

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONDOCKETED  
USNRCBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter )

DUKE POWER COMPANY, et al. )(Catawba Nuclear Station,  
Units 1 and 2) )Docket Nos. 50-413  
50-414APPLICANTS' RESPONSES TO "PALMETTO  
ALLIANCE FOLLOW-UP INTERROGATORIES AND  
REQUESTS TO PRODUCE" REGARDING CONTENTIONS  
6, 7, 8, 16, 27 and 44

Duke Power Company, et al. ("Applicants"), pursuant to 10 C.F.R. §2.740b(b), hereby respond to "Palmetto Alliance Follow-Up Interrogatories and Requests to Produce to Applicants," filed March 16, 1983. Applicants' Response includes the following answers and objections, as well as the accompanying Motion for Protective Order.

I BACKGROUND

The discovery schedule established by the Atomic Safety and Licensing Board ("Board") in this proceeding contemplated the filing of "follow-up" interrogatories by Palmetto Alliance, "limited to 20, single-part questions on each contention." (December 22, 1982 Order at p. 17). Pursuant to this and subsequent Board orders (which modified the deadline for submittal of this discovery <sup>1/</sup>), on March 16, 1983 Palmetto Alliance filed "Palmetto Alliance Follow-Up Interrogatories and Requests to Produce" on contentions 6, 7, 8,

<sup>1/</sup> The Board's Order of January 14, 1983, Memorandum and Order of March 4, 1983 (pp. 3-4), and Memorandum and Order of March 10, 1983 (pp. 1-2) extended the schedule for filing these supplemental Interrogatories.

16, 27 and 44. Applicants' Responses to these follow-up Interrogatories are set forth below.

Applicants note that several of the follow-up Interrogatories on Contention 6 and one on Contention 7 are virtually identical to Interrogatories previously filed by Palmetto Alliance on these contentions. <sup>2/</sup> Applicants have either answered these previous Interrogatories, <sup>3/</sup> providing the information requested or agreeing to do so as it could be compiled, or have successfully objected to providing responses. <sup>4/</sup> Accordingly, Applicants fail to understand Palmetto Alliance's purpose in requesting the same information again. <sup>5/</sup> With respect to those follow-up Interrogatories which essentially duplicate prior Interrogatories, Applicants object to providing additional information, and refer Palmetto Alliance to Applicants' earlier responses (designated below) or to those portions of the Board's February 9, 1983 Order sustaining Applicants' objections to supplying the information requested.

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<sup>2/</sup> See "Palmetto Alliance First Set of Interrogatories and Requests to Produce," April 20, 1982 ("April 20, 1982 Discovery").

<sup>3/</sup> Applicants' responses to previous Interrogatories on Contentions 6 and 7 are set forth either in "Applicants' Responses to 'Palmetto Alliance First Set of Interrogatories and Requests to Produce' and 'Palmetto Alliance Third Set of Interrogatories and Requests to Produce,'" December 31, 1982, pp. 14-62 ("December 31, 1982 Responses"); or "Applicants' Supplemental Responses to Palmetto Alliance's Interrogatories and Requests to Produce Regarding Palmetto Alliance Contentions 6, 7, 8, 27 and 44," February 28, 1983, pp. 12-16, 16-18 ("February 28, 1983 Responses").

<sup>4/</sup> In its Memorandum and Order of February 9, 1983, ("February 9, 1983 Order") the Board sustained Applicants' objections to several Palmetto Alliance Interrogatories on Contention 6, including Interrogatories 1, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22 (to the extent that the Interrogatory sought information on the reasons for, and circumstances surrounding, the termination of DPC employees), 26, and 27.

<sup>5/</sup> Palmetto Alliance's alleged inability to "obtain copies of documents claimed by Applicants to contain answers to its earlier interrogatories for detailed examination and analysis," due to financial constraints and the volume of material involved (Follow-Up Interrogatories, pp. 3-4), may have led to Intervenor's overlooking the information which Applicants have already made available.

## II. REQUESTS TO PRODUCE

Applicants will make available for inspection and copying by Palmetto Alliance those documents, not subject to privileges or objections asserted by Applicants in the responses to individual Interrogatories, identified in "Applicants' Responses to 'Palmetto Alliance Follow-Up Interrogatories and Requests to Produce' Regarding Contentions 6, 7, 8, 16, 27, and 44." Such documents will be available to Palmetto Alliance on and, for a reasonable period of time after, March 30, 1983 at Duke Power Company's offices at 422 South Church Street, Charlotte, North Carolina.

## III. SPECIFIC INTERROGATORIES

### Responses to Interrogatories on Contention 6

1. Other than by documents or materials protected from disclosure to Intervenor under the attorney "work product" or attorney-client privileges, is the factual basis for your position on this contention reflected in conversations, consultations, correspondence or any other type of communications with one or more individuals?

If so:

- a. Identify by name and address each such individual.
- b. State the educational and professional background of each individual, including occupation and institutional affiliations.
- c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
- d. Describe the information received from such individuals.
- e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individual.

To the extent that the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 6 is dependent upon communications among or between individuals, those communications are subject to the attorney-client or attorney work-product privileges. See February 28, 1983 Responses at

pp. 3-28. Any other documents which applicants are aware of to date, underlying the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 6, as expressed in Applicants' Responses to Palmetto Alliance's Interrogatories or pleadings filed in this matter, have been identified in response to relevant Interrogatories and have been made available for inspection and copying.

2. Identify each deficiency in plant construction reflecting faulty workmanship or deficiency in plant design change control as defined in 10 CFR Section 50.55(e) and for each indicate: the classification of its significance (i.e. classified under which subsections, 50.55(e) (i) (i - iv); the 10 CFR Part 50 Appendix A General Design Criteria to which each relates and the respects in which it reflects noncompliance; the report number, and date, if any; the names, titles, addresses, and telephone numbers of each person responsible for the deficiency, its discovery, its reporting, and its corrective action; a detailed description of the deficiency and its safety implications; a detailed description of its corrective action.

This follow-up Interrogatory is almost identical to Interrogatory 12 on Contention 6 filed by Palmetto Alliance in its April 20, 1982 Discovery. Applicants acknowledge that Palmetto Alliance has modified the language slightly; Intervenor's earlier Interrogatory 12 stated: "Identify each deficiency in design and construction as defined in 10 CFR Section 50.55(e) and for each indicate . . . ." These minor modifications have presumably been made in an attempt to bring this Interrogatory under the "umbrella" exception provided by the Board in its February 9 Order, wherein it stated (p. 3) in regard to Interrogatories 12-14 that "[s]hould Palmetto Alliance frame more specific follow-up questions in this area, the Applicants might be required to supply more specific answers."

However, Applicants submit that the slight changes in wording made in formulating this follow-up Interrogatory do not satisfy the Board's direction to Palmetto Alliance in its February 9, 1983 Order



to frame specific supplemental interrogatories, rather than "pressing broad interrogatories that speak comprehensively to every problem the Applicants have experienced in Quality Control at Catawba and at their other facilities," which go "far beyond" Contention 6 as admitted. (February 9, 1983 Order at p. 3).

Moreover, the minor textual changes made to Palmetto Alliance's original Interrogatory 12 to produce this follow-up Interrogatory are clearly insufficient to change the thrust of Applicants' objections to providing the information sought. Nor do these nonsubstantive changes in language affect the applicability of the Board's Order sustaining Applicants' objections to Interrogatory 12. Rather, follow-up Interrogatory 2 reflects the Intervenor's continuing attempt to have Applicants prepare its case by not only researching and producing documents, but also searching through the voluminous materials requested by Palmetto Alliance to compile the specific data which the Intervenor currently believes may be relevant to its contention. The issue here is not whether or not the documents requested by Palmetto Alliance should be produced. Applicants have already made this material available. Rather, the issue is who should properly bear the burden of preparing Palmetto Alliance's case in this proceeding.

In their December 31, 1982 Response to Interrogatory 12, Applicants listed the Significant Deficiency Reports indicating deficiencies (as defined in 10 CFR §50.55(e)) in construction of the Catawba Nuclear Station. These Reports include the Report Number, date, facility name, identification of the deficiency and an Initial Report on it; the component involved and/or its supplier (if applicable); a description of the deficiency; an analysis of the safety

implications of the deficiency; and the corrective actions taken (including both immediate and long-term corrective actions). All of these Significant Deficiency Reports have been made available to Palmetto Alliance for inspection and copying.

Applicants objected on several grounds to providing information beyond that which can be obtained from these Reports themselves. Applicants noted, first, that additional information sought by Palmetto Alliance could be obtained by the Intervenor by an inspection of the documents, that the burden of deriving that information would be substantially the same for the Intervenor as for the Applicant, and that "one party cannot compel another party to undertake the burden of preparation of the former's own case." In addition, Applicants objected to supplying specific information beyond that listed in the Significant Deficiency Reports on grounds that such data is not routinely compiled, and that to do so would constitute an unfair burden upon Applicants. (December 31, 1982 Responses at pp. 19-23). These objections were upheld by the Board, which ruled that

In the circumstances, the Applicants' response of making available their significant deficiency and audit reports for Catawba is appropriate. Having chosen this dragnet approach, the burden of digesting those reports must fall on Palmetto, notwithstanding its limited resources.

