

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
DUKE POWER COMPANY, et al. ) Docket Nos. 50-413  
(Catawba Nuclear Station, ) 50-414  
Units 1 and 2 )

PALMETTO ALLIANCE RESPONSES  
TO APPLICANTS' INTERROGATORIES AND  
REQUESTS TO PRODUCE REGARDING  
PALMETTO ALLIANCE CONTENTIONS 8, 16 AND 27  
AND TO NRC STAFF'S SECOND SET OF  
INTERROGATORIES AND DOCUMENT PRODUCTION REQUESTS

Intervenor Palmetto Alliance hereby responds to Applicants' Interrogatories and Requests to Produce Regarding Palmetto Alliance Contentions 16 and 27, dated August 9, 1982 and Contention 8, dated August 16, 1982, and to NRC Staff's Second Set of discovery, dated August 13, 1982, with the following answers, objections, responses and the Motion for Protective Order herewith served. Response is made on the following basis:

By its order of March 5, 1982, the Licensing Board admitted unconditionally only Palmetto Alliance's contention 27, but admitted conditionally Palmetto Alliance contentions 6, 7, 18, 40 and 43 subject to revision by July 6, 1982, after a round of discovery to be completed by June 3, 1982. On April 20, 1982, Palmetto Alliance served its First Set of Interrogatories and Requests to Produce upon Applicants and its Motion to Require Staff Answers to Interrogatories regarding these conditionally admitted contentions. On April 9, 1982, Applicants had served their First Set of Interrogatories and Requests to Produce regarding these same contentions and Palmetto Alliance

contentions 3, 4, 26 and 35; propounding some 441 "General" and "Specific" interrogatories, together with Requests for Production of "any and all documents of whatever description, identified in responses to Applicant's Interrogatories." Palmetto Alliance responded fully to each of these Interrogatories and Requests objecting only to the 128 Interrogatories regarding the emergency planning contentions for which no plans yet exist.

See, Palmetto Alliance Responses to Applicant's First Set of Interrogatories and Requests to Produce, and Motion for Protective Order, dated April 28, 1982.

Neither Applicants nor Staff provided any answers whatever to the Palmetto Alliance questions nor affirmative responses to the Palmetto requests for production. Palmetto Alliance has diligently responded to all of Applicants and Staff discovery. It has been provided absolutely no information or cooperation in return.

In its order of July 8, 1982, the Licensing Board admitted Palmetto Alliance contentions 8 regarding operator qualifications and 16 as limited to spent fuel storage at Catawba.

Now Applicants and Staff have launched round two of their discovery offensive against this Intervenor with Applicants' 249 "General and Specific" Interrogatories and Staff's 28 Interrogatories each to "be answered in six parts".

Palmetto Alliance hereafter endeavors to respond to each such discovery request to the best of its ability but asserts its objection to Applicants' and Staff's efforts to cause it annoyance, embarrassment, oppression, undue burden and expense in discovery beyond the responses made herein. To observe

the obvious: it is not this Intervenor who is seeking to operate or license the Catawba Nuclear Station, it is not this Intervenor who is on trial, and it is not this Intervenor who controls the evidence relevant to the health, safety and environmental effects of the Catawba Nuclear Stations's proposed operation. On the contrary it is the Applicants and NRC Staff who propose the action adversely affecting Palmetto's members and who, presumably control the evidence regarding the effects of its operation. As soon as this Intervenor can catch its breath from responding to "lengthy" Duke and Staff interlocutory appeal requests, interrogatories, and requests for production, it intends to, once again, seek discovery from Applicants and Staff. It is hoped that the evidence identified in response to Intervenor's second efforts at discovery will be somewhat more illuminating than that supplied in response to Intervenor's first set.

Palmetto Alliance further asserts its objections to the discovery of privileged communication between it and its attorney to the extent that such is sought and to discovery of trial preparation materials including its attorney's work product reflecting his confidential mental impressions, conclusions, opinions and legal theories.

