

RAS 2274

RELATED CORRESPONDENCE

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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)	Docket No. 50-400 -OLA
COMPANY)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA
)	

**ORANGE COUNTY'S SECOND 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 second 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 the degree to which the Staff is familiar with and has reviewed key documents in which CP&L purports to have evaluated the risks of severe accidents at the Harris nuclear power plant. The NRC Staff has unique access to and control of this information, which cannot reasonably be obtained by any other means.

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

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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. INTERROGATORIES

INTERROGATORY NO. 1. For all versions and revisions of the IPE, IPEEE, and PSA for the Harris nuclear power plant, identify any and all review(s) that the NRC Staff has conducted. Identification of these reviews should include the date of the review, the precise subject and scope of the review, the name of any NRC Staff contractor organization that participated in the review, and the names of any NRC Staff members, individual contractors or contractor employees who participated in the review. In addition, please identify any documents that contain discussion of these reviews. If such documents have not been produced in response to Orange County's previous document production requests, either produce them or provide justification for their nondisclosure.

INTERROGATORY NO. 2. Please define the term "peer review" or "peer reviewed" as it is used in Document Request No. 4 of NRC Staff's First Set of Interrogatories and

Requests for Production of Documents Directed to the Board of Commissioners of Orange
County (September 8, 2000).

Respectfully submitted,



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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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Power Plant))	
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ADJUTANT GENERAL

CERTIFICATE OF SERVICE

I certify that on October 6, 2000, copies of Orange County's Second 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:

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