(February 9, 1983 Order at p. 3).

It is clear that the information sought by the present Interrogatory 2 has either already been made available to Palmetto Alliance via the production of Applicants' Significant Deficiency Reports, or has been protected from discovery by the Board. The issue, then, is who should be obligated to review documents already

provided by Applicants and extricate the particular data requested. NRC precedent makes clear that this burden should fall on the party whose "dragnet approach" resulted in the production of the documents. In Boston Edison Company (Pilgrim Nuclear Generating Station, Units 1 and 2), LBP-75-30, 1 NRC 579 (1975), the Board ruled in regard to a similarly broad interrogatory (which sought to require the applicant to search through thousands of pages of company records and to compile specific information gleaned from these numerous documents) that to provide "such a massive volume of information. . . would constitute an undue and unnecessary burden." 1 NRC at 588. Pointing out that the records were (as in this instance) as equally accessible to the intervenor as to the applicant, the Board stated that

One party cannot compel another party to undertake the burden of preparation of the former's own case. At the most, Applicant need only make available its files. . . for Intervenor's inspection and copying. (Id.)

This principle is also recognized in the federal courts. See 4A Moore's Federal Practice, Section 33.20, pp. 33-115.

The precedent provided by Pilgrim is particularly appropriate in this instance, where Applicants do not know what Intervenor means by the terms used in its Interrogatories or its contentions, such as "faulty workmanship" or "deficiency in plant design change control" as used in Interrogatory 12. To require Applicants to attempt to interpret what Palmetto Alliance has in mind, and, then, with that possible interpretation in mind, to sift through documents to ferret out whatever information they think Palmetto Alliance might be interested in would be to turn the discovery process on its head. It would not only be extremely inefficient, but would also subject

Applicants to undue burden and expense far out of proportion to any benefit to Palmetto Alliance.

In fact, Palmetto Alliance has, since the outset of this proceeding, professed itself incapable of providing the most basic information about its own contentions until it has had an opportunity for discovery from Applicants. Accordingly, the Board granted the Intervenor the "first bite" at discovery. (See December 22 Order). Now, having obtained the discovery material which it sought, Palmetto Alliance is complaining because it must read this material in order to prepare its case.

For the reasons outlined above, Applicants object to providing any additional information in response to follow-up Interrogatory 2.

3. For each activity under license by NRC or AEC conducted by Duke Power Company or its contractors and subcontractors involving any nuclear facility, including but not limited to Catawba, identify each deficiency, as defined in 10 CFR Section 50.55(e), which reflects faulty workmanship in construction or deficiency in design change control, and which represents a significant breakdown in any portion of the Quality Assurance program conducted in accordance with the requirements of Appendix B to 10 CFR Part 50; identify the Appendix B criteria to which it relates; describe in detail the respects in which the deficiency reflects noncompliance with the requirements of Appendix B criteria; the 10 CFR Part 50 Appendix A General Design Criteria to which each relates, if any, and the respects in which it reflects noncompliance; the report number and date, if any; the names, titles, addresses and telephone numbers of each person responsible for the deficiency, its discovery, its reporting, and its corrective action; a detailed description of the deficiency and its safety implication; a detailed description of its corrective action.

This follow-up Interrogatory is almost identical to Interrogatory 13 on Contention 6 filed by Palmetto Alliance in its April 20, 1982 Discovery. Applicants acknowledge that Palmetto Alliance has modified the language slightly; Intervenor's earlier Interrogatory 13 requested identification of "each deficiency, as defined in 10 CFR Section 50.55(e), which represents a significant breakdown in any

portion of the Quality Assurance program conducted in accordance with the requirements of Appendix B to 10 CFR Part 50 . . . .". These minor modifications have presumably been made in an attempt to bring this Interrogatory under the "umbrella" exception provided by the Board in its February 9 Order, wherein it stated (p. 3) in regard to Interrogatories 12-14 that "[s]hould Palmetto Alliance frame more specific follow-up questions in this area, the Applicants might be required to supply more specific answers."

However, Applicants submit that the slight changes in wording made in formulating this follow-up Interrogatory do not satisfy the Board's direction to Palmetto Alliance in its February 9, 1983 Order to frame specific supplemental interrogatories, rather than "pressing broad interrogatories that speak comprehensively to every problem the Applicants have experienced in Quality Control at Catawba and at their other facilities," which go "far beyond" Contention 6 as admitted. (February 9, 1983 Order at p. 3).

Moreover, the minor textual changes made to Palmetto Alliance's original Interrogatory 13 to produce this follow-up Interrogatory are clearly insufficient to change the thrust of Applicants' objections to providing the information sought. Nor do these nonsubstantive changes in language affect the applicability of the Board's Order sustaining Applicants' objections to Interrogatory 13. Rather, follow-up Interrogatory 3 reflects the Intervenor's continuing attempt to have Applicants prepare its case by not only researching and producing documents, but also searching through the voluminous materials requested by Palmetto Alliance to compile the specific data which the Intervenor currently believes may be relevant to its contention. The issue here is not whether or not the documents



requested by Palmetto Alliance should be produced. Applicants have already made this material available. Rather, the issue is who should properly bear the burden of preparing Palmetto Alliance's case in this proceeding.

In their December 31, 1982 Responses on Contention 6, Applicants discussed Interrogatory 13 along with Interrogatory 12 (referred to in our response to follow-up Interrogatory 2, above). The list of Significant Deficiency Reports referred to above served as Applicants' response to Interrogatory 13 as well as Interrogatory 12, and Applicants' objections to providing any specific information beyond that which could be obtained from the identified Reports also applied to Interrogatory 13. In addition, Applicants also objected to providing any information in response to Interrogatory 13 relating to Duke facilities other than Catawba. (December 31, 1982 Responses at pp. 19-23.) The Board sustained Applicants' Objections in its February 9, 1983 Order, stating (p. 4):

[W]e are not ruling out the possibility of considering properly focused evidence from other Duke facilities on this contention, if its probative value and relevance are apparent. But we will not sanction open-ended discovery with respect to Duke's other facilities.

As noted above, Applicants submit that this follow-up Interrogatory does not satisfy this criteria.

It is clear that the information sought by the present Interrogatory 3 has either already been made available to Palmetto Alliance via the production of Applicants' Significant Deficiency Reports, or has been protected from discovery by the Board. The issue, then, is who should be obligated to review documents already provided by Applicants and extricate the particular data requested.

NRC precedent makes clear that this burden should fall on the party whose "dragnet approach" resulted in the production of the documents. In Boston Edison Company, Pilgrim, supra, 1 NRC 579, the Licensing Board ruled in regard to a similarly broad interrogatory (which sought to require the applicant to search through thousands of pages of company records and to compile specific information gleaned from these numerous documents) that to provide "such a massive volume of information. . . would constitute an undue and unnecessary burden." 1 NRC at 588. Pointing out that the records were (as in this instance) as equally accessible to the intervenor as to the applicant, the Board stated that

One party cannot compel another party to undertake the burden of preparation of the former's own case. At the most, Applicant need only make available its files. . . for Intervenor's inspection and copying. (Id.)

This principle is also recognized in the federal courts. See 4A Moore's Federal Practice, Section 33.20, pp. 33-115.

The precedent provided by Pilgrim is particularly appropriate in this instance, where Applicants do not know what Intervenor means by the terms used in its Interrogatories or its contentions, such as "faulty workmanship in construction" or "deficiency in plant design change control" as used in Interrogatory 13. To require Applicants to attempt to interpret what Palmetto Alliance has in mind, and, then, with that possible interpretation in mind, to sift through documents to ferret out whatever information they think Palmetto Alliance might be interested in would be to turn the discovery process on its head. It would not only be extremely inefficient, but would also subject Applicants to undue burden and expense far out of proportion to any benefit to Palmetto Alliance.

In fact, Palmetto Alliance has, since the outset of this proceeding, professed itself incapable of providing the most basic information about its own contentions until it has had an opportunity for discovery from Applicants. Accordingly, the Board granted the Intervenor the "first bite" at discovery. (See December 22 Order). Now, having obtained the discovery materials which it sought, Palmetto Alliance is complaining because it must read this material in order to prepare its case.

For the reasons outlined above, Applicants object to providing any additional information in response to follow-up Interrogatory 3.

4. Identify all audits conducted pursuant to 10 CFR Part 50 Appendix B Criterion XVIII which reflected systematic deficiencies in plant construction involving faulty workmanship or design change control or which reflected approval of faulty workmanship; for each indicate: the nature of the deficiency, the Appendix B criteria to which it relates and the respects in which noncompliance is reflected; the date and other identifying information of the audit documentation; the names, titles, addresses and telephone numbers of each person responsible for the deficiency, the performance of the audit, the management review of the results, and its corrective action; a detailed description of the deficiency and its safety implications; a detailed description of its corrective action.

This follow-up Interrogatory is virtually identical to Interrogatory 14 on Contention 6 filed by Palmetto Alliance in its April 20, 1982 Discovery. Applicants acknowledge that Palmetto Alliance has modified the language slightly; Intervenor's earlier Interrogatory 14 sought identification of "all audits conducted pursuant to 10 CFR Part 50 Appendix B Criterion XVIII which reflected deficiencies . . . ." These minor modifications have presumably been made in an attempt to bring this Interrogatory under the "umbrella" exception provided by the Board in its February 9 Order, wherein it stated (p. 3) in regard to Interrogatories 12-14 that "[s]hould Palmetto Alliance frame more

specific follow-up questions in this area, the Applicants might be required to supply more specific answers."

