

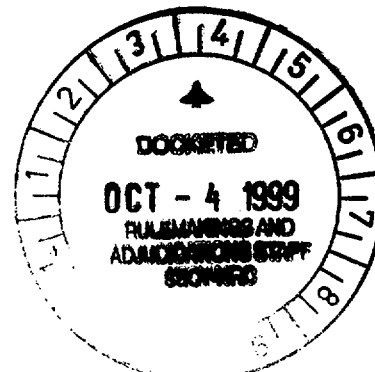
**HARMON, CURRAN, SPIELBERG & EISENBERG, LLP**

1726 M Street, NW, Suite 600 Washington, DC 20036

(202) 328-3500 (202) 328-6918 fax

September 29, 1999

William D. Travers  
Executive Director for Operations  
Mail Stop O-16 E15  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**SUBJECT:** Discovery on NRC Staff in Shearon Harris License Amendment Case

Dear Mr. Travers:

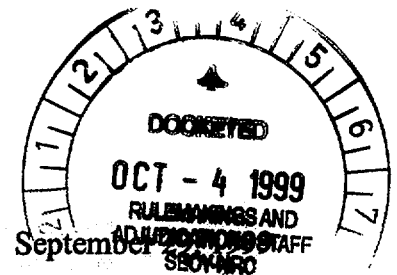
I represent Orange County, North Carolina, in a license amendment proceeding before the Atomic Safety and Licensing Board regarding the Shearon Harris nuclear power plant. The proposed amendment would allow the licensee to activate two of the plant's spent fuel pools. As required by NRC regulations at 10 C.F.R. § 2.744(a), I am serving you with a copy of Orange County's Second Set of Document Requests to the NRC Staff, dated September 29, 1999. Copies of the request have also been served on NRC Staff counsel in the proceeding, Susan L. Uttal, Esq.

Sincerely,

  
Diane Curran

Attachment

cc: Service List



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

**ORANGE COUNTY'S SECOND SET OF DOCUMENT REQUESTS  
TO THE NRC STAFF**

Pursuant to 10 C.F.R. § 2.744 and the Board's Memorandum and Order (Granting Request to Invoke 10 C.F.R. Part 2, Subpart K Procedures and Establishing Schedule) (July 29, 1999), Orange County hereby submits its second set of document requests to the Nuclear Regulatory Commission ("NRC") Staff. These requests should be answered within 30 days, as required by the regulations. Pursuant to the Commission's regulations on requests for production of records and documents from the Staff, the County submits that this discovery is necessary, because the requested discovery cannot reasonably be obtained through any means other than these requests. This set of discovery requests has also been served on the Executive Director for Operations.

**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:

1. "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.

2. 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.

3. "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.

4. 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 home and business address, last known home and 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, 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;

(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.

5. "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.

6. The word "discussion" shall mean communication of any kind, including but not limited to, any spoken, written, or signed form of communication.

7. The word "person" shall include any individual, association, corporation, partnership, joint venture, or any other business or legal entity.

8. Words herein of any gender include all other genders, and the singular form of

words encompasses the plural.

9. The words "and" and "or" include the conjunctive "and" as well as the disjunctive "or" and the words "and/or."

### **III. GENERAL DOCUMENT REQUESTS**

The County requests the Staff to produce the following documents directly or indirectly within its possession, custody or control:

REQUEST NO. 1. All documents produced in response to any discovery requests submitted to the Staff by the Applicant, Carolina Power & Light Co.

### **IV. SPECIFIC DOCUMENT REQUESTS**

The County requests the Staff to produce the following documents directly or indirectly within its possession, custody or control:

#### **A. TECHNICAL CONTENTION 2 (Criticality Safety):**

REQUEST NO. 1. Copies of the Federal Register notices for the proposed and final versions of the General Design Criteria in Appendix A to 10 C.F.R. Part 50 (32 Fed. Reg. 10213, July 11, 1967) and 36 Fed. Reg. 3,255, February 20, 1971).<sup>1</sup>

REQUEST NO. 2. All correspondence, reports, memoranda, and notes, considered or relied on by the NRC Commissioners in promulgating General Design Criteria 62 in Appendix A to 10 C.F.R. Part 50, regarding criticality control. (Note that GDC 62 was given a different number in the proposed rule.) This request does not seek copies of comments that are already on file in the NRC's Public Document Room.

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<sup>1</sup>The County attempted to locate these documents in the NRC's Public Document Room in Washington, D.C., but the proposed rule is not in the rulemaking file and the copy of the final rule is so poor as to be virtually illegible.

