

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

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In the Matter of )

DUKE POWER COMPANY, et al. )

(Catawba Nuclear Station, )  
Units 1 and 2 )

Docket No. 50-413  
50-414

October 4, 1982

PALMETTO ALLIANCE MOTION  
TO COMPEL DISCOVERY  
FROM APPLICANTS

Pursuant to 10 CFR Section 2.740(f), Palmetto Alliance hereby moves for an order compelling the Applicants, Duke Power Company, et al., to respond fully to "Palmetto Alliance Second Set of Interrogatories and Requests to Produce" filed September 3, 1982, which dealt with Palmetto Alliance's Contentions No. 8 and 27 on the subjects of operator qualifications and real time radiation monitors, respectively.

Applicant's Motion for Protective Order and Responses dated September 22, 1982, assert numerous unsubstantial and unwarranted objections to Palmetto Alliance's interrogatories and requests, and certain numerous evasive and incomplete answers and responses. Duke objects to answering at least 12 of Palmetto Alliance's 36 specific interrogatories on its operator qualification contention No.8; and 17 of 29 specific interrogatories on Palmetto Alliance's real time radiation monitoring contention No. 27. The Applicants assert that the information sought is not relevant to the subject matter of the contentions as they choose to read them and that response would cause them annoyance, oppression, undue burden and expense. They assert that communications with respect to these contentions are privileged and not subject to discovery.

More fundamentally Applicants choose to respond only to those questions which they deem relevant to their characterization of Intervenor's concerns, "in light of their own reading of Palmetto Alliance's contentions." Applicant's Responses, p. 4.

With respect to contention No. 8 regarding operator qualifications, Applicants "have provided only that information which relates to the direct and related work experience, as a component of operator qualification, of those persons for whom information is sought." Applicant's Responses, p.5. Yet even as to direct questions concerning the benefits, advantages and disadvantages of actual "hands on" operating experience or the training program to provide equivalent qualification, Duke provides only evasive responses:

The advantages of direct and related work experience with large PWRs for reactor operators and senior reactor operators is that they gain additional experience with large PWRs. Any disadvantages that might exist are not relevant to the subject of this contention.

Applicant's Responses, p. 18. See responses to interrogatories 13, 14 and 23.

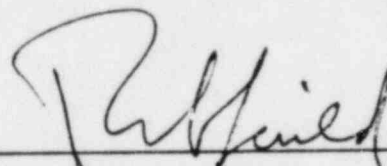
On the subject of real time radiation monitoring, Palmetto Alliance contention 27, Applicants responses are "limited to information regarding measurement of offsite dose rates under emergency conditions," Applicant's Responses, p. 28. They refuse to provide non-evasive answers to questions regarding the selection process followed and components selected for Catawba's offsite monitoring system, Interrogatory 7, Applicant's Responses, p. 34; their knowledge of alternative methods, Interrogatory 4, Applicants Responses, p. 32, the costs of the system chosen and its operations, Interrogatory 6, Applicant's Responses, p. 33; the systems used by Duke at their other nuclear facilities, interrogatories 10, 11 and 12,

Applicant's Responses, pp. 35, 36; and Duke's knowledge of available real-time monitors and the disadvantages regarding their use at the facility, interrogatories 21, 22 and 23, Applicants Responses, p. 38.

Discovery in NRC licensing proceedings is available to a party "regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party....reasonably calculated to lead to the discovery of admissible evidence." 10 CFR Sections 2.740(b)(1).

Palmetto Alliance respectfully urges the Board to compel Applicants to fully respond in order that it may "ascertain the facts" in this complex litigation, " refine the issues, and prepare adequately for a more expeditious hearing or trial." Pennsylvania Power and Light Company, (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-G13, 12 NRC 317 at 322 (1980).

October 4, 1982



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CERTIFICATE OF SERVICE

I hereby certify that copies of PALMETTO ALLIANCE MOTION TO  
COMPEL DISCOVERY FROM APPLICANTS

in the above captioned matters, have been served upon the following by  
deposit in the United States mail this 4 th day of October 1982.

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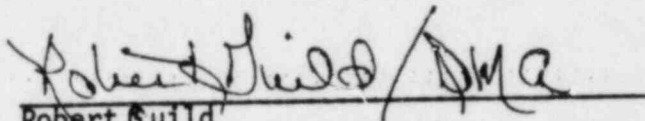
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