However, Applicants submit that the slight changes in wording made in formulating this follow-up Interrogatory do not satisfy the Board's direction to Palmetto Alliance in its February 9, 1983 Order to frame specific supplemental interrogatories, rather than "pressing broad interrogatories that speak comprehensively to every problem the Applicants have experienced in Quality Control at Catawba and at their other facilities," which go "far beyond" Contention 6 as admitted. (February 9, 1983 Order at p. 3).

Moreover, the minor textual changes made to Palmetto Alliance's original Interrogatory 14 to produce this follow-up Interrogatory are clearly insufficient to change the thrust of Applicants' objections to providing the information sought. Nor do these nonsubstantive changes in language affect the applicability of the Board's Order sustaining Applicants' objections to Interrogatory 14. Rather, follow-up Interrogatory 4 reflects the Intervenor's continuing attempt to have Applicants prepare its case by not only researching and producing documents, but also searching through the voluminous materials requested by Palmetto Alliance to compile the specific data which the Intervenor currently believes may be relevant to its contention. The issue here is not whether or not the documents requested by Palmetto Alliance should be produced. Applicants have already made this material available. Rather, the issue is who should properly bear the burden of preparing Palmetto Alliance's case in this proceeding.

Applicant's December 31, 1982 Response to Interrogatory 14 set forth a listing of departmental audits (conducted pursuant to Part 50

Appendix B Criterion XVIII) of Catawba design and construction which reflected deficiencies. These audits have been made available to Palmetto Alliance for inspection and copying. Each audit file includes information which explains the deficiency, the Appendix B criteria to which it relates and the respects in which noncompliance is reflected, the date and other identifying information about the audit, and a description of the collective action taken.

As with Palmetto Alliance's Interrogatories 12 and 13, Applicants objected to providing the specific information called for in Interrogatory 14, on grounds that the burden of deriving this information from the audits would be substantially the same for Palmetto Alliance as for Applicants, and that Applicants' identification of the relevant QA audits and their availability for inspection provided sufficient specificity to enable the Intervenor to locate any additional information as readily as could Applicants. To the extent that Interrogatory 14 sought information on audits of Duke facilities other than Catawba, Applicants also objected on the grounds of relevance, noting that Contention 6, as admitted by the Board, focuses upon construction at Catawba. The Board sustained Applicants' objections in its February 9, 1983 Order (pp. 3-4). (See Board's language at p. 6, supra.)

It is clear that the information sought by the present Interrogatory 4 has either already been made available to Palmetto Alliance via the production of departmental audits or has been protected from discovery by the Board. The issue, then, is who should be obligated to review documents already provided by Applicants and extricate the particular data requested. NRC precedent makes clear that this burden should fall on the party



whose "dragnet approach" resulted in the production of the documents. In Boston Edison Company, Pilgrim, supra, 1 NRC 579, the Licensing Board ruled in regard to a similarly broad interrogatory (which sought to require the applicant to search through thousands of pages of company records and to compile specific information gleaned from these numerous documents) that to provide "such a massive volume of information. . . would constitute an undue and unnecessary burden." 1 NRC at 588. Pointing out that the records were (as in this instance) as equally accessible to the intervenor as to the applicant, the Board stated that

One party cannot compel another party to undertake the burden of preparation of the former's own case. At the most, Applicant need only make available its files. . . for Intervenor's inspection and copying. (Id.)

This principle is also recognized in the federal courts. See 4A Moore's Federal Practice, Section 33.20, pp. 33-115.

The precedent provided by Pilgrim is particularly appropriate in this section, where Applicants do not know what Intervenor means by the terms used in its Interrogatories or its contentions, such as "faulty workmanship in construction" or "deficiency in plant design change control" as used in Interrogatory 4. To require Applicants to attempt to interpret what Palmetto Alliance has in mind, and, then, with that possible interpretation in mind, to sift through documents to ferret out whatever information they think Palmetto Alliance might be interested in would be to turn the discovery process on its head. It would not only be extremely inefficient, but would also subject Applicants to undue burden and expense far out of proportion to any benefit to Palmetto Alliance.

In fact, Palmetto Alliance has, since the outset of this proceeding, professed itself incapable of providing the most basic information about its own contentions until it has had an opportunity for discovery from Applicants. Accordingly, the Board granted the Intervenor the "first bite" at discovery. (See December 22 Order). Now, having obtained the discovery material which it sought, Palmetto Alliance is complaining because it must read this material in order to prepare its case.

For the reasons outlined above, Applicants object to providing any additional information in response to follow-up Interrogatory 4.

5. Identify each person formerly employed at the facility in or responsible for the Quality Assurance and Quality Control programs and involuntarily terminated for reasons related to deficiencies in the performance of their quality assurance or quality control duties. For each such person provide the name, title, address, phone number, dates of employment and a detailed description of the circumstances of termination.

This follow-up Interrogatory appears to seek the same information previously requested in Interrogatory 22 on Contention 6 filed by Palmetto Alliance in its April 20, 1982 Discovery.

Interrogatory 22 states:

Provide the names, titles, addresses, phone numbers and date of employment for all persons employed at the facility in or responsible for the Quality Assurance and Quality Control programs. For each such person no longer employed in Quality Assurance/Quality Control, indicate the reason for termination. For each such person involuntarily terminated, describe in detail the circumstances of termination.

Pursuant to the Board's February 9, 1983 Order (pp. 4-5), Applicants indicated in their February 28, 1983 Responses that they would make available to Palmetto Alliance a complete list of former Catawba QA employees to include, names, titles, date of employment

and date of termination of employment for all such former QA employees, and the last known addresses and telephone numbers of such employees in Applicants' files. That list was furnished to Palmetto Alliance on March 14, 1983.

Interrogatory 22 also sought information as to the "reasons for termination" for these employees and a detailed description of "the circumstances of termination." The Board sustained Applicants' objection to providing such information, stating that "[t]his is very sensitive information that is normally kept confidential and which, as the question is phrased, might have had nothing to do with QA or QC matters." (February 9, 1983 Order at p. 5).

Applicants recognize that follow-up Interrogatory 5 is more narrowly focused than Interrogatory 22 in that it seeks details of the "circumstances of termination" only for those former QA employees "involuntarily terminated for reasons related to deficiencies in the performance of their quality assurance or quality control duties." Applicants nevertheless object to supplying this information on grounds that disclosure of this information would violate Duke Power Company policy and subject these former employees to embarrassment and harrassment by Palmetto Alliance. Moreover, disclosure of some of the information sought could potentially subject Applicants to civil lawsuits.

Providing Palmetto Alliance with information as to the circumstances of termination of these former employees would invade the privacy of Applicants' former employees, subject them to embarrassment, and expose them to the potential for harassment by Palmetto Alliance, since, in Applicants' view, the only reason that Palmetto Alliance would want such information is so that it can

contact these individuals. Accordingly, Applicants object to disclosing the details surrounding the termination of these employees on the grounds that this is contrary to Duke Power Company policy. This is because Duke believes that it is incumbent on it to protect the privacy of such individuals in this situation. Duke's primary concern is that the privacy of the individual is protected, so that such person will not be subjected to embarrassment. Moreover, disclosure of such information by Applicants could well subject Duke Power Company to civil litigation from employees or former employees whose privacy has been invaded, or whose existing jobs have been compromised by such disclosure.

Concerns such as these have specifically been held to constitute valid grounds for objection, both in NRC proceedings and in the federal courts. <sup>6/</sup> Applicants accordingly request that the Board issue an order protecting Applicants against disclosure of the reasons for termination of these former QA employees. Should the Board determine that some or all of the information requested should be disclosed to Palmetto Alliance, Applicants move in the alternative that this Board issue an order which conditions such disclosure on an agreement, reflected in an appropriate affidavit of nondisclosure, by Palmetto Alliance that (1) the information released will not be disclosed to any person other than counsel for Palmetto Alliance and

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<sup>6/</sup> See Illinois Power Co., et al. (Clinton Power Station, Unit 1), LBP-81-61, 14 NRC 1735, 1740 (1981), wherein the Licensing Board stated that:

Personnel files, including information as to the reasons for termination, are held in confidence by employers. The information is sensitive in that its disclosure may be regarded as an undue and actionable invasion of the

(footnote continued on next page)

(2) Palmetto Alliance will not contact any identified employee or former employee.

Applicants maintain that the objections listed above are appropriate and should be upheld. To require Applicants to provide any information beyond the response to the Interrogatory would cause Applicants annoyance, embarrassment, oppression, and/or undue burden and expense.

6. From the time of commencement of construction at Catawba until the present identify those persons employed by Duke Power Company principally responsible for the development, management and implementation of the Company's Quality Assurance program related to nuclear plant construction and the implementation of such program at Catawba. For each person please set forth his or her name, title, dates of employment in the subject position, present address and telephone number.

Name	Title	From	To
Wells, J R	Corporate QA Mgr	5/1/74	2/1/81
Grier, G W	Corporate QA Mgr	2/1/81	Present

privacy of the person involved. The information can be obtained in this proceeding under a protective order if it is shown to be relevant to the contention. This showing has not been made.

