

UNITED STATES OF AMERICAN
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket Nos. 50-413
50-414

APPLICANTS' SUPPLEMENTAL INTERROGATORIES
DIRECTED TO INTERVENORS CONCERNING THE
IDENTIFICATION, QUALIFICATIONS AND ROLE
OF INTERVENORS' EXPERT ON THE DIESEL
GENERATOR CONTENTION

Applicants on July 18, 1984 served interrogatories on Intervenor in an attempt to ascertain the qualifications and role of Intervenor's named diesel expert, Dr. Robert Anderson. Responses were due August 6, 1984. In his August 1, 1984 letter to the Board, counsel for Palmetto Alliance indicated that Dr. Anderson would not be available to assist Intervenor in their case. Subsequently, in the conference call of the Board and parties held August 8, 1984, it became clear that responses to Applicants' interrogatories would not be forthcoming. Based upon Intervenor's actions and representations, it is apparent that Intervenor has chosen to exercise the second option for continued viability of the contention contained in the Board's July 20, 1984 Order, i.e., "[b]y August 20, 1984, [to] prepare and have in the hands of the Board and Parties a reasonably detailed statement of their technical positions" Based

upon Intervenor's exercise of this option, Applicants' serve upon Intervenor these supplemental interrogatories. Applicants note that discovery does not close until August 15, 1984. The responses requested are not onerous and Intervenor should be in a position to file responses by that date.

The Board has repeatedly conditioned continued viability of the contention upon Intervenor obtaining qualified expertise. As the Board reiterated in its July 20, 1984 Order at p. 2:

We stated in admitting the diesel generator contention that --

"We do not believe the present Intervenor can make a substantial contribution to these technical issues unless they are prepared to present expert testimony or at least have expert assistance in their cross-examination."

The Board further stated at pp. 4-5 of its July 20, 1984 Order:

As we envision it, the statement of technical position outlined in option 2 would have to be prepared with substantial assistance from qualified experts. In this regard, the Intervenor must bear in mind that in moving admission of this late contention, the burden is on them as movants to show that their participation "may reasonably be expected to assist in developing a sound record." 10 C.F.R. § 2.714(a)(1)(iii). Given the technical nature of the issues involved, the Intervenor's effort to date to meet that burden -- with technical assistance limited to whatever Dr. Anderson might do [i.e., merely lending his name] -- is patently inadequate. See Washington Public Power Supply System (WPPSS Nuclear Project No. 3), 18 NRC 1167, 1177. In any event, preparing a statement of positions involves no additional burden, because the same (and more) work would have to be done in order to make a contribution at the hearing. Also, see Tr. 12,788.

Thus, the Board has made clear that substantial expert assistance is essential to Intervenors' ability to contribute to the proceeding on complex technical issues such as the diesel generator contention. The Board and Parties are entitled to know if such expertise is to be applied. These interrogatories are intended to elicit the status of the condition for the continued viability of the contention.

INTERROGATORIES

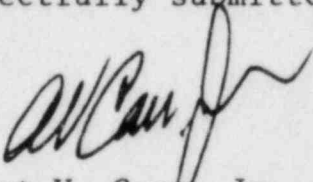
Pursuant to 10 C.F.R. § 2.740b, Applicants request full and complete answer to the following interrogatories.

1. State the name, occupation, and professional qualifications of the expert(s) Intervenor(s) will employ or otherwise consult in preparing their technical position paper. Provide a resume(s) for such expert(s).
2. Will the expert designated above review the technical position document after it has been prepared by Intervenor(s)?
3. Will the expert designated above assist in actually drafting the technical position document? If so, specify the role which the expert will play in drafting Intervenor(s)' position on each matter to be addressed in the document.
4. Will the expert designated above be present at the hearing on the diesel generator contention?
5. Will the expert designated above testify at the hearing on the diesel generator contention?
6. Will the expert designated above assist Intervenor(s) in conducting cross-examination?

7. Has the designated expert read the meeting notes of Applicants' March 21 meeting with the NRC Staff, Applicants' reports of April 5, June 1 and June 29, Applicants' letter of July 6, 1984 to the NRC, Applicants' letter of July 16, 1984 to the NRC, and the August 1984 Technical Evaluation Report prepared by Pacific Northwest Laboratories? If not, will the expert have read such reports in providing assistance in preparing Intervenors' technical position paper?

8. In what proceedings, if any, involving TDI diesel generators employed in nuclear applications has the expert designated above participated as an expert?

Respectfully submitted,


Albert V. Cart, Jr.

August 10, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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DUKE POWER COMPANY, <u>et al.</u>)	Docket No. 50-413
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CERTIFICATE OF SERVICE

I hereby certify that copies of "APPLICANTS' SUPPLEMENTAL RESPONSE TO 'PALMETTO ALLIANCE AND CAROLINA ENVIRONMENTAL STUDY GROUP'S INTERROGATORIES AND REQUESTS TO PRODUCE DOCUMENTS ON DIESEL GENERATORS CONTENTIONS TO APPLICANTS AND NRC STAFF' and 'CESG'S INTERROGATORIES TO DUKE POWER REGARDING EMERGENCY DIESEL CONTENTIONS ADMITTED BY ATOMIC SAFETY AND LICENSING BOARD'" and "APPLICANTS' SUPPLEMENTAL INTERROGATORIES DIRECTED TO INTERVENORS CONCERNING THE IDENTIFICATION, QUALIFICATIONS AND ROLE OF INTERVENORS' EXPERT ON THE DIESEL GENERATOR CONTENTION" in the above-captioned matter, have been served upon the following by deposit in the United States mail, first class, this 10th day of August, 1984.

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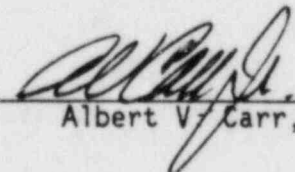
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