
- C. "You," or "Your," shall mean Duke Energy, its officers, directors, agents, and any other representatives, including attorneys.
- D. "Document" shall mean all written or graphic matter of every kind or description, however produced or reproduced, whether drafted or final, original or reproduction, signed, sent, received, redrafted, or re-executed, including, but not limited to, electronic communications ("email"), written communications, letters, correspondence, memoranda, minutes, notes, photographs, slides, motion pictures, tape or sound

recordings, recordings of any type, computer tapes, compact discs, computer disks, and other computer records, contracts, agreements, purchase or sale orders, memoranda of telephone conversations or other conversations, diaries, desk calendars, inter-office communications, reports, studies, bills, receipts, loan sheets, checks, checkbooks, invoices, requisitions, accounts, or material similar to any of the foregoing, however denominated and by whomever prepared and to whomever addressed which are in your possession, custody, or control of to which you have, have had, or can obtain access.

"Document" shall include exact duplicates but shall also include all copies made different from originals by virtue of any writing or notation thereon or by virtue of being organized, maintained, stored or categorized in a substantially different manner or place than the originals or other duplicates.

E. "Relevant document" shall mean each document which directly or indirectly constitutes, comments on, discusses, refers, relates to, or contains information concerning the designated subject.

F. The term "person" includes natural persons, partnerships, limited partnerships, associations, leagues, corporations, governments (including all instrumentalities, officers, agents, and sub-divisions thereof), trusts, funds, and all other business, legal or artificial entities.

G. Gender pronouns as used herein include the feminine, the masculine and neuter genders. Unless otherwise indicated, the singular form includes the plural and the plural form includes the singular.

H. "Identify" or "identification" means, when used in reference to:

1. A natural person:

- a. Full name;
- b. Present or last known residence and business address (including street name and number, city or town, and state or county);
- c. Present position, business affiliation, and job description, (if the present business or residence addresses or present position, business affiliation, or job description are unknown, such a statement and the corresponding last known such information);
- d. Present position, business affiliation, and job description, (if the present business or residence addresses or present position, business affiliation, or job description are unknown, such a statement and the corresponding last known such information);
- e. Position, business affiliation, and job description at the time in question, with respect to the interrogatory or other request involved;

2. A document:

- a. Its description (e.g.: letter, memorandum, report, etc.);
- b. Its title, date, and the number of pages thereof;
- c. Its subject matter;
- d. Its author's identity;
- e. Its addressee's identity;
- f. The identity of each person who signed it;
- g. The identity of each person who received it;
- h. Its present location and its custodian identity (if such document was, but

is no longer, in the possession of or subject to control of the respondent, such a statement and the manner and date of the disposition made thereof).

- i. In the case of a contract, all of the above and identifying numbers or control or locator numbers.

3. An oral communication:

- a. Its date and the place where it occurred;
- b. Its substance;
- c. The identity of each person to whom such communication was made, and each person who was present when such communication was made.

4. Any other context:

- a. A description with sufficient particularity that the thing may thereafter be specified and recognized, including relevant dates and places, and the identification of relevant people, entities and documents;
- b. When used as a part of a request for facts to support a particular allegation or contention, it includes identification of documents produced by others as part of the discovery process, experts' reports, and applicable portions of deposition transcripts, identification of oral communications, any and all other forms of recorded facts, whether or not you have finally decided on its use in the proceeding;

I. "Communications" means any transmission of thoughts, opinions, or information by speech, writing or signs.

IN LIEU OF PRODUCTION

K. In lieu of identifying documents, you may supply the documents, or true and correct copies thereof, with your answers to these interrogatories. The documents should be

segregated or otherwise identified to reflect the number of the interrogatory or interrogatories to which the document is responsive.

TIME PERIOD

L. Unless otherwise stated, each interrogatory covers the time period from October 1, 1990 to the date of your response (hereinafter the "period"). The response to each request shall include all documents relating to the period, whether prepared before, during or after the period. Each interrogatory, whether expressed in the present tense or otherwise, refers to the entire period. If any change took place during the period with respect to any of the information requested, the date and nature of such change should be set forth.