See, i.e., Allen v. Colgate - Palmolive Co., 539 F Supp. 57, 70-71 (S.D.N.Y. 1981), wherein the Court was faced with plaintiff's demand "for all appraisal reports and other personnel records concerning 57 of Colgate's former and present employees specified by name . . . ." Defendants claimed that:

"The request is unduly burdensome; is designed to help plaintiff recruit 'opt-in' plaintiffs' would invade the privacy of the 57 individuals named; and is not relevant to the subject matter involved in the pending action . . . ."

The Court ruled:

"Relevance is self-evident with respect to persons similarly situated to plaintiff, but with respect to the remaining persons, a balancing of interests requires that plaintiff make a greater showing of relevance and need before Colgate is required to produce all of the files requested." Id.



Name	Title	From	To
Alexander, C. N.	QA Mgr-Admin Ser	3/1/82	Present
Barbour, J. O.	QA Mgr-Operations	5/1/74	Present
Bradley, W. H.	QA Mgr-Audits	2/1/74	6/1/76
	QA Mgr-Eng & Ser	6/1/76	3/1/81
	QA Staff	3/1/81	Present
Curtis, J. M.	QA Mgr-Vendors	1/1/73	Present
Davison, L. R.	SR QC Engineer	2/1/81	3/1/81
	QA Mgr-Projects	3/1/81	Present
Frye, J. M.	QA Supervisor	5/1/74	6/1/76
	SR QA Supervisor	6/1/76	Present
Henry, W. O.	QA Mgr-Construction	11/1/78	3/1/81
	QA Mgr-Tech Ser	3/1/81	Present
Barnes, L. R.	QA Mgr-Construction	3/29/76	12/30/78
Aycock, Charlie	QA Mgr-Construction	5/1/74	7/31/76
Wardell, Furman	QA Mgr-Eng & Ser	6/1/74	7/1/76
Huggett, Howard	QA Mgr-Eng & Ser	5/1/74	12/1/74
Beam, D. G.	Project Mgr-Catawba	1974	2/81
Freeze, L. A.	Project Engineer	1974	1/19/81
Dick, R. L.	Vice Pres-Construction	1971	2/81

With the exception of J. R. Wells, who can be reached through the Institute of Nuclear Power Operations, in Atlanta, Georgia, the remainder of these individuals are assigned to Duke Power Company's General Offices, in Charlotte, NC.

- Identify in detail any complaints known to Applicants made to the NRC regarding faulty workmanship in construction, design change control, or pressure to approve faulty workmanship at Catawba. For each such complaint please set forth the name, address and telephone number of the persons complaining or involved in the matter complained of and explain fully the manner in which Applicants learned of the complaint.

Applicants do not, as a matter of course, know which, if any, I&E inspections and corresponding NRC Inspection Reports issued for the Catawba Nuclear Station were prompted by complaints to the NRC regarding "faulty workmanship in construction, design change control, or pressure to approve faulty workmanship at Catawba." The NRC does not as a matter of course always inform Applicants of its reasons for conducting on-site inspections. Accordingly, while Applicants have, as requested by Interrogatory 7, provided below the Inspection Reports they believe have been prompted by complaints made by workers, it is possible that other Inspection Reports (all of which have been made available to Palmetto Alliance for inspection and copying as explained in response to Interrogatory 21 on Contention 6 in Applicants' December 31, 1982 Responses (see pp. 32-36)) were prompted by complaints to the NRC. Since Applicants are not privy to the existence of any such complaints, we submit that this inquiry would be better directed to the NRC Staff.

The complaints known to Applicants are as follows:

Applicants believe that Inspection Report Nos. 50 413/80-8; 50-414/80-8 and 50-413/80-19; 50-414/80-19 were prompted by complaints made to the NRC by Nolan F. Hoopingarner, II. As noted above, those Inspection Report files have been made available to Palmetto Alliance for inspection and copying. (RWO)

8. With respect to the Catawba Welding Task Force Report and the underlying circumstances involved therein as referred to in answer to a previous interrogatory at pp. 33-34 of Applicants' February 28, 1983, Supplemental Responses please set forth the names, titles, dates of employment, current addresses and telephone numbers of each of the subject Catawba QA Welding Inspectors, members of the Welding Inspector Task Force, all responsible consultant personnel participating in the investigation or in advising Applicants, and all persons interviewed in the course of the Task Force effort.

The names of the QA Welding Inspectors involved in the Welding Inspector Task Force Report were made available as a key to the code used in the Task Force Report. Applicants' records show that Palmetto Alliance was furnished with a copy of that key on March 14, 1983. Applicants' records further show that the name, job title, date of employment, address and telephone number of each QA employee at Catawba, including the subject QA Welding Inspectors, was furnished to Palmetto Alliance on March 14, 1983. The members of the Welding Inspector Task Force are listed in Section 3, at pp. 2-6, of the Consultants' Report on the Welding Inspector's Task Force Report. Applicants' Records show that Palmetto Alliance was furnished a copy of the Consultant's Report on March 14, 1983. Each of these individuals is assigned to Duke's General Office in Charlotte, N.C. The Consultant's Report also lists the persons involved as consultants, as well as their addresses, titles and telephone numbers. Finally, all persons interviewed in the course of the task force effort are listed in Appendix B of the Consultant's Report. (G.A.B.)

9. With respect to the Catawba Welding Task Force referred to above, please identify any and all documents, tapes, notes or memoranda reflecting the circumstances and manner in which Applicants learned of the "dissatisfaction" among the welding inspectors, formulated the response to such "dissatisfaction", implemented the response planned, and followed up with corrective action, including any and all communications to and from management, to and from the consultants, members of the Task Force, and the subject inspectors, including but not limited to the records of all interviews by the consultants and Task Force members.

Documents responsive to this Interrogatory will be identified and made available for inspection and copying by March 30, 1983.

CONTENTION 7

1. For each instance of noncompliance with NRC operating and administrative procedures or violation of NRC rules or regulations by Applicants which became known to senior management of Duke Power Company, identify in detail the circumstances involved including the nature of the problem and its resolution, the actions taken by senior management, the names, titles, dates of employment, addresses and telephone numbers of the senior management personnel involved, and any and all documents, notes or memoranda reflecting such involvement by senior management personnel.

This follow-up Interrogatory seeks essentially the same information requested in Interrogatories 11, 12, 13 and 14 <sup>7/</sup> on Contention 7 filed by Palmetto Alliance in its April 20, 1982 discovery. Minor modifications have been made, presumably in an attempt to respond to the Board's comments on Interrogatories 11-14 in its February 9, 1983 Order. <sup>8/</sup>

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<sup>7/</sup> These Interrogatories read as follows:

11. Describe in detail each instance of Duke Power non-compliance with NRC operating and administrative procedures provided for in Commission rules and regulations.
12. Describe in detail the corrective actions and management controls instituted by Duke Power Company with respect to each instance of non-compliance referred to in response to No. 11.
13. Were the corrective actions and management controls referred to in response to No. 12 effective?
14. If your response to No. 13 is negative, explain the respects in which they were not effective.

<sup>8/</sup> The Board stated on p. 6:

[t]he details of individual instances of noncompliance are not the focus of [Contention 7]. Rather it is the attitudes and practices of the Applicants' management, as evidenced only in part by the ways in which they have dealt with problems, that are most germane to this contention.

However, it is Applicants' position that the slight changes in wording reflected in this follow-up Interrogatory do not satisfy the Board's direction to Palmetto Alliance to frame specific supplemental interrogatories.

Moreover, the minor textual changes made to Palmetto Alliance's original Interrogatories 12-14 to produce this follow-up Interrogatory are clearly insufficient to change the thrust of Applicants' objections to providing the information sought. Nor do these nonsubstantive changes in language affect the applicability of the Board's Order sustaining Applicants' objections to Interrogatories 12-14. Rather, follow-up Interrogatory 1 reflects the Intervenor's continuing attempt to have Applicants prepare Intervenor's case by not only researching and producing documents, but also searching and analyzing through the voluminous materials requested by Palmetto Alliance to compile the specific data which the Intervenor currently believes may be relevant to its contention. The issue here is not whether or not the documents requested by Palmetto Alliance should be produced: Applicants have already made this material available. Rather, the issue is who should properly have the burden of preparing Palmetto Alliance's case in this proceeding.

In their December 31, 1982 Responses to these Interrogatories, Applicants noted that any noncompliance with NRC operating and administrative procedures provided for in Commission rules and regulations and the corrective actions and management controls instituted with respect to such instances of noncompliance at a Duke operating plant would be reflected in at least one of four documents: an Incident Report, a Reportable Occurrence Report, a Quality



Assurance audit, or an NRC IE Inspection Report. Applicants agreed in their Responses to make available for inspection and copying (and have since done so) the Incident Reports, Reportable Occurrence Reports, Quality Assurance audits and NRC IE Inspection Reports for Oconee and McGuire Unit 1 which reflect instances of noncompliance with NRC operating and administrative procedures, <sup>9/</sup> even though interrogatories designed to force production of all documents relating to a particular subject are not favored. (Illinois Power Co. (Clinton Power Station, Units 1 and 2), ALAB-340, 4 NRC 27, 34 (1975)).