Intervenor believes that, to the extent it presently has sufficient knowledge to answer, answers to Interrogatories of the NRC Staff are fully provided in the following answers to Applicants' interrogatories.

August 30, 1982



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Robert Guild  
314 Pall Mall Street  
Columbia, S.C. 29201

Counsel for Palmetto Alliance

## REQUESTS FOR DOCUMENTS

Palmetto Alliance will permit Applicants' and staff to inspect and copy documents identified in its responses to interrogatories at a time and location to be agreed upon except documents reflecting privileged communications between Palmetto Alliance, its members, officers and employees and counsel regarding legal opinions and advice and trial preparation materials representing counsel's work product represented by counsel's hand written notes contained in his private files. Palmetto Alliance objects to the production of these privileged and confidential documents.

### A. General Interrogatories

1. Contentions 8, 16 and 27

Donna M. Ahlers, 2135½ Devine Street, Columbia, South Carolina  
29205, Staff, Palmetto Alliance, Inc.

2. None at this time.

3. No

4. Refer to answers to Interrogatories regarding specific contentions.

The following documents in the custody or control of Palmetto Alliance reflect bases for contentions or conversations, correspondence or communication with individuals regarding contentions;

1. Handwritten notes of Robert Guild, attorney for Palmetto Alliance reflecting conversations with members, officers and staff regarding legal advice and opinions and notes reflecting his work product in preparation for trial; notes reflecting conversations with representatives and counsel for other parties and the presiding officer; notes reflecting the prehearing conference in the proceeding; correspondence between him and Palmetto Alliance and its members regarding his legal advice and opinions.
2. Handwritten notes of Michael Lowe concerning prehearing conference.

Regarding Contention 8:

1. Report of the President's Commission on the Accident at Three Mile Island, October 1979.
2. NUREG/CR 1270 VII, APP.7  
Operator Selection Criteria, Guides, Requirements and Recommended Practices.
3. Clarification of TMI Action Plan Requirements, NUREG 0737.

Regarding Contention 16:

1. Palmetto Nuclear Report, January 1981, Volume 2 Number 1
2. Nuclear Report by Jess Riley
3. Statement of Sherwood Smith, Jr. before the Subcommittee on Energy and the Environment of the House Committee on Interior and Insular Affairs concerning Nuclear Waste Management Legislation, July 1981
4. Nuclear Waste Briefing for the SC Legislature
5. Summary of Remarks of Dr. John C. Ruoff to Christian Action Council Nuclear Presence in SC Seminar January 11, 1982
6. Summary of working group reports from Low-Level Radioactive Waste Management Workshop May 7-8, 1981
7. Council on Economic Priorities Newsletter January 1982
8. Palmetto Nuclear Report, August 1981, Volume 1 Number 6
9. Sierra Club Fact Sheet "Shipping Casks: Are They Safe?"
10. Palmetto Alliance Fact Sheet #1 "Nuclear Waste Transportation"
11. Sierra Club Waste Paper August-September, 1977
12. Newsclipping from The State April 27, 1978 "Spent Nuclear Fuel Storage Causing Utilities Concern"
13. Newsclipping from The Columbia Record June 22, 1974 "Duke's Oconee Nuclear Plant Reports Leak"

14. Article from Nuclear Safety Volume 20 Number 2 March-April 1979  
"Operating Experiences: Another Perspective of the 1958 Soviet  
Nuclear Accident"
15. Script for 60 Minutes broadcast on Sunday, November 3, 1980 on  
CBS Television Network Volume XIII Number 8
16. Newsclip from The Columbia Record April 12, 1979 "South Carolina  
Has More Than Its Share of Nuclear Waste"
17. Palmetto Alliance fact sheet "Radioactive Waste and South Carolina"
18. Sierra Club Waste Paper article Winter 1979-80 "Waste Not, Bury  
Not: Just What the Doctor Didn't Order"
19. Palmetto Alliance "Fact Sheet on Nuclear Waste"
20. "Comments on Lump-1, Managing Low-Level Wastes" by Mina Hamilton,  
Sierra Club
21. Workshop notes "What are the Bonding and Perpetual Care Requirements  
for Waste Burial Sites?"
22. Public Affairs Bulletin "South Carolina and the Nuclear Waste  
Problem"
23. A Nuclear Waste Primer, League of Women Voters
24. Letter from the Union of Concerned Scientists July 12, 1982
25. Information release number 76-355 from ERDA December 2, 1976
26. Westinghouse Energy Information Sheet "Nuclear Waste Disposal"
27. Article from Science September 23, 1977 "Nuclear Wastes: Popular  
Antipathy Narrows Search for Disposal Sites" Volume 197 Number 4310
28. Article from Business Week August 22, 1977 p. 25 "A Layaway Plan  
For Nuclear Fuel Rods"
29. Article from Esquire April 25, 1978 p. 39 "The Nuclear Disaster  
They Didn't Want To Tell You About" by Andrew Cockburn

