

September 30, 1982

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY, <u>ET AL.</u>)	Docket Nos. 50-440
)	50-441
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

APPLICANTS' INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS TO SUNFLOWER
ALLIANCE INC., ET AL. (THIRD SET)

These Interrogatories and Request for Production of Documents are filed by Applicants pursuant to the Licensing Board's Special Prehearing Conference Memorandum and Order, LBP-81-24, 14 N.R.C. 175 (1981), the Memorandum and Order (Concerning Scheduling) dated September 16, 1982, and the Nuclear Regulatory Commission's Rules of Practice. The Interrogatories and Document Requests are directed to Sunflower Alliance, Inc., et al. ("Sunflower"), and pertain to Issues No. 1, No. 3 and No. 11.

The Interrogatories submitted herein are filed pursuant to 10 C.F.R. § 2.740b, which requires that the Interrogatories be answered separately and fully in writing under oath or

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affirmation, within 14 days after service. The Interrogatories are intended to be continuing in nature and the answers must be immediately supplemented or amended, as appropriate, should Sunflower obtain any new or differing information responsive to the Interrogatories.

The Request for Production of Documents is filed pursuant to 10 C.F.R. § 2.741, which requires that Sunflower produce and either furnish copies of or permit Applicants to inspect and copy any documents responsive to the request and which are in the possession, custody or control of Sunflower. The Request for Production of Documents also is continuing in nature and Sunflower must produce immediately any additional documents it obtains which are responsive to the Request.

For purposes of these Interrogatories, the term "document(s)" means all writings and records of every type in the possession, control or custody of Sunflower or of Sunflower's attorney(s), including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings, and all other writings or recordings of any kind. "Document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of Sunflower.

For purposes of these Interrogatories, a document shall be deemed to be within the "control" of Sunflower or of Sunflower's attorney(s) if they have ownership, possession or

custody of the document or copy thereof, or have the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof.

When identification of a document is requested, briefly describe the document; i.e., letter, memorandum, book, pamphlet, etc., and state the following information as applicable to the particular document: name, title, number, author, date of publication and publisher, addressee, date written or approved, and the name and address of the person(s) having possession of the document.

The purpose of these Interrogatories and Request for Production of Documents is to clarify the scope of Issues No. 1, No. 3 and No. 11, and to ascertain the factual bases which support each element of the Issues so that Applicants adequately can prepare their response to the Issues.

INTERROGATORIES

Issue No. 1 (Off-Site Emergency Evacuation Plans)

1. (a) State whether Sunflower, or any of its members, representatives, agents, or any other person or organization acting on its behalf, has examined any portion of any draft of the emergency response plans for Lake, Ashtabula, or Geauga counties.

(b) If such draft plans have been examined by or on behalf of Sunflower:

(1) Identify the portions of the draft plans that were examined.

(2) State the places at and dates on which the draft plans were examined.

(3) -State the name, present or last known address, and present or last known employer of each person who examined the draft plans for Sunflower.

(4) State the name, present or last known address, and present or last known employer of each person who made such draft plans available for examination by Sunflower.

2. (a) Produce a copy of any draft, or any portion of any draft, of the emergency response plans of Lake, Ashtabula or Geauga counties in the possession or control of Sunflower.

(b) If such draft plans are produced, state how and when Sunflower obtained possession or control of the draft plans, including the name, present or last known address, and present or last known employer of each person who obtained the draft plans for Sunflower and each person who gave the draft plans to Sunflower.

3. (a) State the name, present or last known address, and present or last known employer of each person or organization that has provided any information, assistance or advice, directly or indirectly, to Sunflower with regard to Issue No. 1.

(b) As to each such identified person or organization, state the substance of the provided information, assistance or advice.

- Issue No. 3 (Quality Assurance)

4. (a) State the name, present or last known address and present or last known employer of each person or organization providing any information, assistance, or advice, directly or indirectly, to Sunflower with regard to Issue #3.

(b) As to each such person or organization, state the substance of the provided information, assistance or advice.

5. (a) State in detail the substance of any information within Sunflower's knowledge involving any alleged deficiencies in construction or quality assurance at the Perry Nuclear Power Plant. (Sunflower need not restate information contained in Applicants' reports to the NRC or the NRC's inspection reports).

(b) As to each such item of information, state the name, present or last known address, and present or last known employer of each person or organization who brought such information to Sunflower's attention. If such an item of information was brought to Sunflower's attention by some person or organization other than the person having direct knowledge of the alleged deficiency, state the name, present or last

known address, and present or last known employer of the person having such direct knowledge.

(c) State when, how, and to whom each item of information identified in parts (a) and (b) above was communicated. State the present or last known address and present and last known employer of each person identified in this response.