In supplying this information, Applicants noted that Palmetto Alliance can obtain from these documents details regarding each instance of noncompliance and the corresponding corrective actions and management controls implemented by Applicants. The corrective actions and management controls described in these documents were all undertaken on the assumption that they would be effective. If there was a question whether any of these measures were effective, additional corrective measures or controls might have been necessary. The respects in which the original measures might have been deficient, and the fact that other corrective actions were later taken, will also be reflected in these documents.

Applicants objected to providing for each such report, the specific information and evaluations sought in Interrogatories 11, 12, 13 and 14, on grounds that this information can be ascertained by Palmetto Alliance simply from an inspection of these documents; that the burden of deriving the information from these documents would be

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<sup>9/</sup> For more background information on these various reports, see Applicants' December 31, 1982 Responses at pp. 50-52.

substantially the same for Palmetto Alliance as for Applicants, and that the identification and production of all of these documents provides sufficient specificity to permit Intervenor to locate and identify, as readily as can Applicants, the information sought. The Board sustained Applicants' objections, stating:

These four [Interrogatories] are about as broad as can readily be conceived of in an NRC proceeding. Although they are arguably within the outer scope of Contention 7, which is itself quite broad, the burdens involved in preparing full responses to these questions would be out of all proportion to the potential benefits to Palmetto. The bulk of the information Palmetto seeks is in the reports the Applicants are making available. Moreover, the details of individual instances of noncompliance are not the focus of this contention. Rather it is the attitudes and practices of the Applicants' management, as evidenced only in part by the ways in which they have dealt with problems, that are most germane to this contention. Depositions of cognizant senior management personnel would appear to be a much more efficient way to explore the most significant aspects of this matter.

(February 9, 1983 Order at p. 6)

It is clear that the information Palmetto Alliance seeks in follow-up Interrogatory 1 is contained in documents which have been available to the Intervenor since February 15, 1983. By limiting its inquiry to only those instances of noncompliance "which became known to senior management," Palmetto Alliance is attempting to place the burden of research and compilation upon Applicants. The issue, then, is which party should be obligated to review the documents Applicants have provided and extricate the particular data requested. Both NRC precedent and federal cases make clear that

this burden should fall on the party whose "dragnet approach" resulted in the production of the documents. <sup>10/</sup>

The precedent provided by Pilgrim is particularly appropriate in this instance, where Applicants do not know what Intervenor means by the terms used in its Interrogatories or its contentions, (i.e., what is meant by "violations . . . known to senior management"). To require Applicants to attempt to interpret what Palmetto Alliance has in mind, and, then, with that possible interpretation in mind, to sift through documents to ferret out whatever information they think Palmetto Alliance might be interested in would be to turn the discovery process on its head. It would not only be extremely inefficient, but would also subject Applicants to undue burden and expense far out of proportion to any benefit to Palmetto Alliance.

In fact, Palmetto Alliance has, since the outset of this proceeding, professed itself incapable of providing the most basic information about its own contentions until it has had an opportunity for discovery from Applicants. Accordingly, the Board granted the

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<sup>10/</sup> See Boston Edison Co., Pilgrim, supra, 1 NRC 579, wherein the Board ruled in regard to a similarly broad interrogatory (which sought to require the applicant to search through thousands of pages of company records and to compile specific information gleaned from these numerous documents) that to provide "such a massive volume of information . . . would constitute an undue and unnecessary burden." 1 NRC at 588. Pointing out that the records were (as in this instance) as equally accessible to the intervenor as to the applicant, the Board stated that

One party cannot compel another party to undertake the burden of preparation of the former's own case. At the most, Applicant need only make available its files . . . for Intervenor's inspection and copying. (Id.)

See also 4A Moore's Federal Practice, Section 33.20, pp. 33-99 through 33-115; Rule 33(c) of the Federal Rules of Civil Procedure.

Intervenor the "first bite" at discovery. (See December 22 Order). Now, having obtained the discovery material which it sought, Palmetto Alliance is complaining because it must read this material in order to prepare its case.

For the reasons outlined above, Applicants object to providing any additional information in response to follow-up Interrogatory 1.

2. Other than by documents or materials protected from disclosure to Intervenor under the attorney "work product" or attorney-client privileges, is the factual basis for your position on this contention reflected in conversations, consultations, correspondence or any other type of communications with one or more individuals?

If so:

- a. Identify by name and address each such individual.
- b. State the educational and professional background of each individual, including occupation and institutional affiliations.
- c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
- d. Describe the information received from such individuals.
- e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individual.

To the extent that the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 7 is dependent upon communications among or between individuals, those communications are subject to the attorney-client or attorney work-product privileges. See February 28, 1983 Responses at pp. 3-28. Any other documents which Applicants are aware of to date, underlying the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 7, as expressed in Applicants' Responses to Palmetto Alliance's Interrogatories or pleadings filed in this matter, has been identified in response to relevant interrogatories and has been made available for inspection and copying.

CONTENTION 8

1. Describe in detail the "significant differences between McGuire and Catawba control boards, system design, and operating procedures" referred to in the January 31, 1983, letter from Hal B. Tucker, Duke Power Company, to NRC, and the differences and similarities in the McGuire simulator and Catawba. Please identify any documents reflecting these similarities and differences.

The control board of the McGuire simulator is a copy of the McGuire Unit One control board. The major differences between the Catawba and McGuire control boards (see Attachment 1) are as follows:

1. 1MC2 - Steam Generator meters are in different locations, along with several switches (i.e., PORV reset switches).
2. 1MC10 - Catawba has a different type of switch for the Feed Water Pump Turbine control and some different instrument and switch locations for FWPT controls.
3. 1MC10 - Catawba has a different type auxiliary feedwater valve controller.
4. 1MC10 - Catawba has a different Reactor Coolant Pump switch location and arrangement. Also, the general arrangements for AT and Tave defeat switch, and the Pressurizer pressure and level control selector switches are different.
5. 1MC10 - Catawba has an automatic seal injection controller; McGuire does not.
6. 1MC11 - Catawba has two loop delay heat removal suction valves; McGuire has one. Catawba has two bypass auto controllers (one for each train), two flow gauges and a pressurizer auxiliary spray manual loader that McGuire does not have.



7. 1MC11 - Catawba has a mimic (diagram) layout of the NI System on the control board. McGuire does not have this feature.
8. 1MC11 - The Catawba meter locations for the Component Cooling System are generally different than at McGuire.
9. 1MC3 - Main Steam System drain instrumentation is located on this panel at Catawba. At McGuire, this instrumentation is on 1 MC13.
10. 1MC14 - The balance of plant ECCS Monitor Status Light Panel (1MC16 at McGuire) is slightly different and uses many computer points as inputs.

Significant system design differences are shown on Attachment 2. (See also F.S.A.R. Section 1.3.1.)

Many of the Catawba Operating Procedures originated from the similar McGuire procedures. These served as a starting point in the development of Catawba-specific procedures. Catawba procedures differ from McGuire procedures in that they take into account:

1. Equipment/component identification difference (From Catawba FSAR).
2. Equipment/component location differences (From physical verification).
3. System/component design differences (From Catawba FSAR).
4. Latest available Westinghouse Technical Guidelines (ERG's, Vendor Bulletins, Letters, etc.).
5. Catawba Specific instructions for drafting/verifying/validating procedures (Catawba Station Directives).
6. Latest revision of Westinghouse Standard Technical Specification (NUREG 0452 Rev 4). (CLH)

2. Identify in detail each and every test used or to be used in qualifying reactor operator applicants at Catawba, including but not limited to the pre-employment "validated testing program", "interviews", "physical examinations", "Thurstone Temperament Test", "Minnesota Multi-Phasic Personality Inventory", "NRC Reactor Operator Examination", "NRC license physical examinations", and "pre-operational testing" referred to in answer to earlier interrogatories at pp. 46 and 47 of Applicants' Supplemental Responses. Provide copies of each test and all test results, coded as appropriate to protect individual privacy.

1. The pre-employment tests are:

- a. Personnel Tests for Industry - Numerical - A twenty minute timed test of thirty questions which evaluates the ability to model and solve mathematical problems which are worded or graphically described.
- b. Personnel Tests for Industry - Verbal - A set of fifty word associations to be timed to five minutes which evaluates the applicant's verbal aptitude.
- c. Minnesota Clerical Test - A test of the applicant's ability to perceive differences in numerical and alphabetical sequences with a seven and an eight minute timed parts.
- d. The Numerical Ability Test - A thirty minute timed test of forty problems which evaluates the applicant's ability to handle various mathematical functions, such as fractions and roots and exponents.

The total battery is given by professionally trained administrators in a controlled environment. Tests and results are controlled to prevent compromise. Test scores of candidate RO's and SRO's, coded to protect individual privacy, will be provided for inspection and copying.

2. Psychological Testing:

The general standards for nuclear station security include the requirement for screening of all employees authorized unescorted access to the nuclear station on the basis of emotional stability. The Thurstone Temperament Schedule is a widely recognized and adopted tool for evaluating the psychological profile of an applicant. The Thurstone Temperament Schedule provides scores on the areas of activity, vitality, impulsiveness, dominance, stability, sociability and reflectiveness.

