

RAS 7634

RELATED CORRESPONDENCE

April 14, 2004
DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

April 20, 2004 (4:06PM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:)	
)	
DUKE ENERGY CORPORATION)	
)	Docket Nos. 50-413-OLA
(Catawba Nuclear Station,)	50-414-OLA
Units 1 and 2))	
)	
)	

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

In accordance with the schedule established by the Atomic Safety and Licensing Board ("Licensing Board") in its March 30, 2004 "Order (Confirming Matters Addressed at March 25 Telephone Conference)," Duke Energy Corporation ("Duke") hereby files its Response to the "NRC Staff's First Set of Interrogatories and Request for Production of Documents to Duke Energy Corporation" (March 31, 2004) ("NRC Staff Discovery Request"). Consistent with the direction of the Licensing Board in its "Order (Confirming Matters Addressed at April 6 Telephone Conference)," dated April 8, 2004, this response does not address Contention III. (Order, at ¶8.)

As a general matter, Duke is responding this same date to the "Blue Ridge Environmental Defense League's First Set of Discovery Requests to Duke Energy Corporation" (March 31, 2004) ("BREDL's First Set"). Duke is providing a copy of that response, and copies of all documents produced in connection with that response, to the NRC Staff. Duke's response

Template = SECY-035

SECY-02

to BREDL's First Set appears to comprehensively address the NRC Staff Discovery Request. Certain documents provided to the NRC Staff in connection with Duke's response to BREDL's First Set are proprietary documents governed by the Protective Order issued by the Licensing Board on April 8, 2004. These documents have been designated as proprietary, and copies are marked accordingly. Duke requests that the NRC maintain this information as proprietary in accordance with 10 C.F.R. § 9.17(a)(4) and § 2.790(b).

I. DUKE RESPONSE TO NRC STAFF INTERROGATORIES

NRC INTERROGATORY NO. 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.*

Duke Response to NRC Interrogatory 1:

The name, business address, and area of expertise for each witness whom Duke expects to testify in connection with Contentions I and II are provided in Duke's response to BREDL General Interrogatory 2 and Attachment 2 to Duke's response. Duke has not yet prepared testimony on Contentions I or II. If and when supplemental witnesses are identified, Duke will supplement its response to NRC Interrogatory 1 as appropriate.

NRC INTERROGATORY NO. 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.*

Duke Response to NRC Interrogatory 2:

See Duke's response to BREDL General Interrogatory 3.

NRC INTERROGATORY NO. 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.*

Duke Response to NRC Interrogatory 3:

Duke has not taken any formal "statements" in connection with the matters raised in Contentions I and II or in connection with its response to the NRC Staff Discovery Request. Individuals who have provided information regarding Duke's response to BREDL's First Set are identified in Duke's response to BREDL General Interrogatory 1.

***NRC INTERROGATORY NO. 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.*

Duke Response to NRC Interrogatory 4:

Duke has not conducted any formal "interviews" in connection with the matters raised in Contention I and II or in connection with its response to the NRC Staff Discovery Request. Rather, Duke counsel has consulted with relevant personnel (identified in Duke's response to BREDL General Interrogatory 1) and worked with those personnel to provide responses to interrogatories and document requests. Meetings and work sessions inherent in this process were not recorded or reduced to writing.

II. DUKE RESPONSE TO NRC STAFF DOCUMENT PRODUCTION REQUEST

***NRC REQUEST NO 1:** For each expert witness named in the answer to Interrogatory 1, a complete copy of his/her curriculum vitae, resume or professional qualifications.*

Duke Response to NRC Document Production Request 1:

The information requested is provided in Attachment 2 to Duke's response to BREDL's First Set.

***REQUEST NO. 2:** All expert reports, including all data, authorities and treatises relied upon in preparing the report.*

Duke Response to NRC Document Production Request 2:

Duke has not obtained any expert reports to respond to the NRC Staff Discovery Request and has not, to date, received expert reports specifically developed for use in this proceeding on Contentions I and II. Documents that may be relied upon in testimony on Contentions I and II are identified in Duke's response to BREDL General Interrogatory 3.

NRC REQUEST NO. 3: *Any and all statements referenced in the answers to the Interrogatories.*

Duke Response to General Document Production Request 3:

There are no "statements" referenced in Duke's answers to the NRC Staff's interrogatories.

NRC REQUEST NO. 4: *Any and all transcriptions, notes or recordings of interviews referenced in the answers to the Interrogatories.*

Duke Response to NRC Document Production Request 4:

There are no transcripts, notes or recordings of interviews referenced in Duke's answers to the NRC Staff's interrogatories.

NRC REQUEST NO. 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.*

Duke Response to NRC Document Production Request 5:

See Duke's response to BREDL's General Interrogatory 3. Duke believes that these documents are publicly available or already in the possession of the NRC Staff.

NRC REQUEST NO. 6: *All answers to interrogatories, documents or information produced in response to interrogatories and requests for production propounded on you by BREDL.*

Duke Response to NRC Document Production Request 6:

As noted above, copies of Duke's response to BREDL's First Set are being provided to the NRC Staff.

Respectfully submitted,

A handwritten signature in black ink that reads "David A. Repka". The signature is written in a cursive style and is positioned above the typed name and address.

David A. Repka
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ATTORNEYS FOR DUKE ENERGY
CORPORATION

Dated in Washington, District of Columbia
This 14th day of April 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
)
DUKE ENERGY CORPORATION)
) Docket Nos. 50-413-OLA
(Catawba Nuclear Station,) 50-414-OLA
Units 1 and 2))
)
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)

CERTIFICATE OF SERVICE

I hereby certify that copies of "DUKE ENERGY CORPORATION'S RESPONSE TO THE 'NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DUKE ENERGY CORPORATION,'" in the captioned proceeding, have been served on the following by deposit in the United States mail, first class, this 14th day of April, 2004. Additional e-mail service, designated by **, has been made this same day, as shown below.

Ann Marshall Young, Chairman**
Administrative Judge
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Anthony J. Baratta**
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U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attn: Rulemakings and Adjudications Staff
(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)


Office of Commission Appellate
Adjudication
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Washington, DC 20555

Adjudicatory File
Atomic Safety and Licensing Board Panel
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