PRIVILEGE

M. Wherever any interrogatory calls for the identity of a document or communication to which you claim privilege, include the identification of such document or communication, the fact of such claim for privilege and the basis asserted for such claim.

Wherever any document request includes any document to which Respondent claims privilege, include a statement identifying each said document, and the basis asserted for the claim of privilege.

GENERALLY

N. In answering these interrogatories, you are requested to furnish all information which is available to Respondent, including that which has been obtained by and that which is not in the possession of your attorneys, employees, agents, or other representatives, and not merely the information known by the individuals preparing the response.

O. If you are unable to answer any of the within interrogatories fully and completely, after exercising due diligence to secure the information necessary to make such full and complete answers, so state, and in addition, answer each such interrogatory to the fullest extent possible, specifying your knowledge, and your inability to answer the

remainder, and state whatever information or knowledge you may have concerning the unanswered portions thereof.

P. Each of the following discovery requests is a continuing one; if subsequent to serving an answer to any request you obtain, or become aware of, any further information pertaining to such request, you are requested to serve upon Intervenor amended answers setting forth such information.

INTERROGATORIES, REQUESTS FOR ADMISSION AND REQUESTS FOR
PRODUCTION

Request for Admission Number 1: Catawba 1, Catawba 2, McGuire 1 and McGuire 2 are under contract (or subcontract) with the U.S. Department of Energy (DOE) to irradiate surplus weapons plutonium in the form of MOX fuel.

Response:

Interrogatory No. 1: If your answer to the foregoing Request for Admission No. 1 is other than an unequivocal admission, please state the factual basis for such response.

Response:

Request for Production No. 1 A: Please produce for inspection and copying all documents, which you believe, support your answer to Interrogatory No. 1.

Response:

Request for Production No. 1 B: Please produce for inspection and copying all contract(s) between the U.S DOE and DCS (Duke Cogema StoneandWebster) and all

amendments regarding surplus plutonium disposition and plutonium (MOX) fuel irradiation or Mission Reactors.

Response:

Request for Production No. 1 C: Please produce for inspection and copying contract(s) between Duke Energy (or any other entity with authority over Catawba 1, Catawba 2, McGuire 1 and McGuire 2) and DCS with respect to Catawba 1, Catawba 2, McGuire 1 and McGuire 2.

Response:

Request for Admission No 2: DCS is contracted with the U.S. Department of Energy (DOE) for specified "deliverables" listed in Attachment 1 of Section J of Contract No. DE-AC02-99CH10888 including: Mission Reactor System Modification Plan(s); Mission Reactor Licensing Plan(s); Mission Reactor Permitting Plan(s); Mission Reactor Irradiation Plan(s). Since Catawba and McGuire are Mission Reactors, these reports to DOE refer to them, and activities that pertain to them.

Response:

Interrogatory No. 2: If your answer to the foregoing Request for Admission No. 2 is other than an unequivocal admission, please state the factual basis for such response.

Response:

Request for Production 2 A: Please produce for inspection and copying all current final or current draft versions of: Mission Reactor System Modification Plan(s);

Response:

Request for Production 2 B: Please produce for inspection and copying all current final or current draft versions of Mission Reactor Licensing Plan(s)

Response:

Request for Production 2 C: Please produce for inspection and copying all current final or current draft versions of Mission Reactor Permitting Plan(s).

Response:

Request for Production 2 D: Please produce for inspection and copying all current final or current draft versions of Mission Reactor Irradiation Plan(s).

Response:

Request for Production 2 E: Please produce for inspection and copying all documents used to prepare the contracted items identified in requests for production 2 A - 2 D.

Response:

Request for Admission No. 3: Duke Energy intends to apply for a license amendment to

load test fuel (MOX) assemblies into one or more of the Catawba 1, Catawba 2, McGuire 1 and McGuire 2 reactors under the current license for these reactors, or in the initial time of the renewed license.

Response:

Interrogatory No. 3: If your answer to the foregoing Request for Admission No. 3 is other than an unequivocal admission, please state the factual basis for such response.

