

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ⁸² NOV -9 AIO :56

In the Matter of)
DUKE POWER COMPANY, et al.)
(Catawba Nuclear Station,)
Units 1 and 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket No. 50-413
50-414
November 5, 1982

PALMETTO ALLIANCE SUPPLEMENTARY
RESPONSES TO APPLICANTS' AND STAFF'S
INTERROGATORIES REGARDING PALMETTO
CONTENTIONS 8, 16, and 27.

Intervenor Palmetto Alliance herewith submits supplementary responses to discovery by Applicants and Staff as directed by the Board at the most recent Prehearing Conference of October 8, 1982 and reaffirms its previous Responses and Motion for Protective Order of August 30, 1982.

Applicants assert in their Motion to Compel of September 9, 1982, that their interrogatories

are designed to enable Applicants to understand how Palmetto Alliance defines the material terms in its contentions; what the areas of safety concern (if any) raised by Palmetto Alliance encompass; what actions (if any) Applicants should take, according to Palmetto Alliance, to assure the safe operation of Catawba; and what the technical bases (if any) for Palmetto Alliance's positions are.

Applicants' Motion to Compel at p. 647.

Palmetto Alliance does not dispute the legitimacy of these areas of inquiry or that such information is properly discoverable. Palmetto asserts no objection to responding to any of these questions by Duke Power Company on relevance grounds. But Palmetto does insist on its right to say "we don't know" at this stage of litigation and to be free

from sheer harassment at the hands of either Duke or the NRC Staff. Defining such terms as "sufficient", Applicants' Interrogatory No. 7, "reactor operators", Interrogatory No. 22, and "have experience", Interrogatory No. 61, beyond stating that the words' common meaning should control, represents at least sheer make-work if not harassment.

By contrast Applicants and Staff have asserted numerous objections to answering questions by Palmetto Alliance on these same contentions. Palmetto Alliance Motions to Compel and to Require Answers from Applicants and Staff respectively on contentions 8, 16 and 27 remain pending.

The NRC Appeal Board has approved the following Licensing Board formulation of a party's duty to respond to discovery.

In responding to discovery requests, a party is not required to engaged in extensive research. It need only reveal information in its possession or control (although it may be required to perform some investigation to determine what information it actually possesses.) Assuming truthfulness of the statement, lack of knowledge is always an adequate response.

Pennsylvania Power and Light Company, et al. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB 613, 12 NRC 317 at 334 (1980).

Palmetto Alliance has agreed to produce for inspection all non-privileged documentary information in its possession on the subjects in question; and in the body of its contentions, on the record of the Pre-hearing Conference and in its previous responses has endeavored to the best of its ability to disclose what it knows on the questions asked. The following answers supplement that information.

APPLICANTS' INTERROGATORIES

Contention No. 8

1. Active participation in operation.
2. As much as is needed.

14. Do not have.
20. A power reactor of a size comparable to Catawba in which heat is transferred from the core to a heat exchanger by high temperature water kept under high pressure in the primary system.
22. Any individual who either manipulates a control of a reactor or directs another to manipulate a control of a reactor.
24. Same meaning as employed by Applicants.
27. Capable of functioning.
40. While Intervenor no longer has copy of FSAR examined in preparation of this contention, the FSAR at the South Carolina State Library reflects as follows: Table 13.1.3-1, pp. 27-40 summarizes the qualifications of Shift Supervisors and Assistant Shift Supervisors William H. Miller, James F. Beattie, Gail B. Ice, B.A. Sigmon, John M. Hill, Reginald E. Kimroy, Michael J. Brady, Phillip J. Loss, Thomas Baumgardner, Robert W. Smith, Stacy S. Cooper, and Charlie Skinner.
41. See answer to No. 40.
43. See answer to No. 40.
47. Principal duty to direct.
53. Functioning of the facility in a manner so as not to endanger.
61. Participation in operation.
72. While Intervenor no longer has copy of FSAR examined in preparation of this contention, the FSAR at the South Carolina State Library sets out License Requirements, Section 13.2.3, and License Variances, Section 13.2.4, reflecting experience requirements for Reactor Operators and Senior Reactor Operators. No names of operators are set out in this copy of the FSAR.
73. See answer to No. 72.
78. Nearly but not exactly the same absence of participation.