(d) State any actions Sunflower has taken to verify the substance of each item of information identified in part (a) above. State the results of any such attempted verification.

(e) Identify all documents related in any way to any of the items of information identified in parts (a) and (b) above, the communication of such items of information to Sunflower, and any verification attempted by Sunflower of such items of information.

Issue No. 11 (Local Economic Benefits)

6. State the name, present or last known address, present or last known employer and professional and educational qualifications of each person known to you to have first-hand knowledge of the facts alleged in Issue No. 11.

7. (a) State the name, address, title, employer and educational and professional qualifications of each person you intend to call as an expert witness on Issue No. 11.

(b) State the subject matter on which each such person is expected to testify.

(c) State the substance of the facts and opinions to which each such person is expected to testify.

(d) State a summary of the grounds for such opinions, and identify all documents upon which such person relies to substantiate such opinions.

8. Identify all documents in your possession, custody or control, including all relevant page citations, pertaining to the subject matter of Issue No. 11.

9. Identify all documents, including all relevant page citations, which you intend to offer as exhibits during this proceeding to support Issue No. 11 or which you intend to use during your cross-examination of witnesses presented by Applicants and/or the NRC Staff on Issue No. 11.

10. (a) On page 6-3 of the PNPP Final Environmental Impact Statement, NUREG-0844 (August, 1982), the NRC Staff states that the indirect benefits listed in Table 6.1 "are presented for informational purposes only and are not included in the cost-benefit balance." In light of this statement, do you still contend that the PNPP FES accords too much weight to increased employment and tax revenues to the local community?

(b) If the answer to part (a) above is in the affirmative, state in detail the bases for your answer.

(c) Identify all documents you rely on to support or fashion your answers to parts (a) and (b) above.

(d) State the name, present or last known address, present or last known employer, and educational and professional qualifications of each person you rely on to support or fashion your answers to parts (a) or (b) above. As to each such person, state the substance of any information, assistance or advice provided by such person to Sunflower with regard to Issue No. 11.

General Interrogatories Pertaining to Issues No. 1, No. 3 and No. 11

11. State the name, title or position, present or last known address, present or last known employer, and educational and professional qualifications of each person who provided information used in preparing responses to any of the foregoing Interrogatories.

12. For each person identified in response to Interrogatory #11, state the numbers of the Interrogatories for which information was supplied.

13. State the name, title or position, present or last known address and present or last known employer of each person who

searched for documents in order to respond to any of the foregoing requests for identification of documents.

14. For each person identified in response to Interrogatory #13, state the numbers of the Interrogatories for which the search was conducted and the location where the search was conducted.

15. Identify any written or recorded statement in the possession or control of Sunflower pertaining to the subject matter of Issues No. 1, No. 3 and No. 11, not previously identified in response to the foregoing Interrogatories.

REQUEST FOR PRODUCTION OF DOCUMENTS

Applicants request that Sunflower respond in writing to the following request for production of documents and produce the original or best copy of each of the documents requested below, at the office of Lawrence O. Beck at The Cleveland Electric Illuminating Company, or at a place mutually convenient to the parties.

The term "document(s)" means all writings and records of every type in the possession, control or custody of the Sunflower or of the Sunflower's attorney(s), including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps,

bulletins, minutes, notes, speeches, articles, transcripts, voice recordings, and all other writings or recordings of any kind. "Document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of the Sunflower.

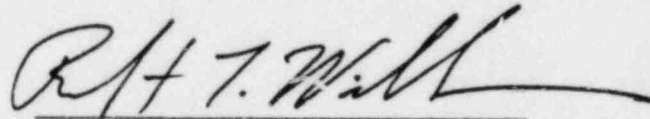
A document shall be deemed to be within the "control" of the Sunflower or of the Sunflower's attorney(s) if they have ownership, possession or custody of the document or copy thereof, or have the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof.

Applicants request that Sunflower produce each and every document identified or described in the answers to the above Interrogatories 1 through 15.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By:



Jay E. Silberg, P.C.
Robert L. Willmore

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Dated: September 30, 1982

UNITED STATES OF AMERICA

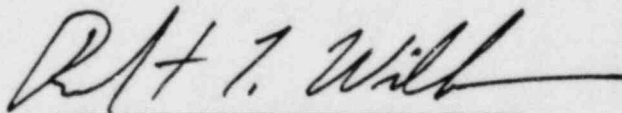
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Interrogatories and Request For Production of Documents to Sunflower Alliance, Inc., et al. (Third Set)," were served by deposit in the U.S. Mail, First Class, postage prepaid, this 30th day of September, 1982, to all those on the attached Service List.


Robert L. Willmore

Dated: September 30, 1982

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