Response:

Request for Production No. 3 A: Please produce for inspection and copying any documents or contracts or work product on the development, production and prospective loading of test MOX fuel assemblies.

Response:

Request for Production No. 3 B: Please produce for inspection and copying all documents evidencing the current timetable for lead test assembly development and application for license amendment to load lead test assembly(s).

Response:

Request for Admission No. 4: On July 25th, 2000 at a public meeting at NRC headquarters during a presentation about license renewal at Catawba and McGuire by Duke Energy, a representative of Duke Energy stated that if MOX fuel would interfere

with safe operations at Duke reactors through the period of license extension, then Duke would not use MOX fuel.

Response:

Interrogatory No. 4: If your answer to the foregoing Request for Admission No. 4 is other than an unequivocal admission, please state the factual basis for such response.

Response:

Request for Production No. 4 A: Please produce for inspection and copying a list of all Duke representatives and other personnel from the company who were present at the July 25, 2000 meeting at NRC headquarters on license renewal.

Response:

Request for Production No. 4 B: Please produce for inspection and copying all documents pertaining to MOX fuel use and license renewal, particularly, but not limited to, the period of extended operations.

Response:

Request for Production No. 4 C: Please produce for inspection and copying all documents pertaining to exemption requests made to NRC with respect to license renewal for McGuire 2 and Catawba 1 & 2 and MOX fuel, or plutonium disposition or DOE or DCS contracts or Duke or DCS reports to DOE.

Response:

Request for Production No. 4 D: Please produce for inspection and copying all documents on the fission yield and neutron flux of weapons grade plutonium and also reactor grade plutonium (MOX) fuel reviewed, used or consulted by Duke in assessing plutonium (MOX) fuel use or impacts.

Response:

Request for Production No. 4 E: Please produce for inspection and copying all documents pertaining to plutonium fuel characteristics and any and all types of aging of reactor vessel, reactor vessel penetrations and reactor internal components.

Response:

Request for Production No. 4 F: Please produce for inspection and copying all documents pertaining to plutonium (MOX) fuel source term and Duke reactors.

Response:

Request for Production No. 4 G: Please produce for inspection and copying all documents concerning the feasibility of using mixed oxide fuel as a light water reactor fuel in general, and specifically in Catawba and McGuire.

Response:

Interrogatory No. 5: Please state the reasons that Duke Energy decided to contract Catawba and McGuire as Mission Reactors to irradiate weapons plutonium (MOX) fuel.

Response:

Interrogatory No. 6: Identify the individual by name, address and job title, and relationship to Duke Energy who participated in or prepared the answers to these interrogatories and requests for production, other than in a purely clerical capacity. If more than one person was involved in preparing the answers to these interrogatories, describe for each such individual the information which that person provided in preparing the answers.

Response:

Interrogatory No. 7: Identify all documents, records, or other materials used in, or relied upon, in preparing your answers and all relevant documents containing information relating to each Interrogatory, and identify by number which interrogatory response to which each document is applicable.

Response:

Interrogatory No. 8: For each isotope present in a typical, new, enriched uranium fuel rod at Catawba and McGuire, please specify

- a. The mass,
- b. The number of curies

- c. The half life and
- d. The type of radiation emitted.

Response:

Interrogatory No. 9: For each isotope present in a typical spent enriched uranium fuel rod with

full burnup at the Catawba and McGuire power plants, specify

- a. The mass
- b. The number of curies
- c. The half life and
- d. The type of radiation emitted.

Response:

Interrogatory No. 10: For each isotope present in a new mixed oxide fuel rod contemplated for use in the McGuire and Catawba power plants, specify

- a. The mass
- b. The number of curies
- c. The half life and
- d. The type of radiation emitted.

Response:

Interrogatory No. 11: For each isotope projected to be present in a spent mixed oxide fuel rod with full

burnup from Catawba and McGuire, specify

- a. The mass
- b. The number of curies
- c. The half life and
- d. The type of radiation emitted.