The only score which has an established cut-off is the stability score which must be above eight. Applicants who score eight or below may be given a more in-depth evaluation through the use of the Minnesota Multiphasic Personality Inventory (MMPI).

3. Interviews: Pre-employment and psychological testing are conducted prior to the interview process. The interviewer uses the results of the pre-employment test battery, psychological testing and the applicant's resume as a basis for expanding the profile of the job candidate. An Applicant Appraisal Form is completed on the individual and is used as one input in completing the selection process.
4. Once selected, all job candidates must take a comprehensive physical examination to provide reasonable assurance that the individual will be able to perform the job adequately. The physician conducting the exam is provided information about the type of work which the selectee will be engaged in. This information is used by the physician in evaluating the selectee's

ability to carry out job tasks. Some of the areas covered by the physical examinations (besides what would be included in a routine annual physical for anyone) include color blindness, depth perception, hearing and hand to eye coordination. Examples of the physical examinations conducted will be provided for inspection and copying. A copy of the NRC license physical examination also will be provided. This examination is to be taken within six months of taking the Reactor Operator examination. Catawba RO and SRO candidates have not yet taken this test.

5. Pre-Operational Testing: There are no Reactor Operator tests taken as part of the Pre-Operational Testing Program. This sequence of activities is fully described in Chapter 14 of the FSAR. The pre-operational testing period is used to ensure that station systems will function as designed. Operations personnel, including RO and SRO candidates, participate in these tests along with other station personnel. Operations supervisors observe how their people perform during this period and use this information in evaluating overall personnel performance.
6. As additional information on testing Reactor Operator candidates, the full sequence of tests and test scores for Cold License Certification will be made available for inspection and copying. This further supplements Applicants' response to Interrogatory 35 provided in Applicants' February 28, 1983, Responses. (CLH)

CONTENTION 16

1. Describe in detail any and all measures to be employed at Catawba to prevent or mitigate damage to stored spent fuel from an accidental or intentional spent fuel cask drop into the spent fuel pool. Identify any documents reflecting such measures.

Applicants' analyses demonstrate that, in the event of a cask drop accident, the spent fuel cask would not enter the spent fuel pool. See FSAR Section 9.1.2.3. (MLC)

2. Describe in detail any and all measures to be employed at Catawba to prevent or mitigate intentional or accidental premature unshielded removal of a spent fuel cask lid. Identify any documents reflecting such measures.

Procedures will be implemented to prevent premature removal of a spent fuel cask lid. Those procedures are not yet completed. (RWO)

3. How much time would transpire after total loss of function of the Catawba spent fuel pool heat removal system until boil off of sufficient pool water to expose the tops of stored spent fuel elements? Thereafter, until the initiation of fuel cladding/steam reaction? Please describe in detail the basis for your answer.

As stated in FSAR, Section 9.1.3.3.1, there are at least 72 hours before the fuel assemblies would be uncovered, assuming loss of both trains of the fuel pool heat removal system and no operator action to initiate makeup to the pool. The fuel pool level is indicated and alarmed in the control room. When the level drops below the normal operation band, the operator has a choice of several sources for makeup. Normally, makeup will be provided from either the reactor makeup water storage tank or the refueling water storage tank. If, for some reason, neither of these is available, the safety-related, assured source of makeup water is supplied from either train of the Nuclear Service Water System. Since there will always be a source of makeup to the fuel pool and the level drops



slowly enough to provide ample time for operator response, the fuel pool level will not drop to the top of the spent fuel racks. (MLC)

4. What if any measures are planned at Catawba to mitigate hydrogen gas generation and combustion in the spent fuel pool? Please describe in detail.

There are no measures planned at Catawba to mitigate hydrogen gas generation and combustion in the spent fuel pool. See Response to Interrogatory 3 (page 34, supra.) wherein it is explained that the level of the cooling water in the spent fuel pool will not drop to the top of the racks. (MLC)

5. Describe in detail each and every instance in which boron concentrations have fallen below 2,000 parts per million at any Duke operating facilities. Please set forth the date, facility name, cause and corrective action taken, if any, and identification of any document reflecting such occurrences.

Applicants are not aware of any instance in which boron concentrations have fallen below 2,000 parts per million in the spent fuel pool cooling system at any Duke operating facility. (RWO)

CONTENTION 27

1. Identify in detail each and every potential accidental release point for airborne radioactivity from Catawba. Describe in detail the monitoring equipment and procedures for each such potential release point.

The potential release points for airborne radioactivity from Catawba Nuclear Station are identified in FSAR section 11.3.3.2. The radiation monitoring instrumentation is identified in FSAR section 11.5. Radiation monitor setpoint criteria are stated in the Technical Specifications, implementing methodologies are stated in the Offsite Dose Calculation Manual, and are established and maintained by station procedures. (MLB)

2. Describe system redundancy features, if any, in the installed effluent monitoring systems. In the absence of redundant features, what measures are planned to assure timely protective action in the event of an unmonitored accidental release of radiation?

Radiation monitoring redundancy requirements are stated in the Technical Specifications as well as measures to be taken when monitors are inoperable to provide manual samples to determine airborne concentrations of radioactivity. Timely protective actions, if required, are identified in the Station Emergency Plan (in conformance with NUREG 0654). (MLB)

3. Describe in detail the factual basis for concluding that use of mobile monitoring teams will assure adequate and timely protective action for affected populations. Please identify any and all studies, communications or documents reflecting such factual basis.

See Applicants' Response to Interrogatories 5, 14, 15, 17 and 18 as set forth in Applicants' Responses to "Palmetto Alliance Second Set of Interrogatories and Requests to Produce" (dated September 22, 1982). (MLB)

4. Do Applicants plan to employ aircraft in post accident environmental monitoring? If so, please identify such plans in detail.

The use of aircraft for post-accident environmental monitoring is described in the Crisis Management Plan. (MLB)

5. Do Applicants agree with the answers given by NRC Staff in response to earlier Interrogatories 18 and 22 on Contention 27, NRC Staff Responses, dated 10/19/82, at pp. 28, 29 and 30, respectively. If not, please explain.

Yes. (MLB)

6. Other than by documents or materials protected from disclosure to Intervenor under the attorney "work product" or attorney-client privileges, is the factual basis for your position on this contention reflected in conversations, consultations, correspondence or any other type of communications with one or more individuals?
- Identify by name and address each such individual.
  - State the educational and professional background of each individual, including occupation and institutional affiliations.
  - Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
  - Describe the information received from such individuals.
  - Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individual.

To the extent that the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 27 is dependent upon communications among or between individuals, those communications are subject to the attorney-client or attorney work-product privileges. See February 28, 1983 Responses at pp. 3-28. Any other document which Applicants are aware of to date, underlying the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 27, as expressed in Applicants' Responses to Palmetto Alliance's Interrogatories or in pleadings filed in this matter, has been identified in response to relevant Interrogatories and has been made available for inspection and copying.

CONTENTION 44

1. Please describe in detail the reference temperature, RT<sub>NDT</sub> values, by year, originally predicted to be experienced at Oconee.

The RT<sub>NDT</sub> values originally predicted for Oconee are contained in BAW10056A, Radiation Embrittlement Sensitivity of Reactor Pressure Vessel Steels, by H. S. Palme, August, 1973. This material will be made available for inspection and copying. (CWH)

2. Please explain in detail why the actual RT<sub>NDT</sub> values experienced at Oconee deviated, if they did, from the originally predicted values. Identify any and all empirical data supporting your explanation and any documents reflecting such data.

The reasons that the actual RT<sub>NDT</sub> values experienced at Oconee have deviated, if they have, from the originally - predicted values is set forth in the documents listed below. The only available comparisons of predicted and actual RT<sub>NDT</sub> values for Oconee Nuclear Station are for those materials included in the Reactor Vessel Materials Surveillance Program. These comparisons are tabulated and discussed in Section 7 of the following documents:

<u>Report No.</u>	<u>Title</u>
BAW 1421	Analysis of Capsule OCI-F From Duke Power Company Oconee Nuclear Station Unit 1.
BAW 1437	Analysis of Capsule OCII-C from Duke Power Company Oconee Nuclear Station Unit 2.
BAW 1438	Analysis of Capsule OCIII-A from Duke Power Company Oconee Nuclear Station Unit 3.
BAW 1436	Analysis of Capsule OCI-E from Duke Power Company Oconee Nuclear Station Unit 1.
BAW 1697	Analysis of Capsule OCIII-B from Duke Power Company Oconee Nuclear Station Unit 3.
BAW 1699	Analysis of Capsule OCII-A from Duke Power Company Oconee Nuclear Station Unit 2.

This material will be made available for inspection and copying. (CWH)

3. Has Duke Power Company supported or participated in efforts, such as those by EPRI, to evaluate possible remedial actions to be taken in response to premature reactor vessel embrittlement? Please explain.

Duke Power Company has fully supported and participated in industry efforts conducted by EPRI and various reactor vessel vendor owner's groups aimed at evaluation and development of vessel embrittlement remedial programs. Duke Power Company has provided both financial support and personnel to work on various committees.  
(CWH)

4. Has Duke reviewed such possible remedial actions for use at any of its facilities? If so, please explain the details of such review and its results.

