

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
LOUISIANA POWER AND LIGHT COMPANY	)	Docket No. 50-382
	)	
(Waterford Steam Electric Station,	)	
Unit 3)	)	



NRC STAFF'S POSITION ON CONTENTIONS OF  
SAVE OUR WETLANDS, INC., AND OYSTERSHELL ALLIANCE, INC.

I. INTRODUCTION

Pursuant to 10 CFR §2.714(b) which provides that not later than fifteen (15) days prior to holding of the special prehearing conference pursuant to 10 CFR §2.751a, a petitioner shall file a supplement to his petition to intervene which must include a list of contentions which petitioner seeks to have litigated, and the bases for each contention set forth with reasonable specificity, on April 11, 1979, Save Our Wetlands, Inc. (SOWL) and Oystershell Alliance, Inc. (Oystershell) filed their contentions in this proceeding.<sup>1/</sup>

The NRC Staff's position on these contentions is set forth below.

II. STAFF'S POSITION ON CONTENTIONS

A. Requirements for Valid Contentions

As noted above, 10 CFR §2.714(b) requires that the contentions which the intervenor seeks to have litigated be filed along with the bases set forth

<sup>1/</sup> By its Order dated March 8, 1979, the Board scheduled a 10 CFR §2.751a special prehearing conference for April 26, 1979.

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with reasonable specificity. A contention must be rejected where:

- (a) it constitutes an attack on applicable statutory requirements;
- (b) it challenges the basic structure of the Commission's regulatory process or is an attack on the regulations;
- (c) it is nothing more than a generalization regarding the intervenor's views of what applicable policies ought to be;
- (d) it seeks to raise an issue which is not proper for adjudication in the proceeding or does not apply to the facility in question; and
- (e) it seeks to raise an issue which is not concrete or litigable.

Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station, Units 2&3), ALAB-216, 8 AEC 13, 20-21 (1974).

The purpose of the basic requirement of 10 CFR §2.714 is to assure that the contention in question does not suffer from any of the infirmities listed above, to establish sufficient foundation for the contention to warrant further inquiry of the subject matter in the proceeding, and to put the other parties sufficiently on notice so that they will know generally what they must defend against or oppose. Peach Bottom, supra. From the standpoint of basis, a detailing of the evidence which will be offered in support of the contention is unnecessary and an evidentiary foundation is not required. Peach Bottom, supra; Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1&2), ALAB-1 6 AEC 423, 426 (1973). In examining contentions and the bases therefor to determine admissibility, a licensing board is not to reach the merits of the contentions. Duke Power Co. (Amendment to Materials License SNM-1773 -

Transportation of Spent Fuel from Oconee Nuclear Station for Storage at McGuire Nuclear Station), ALAB-528 (February 26, 1979); Peach Bottom, supra at 8 AEC 20; Grand Gulf, supra at 6 AEC 426. In fact, the Appeal Board has recently implied that where a contention is adequately specific and appears to contain the basis within the contention itself, no separate basis is required and the contention is admissible if it is not otherwise objectionable. Oconee-McGuire, supra. However, the Appeal Board has twice indicated that special care should be taken at the operating license state, when a hearing is not mandatory, to assure that asserted contentions raises issues that are clearly open to adjudication. Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-183, 7 AEC 222, 226 (1974) and Cincinnati Gas and Electric Company (William H. Zimmer Nuclear Power Station), ALAB-305, 3 NRC 8, 12 (1976).

B. Contentions

Contention 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 fact of high and increasing electrical costs.

c. Applicant's overestimation of the costs of alternative fuels and energy sources such as, inter alia, coal, geo-thermal, wind, solar and hydraulic (ocean current) sources.

d. Applicant's assignment of greater than reasonable factors for reserve electrical production capacity requirements.

The Staff opposes this contention on the grounds that it lacks the requisite 10 CFR §2.714 basis.

With regard to la., assignment of higher than reasonable figures for projected demand, SOWL and Oystershell simply allege that the Applicant has ignored a downward trend in demand for electricity. However, there is no reference to the Applicants' projection figures, an indication what the projection figures should be and the basis for the discrepancy.

