

NRC PUBLIC DOCUMENT ROOM  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
Louisiana Power & Light Company ) Docket 50-382  
 )  
(Waterford Steam Electric Station, )  
Unit 3) )

JOINT POSITIONS OF APPLICANT, JOINT PETITIONERS,  
AND NRC STAFF ON CONTENTIONS OF  
SAVE OUR WETLANDS, INC. AND OYSTERSHELL  
ALLIANCE, INC.

On Thursday, April 26, 1979 a Special Prehearing Conference was conducted in New Orleans, Louisiana by the Atomic Safety and Licensing Board. At the conclusion of this Conference, Applicant, Joint Petitioners Save Our Wetlands, Inc. and Oystershell Alliance, Inc., and the NRC Staff were directed by the Board to meet to reach agreement, where possible, on the allowability of Joint Petitioners' contentions. Applicant, Joint Petitioners, and Staff were directed to submit a joint statement to the Licensing Board indicating those contentions on which agreement was reached, as well as those contentions on which agreement could not be reached and on which the Licensing Board would have to rule. See tr. at 109-111. This submission is responsive to the directions of the Board.

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Contention 1

1. Applicant has failed to demonstrate the necessity in the public interest for operation of the Waterford 3 Facility, based upon the following considerations:

- a. Applicant's assignment of higher than reasonable figures for projected demand for electric power which ignore current diminution of demand for electricity on the order of 50% of past (i.e. 1960's & early 1970's) demands for electric power.
- b. Applicant's assignment of industrial demand factors for electricity which neglect to give appropriate discounts for self-generated industrial power, which industries and other large consumers of power are resorting to in the face of high and increasing electrical costs.
- c. Applicant's assignment of greater than reasonable factors for reserve electrical production capacity requirements.

The three parties are agreeable to allowing this contention in the form stated above. The contention has been modified from the original contention by deleting part c, which referred to alternative energy sources, and designating the original part d as part c in the redrafted contention.

Contention 2

2. Applicant has failed to demonstrate the necessity in the public interest for operation of the Waterford 3 Facility based upon its understatement of costs of generating power at the facility which understatement of costs results from improper consideration of the following factors:

a. Applicant has overstated the production capacity factor (i.e. generating capability of the facility) because of design inefficiencies and operating basis inefficiencies which are associated with the operation of pressurized water reactor (PWR) steam generators as was recently noted in the Division of Operating Reactors recent March 2, 1979 communication to applicant enclosing NUREG-0523.

b. Applicant has understated the costs of obtaining uranium fuels which will be used to operate the facility based upon its disregard for the escalation of the costs of such fuel, which can be reasonably expected to rise in cost to at least three times present cost.

c. Applicant has understated the costs of decommissioning the facility based upon its

its reliance on\* industry generated data which fail to properly cost account for properly safeguarding against radiation releases.

d. Applicant has underestimated the costs associated with spent fuel storage and/or disposal for the life of the Waterford facility.

The three parties are agreeable to allowing this contention in the form stated above. The contention has been modified from the original contention in several ways: (1) Part a has been changed to restrict the inefficiencies to which the contention refers to those considered in the March 2, 1979 communciation and in NUREG-0523; (2) Part c has been modified by deleting the word waste which had modified releases, and by deleting the reference to hypothesized costs of decommissioning; (3) Part d has been redrafted to incorporate the substantive concerns of Parts d through g.

Contentions 3, 4 and 5

These contentions all requested the Board to prohibit completion of the Waterford facility. The Board ruled from the bench at the Special Prehearing Conference that such

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\* Typographical errors in Joint Petitioners' April 11, 1979 submission have been corrected, and such corrections are indicated by an asterisk.

contentions were not within the cognizance of this Licensing Board, and that the contentions were dismissed. See tr. at 47-48.

