

AFFIDAVIT

OF FREDERICK MILTON OLSEN III

My name is Frederick Milton Olsen III. I reside at 609 North Eleventh Street, La Crosse, Wisconsin, 54601. I was born on the sixth day of August, in the year 1954. I am currently employed as a driver for the La Crosse Area Mini-Bus Program.

During Atomic Safety and Licensing Hearings of 3-6 October, 1979, held at La Crosse, Wisconsin, on the subject of expansion of spent fuel pool capacity at Dairyland Power Cooperative's La Crosse Boiling Water Reactor, on the specific date of Wednesday, 3 October 1979, in the afternoon session, I delivered a limited appearance statement before the board consisting of Charles Bechhoefer, George Anderson, and Ralph Decker. My statement consisted almost entirely of questions concerning Three Mile Island-Unit II accident related retrofit costs. (reference: ASLB hearing transcript, 3 Oct 79, in the matter of DPC's LACBR, pages 408-418)

It was my intention to bring the issue of these cost factors to the board's attention, so that the board would be sure to take these costs into their deliberations about the economic picture at LACBR during the next few years. The TMI-2 retrofit costs were the largest monetary considerations brought up at these hearings.

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The board, in flagrant dereliction of their duty to gather evidence, refused to even ascertain a range into which these TMI-2 costs might fall. The board attempted to dodge their responsibilities by saying that, "It (NUREG-0578) is just a recommendation." (reference: ASLB hearing transcript, 5 Oct 79, in the matter of DPC's LACBWR, page 754) I specifically pointed out the rule-making history of these proposed requirements. (reference: ASLB hearing transcript 5 Oct 79, pages 409-410) These requirements became binding at a date before the board's final decision, as can be seen in letters from Harold R. Denton, Director, Office of Nuclear Reactor Regulation, U.S.N.R.C., as referenced in an Order To Show Cause, issued to DPC on 2 January 1980, by the aforementioned Mr. Denton. In the public record, on January 10, 1980, Mr. Richard Shimshak, LACBWR plant manager, referred to the cost estimates of "NRC officials" that ranged from fifteen (15) to twenty-five (25) million dollars for TMI-2 retrofits. (reference: La Crosse Tribune, 10 Jan 80, page 2) I would like to point out that 10 January 1980 was also the date that the board's final decision became publicly known. Therefore, logically, the board could have gathered knowledge, and was in fact privy to such knowledge as could have been used to arrive at an acceptable estimate for TMI-2 retrofit costs at LACBWR. The board

did not take these costs into account in their deliberations as evidenced by the decision that they handed down, for surely, had they taken the TMI-2 retrofit costs into account, their decision would have been different. On 5 October 1979, during the afternoon session of A-LB hearings in La Crosse, the board refused to allow questioning and discussion of an alternative design concept proposal to enlarging the spent fuel storage capacity at LACBWR. (reference: ASLE hearing transcript, 5 Oct 79, in the matter of DPC's LACBWR, page 746)

Had the board allowed further discussion and questioning, reasons that conversion of the LACBWR reactor vessel to a spent fuel storage vessel would be safer and more economical for area residents would have been presented and supported. If the board truly held the safety, health, and welfare of the American public foremost in their minds, would they not have heard testimony, discussion, and questioning to gather information about this alternative to spent fuel storage capacity increase at LACBWR? I say yes. However, the board chose not to, plainly indicating that the public interest was not uppermost in their minds. After actions such as I have delineated in this affidavit, I can no longer believe that the Atomic Safety and Licensing Board consisting of Charles Beckhoefer, George Anderson, and Ralph Decker **is** capable of considering evidence and rendering decisions which are in the public interest.

Frederick Milton Olsen III
Frederick Milton Olsen III, affiant

Subscribed and sworn to before before me
this 17th day of August, 1980.

Ray Linn Schenck

Notary Public

My commission is permanent

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
DAIRYLAND POWER COOPERATIVE) Docket No. 50-409
(La Crosse Boiling Water Reactor))

CERTIFICATE OF SERVICE

The enclosed Motion to Disqualify and related affidavit have been sent by first class mail or hand delivered to the following persons or organizations:

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