

1262

RELATED CORRESPONDENCE

DOCKETED
USNRC

April 2, 1984

'84 APR -3 A10:28

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	
AND NORTH CAROLINA EASTERN)	Docket Nos. 50-400 OL
MUNICIPAL POWER AGENCY)	50-401 OL
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

APPLICANTS' INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS
TO WELLS EDDLEMAN (CONTENTION 41)

Pursuant to 10 C.F.R. §§ 2.740b and 2.741, Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency hereby request that intervenor Wells Eddleman answer in writing, and under oath or affirmation, each of the following interrogatories, and produce and permit inspection and copying of the original or best copy of all documents identified in the responses to the interrogatories below. Under the Commission's Rules of Practice, answers or objections to these interrogatories must be served within 14 days after service of the interrogatories; responses or objections to the request for

DS03

production of documents must be served within 30 days after service of the request.

These interrogatories are intended to be continuing in nature, and the answers should promptly be supplemented or amended as appropriate, pursuant to 10 C.F.R. § 2.740(e), should Mr. Eddleman or any individual acting on his behalf obtain any new or differing information responsive to these interrogatories. The request for production of documents is also continuing in nature and Mr. Eddleman must produce immediately any additional documents he, or any individual acting on his behalf, obtains which are responsive to the request, in accordance with the provisions of 10 C.F.R. § 2.740(e).

Where identification of a document is requested, briefly describe the document (e.g., book, letter, memorandum, transcript, report, handwritten notes, test data) and provide the following information as applicable: document name, title, number, author, date of publication and publisher, addressee, date written or approved, and the name and address of the person or persons having possession of the document. Also state the portion or portions of the document (whether section(s), chapter(s), or page(s)) upon which Mr. Eddleman relies.

Definitions: As used hereinafter, the following definitions shall apply:

The "FSAR" is the Final Safety Analysis Report for the Shearon Harris Nuclear Power Plant, as amended.

The "SER" is the Safety Evaluation Report related to the operation of Shearon Harris Nuclear Power Plant, Units 1 and 2, NUREG-1038 (Nov. 1983).

"Applicants" is intended to encompass Carolina Power & Light Company, North Carolina Eastern Municipal Power Agency and their contractors for the Harris Plant.

"Document(s)" means all writings and records of every type in the possession, control or custody of Mr. Eddleman or any individual acting on his behalf, including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings and all other writings or recordings of any kind; "document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of Mr. Eddleman; a document shall be deemed to be within the "control" of Mr. Eddleman or any individual acting on his behalf if Mr. Eddleman or the individual acting on his behalf has ownership, possession or custody of the document or copy thereof, or has the right to secure the document or copy thereof, from any person or public or private entity having physical possession thereof.

General Interrogatories

1. Please provide supplemental answers to Applicants' General Interrogatories (First Set) on Contention 41, based upon any additional information obtained to date.

2(a). State the name, present or last known address, and present or last employer of each person, other than affiant, who provided information upon which you relied in answering each interrogatory herein, or who otherwise assisted you in answering each interrogatory herein.

(b). Identify all such information which was provided by each such person and the specific interrogatory response in which such information is contained.

(c). For each such person who provided you with information upon which you relied in answering any interrogatory herein or who assisted you in answering any interrogatory herein and who is an expert (i) provide that person's expertise and facts supporting his expertise, (ii) if that person has been "retained or specially employed," state in detail the facts underlying any "retained or specially employed status," (iii) if that person's identity is being withheld, (A) explain the need to withhold such person's identity, and (B) state the protection or privilege upon which you rely in withholding the person's identity (see Licensing Board's Memorandum and Order of May 27, 1983).

(d). For each such person who provided you with information upon which you relied in answering any interrogatory herein or who assisted you in answering any interrogatory herein and who is not an expert, identify that person in accordance with the Licensing Board's Memorandum and Order of May 27, 1983.

3(a). Identify all documents in your possession, custody or control, including all relevant page citations, upon which you relied in answering each interrogatory herein.

(b). Identify the specific interrogatory response(s) to which each such document relates.

4(a). Identify any other source of information, not previously identified in response to Interrogatory 2 or 4, which was used in answering the interrogatories set forth herein.

(b). Identify the specific interrogatory response(s) to which each such source of information relates.