Regarding Contention 27:

1. Palmetto Nuclear Report August 1981 Volume 2 Number 6
2. Preliminary Draft SERs for Catawba Nuclear Station to Mr. William O. Parker from Robert L. Tedesco Enclosure 3 April 6, 1982
3. NRC Staff Responses to CMEC Discovery #1...and Questions from Henry Pressler April 5, 1982
4. Letter from Robert Alvarez to David Reid August 23, 1982
5. Radiation Safety Services advertisement
6. Article in Audobon May 1980 "Supercritical: A Nuclear Excursion"
7. Letter to Senator Tom Turnipseed from Carl J. Johnson, M.D., M.P.H. #1
8. Letter to Senator Tom Turnipseed from Carl J. Johnson, M.D., M.P.H. #2
9. Report on Accidental Release of Tritium Gas at the Savannah River Plant May 2, 1974 by South Carolina Department of Health and Environmental Control
10. Handwritten memorandum from Ruth Thomas to Palmetto Alliance Executive Committee
11. A Bill to amend section 42-13-10, code of the laws of South Carolina, 1976
12. Statement of Robert Alvarez before the National Academy of Sciences Committee on the Biological Effects of Ionizing Radiation
13. Article from The Wall Street Journal, Sept. 4, 1980 "Radiation Detection System Is Questioned In a Review of Plant"
14. Summary of Radioecological Affidavit Prepared by University of Heidelberg, May 1978
15. Article from The Greenville News May 17, 1981 "New Figures on Radiation Raise New Doubts"



16. Article from Irmese Independent by Brian Costner "Report Sites Inadequacies in Emergency Evacuation Plans"
17. Questions from the Public on Radiological Emergencies submitted by Ruth Thomas
18. Response to Questions from Mrs. Ruth Thomas in Letter Dated January 12, 1981
19. Article "Unexpected Radiation Puzzles TMI Officials"
20. Radiation Risks for Nuclear Workers
21. NUREG/CR-2644 An Assessment of Offsite, Real Time Dose Measurement Systems for Emergency Situations April 1982
22. NUREG-0654 FEMA-REP-1, Rev.1 Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants November 1980
23. Report of the President's Commission on the Accident at Three Mile Island October 1979



PALMETTO ALLIANCE CONTENTION 8

1. Intervenor at present lacks sufficient knowledge to answer.
2. See answer to No. 1, above.
3. See answer to No. 1, above.
6. See, Response to Requests for Documents and General Interrogatories.
7. Common meaning.
8. See answer to No. 1, above.
9. See answer to No. 1, above.
13. See, Response to Requests for Documents and General Interrogatories.
14. Common meaning.
15. See answer to No. 1, above.
17. See answer to No. 1, above.
19. See Response to Requests for Documents and General Interrogatories.
20. Common meaning.
21. Yes.
22. Common meaning.
23. See answer to No. 1, above.
24. Common meaning.
25. See answer to No. 1, above.
26. See answer to No. 1, above.
27. Common meaning.
28. See answer to No. 1, above.
29. See answer to No. 1, above.
30. See Response to Requests for Documents and General Interrogatories.
31. Yes.
32. See answer to No. 1, above.