Response:

Interrogatory No. 12: For each reactor at the Catawba nuclear station, specify

- a. The number of fuel rod assemblies
- b. The number of control rod assemblies
- c. The number of fuel rods in each assembly
- d. The total mass of all fuel rod assemblies in each reactor
- e. The total mass of all control rod assemblies in each reactor.

Response:

Interrogatory No. 13: For each reactor at the McGuire nuclear station, specify

- a. The number of fuel rod assemblies
- b. The number of control rod assemblies
- c. The number of fuel rods in each assembly
- d. The total mass of all fuel rod assemblies in each reactor
- e. The total mass of all control rod assemblies in each reactor.

Response:

Request for Production No. 5: Please produce for inspection and copying all of Duke Energy's annual reports to shareholders for the years 1992 to 2002.

Response:

Request for Production No. 6: Please produce for inspection and copying all reports filed by Duke Energy with the PSC/PUCs of North Carolina and South Carolina concerning future availability of electrical generation for the years 1992 to 2012.

Response:

Request for Production No. 7: Please identify and make available all letters, memos, electronic mails ("emails"), contracts, reports, audio recordings, transcripts, documents or work product which Duke Energy as licensee has sent to the Nuclear Regulatory Commission concerning mixed oxide fuel.

Response:

Request for Production No. 8: Please produce for inspection and copying / all letters, memos, electronic mails, contracts, reports, audio recordings, transcripts, documents, or work product which Duke Energy as licensee has received from the Nuclear Regulatory Commission concerning mixed oxide fuel.

Response:

Request for Production No. 9. Identify and make available all letters, memos, electronic

mails, contracts, reports, audio recordings, transcripts, documents or work product the licensee has sent to the Department of Energy concerning mixed oxide fuel.

Response:

Request for Production No. 10: Please produce for inspection and copying all letters, memos, electronic mails, contracts, reports, audio recordings, transcripts, documents or work product the licensee has received from the Department of Energy concerning mixed oxide fuel.

Response:

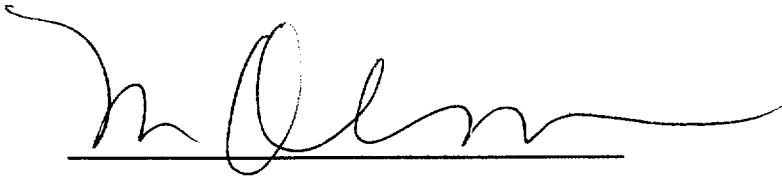
Request for Production No. 11: Identify and make available all letters, memos, electronic mails, contracts, reports, audio recordings, transcripts, documents or work product the licensee has sent the Nuclear Energy Institute concerning mixed oxide fuel.

Response:

Request for Production No. 12: Please produce for inspection and copying all letters, memos, electronic mails, contracts, reports, audio recordings, transcripts, documents or work product the licensee has received from the Nuclear Energy Institute concerning mixed oxide fuel.

Response:

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. Olson', written over a horizontal line.

Mary Olson
Director, Southeast Office
Nuclear Information and Resource Service
Asheville, North Carolina

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of:)	Docket Nos. 50-369
)	50-370
Duke Energy Corporation)	50-413
)	50-414
(McGuire Units 1 and 2, and)	
Catawba Units 1 and 2))	March 29, 2002

CERTIFICATE OF SERVICE

I hereby certify that copies of "Interrogatories, Requests for Admission and Requests for Production" in the captioned proceeding have been served on those listed below by e-mail service today and by deposit in the United States mail, first class on March 29, 2002.

The Honorable Ann Marshall Young
Atomic Safety and Licensing Board Panel
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AMY@nrc.gov

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Adjudicatory File

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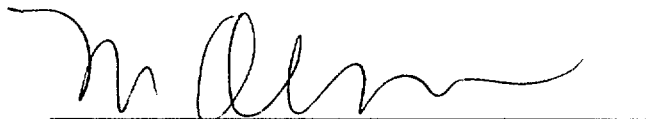
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A handwritten signature in cursive script, appearing to read "M. Olson", is written above a horizontal line.

Mary Olson
Nuclear Information and Resource Service, Southeast Office
Asheville, North Carolina
29th day of March 2001