Contention No. 16

1. Have not shown by reasoning, proved, or made clear.
9. Skill, power to do, expertness, talent.
17. So as not to endanger.
25. To put aside, accumulate, safekeep as is reflected by Applicants' plans and application.
29. Clusters of fuel rods which have been exposed to radiation as is reflected by Applicants' plans and application.
38. Other power reactors owned or operated by Duke Power Company as is reflected by Applicants' plans and application.

Contention No. 27

1. Call for as necessary.
26. Having the qualities necessary for.
47. Position in various places near the location of the facility.
55. The location of the facility.
78. To give an acceptable level of confidence.

STAFF INTERROGATORIES

Palmetto Alliance has previously responded to the questions of NRC Staff in its August 30, 1982 Responses by asserting

...answers to Interrogatoes of the NRC Staff are fully provided in the following answers to Applicants' interrogatories.

Id. at p. 3.

In its Motion to Compel, NRC Staff has identified three of its interrogatories not the same as Applicants:

...although there is some overlap between Applicants' and Staff's interrogatories on these contentions, there are

several Staff interrogatories which are clearly not included in Applicants' interrogatories (e.g. Interrogatories 6, 10, 14), as to which there is no response whatsoever.

NRC Staff Motion to Compel Answers to Staff Interrogatories and Response to Palmetto Alliance Motion for Protective Order, dated 9/15/82 at p. 3.

Palmetto Alliance provides the following supplementary responses to these interrogatories.

- 6. Not to our knowledge.
- 10. Intervenor lacks sufficient knowledge to answer.
- 14. Intervenor lacks sufficient knowledge to answer.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
DUKE POWER COMPANY, et al.
(Catawba Nuclear Station,
Units 1 and 2

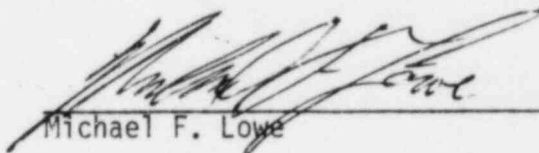
)
)
)
)
)

Docket Nos. 50-413
50-414

AFFIDAVIT OF MICHAEL F. LOWE

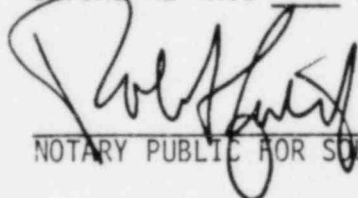
I, Michael F. Lowe, do affirm as follows:

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.



Michael F. Lowe

AFFIRMED AND SUBSCRIBED
BEFORE ME THIS 6TH DAY OF



NOTARY PUBLIC FOR SOUTH CAROLINA

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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 Supplementary Responses to Applicants' and Staff's Interrogatories Regarding Palmetto Contentions 8, 16 and 27 in the above captioned matters, have been served upon the following by deposit in the United States mail this 6th day of November, 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 Foster
P.O. Box 4263
Sunriver, Oregon 97701

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

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

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

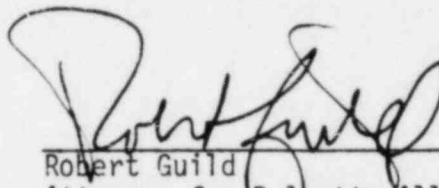
Henry A. Presler
Charlotte-Mecklenburg Environmental
Coalition
943 Henley Place
Charlotte, North Carolina

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

Richard P. Wilson
Assistant Attorney General
State of South Carolina

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