38. See Response to Requests for Documents and General Interrogatories.
39. Same meaning as attached to Applicants' use of term.
40. See answer to No. 1, above; Intervenor no longer has copy of FSAR in order to answer.
41. See answer to No. 1, above; Intervenor no longer has copy of FSAR in order to answer.
43. See answer to No. 1, above; Intervenor no longer has copy of FSAR in order to answer.
44. See answer to No. 1, above.
46. See Response to Requests for Documents and General Interrogatories.
47. Common meaning.
48. See answer to No. 1, above.
49. See answer to No. 1, above.
51. See answer to No. 1, above.
52. See Response to Requests for Documents and General Interrogatories.
53. Common meaning.
54. See answer to No. 1, above.
55. See answer to No. 1, above.
56. See answer to No. 1, above.
59. See Response to Request for Documents and General Interrogatories.
60. Not necessarily.
61. See answer to No. 1, above.
62. See answer to No. 1, above.
63. See answer to No. 1, above.
64. See answer to No. 1, above.
65. See Response to Request for Documents and General Interrogatories.

66. Yes.
67. See answer to No. 1, above.
68. See answer to No. 1, above.
71. See Response to Request for Documents and General Interrogatories.
72. See answer to No. 1, above; Intervenor no longer has copy of FSAR in order to answer.
73. See answer to No. 1, above; Intervenor no longer has copy of FSAR in order to answer.
75. No.
78. Common meaning.
79. See answer to No. 1, above.
81. See answer to No. 1, above.
84. See Response to Request for Documents and General Interrogatories.

PALMETTO ALLIANCE CONTENTION 16

1. Common meaning.
2. Intervenor at present lacks sufficient knowledge to answer.
7. See response to Requests for Documents and General Interrogatories.
8. See response to Requests for Documents and General Interrogatories.
9. Common meaning.
10. See response to No. 2, above.
11. See response to No. 2, above.
16. See response to Requests for Documents and General Interrogatories.
17. Common meaning.
18. See response to No. 2, above.
19. See response to No. 2, above.
25. Common meaning reflecting Applicants' plans and application.
26. Intervenor believes answer within knowledge of Applicants. See response to No. 2, above.
27. See response to No. 2, above.
28. See response to Requests for Documents and General Interrogatories.
29. Common meaning reflecting Applicants' plans and application.
30. See response to No. 2, above.
37. See response to Requests for Documents and General Interrogatories.
38. Common meaning reflecting Applicants' plans and application.
39. Intervenor believes answer within knowledge of Applicants. See response to No. 2, above.
48. See response to Requests for Documents and General Interrogatories.

PALMETTO ALLIANCE CONTENTION 27

1. Common meaning.
2. Intervenor at present lacks sufficient knowledge to answer.
7. See response to Requests for Documents and General Interrogatories.
8. Common meaning i.e., instruments for continuous measuring and recording of radiation dose rates.
9. See answer to No. 8, above.
10. See answer to No. 2, above.
13. See answer to No. 2, above.
18. See answer to No. 2, above.
19. See answer to No. 2, above.
24. See answer to No. 2, above.
25. See response to Requests for Documents and General Interrogatories.
26. Common meaning.
27. See answer to No. 2, above.
28. See answer to No. 2, above.
31. See answer to No. 2, above.
33. See response to Requests for Documents and General Interrogatories.
35. See answer to No. 2, above.
36. See answer to No. 2, above.
39. See answer to No. 2, above.
41. See response to Requests for Documents and General Interrogatories.
42. Gamma-emitting radionuclides that may be attributable to effluents from the facility.
43. See answer to No. 2, above.
46. See responst to Requests for Documents and General Interrogatories.
47. Common meaning.
48. See answer to No. 2, above.