INTERROGATORIES ON CONTENTION 41

41-6. Provide supplemental answers to Interrogatories 41-1(b), 41-2(b), 41-3(b), 41-4(b), 41-4(c) and 41-5(b) for which you indicated in your March 21, 1983 Response to Applicants' First Set of Interrogatories that you would pursue further discovery, implying that a more complete response would be available thereafter.

41-7(a). Do you contend that the disposition of pipe hanger weld deficiencies in the Permanent Waivers (PWs) and Field Change Requests (FCRs) which have been produced to you and/or which you have reviewed is inadequate to provide reasonable assurance that the hanger will perform its intended function?

(b). If the answer to (a) above is other than negative, identify each alleged inadequate disposition (with reference to the hanger number and PW and/or FCR), state in detail the factual basis for your allegation that such dispositions are inadequate, and identify any relevant document which was not produced by Applicants.

(c). For each such alleged inadequate disposition identified in (b) above, identify in detail the additional corrective actions which you contend are required and state in detail the factual basis upon which you rely in contending that such actions are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-8(a). Do you contend that, based on the documents which have been produced to you and/or other documents, Applicants have improperly reworked or repaired pipe hangers at the Harris Plant?

(b). If the answer to (a) above is other than negative, identify each alleged inadequate rework/repair (with reference to the hanger number and supporting documentation) and state in detail the factual basis for your allegation that such rework/repair is inadequate, and identify any relevant document which was not produced by Applicants.

(c). For each such alleged inadequate rework/repair identified in (b) above, identify in detail the additional corrective actions which you contend are required and state in detail the factual basis upon which you rely in contending that such actions are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-9. Identify in detail the "weld specification" inspection errors referred to in your response to Interrogatory 41-4(b).

41-10(a). Do you contend that the discovery of weld deficiencies during the reinspection program, in and of itself, constitutes a failure of Applicants' QA/QC programs?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-11. Explain how your "update re 41-1(b) and 41-2(b)," at page 24 of your March 21, 1983 Response to Applicants' First Set of Interrogatories, applies to the Harris Plant.

41-12(a). Do you contend that Applicants' training and qualification programs for weld inspectors (described in response to Eddleman Interrogatories 41-1(b) and (c)) are inadequate?

(b). If the answer to (a) above is other than negative, identify each alleged training or qualification inadequacy and state in detail the factual basis for your allegation that these programs are inadequate.

(c). If the answer to (a) above is other than negative, identify the additional training or qualification requirements you contend are required and state in detail the factual basis upon which you rely in contending that such requirements are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-13(a). Do you contend that the persons responsible for reviewing pipe hanger drawings/blueprints (see Applicants' response to Eddleman Interrogatories 41-1(d) and 41-4(h)) are not qualified to do so?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify the additional qualifications you contend are required and state in detail the factual basis upon which you rely in contending that such additional qualifications are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-14(a). Do you contend that the corrective actions taken upon discovery of pipe hanger blueprint/drawing errors, described in Applicants' response to Eddleman Interrogatories 41-1(e) and 41-5 (i) through (l), are inadequate?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your allegation that such actions are inadequate.

(c). If the answer to (a) above is other than negative, identify the additional corrective actions which you contend are required and state in detail the factual basis upon which you rely in contending that such actions are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-15(a). Do you contend that the scope of Applicants' pipe hanger weld reinspections, as outlined in the Weld Data Reports, is inadequate to identify discrepant welds?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify those additional inspections you contend are required and state in detail the factual basis upon which you rely in contending that such additional inspections are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-16(a). Do you contend that the review of pipe hanger drawings/blueprints by site Construction Engineering personnel (described in Applicants' response to Eddleman Interrogatories 41-4(e) and (1)) is inadequate to detect missing, unclear or incorrect weld symbols?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify the additional drawing reviews you contend are required and state in detail the factual basis for your contention that such additional reviews are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-17(a). Do you contend that the weld inspection retraining program (described in Applicants' response to Eddleman Interrogatory 41-7) was inadequate?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify the additional retraining you contend is required and state in detail the factual basis upon which you rely in contending that such additional retraining is required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-18(a). Do you contend that the welder retraining program (described in Applicants' supplemental response to Eddleman Interrogatory 41-7) was inadequate?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify the additional retraining you contend is required and state in detail the factual basis upon which you rely in contending that such additional retraining is required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-19(a). Do you contend that the Craft 66 welders, whose qualifications are described in Applicants' supplemental response to Eddleman Interrogatory 41-1(m), are not qualified to weld pipe hangers?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify those additional qualifications you contend are required in order to weld pipe hangers and state in detail the factual basis upon which you rely in contending that such additional qualifications are required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-20(a). Do you contend that the post-employment training provided to welders (described in Applicants' supplemental response to Eddleman Interrogatory 41-1(m)) is inadequate to assure that Craft 66 welders are properly trained?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than negative, identify the additional training you contend is required and state in detail the factual basis upon which you rely in contending that such additional training is required.