Regarding Applicants' neglecting discounts for self-generated industrial power, lb., there is no basis for this assertion. Moreover, there is no indication that such self-generation exists or, if it does exist, that it is of significant prevalence to impact the demand projections.

The third reason assigned to the failure of the Applicant to demonstrate need, overestimation of costs of alternative fuels, also fails for lack of specification of basis. First, the list of fuels that Applicants are alleged to have overestimated the cost of is only a partial list. Second,

there is no indication what the costs of the fuels should be with references to supporting documents or reports.

Simply stated the Intervenors have not set forth sufficient basis to support this contention. They have merely listed a collection of unsupported allegations. Therefore, the Staff believes this contention should be rejected.

Contention 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. These inefficiencies include generic problems associated with steam generators of the recirculation type, and steam generator degradation, as was recently noted in the Division of Operating Reactors recent March 2, 1979 communication to applicant.

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.

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c. Applicant has understated the costs of decommissioning the facility based upon its reliance of industry generated data which fail to properly cost account for properly safeguarding against radiation waste releases, in view of present decommissioning expenses which indicate probable costs of decommissioning on the order of \$500 million.

d. Applicant has understated the short term storage costs of spent fuel by refusing to account for increases in cost associated with requirements for expansion of spent fuel storage pool.

e. Applicant has understated the costs of transferring spent fuel within the site by failing to acknowledge necessity for such activity.

f. Applicant has understated the costs of transferring spent fuel outside the site by failing to identify the carriers, or permanent destination of such transfer.

g. Applicant has understated the long term storage costs of spent fuel by its failure to specify means and methods for such long term storage.

2a. This contention is acceptable to the extent it alleges inefficiencies affecting capacity will result from generic problems with respect to PWR's noted in the Division of Operating Reactors March 2, 1979 communication.

2b. This contention lacks the necessary basis and specificity and should therefore be rejected. Intervenors have not identified any bases

for its allegation that the cost of uranium for the Waterford, Unit 3 facility has been understated.

2c. This contention is vague and lacks the requisite basis and specificity of 10 CFR §2.714. There is no identification of the source for the \$500 million figure given for the cost of decommissioning. Accordingly, this contention should be rejected.

2d. This contention, which concerns costs of increases associated with the expansion of spent fuel storage pool, should be rejected because it raises an issue which is not proper for adjudication in this proceeding. The scope of the present proceeding is limited to the facility as described in the FSAR. Any expansion of the spent fuel pool described in the FSAR could only be accomplished by an amendment to the license which would be an entirely separate licensing action.

2e. The Staff opposes this contention on the grounds that it is vague and lacks basis. First, it is not clear from the contention what "transferring spent fuel" includes. Second, absolutely no basis is set forth in support of the contention.

2f. The Staff opposes this contention on the grounds that no basis whatsoever is given in its support. Furthermore, NRC regulations do not require an Applicant to identify the carrier, destination of transfer, or methods or means of transfer.<sup>2/</sup>

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<sup>2/</sup> 10 CFR Part 71 does establish requirements for packaging of radioactive material for transportation.

2g. The essence of this contention is that the storage of spent fuel at Waterford Unit 3 will be "long term". The Staff opposes this contention on the grounds that it is without supporting basis and that it has no relationship to and is beyond the scope of this proceeding. No basis whatsoever is set forth in support of this contention. In point of fact, this contention directly contradicts the Commission's implicit finding in July 1977 of "reasonable assurance that methods of safe permanent disposal of high-level wastes can be available when needed". 42 Fed. Reg. 34391 at 34393, July 5, 1977 (denial of petition for rulemaking of Natural Resources Defense Council). This determination was upheld in NRDC v. NRC, 582 F.2d 166 (2d Cir. 1978), and has been followed by the Appeal Board in several instances where it was contended that licensing actions should be deferred pending a final solution to the waste disposal problem. See Portland General Electric Co. et al. (Trojan Nuclear Plant), ALAB-531, Slip Op. pp. 8-9 (March 21, 1979); Northern States Power Co. et al. (Prairie Island Nuclear Generating Plant, Units 1&2), ALAB-455, 7 NRC 41, 49-50 (1978). Thus, this contention appears to challenge established Commission regulatory policy and should be rejected on that ground. Furthermore, storage of spent fuel at Waterford, Unit 3 cannot go beyond the period of time requested by the Applicant in its application, which must be less than 40 years.<sup>3/</sup> The scope of the present proceeding is therefore limited in its consideration of environmental and safety consequences of storage of spent fuel to this specified period of time. Any additional storage period