Contention 6

6. Applicant has failed to comply with 10 CFR 50.33 and Appendix C requirements for the following reasons:

a. Applicant has indicated in Exhibit 4 of its Application that it does not presently possess the funds from earnings, borrowings or stock issues necessary to successfully complete the facility.

b. Applicant has indicated in Exhibit 4 of its Application\* that it cannot now obtain the funds by use of earnings, borrowings, or stock issues necessary to successfully operate the facility as required by 10 CFR 50.33.

c. Applicant has not set forth in substantial particularity a reasonable assurance of obtaining necessary funds from earnings, borrowings, or stock issues as required by 10 CFR 50.33.

d. Applicant has indicated an intention to rely upon construction work in progress awards (CWIP) in order to successfully complete,

operate and decommission the facility. Precedentially,\* such awards have not been granted by the Louisiana Public Service Commission; and applicant lacks any assurance whatever of obtaining such awards presently.

The three parties agreed to the following stipulation regarding this contention:

Applicant, Joint Petitioners and the NRC Staff stipulate that Contention 6 is withdrawn but that Joint Petitioners shall have the right to present for consideration by the ASLB new contentions challenging Applicant's financial qualifications to operate Waterford Unit 3 within 30 days after the issuance of the NRC Staff SER or, in the event the SER does not cover the Staff's position on Applicant's financial qualifications to operate the plant, within 30 days of the issuance of the first SER supplement which does address such financial qualifications. Joint Petitioners reserve their right to adequate discovery following the determination by the ASLB as to the allowability of their contentions. Applicant will provide to Joint Petitioners a copy of all data furnished to NRC pertaining to Applicant's financial qualifications.

Contention 7

7. Applicant has failed to appropriately consider in the Environmental Report, Section 5.2, et seq. the long term effects of low level radiation discharges, asserted to be in compliance with 10 CFR part 50, Appendix I, resulting from operation of the facility, storage of radioactive wastes and spent fuel transportation activities upon the following:

- a. Aquatic life, plant, animal and bird life, native flora and native fauna which would be adversely impacted by such emissions.
- b. Human beings who would be adversely impacted by increased cancer rates and allied diseases such as heart disease and pulmonary disorders as a result of such emissions.
- c. Plant, animal and human food chains which would be significantly altered, damaged or adversely impacted by such emissions.
- d. Genetic damage which would be caused by such emissions.
- e. Genetic damage which would be caused by Waterford 3 emissions in combination with all other radiation sources within the Baton Rouge-New Orleans industrial axis.

The three parties agreed to the following stipulation regarding this contention:

Applicant, Joint Petitioners and the NRC Staff stipulate that Contention 7 is withdrawn but that Joint Petitioners shall have the right to present for consideration by the ASLB new contentions concerning the long-term safety, health and environmental effects of low-level radiation discharges within 30 days after the issuance by the NRC Staff of the Draft Environmental Statement (operating license stage) for Waterford Unit 3. Joint Petitioners reserve their right to adequate discovery following the determination by the ASLB as to the allowability of their contentions. Applicant will provide to Joint Petitioners a copy of all data, if any, furnished to NRC pertaining to such effects.

Contentions 8, 9, 10, 11, 12 and 13

8. Applicant has failed to properly evaluate the health and environmental effects from existing industrial, petrochemical, manufacturing and background sources of pollution operating in combination with low-level radiation introduced into the environment by operation of the Waterford 3 facility.

9. Applicant has failed to properly evaluate synergistic effects of low-level radiation in



combination with known and suspected carcinogens such as halogenated hydrocarbons, other petrochemicals, body hormones, tobacco smoke and other similar substances in the environment, with regard to the following:

- a. Human populations which would be rendered more susceptible to cancer, heart disease, cardio-vascular and pulmonary diseases.
- b. Animal and plant populations which will be adversely impacted because of environmental stresses induced by these combinations of factors.

10. Applicant has failed to properly evaluate radiation emissions which will be created by spent fuel storage due to the underestimation of amounts of spent fuel which will be held in storage during the useful life of the facility.

11. Applicant has failed to properly evaluate radiation emissions which will be created by spent fuel storage by underestimating the amounts of spent fuel which will be processed, handled and stored based upon underestimation of the quantity of such products which will be stored on site at the facility.

12. Applicant has failed to properly evaluate risks to humans caused by transportation of spent fuel and radioactive nuclear wastes into and/or through the Greater Metropolitan New Orleans Area as a result of the following:

a. Applicant's lack of adequate details regarding proposals for transportation of such materials.

b. Applicant's failure to accurately evaluate radiation releases resulting from such activity.