49. See answer to No. 2, above.
50. See answer to No. 2, above.
51. See answer to No. 2, above.
52. See answer to No. 2, above.
53. See answer to No. 2, above.
54. See answer to No. 2, above.
55. Common meaning.
56. See answer to No. 2, above.
57. See answer to No. 2, above.
58. See response to Requests for Documents and General Interrogatories.
59. Intervenor believes answer within knowledge of Applicants i.e., personnel responsible for emergency operations.
60. In order to more effectively assess and monitor actual or potential offsite consequences of radiological emergency conditions.
61. See response to Requests for Documents and General Interrogatories.
62. Consequences of radiological emergency conditions.
63. See answer to No. 2, above.
67. See answer to No. 2, above.
70. See response to Requests for Documents and General Interrogatories.
71. Common meaning to include appropriate protective actions.
72. Appropriate protective actions.
73. See answer to No. 2, above.
76. See answer to No. 2, above.
77. See response to Requests for Documents and General Interrogatories.
78. Common meaning.
79. See answer to No. 2, above.
81. See answer to No. 2, above.

82. See answer to No. 2, above.
85. See answer to No. 2, above.
86. See response to Requests for Documents and General Interrogatories.
87. See answer to No. 2, above.
88. See answer to No. 2, above.
90. See answer to No. 2, above.
91. See answer to No. 2, above.
94. See answer to No. 2, above.
97. See answer to No. 2, above.
100. See response to Requests for Documents and General Interrogatories.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
DUKE POWER COMPANY, et al. ) Docket Nos. 50-413  
(Catawba Nuclear Station, ) 50-414  
Units 1 and 2 )

AFFIDAVIT OF DONNA M. AHLERS

I, Donna M. Ahlers, do affirm as follows:

1. I am employed as Staff by Palmetto Alliance, Inc. at 2135½ Devine Street, Columbia, South Carolina, 29205.
2. I am duly authorized to participate in answering interrogatories and requests for production regarding Palmetto Alliance contentions 8, 16 and 27, and I affirm that the responses given are true to the best of my knowledge.

Donna M. Ahlers  
Donna M. Ahlers

AFFIRMED AND SUBSCRIBED

BEFORE ME THIS 30 DAY OF August 1982

[Signature]  
NOTARY PUBLIC FOR SOUTH CAROLINA

McCommis Evans  
July 29, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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DUKE POWER COMPANY, et al. ) Docket No. 50-413  
(Catawba Nuclear Station, ) 50-414  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of Palmetto Alliance Responses to Applicants' Interrogatories and Requests to Produce Regarding Palmetto Alliance Contentions 8, 16 and 27 and to NRC Staff's Second Set of Interrogatories and Document Production Requests; and Motion for Protective Order.

in the above captioned matters, have been served upon the following by deposit in the United States mail this 30 th day of August, 1982.

James L. Kelley, Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. A. Dixon Callihan  
Union Carbide Corporation  
P.O. Box Y  
Oak Ridge, Tennessee 37830

Dr. Richard R. Foster  
P.O. Box 4263  
Sunriver, Oregon 97701

Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

George E. Johnson, Esq.  
Office of the Executive Legal  
Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

William L. Porter, Esq.  
Albert V. Carr, Jr., Esq.  
Ellen T. Ruff, Esq.  
Duke Power Company  
P.O. Box 33189  
Charlotte, North Carolina 28242

Richard P. Wilson, Esq.  
Assistant Attorney General  
State of South Carolina  
P.O. Box 11549  
Columbia, South Carolina 29211

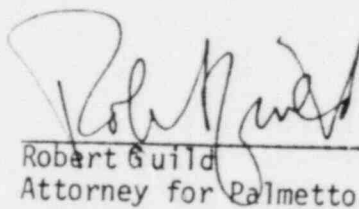
Chairman  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Henry A. Presler  
Charlotte-Mecklenburg  
Environmental Coalition  
943 Henley Place  
Charlotte, North Carolina 28207

J. Michael McGarry, III, Esq.  
Debevoise & Liberman  
1200 Seventeenth St., N.W.  
Washington, DC 20036

Jesse L. Riley  
854 Henley Place  
Charlotte, North Carolina 28207

Scott Stucky  
Docketing and Service Station  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555



Robert Guild  
Attorney for Palmetto Alliance