Two primary remedial programs have been proposed:

- A. Fuel utilization schemes which lower the vessel fluence.  
These programs were partially sponsored by Duke Power Company and have been reviewed in detail. They are applicable to Oconee Reactor Vessels, if required
- B. Reactor Vessel Thermal Anneal

This program was recently completed and has not been reviewed in any detail such that applicability to Duke Power Company vessels could be determined.

At this time, Duke does not consider it necessary to adopt either remedial action at Oconee. (CWH)

5. Other than by documents or material protected from disclosure to Intervenor under the attorney "work product" or attorney-client privileges, is the factual basis for your position on this contention reflected in conversations, consultations, correspondence or any other type of communications with one or more individuals?

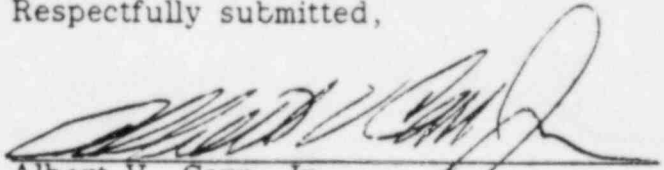


If so:

- a. Identify by name and address each such individual.
- b. State the educational and professional background of each individual, including occupation and institutional affiliations.
- c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved.
- d. Describe the information received from such individuals.
- e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individual.

To the extent that the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 44 is dependent upon communications among or between individuals, those communications are subject to the attorney-client or attorney work-product privileges. See February 28, 1983 Responses at pp. 3-28. Any other document of which Applicants are aware to date which underlies the currently-developed factual basis for Applicants' position on Palmetto Alliance's Contention No. 44, as expressed in Applicants' Responses to Palmetto Alliance's Interrogatories or pleadings filed in this matter, has been identified in response to relevant interrogatories and has been made available for inspection and copying.

Respectfully submitted,

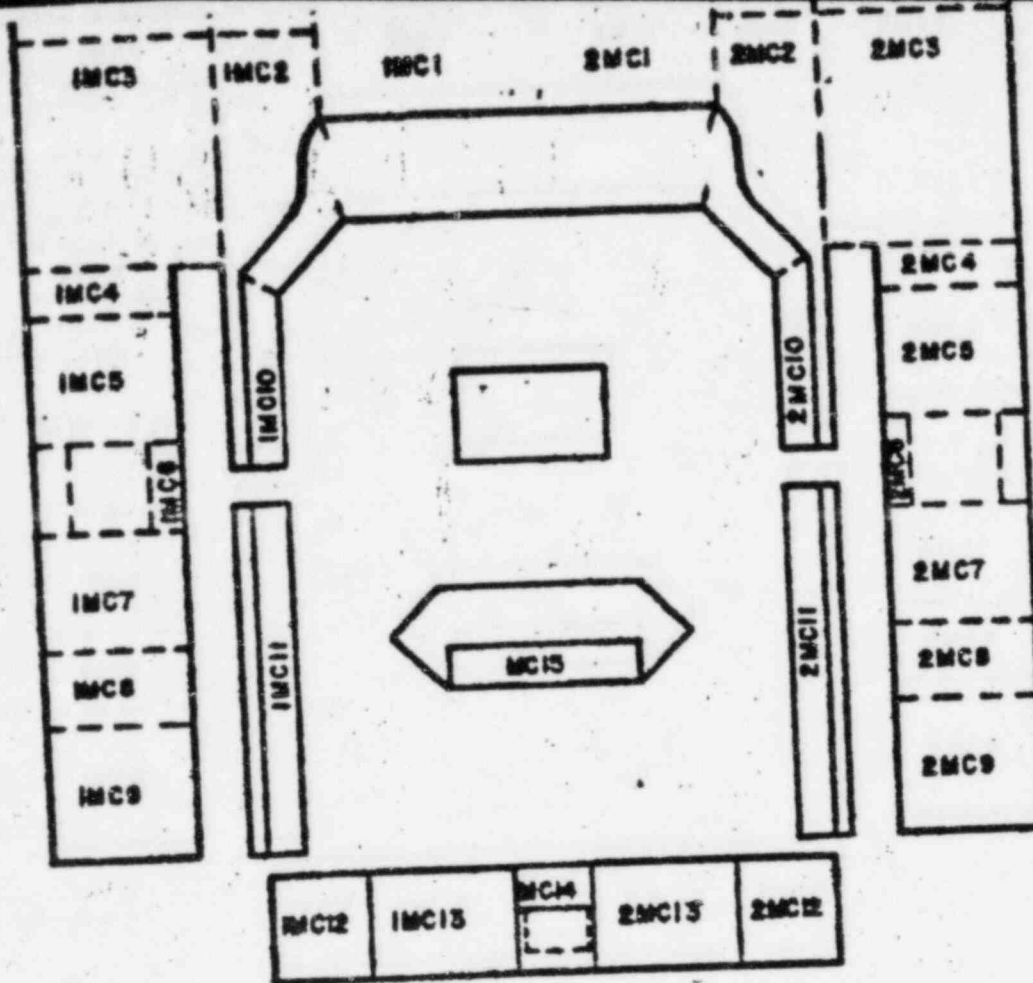


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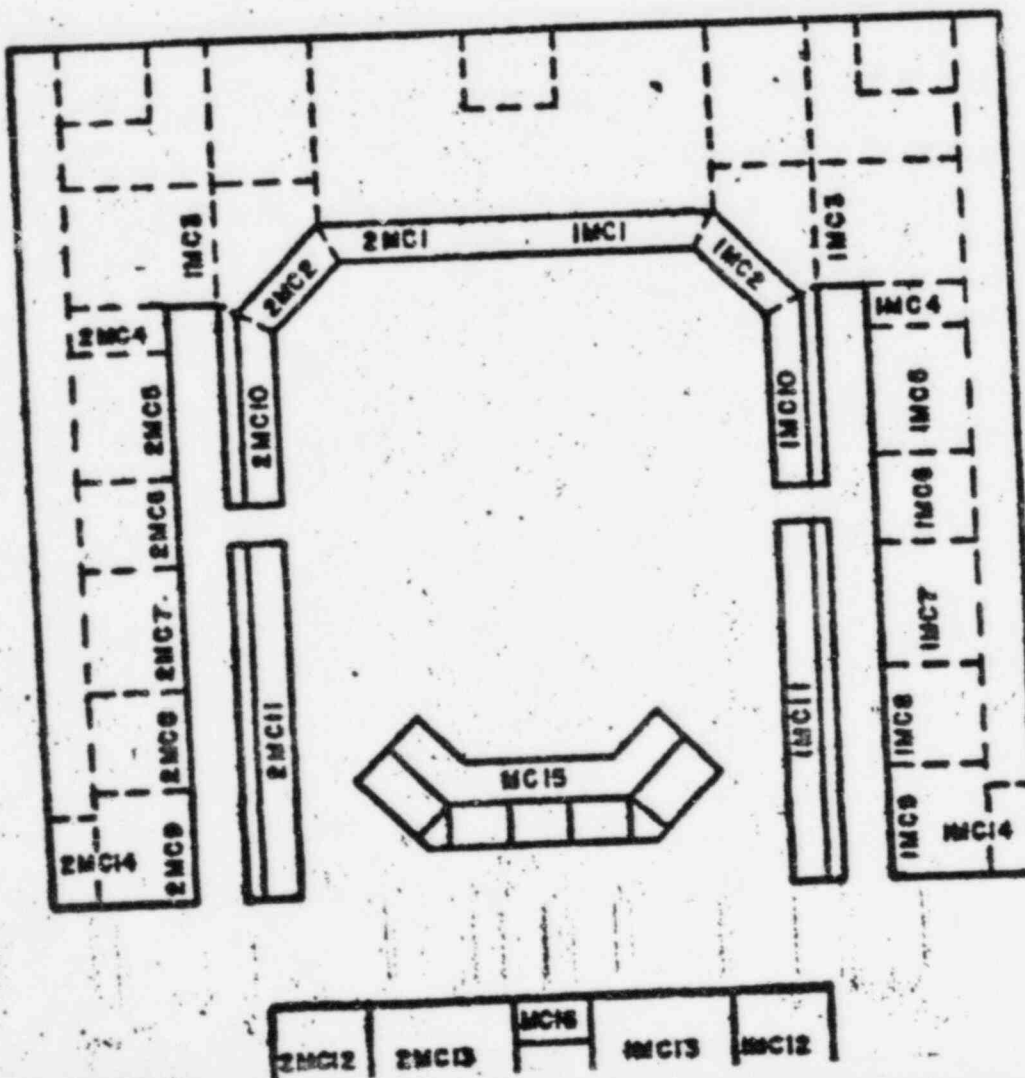
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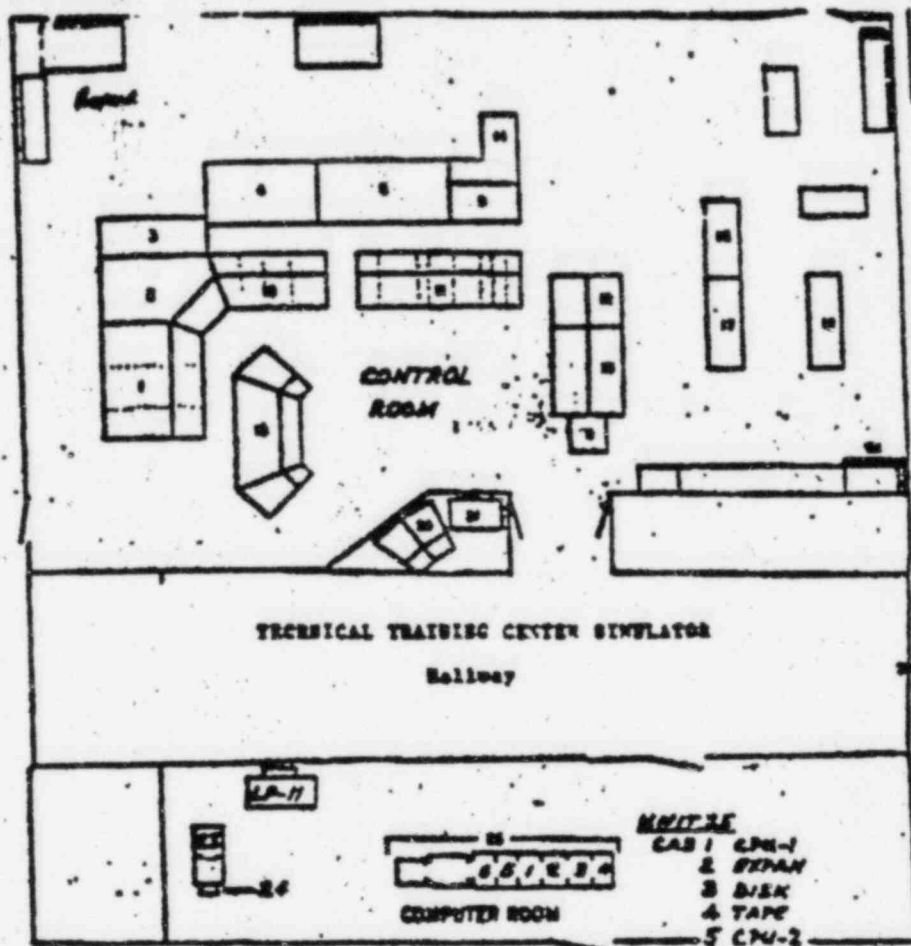
March 25, 1983