(d). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-21. Have you communicated with any of the Daniel Construction Co. Craft 66 personnel identified in Applicants' supplemental response to Interrogatory 41-1(1), dated March 14, 1984, or with any other present and/or former employees at the Shearon Harris Nuclear Power Plant regarding Contention 41? Supplement this answer in the future to report new and/or changed information.

41-22. If the answer to the preceding interrogatory is affirmative, provide the following information:

- (a) The individual's name;
- (b) The date(s), time(s), and method(s) by which each communication was made;
- (c) The substance of any oral discussion with each such individual;
- (d) Identify any and all documents (letters, notes of telephone conversations, etc.) relating to each such communication;
- (e) Identify any and all documents pertaining to the Harris Plant provided to intervenor Eddleman by each such person contacted;

- (f) Do you intend to call any of the individuals you have communicated with as a witness on Contention 41?
- (g) Do you intend to call any of the individuals you have communicated with as a witness on any other contention admitted in this proceeding?
- (h) If your answer to (f) or (g) above is other than an unequivocal negative, identify the substance of the testimony to be offered by each such person; and
- (i) If your answer to (f) or (g) above is other than an unequivocal negative, describe in detail the qualifications of each such person.

41-23(a). Do you contend that the reinspections conducted of the Harris Plant pipe hangers have failed to detect all potential safety significant welding discrepancies associated with the pipe hangers?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-24(a). Do you contend that the rework, repair and analysis of the pipe hanger welds performed subsequent to the reinspection program has failed to assure the safety of the pipe hangers?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

41-25(a). Do you contend that the pipe hangers presently installed and inspected prevent a finding of reasonable assurance that, as built, the Shearon Harris Nuclear Power Plant can and will be operated without endangering the public health and safety?

(b). If the answer to (a) above is other than negative, state in detail the factual basis for your answer.

(c). If the answer to (a) above is other than affirmative, explain in detail how your response is consistent with the allegations set forth in Contention 41.

Respectfully submitted,

Thomas A. Baxter

Thomas A. Baxter, P.C.
SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

Richard E. Jones
Samantha Francis Flynn
CAROLINA POWER & LIGHT COMPANY
P.O. Box 1551
Raleigh, North Carolina 27602
(919) 836-6517

Counsel for Applicants

Dated: April 2, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
and NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Interrogatories and Request for Production of Documents to Wells Eddleman (Contention 41)" were served this 2nd day of April, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties on the attached Service List.

Thomas A. Baxter
Thomas A. Baxter, P.C.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
and NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

SERVICE LIST

James L. Kelley, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Charles A. Barth, Esquire
Janice E. Moore, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Daniel F. Read, President
CHANGE/ELP
5707 Waycross Street
Raleigh, North Carolina 27606

John D. Runkle, Esquire
Conservation Council of North Carolina
307 Granville Road
Chapel Hill, North Carolina 27514

M. Travis Payne, Esquire
Edelstein and Payne
P.O. Box 12607
Raleigh, North Carolina 27605

Dr. Richard D. Wilson
729 Hunter Street
Apex, North Carolina 27502

Mr. Wells Eddleman
718-A Iredell Street
Durham, North Carolina 27705

Richard E. Jones, Esquire
Vice President and Senior Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Dr. Phyllis Lotchin
108 Bridle Run
Chapel Hill, North Carolina 27514

Dr. Linda W. Little
Governor's Waste Management Board
513 Albemarle Building
325 North Salisbury Street
Raleigh, North Carolina 27611

Bradley W. Jones, Esquire
U.S. Nuclear Regulatory Commission
Region II
101 Marrietta Street
Atlanta, Georgia 30303

Ruthanne G. Miller, Esquire
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Robert P. Gruber
Executive Director
Public Staff - NCUC
P.O. Box 991
Raleigh, North Carolina 27602