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August 21, 2000

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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)

Docket No. 50-400 -~~OL~~LA

ASLBP No. 99-762-02-LA

**ORANGE COUNTY'S FIRST SET OF ENVIRONMENTAL DISCOVERY
REQUESTS TO NRC STAFF**

Pursuant to the Board's Memorandum and Order (Ruling on Late-Filed Environmental Contentions) (August 7, 2000), Orange County hereby submits its first set of discovery requests to the Nuclear Regulatory Commission ("NRC") Staff. Orange County hopes to obtain the Staff's voluntary answers to these discovery requests without resort to requesting a Board order pursuant to 10 C.F.R. § 2.720(h)(ii) or §2.744(a), but will advise the Board promptly if such assistance is necessary.

The County submits that the requested discovery is necessary in order to understand and respond to the arguments that the Staff will make in its evidentiary presentation under 10 C.F.R. Part 2, Subpart K. Moreover, the NRC Staff has unique access to and control of government-sponsored research into the probability and consequences of severe accidents at nuclear power plants, and this information is unavailable from other sources. The County also notes that it is making diligent efforts to identify and obtain documents in the NRC's Public Document Room ("PDR"), and is not requesting any final NUREG or NUREG/CR reports because they can be identified relatively easily. However, all responsive documents are not necessarily filed in the

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PDR. Even if they were, it would be difficult to obtain an assuredly comprehensive set of the relevant documents in a PDR search.

I. INSTRUCTIONS

A. Scope of Discovery. These interrogatories and document production requests cover all information in the possession, custody and control of the NRC Staff, including information in the possession of staff members, attorneys, or other persons directly or indirectly employed or retained by them, or anyone else acting on the NRC Staff'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 NRC Staff employees, representatives, investigators, and agents.

B. 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 currently unavailable;
3. Efforts which you intend to make to secure the information currently unavailable; and
4. When you anticipate receiving the information currently unavailable.

C. Supplemental Responses. Each of the following requests is a continuing one pursuant to 10 C.F.R. § 2.740(e) and the County hereby demands that, in the event that at any later date the NRC Staff obtains or discovers any additional information which is responsive to these interrogatories and request for admissions and production of documents, the Staff shall supplement its responses to this request promptly and sufficiently.

Such supplementation shall include, but not be limited to:

1. the identity and location of persons having knowledge of discoverable matters;
2. the identity of each person expected to be called as an expert witness at any hearing, the subject matter on which she/he is expected to testify, and the substance of her/his testimony; and
3. new information which makes any response hereto incorrect.

D. Objections. If you object to or refuse to answer any interrogatory under a claim of privilege, immunity, or for any other reason, please indicate the basis for asserting the objection, privilege, immunity or other reason, the person on whose behalf the objection, privilege, immunity, or other reason is asserted, and describe the factual basis for asserting the objection, privilege, immunity, or other reason in sufficient detail so as to permit the administrative judges in this matter to ascertain the validity of such assertion.

If you withhold any document covered by this request under a claim of privilege, immunity, or for any other reason, please furnish a list 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 the job title and affiliation of any such persons, the subject matter of the documents, 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.

E. 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.

II. DEFINITIONS

Each of the following definitions, unless otherwise indicated, applies to and shall be a part of each interrogatory and request for production which follows:

A. "The NRC Staff" refers to the staff of the U.S. Nuclear Regulatory Commission, its representatives, attorneys, and contractors, or other persons directly or indirectly employed or retained by the NRC Staff, or anyone else acting on its behalf or otherwise subject to its control.

B. The term "documents" means the originals as well as copies of all written, printed, typed, recorded, graphic, photographic, and sound reproduction matter however produced or reproduced and wherever located, over which you have custody or control or over which you have the ultimate right to custody or control. By way of illustration, but not limited thereto, said term includes: records, correspondence, telegrams, telexes, wiring instructions, diaries, notes, interoffice and intraoffice communications, minutes of meetings, instructions, reports, demands, memoranda, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, telephone minutes, calendars, accounting ledgers, invoices, charts, working papers, computer tapes, computer printout sheets, information stored in computers or other data storage or processing equipment, microfilm, microfiche, corporate minutes, blueprints, drawings, contracts and any other agreements, rough drafts, and all other writings and papers similar to any of the foregoing, however designated by you. 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.

C. "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.

D. The words “describe” or “identify” shall have the following meanings:

1. In connection with a person, the words “describe” or “identify” mean to state the name, last known home and business address, last known home and business telephone number, and last known place of employment and job title;
2. 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, title, caption, or other style by which the document is headed, the name of each person and entity which is a signatory to the document, the date on which the document was prepared, signed, and/or executed, the person or persons having possession and/or copies thereof, the person or persons to whom the document was sent, all persons who reviewed the document, the substance and nature of the document, the present custodian of the document, and any other information necessary to adequately identify the document;
3. 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.
4. 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 knowledge of the activity, occurrence, or communication, and the identity of any document recording or documenting such activity, occurrence, or communication.

- E. “Date” shall mean the exact 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.
- F. The word “discussion” shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.
- G. The word “person” shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.
- H. Words herein of any gender include all other genders, and the singular form of words encompasses the plural.
- I. The words “and” and “or” include the conjunctive “and” as well as the disjunctive “or” and the words “and/or.”

