

RAS 2149

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August 30, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**
Before the Atomic Safety and Licensing Board

OFFICE OF THE
ADMINISTRATIVE
ADJUTANT GENERAL

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT	)	Docket No. 50-400-LA
COMPANY	)	
(Shearon Harris Nuclear Power Plant)	)	ASLBP No. 99-762-02-LA

**APPLICANT'S FIRST SET OF DISCOVERY REQUESTS
REGARDING CONTENTION EC-6 DIRECTED TO THE BOARD
OF COMMISSIONERS OF ORANGE COUNTY**

Pursuant to the Licensing Board's August 7, 2000 Memorandum and Order (Ruling on Late-Filed Environmental Contentions), Applicant Carolina Power & Light Company ("CP&L") hereby requests the Board of Commissioners of Orange County, North Carolina ("BCOC") to answer the following Interrogatories separately, fully, in writing, and under oath within 14 days after service of this discovery request, and to produce the documents requested below within 30 days after service of this discovery request.

I. DEFINITIONS AND INSTRUCTIONS

1. Scope of Discovery. These interrogatories and document production requests cover all information in the possession, custody and control of BCOC, including information in the possession of commissioners, officers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by them or voluntarily working with them (such as David A. Lochbaum of the

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Union of Concerned Scientists), or anyone else acting on BCOC's behalf or otherwise subject to its control. The discovery sought by this request encompasses material contained in, or which might be derived or ascertained from, the personal files of BCOC commissioners, officers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by them, working with them, or acting on BCOC's behalf.

2. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state:

1. The responsive information currently available;
2. The responsive information identified but currently unavailable; and
3. When you anticipate receiving such information currently unavailable.

3. Supplementation of Responses. Each of the following requests is a continuing one by agreement of the parties and pursuant to 10 C.F.R. § 2.740(e)(3). CP&L thereby requests that, in the event prior to the close of discovery on October 20, 2000, as directed by the Board, BCOC obtains or discovers any additional information which is responsive to any discovery requests, BCOC promptly supplement its responses to these requests. The supplementation duties of 10 C.F.R. § 2.740(e)(1) (persons having knowledge and experts) and 10 C.F.R. § 2.740(e)(2) (known incorrect responses) are continuing and unaffected by the parties' agreement.

4. Objections. In the event that BCOC objects to any interrogatory, request for admission, or document production request under claim of privilege, immunity, or for any

other reason, please indicate the basis for asserting the objection, the person on whose behalf the objection is asserted, and describe the factual basis for asserting the objection in sufficient detail so as to permit CP&L to consider, and the Board to ascertain, the validity of such objection.

5. Privilege Log. If you withhold any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a privilege log identifying each document for which the privilege, immunity, or other reason is asserted, together with the following information: date, author and affiliation, recipient and affiliation, persons to whom copies were furnished and their affiliation, the subject matter of the document, the basis for asserting the privilege, immunity, or other reason, and the name of the person on whose behalf the privilege, immunity, or other reason is asserted.

6. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

7. Board of Commissioners of Orange County. "BCOC," "Orange County," "intervenor," "you," and "your" means any branch, department, division, or other organized entity of the Board of Commissioners of Orange County, including its commissioners, officers, employees, agents, representatives, investigators, attorneys, or other persons directly or indirectly employed or retained by BCOC or voluntarily

working with BCOC (such as David A. Lochbaum of the Union of Concerned Scientists), or anyone else acting on BCOC's behalf or otherwise subject to its control.

8. Documents. The term "documents" means the complete original or a true, correct, and complete copy and any non-identical copies, whether different by reason of any notation or otherwise, of any written or graphic matter of any kind, no matter how produced, recorded, stored, or reproduced (including electronic, mechanical, or electronic records or representation of any kind) including, but not limited to, any writing, letter, telegram, facsimile, meeting minutes, meeting notes, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, printout, microfilm or microfiche, interoffice and intraoffice communications, instructions, reports, demands, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, indices, notebooks, personal notes, diary entries, e-mail, notes of interview, communication, contracts, any other agreements, data compilations, and all other writings and papers similar to any of the foregoing, however designated by you, including all drafts of all such documents. The phrase "data compilation" includes, but is not limited to, any material stored on or accessible through a computer or other information storage or retrieval system, including videotapes, computer files and disks, and tape recordings. If the document has been prepared and several copies or additional copies have been made that are not identical (or are no longer identical by reason of the

subsequent addition of notations or other modifications), each non-identical copy is to be construed as a separate document.

