

RELATED CORRESPONDENCE

March 31, 2004

RAS 7537

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

April 1, 2004 (11:33AM)

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

Docket Nos. 50-413-OLA
50-414-OLA

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

NRC STAFF'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DUKE ENERGY CORPORATION

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, the NRC staff (Staff) hereby requests that Duke Energy Corporation (Duke or Licensee) respond to the following interrogatories, and produce for inspection and copying the documents requested below.

I. DEFINITIONS

1. The word "document" as used herein shall mean any written or recorded matter, whether produced, reproduced or stored on paper, cards, tapes, disks, film, computer storage devices, microfiche, compact disk 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 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, e-mail and exchange of a document or documents.

3. "Licensee" means in the context of this discovery request, Duke Energy Corporation 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.

4. "Intervenor" means in the context of this discovery request, the Blue Ridge Environmental Defense League (BREDL) 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.

5. "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.

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

7. "Identify" when used in reference to a natural person means to set forth the following information relating to that person: name; present or last known residential address and telephone number; present or last known business address and telephone number; employer; title or position; area of responsibility; and business, professional, or other relationship with the Licensee. 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.

8. "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 Licensees 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.

9. "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.

10. "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.

11. "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."

12. The words "you" or "your" as used in herein shall mean Duke 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, consultants, technical advisors, 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.

INTERROGATORIES

1. Identify each and every expert witness whom you expect to call at the hearing, including each expert's name, business address and telephone number.

2. For each expert witness named in the answer to Interrogatory 1, state (a) the subject matter and substance of his/her testimony, (b) the facts and opinions upon which that testimony will be based, (c) the grounds for each opinion, and (d) any authorities and/or treatises upon which the expert relies.

3. Identify all persons from whom you, or any of your agents, servants or employees, have taken statements. Specify (a) when the statement was taken; (b) where the statement was taken; (c) who took the statement; (d) whether the statement was reduced to writing; (e) who has possession of the statement; and (f) the substance of the statement.

4. Identify all persons, you, or any of your agents, servants or employees, have interviewed. Specify (a) the date of the interview; (b) where the interview occurred; (c) who was present during the interview; (d) whether the interview was recorded or reduced to writing, including notes; (e) who is in possession of the recording or writing; and (f) the substance of the interview.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. For each expert witness named in the answer to Interrogatory 1, a complete copy of his/her *curriculum vitae*, resume or professional qualifications.

2. All expert reports, including all data, authorities and treatises relied upon in preparing the report.

3. Any and all statements referenced in the answers to the Interrogatories.

4. Any and all transcriptions, notes or recordings of interviews referenced in the answers to the Interrogatories.

5. All documents that you intend or expect to rely upon or to introduce as exhibits in any hearings to be held in this proceeding.

6. All answers to interrogatories, documents or information produced in response to interrogatories and requests for production propounded on you by BREDL.

Respectfully submitted,



Susan L. Uttal
Counsel for NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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DUKE ENERGY CORPORATION) Docket Nos. 50-413-OLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DUKE ENERGY CORPORATION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (**), this 31ST day of March, 2004.

Ann Marshall Young, Chair** *
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: AMY@nrc.gov)

Anthony J. Baratta** *
Administrative Judge
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: AJB5@nrc.gov)

Thomas S. Elleman**
Administrative Judge
Atomic Safety and Licensing Board
Panel
5207 Creedmoor Rd. #101
Raleigh, NC 27612
(E-mail: elleman@eos.ncsu.edu)

Office of the Secretary** *
ATTN: Docketing and Service
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, D.C. 20555
(E-mail: HEARINGDOCKET@nrc.gov)

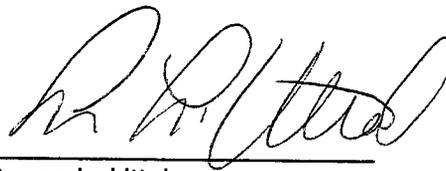
Office of Commission Appellate
Adjudication*
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Board
Panel
Adjudicatory File*
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555

Diane Curran, Esq.**
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, DC 20036
(E-mail: dcurran@harmoncurran.com)

Lisa F. Vaughn, Esq.**
Legal Department
Mail Code - PB05E
Duke Energy Corporation
426 S. Church Street (EC11X)
Charlotte, NC 28201-1006
(E-mail: lfVaughn@duke-energy.com)

David A. Repka, Esq.**
Anne W. Cottingham, Esq.**
Winston & Strawn LLP
1400 L Street, N.W.
Washington, D.C. 20005-3502
(E-mail: drepka@winston.com
acotting@winston.com)

A handwritten signature in black ink, appearing to read "Susan L. Uttal", written over a horizontal line.

Susan L. Uttal
Counsel for NRC Staff