III. GENERAL DISCOVERY

A. 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 the NRC Staff expects to call as a fact or expert witness at the hearing and/or whose affidavit/declaration the Staff expects to submit in the Subpart K proceeding described in the Board's August 7, 2000, Memorandum and Order. For expert witnesses, provide a list of all publications authored by the witness within the preceding ten years and a listing of any other cases in which the witness has provided expert trial or deposition testimony or has submitted affidavit(s) or declaration(s) within the preceding four years. 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 each witness identified in response to General Interrogatory No. 2 above, describe the facts and/or opinions to which each witness is expected to testify, including a summary of the grounds for each opinion, and identify the documents (including all pertinent pages or parts thereof), data or other information which each witness has reviewed and considered, or is expected to consider or to rely on for his or her testimony.

IV. SPECIFIC DISCOVERY

A. SPECIFIC INTERROGATORIES

SPECIFIC INTERROGATORY NO. 1: Please provide any information in your possession which is responsive to the question posed in paragraph 1 on page 17 of the Board's August 7, 2000, Memorandum and Order.

SPECIFIC INTERROGATORY NO. 2: Please provide any information in your possession which is responsive to the concerns raised by the Licensing Board in paragraph 2 on page 17 of the Board's August 7, 2000, Memorandum and Order. To wit, please identify any old or recent information relating to the estimation of the probabilities of the individual events in the chain of seven events referred to on page 13 of the Board's August 7 Memorandum and Order, and provide any information which is responsive to the two questions posed in paragraph 2.

SPECIFIC INTERROGATORY NO. 3: Please provide any information in your possession which is responsive to the question posed in paragraph 3 on page 17 of the Licensing Board's August 7, 2000, Memorandum and Order.

B. SPECIFIC DOCUMENT REQUESTS

The County requests the NRC Staff to produce the following documents directly or indirectly within its possession, custody or control. This request does not include final published versions of NUREG or NUREG-CR reports.

REQUEST NO. 1. All documents in your possession, custody or control that evaluate or otherwise discuss the probability of a degraded core reactor accident with containment failure or bypass at a nuclear power plant, including the Harris nuclear power plant.

REQUEST NO. 2. All documents in your possession, custody or control that evaluate or otherwise discuss the onsite or offsite consequences of a degraded core reactor accident with containment failure or bypass at a nuclear power plant, including the Harris nuclear power plant.

REQUEST NO. 3. All documents in your possession, custody or control that evaluate or otherwise discuss the probability of an accident involving exothermic reaction of fuel cladding in spent fuel pool(s) at nuclear power plant(s), including the Harris nuclear power plant.

REQUEST NO. 4. All documents in your possession, custody or control that evaluate or otherwise discuss the onsite or offsite consequences of an accident involving exothermic reaction of fuel cladding in spent fuel pool(s) at nuclear power plant(s), including the Harris nuclear power plant.

REQUEST NO. 5. All documents in your possession, custody or control that contain any information responsive to the question posed in paragraph 1 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 6. All documents in your possession, custody or control that contain any information responsive to the concerns and questions raised in paragraph 2 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 7. All documents in your possession, custody or control that contain any information responsive to the question posed in paragraph 3 on page 17 of the Licensing Board's Memorandum and Order of August 7, 2000.

REQUEST NO. 8. All documents (including experts' opinions, work papers, affidavits, and other materials used to render such opinion) supporting or otherwise relating to testimony or evidence that you intend to use in your Subpart K presentation and/or the hearing on Contention EC-6.

Respectfully submitted,

Diane Curran / by R&E

Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
202/328-3500
e-mail: Dcurran@harmoncurran.com

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
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CERTIFICATE OF SERVICE

I certify that on August 21, 2000, copies of Orange County's First Set of Environmental Discovery Requests Directed to the Applicant and First Set of Environmental Discovery Requests Directed to the NRC Staff were served on the service list below by e-mail and/or first class mail as indicated below:

Secretary of the Commission
Attention: Rulemakings and Adjudications
Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: hearingdocket@nrc.gov

Susan L. Uttal, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: mlz@nrc.gov

Paul Thames
County Engineer
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278

Dr. Peter S. Lam
Atomic Safety and Licensing Board
Mail Stop T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: psl@nrc.gov

Steven Carr, Esq.
Carolina Power & Light Co.
411 Fayetteville Street Mall
Post Office Box 1551 - CPB 13A2
Raleigh, NC 27602-1551
E-mail: steven.carr@cplc.com

Moses Carey, Chair
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278
E-mail: Mcarey@mindspring.com

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Frederick J. Shon
Atomic Safety and Licensing Board
Mail Stop T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: fjs@nrc.gov

John H. O'Neill, Jr., Esq.
William R. Hollaway, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street N.W.
Washington, D.C. 20037-1128
E-mail: john_o'neill@shawpittman.com,
william.hollaway@shawpittman.com

G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board
Mail Stop T 3F-23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: gpb@nrc.gov

William D. Traves
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: wdt@nrc.gov

Diane Curran (by REE)
Diane Curran