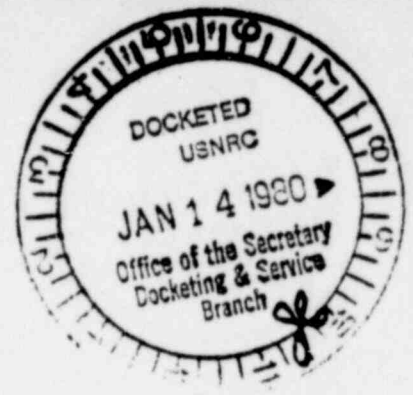


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Sheldon J. Wolfe, Esquire, Chairman
Dr. Walter H. Jordan, Member
Dr. Harry Foreman, Member



In the Matter of
LOUISIANA POWER AND LIGHT COMPANY
(Waterford Steam Electric Station,
Unit 3)

Docket No. 50-382 OL

ORDER
(January 11, 1980)

1. On December 10, 1979, the Joint Intervenors (Save Our Wetlands, Inc. and the Oystershell Alliance, Inc.) as well as Intervenor Louisiana Consumer's League filed TMI-2 related contentions. The Applicant and the Staff respectively responded in submissions of December 26 and December 31, 1979.

The Staff supports the admission of the Joint Intervenors' amended contentions. Applicant has no present objection, but reserves the right at a later date to strike Contention 28 in whole or in part on either of two grounds, which are set forth in its Response and which we allow Applicant to reserve. The Board admits as issues in controversy the Joint Intervenors' Additional Contentions 24, 25, 26, 27, 28 and 29.

The Staff supports the admission of LCL's amended contentions. Applicant does not object to amended Contentions 1, 3 and 4. However, Applicant objects to Additional Contention 2 because of lack of adequate specificity in failing to identify the specific action or actions which LCL contends should be considered in the accident analysis of postulated events. Additional Contention 2 asserts that "The accident analysis in Chapter 15 of the FSAR is incomplete in

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that no consideration is given to incorrect operator action during a postulated event". Additional Contention 2 is sufficiently specific in stating that no consideration whatsoever was given in the FSAR to incorrect operator action. Moreover, the TMI-2 Lessons Learned Task Force Status Report (NUREG-0578) stated at page A-45: "The analyses of transients and accidents shall include the design basis events specified in Section 15 of each FSAR. The analyses shall include a single active failure for each system called upon to function for a particular event. Consequential failures shall also be considered. Failures of the operators to perform required control manipulations shall be given consideration for permutations of the analyses". Accordingly, we admit LCL's Additional Contentions 1, 2, 3 and 4.

2. On December 21, 1979, the Joint Intervenors filed a Motion To Compel Answers To Certain Interrogatories. Therein the Board was requested to compel Applicant to answer certain interrogatories set forth in the Joint Intervenors' First Interrogatories of November 23, 1979. On December 6, 1979 Applicant had objected to Interrogatories 22-4, 22-5, 22-7 and 22-8 as being outside the scope of Contention 22, which, as rephrased by the Board, had been admitted in the Order dated September 12, 1979. On January 7, 1980, Applicant filed an Opposition To Joint Intervenors' Motion To Compel.


In the instant Motion, the Joint Intervenors urge that answers to these interrogatories would provide information regarding the strength calculations for the concrete in the safety related structures, especially in the containment structure and would enable them to make a meaningful study of the strength of the safety related concrete structures, as well as to determine what construction standards might be applied to concrete structures having such engineering

and design criterion. However, as Applicant points out, Contention 22 on its face, as initially raised by the Joint Intervenors and as reworded by the Board,^{1/} deals with the quality of concrete construction, not with the adequacy of the engineering and design of the plant. Further, as Applicant points out, during the Special Prehearing Conference on April 26, 1979 and in the submission of June 1, 1979, the Joint Intervenors only evidenced their concern over allegations that numerous mistakes had been made in the concrete work at Waterford 3 and that the NRC had not communicated sufficiently with workers at sites in order to be able to evaluate deficiencies in construction which are otherwise undiscoverable. Clearly the information the Joint Intervenors seek is not related to the issue placed into controversy by Contention 22 - i.e. the construction of safety related concrete structures. 10 C.F.R. § 2.740(b)(1) states that discovery shall relate only to matters in controversy. Accordingly, we deny the instant Motion To Compel.^{2/}

Dr. Jordan and Dr. Foreman concur.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Sheldon J. Wolfe, Esquire
Chairman

Dated at Bethesda, Maryland
this 11th day of January, 1980.

1/ As rephrased by the Board, admitted Contention 22 reads: "Applicant has failed to discover, acknowledge, report or remedy defects in safety related concrete construction".

2/ As the intervening parties are aware, a motion for leave to submit untimely contentions may be filed, discussing the five factors set forth in 10 C.F.R. § 2.714(a)(1).