13. Applicant has failed to appropriately evaluate the health, safety and environmental risks which result from storage at\* the Waterford 3 site for an extended and as yet undetermined length of time, of spent nuclear fuel materials because of the lack of an acceptable and technologically feasible and reasonable means for permanent and interim storage of high-level radioactive wastes and spent fuel materials; which thus renders applicant's interim storage as de facto permanent storage.

The Three parties were unable to resolve the admissibility of these contentions. Thus, each of the parties will submit its written views to the Board on these contentions not later than June 1, 1979.

Contention 14

14. Applicant has failed to properly evaluate the present inability to dispose of spent fuel assemblies, which will ultimately result in the necessity of increased expansion of spent fuel storage facilities at the Waterford 3 site.

Applicant, Joint Petitioners, and Staff were able to agree on certain modifications of this contention. The contention stated above represents the restatement agreed upon by the parties. The new draft seeks to clarify the earlier contention by deleting the term "spent fuel storage problem". However, no agreement was reached about the allowability of this redrafted contention, and each of the parties will submit its written views to the Board on this contention not later than June 1, 1979.

Contention 15

15. Applicant has failed to provide adequate performance criteria for radiation monitors utilized within the facility as regards redundancy,\* recording, qualification and testing of post-accident and incident monitoring. Applicant has not, to date, responded to this issue which was originally raised in Section 7.3 of the Safety Evaluation Report for the facility.

Joint Petitioners have agreed to withdraw Contention 15, but reserve the right to have issues related to radiation monitoring and arising out of events at Three Mile Island treated in the same manner as that stated in the stipulations regarding Contentions 16 and 18. See tr. at 94.

Contention 16

16. Applicant has failed to realistically consider the consequences to the environment, and to human health and safety, or the economic consequences of an occurrence, such as the problem which occurred recently at the 3 Mile Island Facility near Middletown,\* Pennsylvania resulting from the following:

- a. Breach of the reactor vessel.
- b. Breach of the primary cooling system.
- c. Breach of the containment vessel.

The three parties reached a stipulation at the Prehearing Conference that this contention would be withdrawn, with the understanding that the Joint Petitioners could offer contentions arising from events at the Three Mile Island nuclear plant on or before August 1, 1979. See tr. at 94.

Contention 17

17. Applicant has failed to adequately make provision, according to the Emergency Plan contained in

Chapter 13.3 of the FSAR, for the following emergency contingencies:

- a. Evacuation of individuals located in the immediate vicinity of the site, within St. Charles Parish in the event of a serious reactor incident.
- b. Evacuation of population masses located within a 20-mile radius of the Waterford 3 site in the event of a serious reactor incident, as was contemplated during the recent crisis at the 3 Mile Island Facility in Pennsylvania.
- c. Storage of potassium iodine in locations which are readily accessible to affected individuals as protection against thyroid irradiation.
- d. Evacuation of low- and middle-income residents of the Greater Metropolitan New Orleans Area.

The three parties agree that this contention is allowable as originally proposed.

Contention 18

18. Applicant has failed to adequately evaluate effects on humans and on the environment and on the operational safety of the facility of the following consequences of assumed crack or pipe rupture events:

a. Consequences of flooding of the containment vessel such as that experienced in the recent 3 Mile Island Facility crisis.

b. Consequences of flooding of the Reactor auxilliary building under circumstances similar to that experienced in the recent 3 Mile Island Facility crisis.

The same stipulation was reached at the Prehearing Conference regarding this contention as that related to Contention 16. See tr. at 94.

Contentions 19 and 20

19. Applicant has failed to provide workable solutions to problems of fuel element assembly guide wear\* which is caused to fuel element assemblies by the difference in durability of the fuel element assembly guide tubes which are relatively soft and the cladding on the control rods which is a relatively hard wear surface. A more complete discussion of this problem is contained in Staff Question 231.1.

20. Applicant has failed to provide for comprehensive solid waste process control program by establishing acceptable process parameters such as pH, ratio of waste to solidification, temperature, etc.

which will provide reasonable assurance of compliance with NRC requirements for complete solidification of wet wastes, as more particularly set forth in NRC Staff question 321.6.

The parties agree that these two contentions are allowable as originally submitted by Joint Petitioners.