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<sup>3/</sup> See 10 CFR §50.51.

could only be permitted by submission by the applicant of an appropriate amendment. Such an amendment would then be the subject for another entirely separate licensing action.

For the above reasons contention 2g. should be rejected.

Contention 3

Applicant has failed to demonstrate the necessity in the public interest for completion 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) demand 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 higher and increasing electrical costs.
- c. Applicant's overestimation of the costs of alternative fuels and energy sources such as, inter alia, coal, geo-thermal, wind, solar and hydraulic (ocean current) sources.
- d. Applicant's assignment of greater than reasonable factors for reserve electrical production capacity requirements.

The Staff opposes this contention on the grounds that it relates solely to construction of Waterford, Unit 3 which raises an issue beyond the scope of the present operating license proceeding.

Contention 4

Applicant has failed to demonstrate the necessity in the public interest for completion 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 completion of pressurized water reactor (PWR) steam generators. These inefficiencies include generic problems associated with steam generators of the recirculation type, and steam generator degradation, as was recently noted in the Division of Operating Reactors' recent March 2, 1979 communication to applicant.
- b. Applicant has understated the costs of obtaining uranium fuels which will be used to complete 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 reliance of industry generated data which fail to properly cost account for properly safeguarding

against radiation wastes releases, in view of present decommissioning expenses which indicate probable costs of decommissioning on the order of \$500 million.

d. Applicant has understated the short term storage costs of spent fuel by refusing to account for increases in costs associated with requirements for expansion of spent fuel storage pool.

e. Applicant has understated the costs of transferring spent fuel within the site by failing to acknowledge necessity for such activity.

f. Applicant has understated the costs of transferring spent fuel outside the site by failing to identify the carriers, methods or means or permanent destination of such transfer.

g. Applicant has understated the long term storage costs of spent fuel by its failure to specify means and methods for such long term storage.

The Staff opposes this contention on the grounds that it relates solely to the construction of Waterford, Unit 3 which raises issues beyond the scope of the present operating license proceeding.

Contention 5

Applicant has failed to demonstrate the necessity in the public interest for completion of the Waterford 3 plant due to its assignment of unrealistic values to the projected demand for electric power.

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The Staff opposes this contention on the grounds that it relates solely to the construction of Waterford, Unit 3, which raises issues beyond the scope of the present operating license proceeding.

Contention 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 earning, 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 reasonably 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 [sic], such awards have not been granted by the Louisiana Public Service Commission' and applicant lacks any assurance whatever of obtaining such awards presently.

To the extent this contention relates to the failure of the Applicant to comply with 10 CRR §50.33 and Appendix C requirements (operating license stage) the Staff believes it is acceptable.

Contention 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 Route-New Orleans industrial axis.

The Staff opposes this contention on the ground that it lacks the requisite basis and specificity.

No basis whatsoever is set forth in support of this contention. Further, there is no indication how the Applicants' analysis of the effects of radiation from Waterford, Unit 3 is inadequate.

Contention 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.

The Staff opposes this contention on the ground that it lacks the requisite basis and specificity. The Intervenors have not indicated how the evaluation is deficient and they have not set forth any basis in support of this contention.

Contention 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.

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b. Animal and plant populations which will be adversely impacted because of environmental stresses induced by these combinations of factors.