**REQUEST NO. 3.** All revisions to Regulatory Guide 1.13, Spent Fuel Storage Facility Design Basis.

**REQUEST NO. 4.** All regulations, draft and final regulatory guides, other guidance documents, or decisions of the NRC Commissioners that are used by the NRC staff in interpreting General Design Criterion 62 of Appendix A to 10 C.F.R. Part 50, evaluating compliance with GDC 62, or otherwise evaluating the adequacy of criticality control in nuclear power plant spent fuel pools.

**REQUEST NO. 5.** All documents considered or relied on by the NRC Staff in preparing Draft Revision 2 to Regulatory Guide 1.13, Spent Fuel Storage Facility Design Basis (December 1981).

**REQUEST NO. 6.** All comments on Draft Revision 2 to Regulatory Guide 1.13.

**REQUEST NO. 7.** All documents showing any further work performed by the NRC Staff on Rev. 2 of Reg. Guide 1.13 after December 1981, including but not limited to evaluation of comments or other correspondence received by the Staff; notes, correspondence, or memoranda prepared by the Staff; or further revisions to the text of Reg. Guide 1.13.

**REQUEST NO. 8.** All documents that describe nuclear power plant operators' practical experience with misplacement of fresh or spent fuel in fuel pools.

**REQUEST NO. 9.** All documents that analyze or evaluate nuclear power plant nuclear power plant operators' experience with fresh or spent fuel misplacement in fuel pools.

**REQUEST NO. 10.** All documents containing any analysis of the probability and/or consequences of potential misplacements of fresh or spent fuel in spent fuel pools.

**REQUEST NO. 11.** All documents that describe nuclear power plant operators' practical experience with errors in controlling boron concentration in the water in fuel pools.



REQUEST NO. 12. All documents that describe practical experience with events or processes that affect the boron loading in the walls of racks in fuel pools.

REQUEST NO. 13. All documents containing any analysis of nuclear power plant operators' experience with errors in controlling boron concentration in the water in fuel pools.

REQUEST NO. 14. All documents containing any analysis of nuclear power plant operators' experience with events or processes that affect the boron loading in the walls of racks in fuel pools.

REQUEST NO. 15. All documents containing any analysis of the probability and/or consequences of potential accidents resulting from improper boron concentrations in spent fuel pools or improper boron loadings in the rack walls.

REQUEST NO. 16. All documents containing any analysis of the probability and/or consequences of potential criticality events in fuel pools, involving fresh and/or spent fuel.

**B. TECHNICAL CONTENTION 3 (Quality Assurance)**

REQUEST NO. 1. All documents that describe nuclear power plant operators' practical experience with leakage of water from piping that is embedded in concrete.

REQUEST NO. 2. All documents that describe nuclear power plant operators' practical experience with leakage of water from fuel pools and/or from piping or equipment associated with fuel pools.

REQUEST NO. 3. All documents containing any analysis of nuclear power plant operators' experience with leakage of water from embedded piping, from fuel pools, or from piping or equipment associated with fuel pools, seeking to learn generic lessons from this experience.

REQUEST NO. 4. All documents that describe or predict the effects on reinforced

concrete structures of prolonged internal exposure to water.

REQUEST NO. 5. All documents containing any analysis of the implications for safe operation of a fuel pool if the cooling and/or cleanup system becomes unavailable for a prolonged period.

REQUEST NO. 6. All documents that describe nuclear power plant operators' practical experience with prolonged layup of piping or equipment associated with fuel pools, or of similar piping or equipment.

REQUEST NO. 7. All documents that contain any analysis of nuclear power plant operators' experience with prolonged layup of piping or equipment.

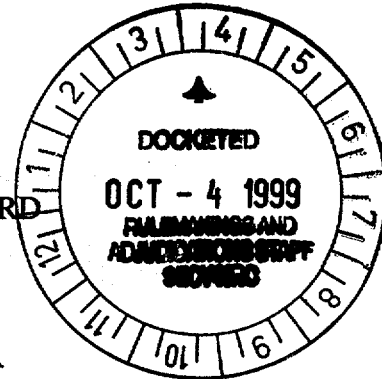
Respectfully submitted,



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

September 29, 1999

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
 )  
CAROLINA POWER & LIGHT )  
(Shearon Harris Nuclear )  
Power Plant) )

Docket No. 50-400 -OLA  
ASLBP No. 99-762-02-LA

**CERTIFICATE OF SERVICE**

I certify that on September 29, 1999, copies of the foregoing ORANGE COUNTY'S SECOND SET OF DOCUMENT REQUESTS TO THE NRC STAFF were served on the following 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

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

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

Alice Gordon, Chair  
Orange County Board of Commissioners  
P.O. Box 8181  
Hillsborough, NC 27278  
E-mail: gordonam@mindspring.com

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

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

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

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

In addition, the foregoing pleading was served by first-class mail on:

William D. Travers  
Executive Director for Operations  
Mail Stop O-16 E15  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

  
Diane Curran