CATAWBA  
NUCLEAR  
STATION



McGUIRE  
NUCLEAR  
STATION



Area	Description	Area	Description
1	Control Board LMC1	15	Operator's Console
2	Control Board LMC2	16	Radiation Monitor
3	Control Board LMC3	17	Nuclear Instrumentation
4	Control Board LMC4&5	18	Reactor Instrumentation
6	Control Board LMC6, 7&8	20	Instructor's Station
8	Monitor Light Panel MC16	21	Telephone Table
9	Control Board LMC9	22	Power Cabinet
10	Control Board LMC10	24	Power Distribution Box
11	Control Board LMC11	26	Computer Complex
12	Control Board LMC12		
13	Control Board LMC13		
14	Control Board LMC14		

McGuire - Catawba  
Major Plant Differences

<u>System</u>	<u>McGuire</u>	<u>Catawba</u>
1.0 Turbine	Westinghouse	General Electric
1.1 Control	D.E.H.	E.H.C.
2.0 Condenser		
2.1 Cooling	Once Through	Cooling Tower
2.2 Pressure	Uniform Pressure	Three Different Pressure
3.0 Heater Drain		
3.1 C Heaters	3 C Heater Drain Pumps	2 C Heater Drain Pumps
3.2 G Heaters	3 G Heater Drain Pumps	No G Heater Drain Pumps
4.0 Condensate and Feedwater		
4.1 Condensate Coolers	Yes	No
4.2 Heaters	3 Heaters per group	2 Heaters per group
5.0 Electrical		
5.1 Auxiliary Transformers	Two per Unit	Four per Unit
5.2 Essential Power System	Common Essential Power Bus and Blackout Bus	Separate Blackout Bus
5.3 6.9 KV Buses	Major difference in auto switching on Bus fault.	
6.0 NSSS	Westinghouse supplied equipment no major difference between McGuire - Catawba	



McGuire - Catawba  
Major Plant Differences

Catawba

1. G E turbine
2. Cooling Towers
3. Three different pressure condensers (High, Intermediate, Low)
4. Only 2 C Heater Drain Pumps
5. No G Heater Drain Pumps
6. Only 2 A through 3 heaters
7. Low Pressure Service Water System Completely Different
8. No condensate coolers
9. No seal injection pumps electric valve or cooler for Feedwater Pumps seals.
10. No separate discharge flow control for hot well pumps
11. Blowdown water is pumped directly back into the condensate system.
12. Recirculating Cooling Water Pump have auto start on low header pressure
13. Auto/Manual control station on main steam to auxiliary steam and auxiliary steam to C Bleed.
14. Moisture-Separator Reheater Control System is different
15. Instrument air compressor can be cooled by the Nuclear Service Water System.
16. Instrument air compressors are powered from a blackout bus
17. Controls for the Generator Load Rejection Bypass Valve is different
18. Five Polish Demineralizers per unit
19. Fire Protection Jockey Pumps suction is supplied by the Filter Water System

McGuire - Catawba  
Major Plant Differences  
(continued)

Catawba

20. Auxiliary Feedwater pumps suction supply automatically swaps to the Nuclear Service Water System on low suction pressure. Possibility of 2 separate storage tanks being provided for auxiliary feedwater pumps normal suction supply
21. Filtered Water System filters are different
22. CNS will have a Hydrogen/Oxygen Generator
25. Nuclear Service Water System is of different design
26. CNS has a separate control board section for the Refueling Water System and the Spent Fuel Cooling Water System.

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket Nos. 50-413  
50-414

My Commission Expires: September 20, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

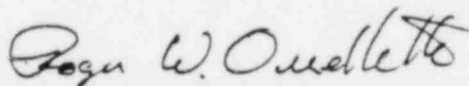
In the Matter of )  
DUKE POWER COMPANY, et al. )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

Docket Nos. 50-413  
50-414

AFFIDAVIT

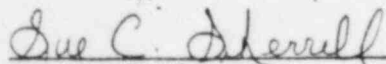
I, Roger W. Ouellette, being duly sworn, hereby state that I am employed by Duke Power Company as Assistant Engineer-Licensing, Nuclear Production Department.

I have been responsible for furnishing the basic information used in responding to those follow-up Interrogatories on Palmetto Alliance Contentions 6 and 16 by which my initials appear. Those responses are true and correct to the best of my knowledge and belief.



Roger W. Ouellette

Subscribed and sworn to before  
me this 25th day of March, 1983

  
Notary Public

My Commission Expires: September 20, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*83 MAR 29 A10:31

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

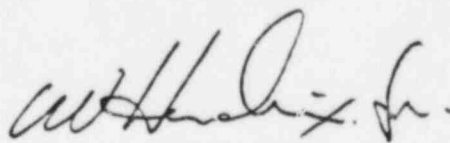
In the Matter of )  
DUKE POWER COMPANY, et al. )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

Docket Nos. 50-413  
50-414

AFFIDAVIT


I, C. W. Hendrix, being duly sworn, hereby state that I am employed by Duke Power Company as Maintenance Engineer, Nuclear Production Department.

I have been responsible for furnishing the basic information used in responding to those follow-up Interrogatories on Palmetto Alliance Contention 44 by which my initials appear. Those responses are true and correct to the best of my knowledge.



C. W. Hendrix

Subscribed and sworn to before  
me this 25th day of March, 1983

  
Notary Public

My Commission Expires: September 20, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'83 MAR 29 10:31

OFFICE OF THE CLERK  
DOCKETING & SERVICE  
BRANCH

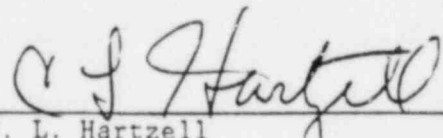
In the Matter of )  
 )  
DUKE POWER COMPANY, et al. )  
 )  
(Catawba Nuclear Station, )  
Units 1 and 2) )

Docket Nos. 50-413  
50-414

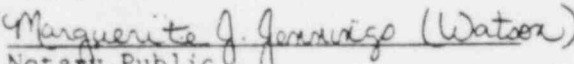
AFFIDAVIT

I, C. L. Hartzell, being duly sworn, hereby state that I am employed by Duke Power Company as Licensing Engineer, Nuclear Production Department, Catawba Nuclear Station.

I have been responsible for furnishing the basic information used in responding to those Interrogatories on Palmetto Alliance Contention 8 by which my initials appear. Those responses are true and correct to the best of my knowledge and belief.

  
C. L. Hartzell

Subscribed and sworn to before  
me this 25th day of March, 1983.

  
Notary Public

My Commission Expires: 8-1-84



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
MAR 29 10:32

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicants' Responses to Palmetto Alliance Follow-up Interrogatories and Requests to Produce Regarding Contentions 6, 7, 8, 16, 27 and 44, Applicants' Motion for Protective Order, and Notice of Appearance of Ronald L. Gibson, in the above-captioned matter have been served upon the following by deposit in the United States mail this 25th day of March, 1983:

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Board Panel  
U. S. Nuclear Regulatory Commission  
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Albert V. Carr, Jr.