The Staff opposes this contention on the ground that it states no basis in its support.

Contentions 10 and 11

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.

The Staff opposes these contentions on the ground that they lack the requisite basis and specificity.

The Intervenor has not indicated how the Applicant has failed to estimate the amount of spent fuel that will be held in storage, processed or handled during the useful life of the facility. Furthermore, the operating license, if issued, will specify the amount of spent fuel which is authorized to be stored at Waterford, Unit 3. This authorized

amount is based upon the storage amount requested in the application, the subject of the present proceeding. Any additional storage of spent fuel can only be accomplished by amendment to the operating license. This would be licensing action completely separate from the present proceeding. Since the present application does not contain the request for this additional storage (processing and handling) this contention raises issues that are outside the scope of the present proceeding.

For the foregoing reasons, contentions 10 and 11 should be rejected.

Contention 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.

The Staff opposes this contention because it challenges the Commission Regulation which sets forth the environmental impacts of transportation of fuel and waste to and from nuclear power reactors (10 CFR §51.20, Table S-4). This type of challenge to a Commission regulation is barred as a matter of law. Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2), ALAB-456, 7 NRC 63, 65 (1978).

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Under 10 CFR §2.758, the Commission has withheld jurisdiction from Licensing Boards to entertain attacks on the validity of Commission regulations in individual licensing proceedings except in "special circumstances." Potomac Electric Power Co. (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-218, 8 AEC 79, 88-89 (1974). The Intervenors have not alleged any particularized "special circumstances" that identify how the values in Table S-4 would not serve the purpose for which they were adopted with respect to Waterford, Unit 3. This contention should, therefore, be rejected.

Contention 13

Applicant has failed to appropriately evaluate the health, safety and environmental risks which result from storage of 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.

[See the NRC Staff response to 2g. supra.]

Contention 14

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

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The Staff opposes this contention on the ground that it lacks the requisite basis. As noted above in the Staff's response to Contention 2g. the Commission's regulatory policy regarding ultimate disposal of wastes is that there is "reasonable assurance that methods of safe permanent disposal of high-level wastes can be available when needed" (42 Fed. Reg. 3491, at 34393, July 5, 1977). While it does not necessarily follow from this Commission policy statement that interim storage will always be available during the operating lives of nuclear reactors to assure uninterrupted operation, the Intervenors have not given any basis to support their assumption that due to the shortage of storage during the operating life of Waterford, Unit 3, expansion will be necessitated. In essence, this contention is based upon pure speculation.

Furthermore, as noted above in the Staff response to Contentions 10 and 11, expansion of a fuel storage pool is a matter beyond the scope of this proceeding.

#### Contention 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.

The concern raised by this contention is that the adequacy of the criteria for redundancy, recording, qualification and testing of post accident and

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incident monitoring. The Staff believes that the Petitioners have failed to set forth this concern with enough basis to meet the requirements of 10 CFR #2.714. The only basis provided for this contention is the allegation that these criteria were requested by the Staff and not provided by the Applicant. However, this information was provided by the Applicant by an amendment to the PSAR. The Staff then resolved this matter as indicated in Supplement No. 1 to the NRC Staff's SER (p.15). Accordingly, adequate basis has not been provided for this contention. Therefore, this contention should be rejected.

Contentions 16 and 18

16. Applicant has failed to realistically consider the consequences to the environment, and to human health and safety, or the economic consequences of an occurrences, 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.

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 auxiliary building under circumstances similar to that experiences in the recent 3 Mile Island Facility crisis.

The NRC Staff believes that an appropriate area for litigation in this proceeding, as suggested by Contentions 16 and 18, may be whether the Applicant and the NRC Staff have evaluated the potential for a series of events and system failures and malfunctioning occurring at the Waterford Unit 3 facility as occurred at the Three Mile Island Unit 2 facility. However, at the present time information is still being gathered and evaluated regarding the events which occurred at the Three Mile Island Unit 2 facility. We anticipate that more complete information regarding this matter should be available within 30 days. For this reason, we propose that the Board temporarily defer consideration of the contentions relating to Three Mile Island raised by the Petitioners in this proceeding, and that the participants be given an additional 45 days to consider such newly developed information relating to this incident, and to seek to negotiate contentions based upon any newly developed facts. Hopefully, a stipulation could be reached which would be submitted to the Board for its approval. In any event, the Staff would propose to provide the Board with a report on the status of the negotiations in 45 days from the date of this prehearing conference.