Contention 21

21. Applicant has failed to appropriately evaluate the effects of maximum possible flood conditions upon the following:

- a. Availability of back-up cooling, in the event of damage to water intake and discharge structures in the Mississippi River.
- b. Damage to back-up cooling structures which could curtail availability of water supplies required for proper operation of safety systems.
- c. Effects of physical isolation of essential personnel in the control room in the event of a medical emergency, resulting from closure of the primary entrance way into the containment structure.
- d. Effects of lack of accessibility of essential personnel in the control room in the event of an emergency requiring evacuation,

resulting from closure of the primary entrance way into the containment structure.

The parties agree that this contention is allowable as redrafted above. Parts a and b of the contention have been reworded from Joint Petitioners' original submission to indicate more clearly the nature of the Petitioners' concern. Parts c and d have not been modified.

Contention 22

22. Applicant has failed to discover, acknowledge, report or remedy defects in materials, construction and workmanship such as improperly poured and set concrete and concrete poured without required reinforcement during the fabrication of the containment vessel, (reactor vessel) and/or related integral systems.

The three parties were unable to resolve the admissibility of this contention. Thus, each of the parties will submit its written views to the Board on this contention not later than June 1, 1979.

Contention 23

23. Applicant has failed to appropriately evaluate geologic activities within the vicinity of the plant as described by Roger T. Saucier in the study entitled "Recent Geomorphic History of the



Pontchartrain Basin, Louisiana" published in U.S. Gulf Coastal Studies Technical Report No. 16, part A, which activity could cause external flooding of the facility as well as threaten the structural integrity of the fuel handling building, containment structure and reactor auxilliary building.

The three parties have agreed to a slight modification of this contention, whereby the geologic activities to which the contention refers are restricted to those in the work by Roger T. Saucier cited in the contention. In its redrafted form, the three parties have agreed to the allowability of the contention.

#### Summary

In summary, the three parties have reached the following agreements:

(1) Contentions 17, 19, and 20 are allowable in the form originally proposed by Joint Petitioners.

(2) Contentions 1, 2, 21, and 23 are allowable in the modified form stated in the submission.

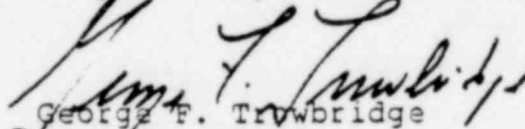
(3) Contentions 6 and 7 will be treated consistent with the terms of the stipulations stated in this submission.

(4) Contentions 15, 16, and 18 will be treated consistent with the terms of the stipulation reached at the Prehearing Conference regarding issues arising from events at the Three Mile Island facility, and are at this time withdrawn.

(5) For future purposes, Contention 14 will be considered in its redrafted form.

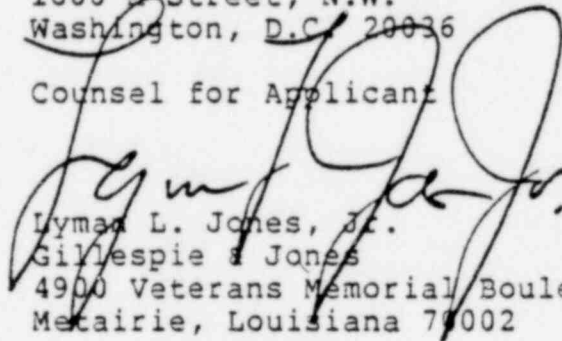
The three parties were unable to reach any agreement on the allowability of Contentions 8, 9, 10, 11, 12, 13, 14 (redrafted) and 22. Accordingly, each party will submit individual written views on these contentions not later than June 1, 1979.

Respectfully submitted,




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Dated: May 31, 1979

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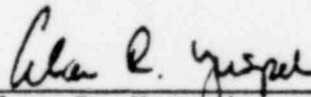
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing  
"Joint Positions of Applicant, Joint Petitioners, and NRC  
Staff on Contentions of Save Our Wetlands, Inc. and Oyster-  
shell Alliance, Inc." were served by deposit in the U.S.  
Mail, first class, postage prepaid, this 31st day of May,  
1979, to all those on the attached service list.

  
\_\_\_\_\_  
Alan R. Yuspeh

Dated: May 31, 1979

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