9. Date. "Date" means the specific day, month, and year, if ascertainable, or if not, the best approximation thereof (including by relationship to other events), and the basis for such approximation.

10. Discussion. "Discussion" means communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

11. Person. "Person" means any individual, association, group, corporation, partnership, joint venture, or any other business or legal entity.

12. All Documents. "All documents referring or relating to" means all documents that in whole or in part constitute, contain, embody, reflect, identify, state, interpret, discuss, describe, explain, apply to, deal with, evidence, or are in any way pertinent to a given subject.

13. And and Or. "And" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

14. Describe or Identify. The words "describe" or "identify" shall have the following meanings:

- (a) In connection with a person, the words "describe" or "identify" mean to state the name, last known business address, last known business telephone number, and last known place of employment and job title;

- (b) In connection with a document, the words “describe” or “identify” mean to give a description of each document sufficient to uniquely identify it among all of the documents related to this matter, including, but not limited to, the name of the author of the document, the date and title of the document, and identification numbers applicable to the document, the name of each person or entity signing or approving the document, the date on which the document was prepared, signed, and/or executed, and any other information necessary to adequately identify the document;
- (c) In connection with an entity other than a natural person (e.g., corporation, partnership, limited partnership, association, institution, etc.), the words “describe” or “identify” mean to state the full name, address and telephone number of the principal place of business of such entity;
- (d) In connection with any activity, occurrence, or communication, the words “describe” or “identify” mean to describe the activity, occurrence, or communication, the date of its occurrence, the identify of each person alleged to have had any involvement with or knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

III. GENERAL INTERROGATORIES

GENERAL INTERROGATORY NO. 1. State the name, business address, and job title of each person who supplied information for responding to these interrogatories,

requests for admission, and requests for the production of documents. Specifically note for which interrogatories and requests for admissions each such person supplied information. For requests for production, note for which contention each such person supplied information.

GENERAL INTERROGATORY NO. 2. For contention EC-6, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom BCOC expects to provide sworn affidavits and declarations in the written filing for the Subpart K proceeding described in the Board's August 7, 2000, Memorandum and Order and the general subject matter on which each person is expected to provide sworn affidavits and declarations for the written filing. For purposes of answering this interrogatory, the educational and scientific experience of expected affiants and declarants may be provided by a resume of the person attached to the response.

GENERAL INTERROGATORY NO. 3. For contention EC-6, identify each expert on whom BCOC intends to rely on in its written filing for the Subpart K proceeding described in the Board's August 7, 2000 Memorandum and Order, the general subject matter on which each expert is expected to provide sworn affidavits and declarations for the written filing, the qualifications of each expert whom BCOC expects to provide sworn affidavits and declarations for the written filing, a list of all publications authored by the expert within the preceding ten years, and a listing of any other cases in

which the person has testified as an expert at a trial, hearing or by deposition within the preceding four years.

IV. DOCUMENT PRODUCTION REQUESTS

The Applicant requests BCOC to produce the following documents directly or indirectly within its possession, custody or control. This request includes draft and final NUREG and NUREG-CR reports and any other similar reports relevant to contention EC-6, or reasonably calculated to lead to the discovery of relevant information.

REQUEST NO. 1. All documents that are identified, referred to or used in responding to all of the above general interrogatories and any subsequent interrogatories and requests for admissions relating to contention EC-6.

REQUEST NO. 2. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of a degraded core accident with containment failure or bypass at the Harris Nuclear Plant.

REQUEST NO. 3. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, mechanisms for a degraded core accident that could affect accessibility of spent fuel pool cooling and makeup systems at the Harris Nuclear Plant.

REQUEST NO. 4. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, mechanisms for containment failure or bypass that could affect accessibility of spent fuel pool cooling and makeup systems at the Harris Nuclear Plant.