Contention 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 Staff opposes this contention for lack of the requisite basis and specificity.

a. Intervenors have not stated how the Applicant's emergency plan with respect to individuals within the immediate vicinity of the site is inadequate.

b. and d. This aspect of the contention seeks an evacuation plan for the area within a 20-mile radius of the site. Under currently effective rules, an Applicant need not formulate an emergency plan for areas outside the low population zone (LPZ) (which here has an outer radius of two miles as set forth in the construction permit SER, §2.1.2, p.13). New England Power Co. et al., (NEP Units 1 and 2), ALAB-390, 5 NRC 733, 747 (1977). Even under recently proposed amendments (43 Fed. Reg.

37473, August 23, 1978), which directs the Commission to use as "interim guidance" (id. at 37475), there has been presented no "particular information" why an evacuation plan extending 20 miles from the facility might be warranted. See Pennsylvania Power and Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), LBP-79-6, 9 NRC at \_\_\_ (Slip Op., pp. 30-32); Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC \_\_\_, \_\_\_ (Slip Op., p.12). Therefore, Contentions 17b. and d. should be rejected.

c. The Intervenors have not provided any basis for a requirement that potassium iodide be "readily accessible to affected individuals as protection against thyroid irradiation".

#### Contention 19

Applicant has failed to provide workable solutions to problems of fuel element assembly guide near 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 relatively hard wear surface. A more complete discussion of this problem is contained in Staff Question 231.1.

The Staff believes that this contention is acceptable.

#### Contention 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 Staff believes that this contention is acceptable.

Contention 21

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

a. Damage to water intake and discharge structures in the Mississippi River which could drastically curtail supplies of water required for ordinary plant operations.

b. Damage to water intake and discharge 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 evaluation, resulting from closure of the primary entrance way into the containment structure.

The Staff believes that this contention should be rejected. The water intake and discharge structures noted in 21a. and b. are non-safety

structures and, therefore, do not need to be protected from the maximum possible flood (MPF). These structures are non-safety because the Mississippi River is not the ultimate heat sink. Therefore, there is no bases for Contentions 21a. and b.

Contentions 21c. and d. are so vague the Staff does not understand the Intervenors' concern. Further, these Contentions lack bases, since the control room is located in the auxiliary building and not the containment building, and access to the control room can be gained through the auxiliary building.

Contention 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 Staff opposes this contention, since no bases whatsoever is set forth in its support.

Contention 23

Applicant has failed to appropriately evaluate geologic activities within the vicinity of the plant, such as those 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

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well as threaten the structural integrity of the fuel handling building, containment structure and reactor auxiliary building.

The Staff believes that this contention is acceptable.

In summary, the Staff believes that Contentions 2a (as modified), 6 (as modified), 19, 20, and 23 are acceptable. The Staff believes that the following Contentions should be rejected: 1, 2b-g, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 21, and 22. The Staff believes that a ruling on Contentions 16 and 18 should be withheld pending negotiations of the Petitioners and the parties.

Respectfully submitted,



Henry J. McGurren  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 25th day of April, 1979

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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LOUISIANA POWER AND LIGHT COMPANY ) Docket No. 50-382  
)  
(Waterford Steam Electric Station, )  
Unit 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S POSITION ON CONTENTIONS OF SAVE OUR WETLANDS, INC., AND OYSTERSHELL ALLIANCE, INC." in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 25th day of April, 1979:

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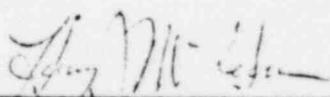
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