REQUEST NO. 5. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, radiation doses at the Harris Nuclear Plant that would occur following a degraded core accident with containment failure or bypass.

REQUEST NO. 6. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the inability to restart any pool cooling or makeup systems at the Harris Nuclear Plant due to extreme radiation doses.

REQUEST NO. 7. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the loss of most or all pool water at the Harris Nuclear Plant through evaporation following the loss of pool cooling and makeup systems.

REQUEST NO. 8. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the initiation of an exothermic oxidation reaction in pools C and D at the Harris Nuclear Plant following a partial or complete loss of spent fuel pool water.

REQUEST NO. 9. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of an accident involving the initiation of an exothermic oxidation reaction in pools C and D at the Harris Nuclear Plant following a partial or complete loss of spent fuel pool water.

REQUEST NO. 10. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the probability of the propagation of

an exothermic oxidation reaction between adjacent assemblies in pools C and D at the Harris Nuclear Plant following the initiation of such a reaction.

REQUEST NO. 11. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, whether the likelihood of the chain of seven events in contention EC-6 (see page 13 of the Board's August 7, 2000 Memorandum and Order) is "remote and speculative" and BCOC's position on the definition or quantification of "remote and speculative."

REQUEST NO. 12. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, any communication between BCOC, including its experts and consultants, with the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, including any members, consultants, staff or support personnel (together, "ACRS"), regarding contention EC-6 or the subject matter of contention EC-6.

REQUEST NO. 13. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding contention EC-6 that were used to develop the February, 1999 report by Dr. Gordon Thompson entitled "Risks and Alternative Options Associated with Spent Fuel Storage at the Shearon Harris Nuclear Power Plant." This includes any documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding probabilities, dose consequences, and inaccessibility to reestablish cooling within the scope of contention EC-6.

REQUEST NO. 14. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding contention EC-6 that are referenced in the February, 1999 report by Dr. Gordon Thompson entitled "Risks and Alternative Options Associated with Spent Fuel Storage at the Shearon Harris Nuclear Power Plant." This includes any documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding probabilities, dose consequences, and inaccessibility to reestablish cooling within the scope of contention EC-6.

REQUEST NO. 15. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, any proceeding in which Dr. Gordon Thompson has been a witness or a consultant on any subject within the scope of contention EC-6. This request includes, but is not limited to: any deposition transcripts, testimony, affidavits, declarations, or expert reports sponsored in whole or in part by Dr. Gordon Thompson; any documents considered or relied on by Dr. Gordon Thompson in developing such testimony, affidavits, declarations, or expert reports documents; any deposition transcripts, testimony, affidavits, declarations, or expert reports filed by other parties to the proceedings; and any documents turned over by Dr. Gordon Thompson or any party in discovery.

REQUEST NO. 16. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point #1 on page 17 of the Board's August 7, 2000 Memorandum and Order.

REQUEST NO. 17. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point #2 on page 17 of the Board's August 7, 2000 Memorandum and Order.

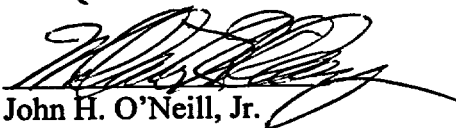
REQUEST NO. 18. All documents relevant to, or reasonably calculated to lead to the discovery of relevant information regarding, the questions posed in Point #3 on page 17 of the Board's August 7, 2000 Memorandum and Order.

REQUEST NO. 19. All documents (including experts' opinions, workpapers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to the written filing and oral argument that you intend to use in your Subpart K presentation on contention EC-6.

REQUEST NO. 20. All documents relating to any meeting of the Board of Commissioners of Orange County at which the subject of contention EC-6 was discussed.

Respectfully submitted,

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Dated: August 30, 2000

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of

CAROLINA POWER & LIGHT
COMPANY
(Shearon Harris Nuclear Power Plant)

)
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) Docket No. 50-400-LA

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) ASLBP No. 99-762-02-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's First Set of Discovery Requests Regarding Contention EC-6 Directed to the Board of Commissioners of Orange County," dated August 30, 2000, was served on the persons listed below by U.S. mail, first class, postage prepaid, and by electronic mail transmission, this 30th day of August, 2000.

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