

3 September, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of : *
PUERTO RICO ELECTRIC POWER *
AUTHORITY (POWER COMPANY) *
Applicant *
GONZALO FERNOS, PRO SE, ET AL. *
Intervenors *
* * * * *

DOCKET NO. 50- 376
Proposed North Coast
Nuclear Plant (Unit 1)
Isote Ward, Arecibo, Puerto Rico



-: D I S C O V E R Y :-

TO THE APPLICANT :

● Pursuant to ASLB ORDER of August 19, 1980, within fifteen (15) days after the service of this request for discovery, Applicant * must respond in writing and under oath the following questions and request for documents : **

● DOCUMENTS :

● 1.- Serve certified copy of application for licensing the construction and operation of the Aguirre, Puerto Rico Nuclear Plant filed with the ASLB. Include also the transmittal letter accompanying the application.

● 2.- Serve certified copy of application for licensing the construction and operation of the Isote Ward, Arecibo, Puerto Rico Nuclear Plant filed with the ASLB. Include also copy of the transmittal letter accompanying the application.

● 3.- Serve certified copy of letters of December 3 and December 5, 1975, from Applicant to ASLB informing Applicant's decision to "postpone indefinitely the project."

* Applicant here is meant to be the official of the Puerto Rico Electric Power Authority, not its counsel, who is designated as spokesman for the Applicant.

** All documents must be certified as authentic under oath and shall be served in both English and Spanish. Translations need not be served within the 15 days but must be available to Intervenors 10 days before the hearings.

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- 4.- Serve certified copy of letter of February 16, 1977 from Applicant to ASLB about the timing of new electricity generating capacity in Puerto Rico. Include also studies undertaken by or on behalf of Applicant concerning the projected future demands of electric power.
- 5.- Serve certified copy of the document rescinding the contract with Westinghouse for the installation of the Reactor and other Nuclear Plant equipment.
- 6.- Serve certified copy of the December, 1978 cancellation of the contract for the installation of the Nuclear Plant equipment, reactor and transmission lines parts storage contract.
- 7.- Serve certified copy of the cancellation of the contract for supplying uranium fuel for the Arecibo North Coast Nuclear Plant.
- 8.- Serve certified copies of all Status Reports from September 1, 1978 to December 28, 1979.
- 9.- Serve certified comprehensive map indicating juxtaposition of the entire land required for siting the North Coast Nuclear Plant, including the exclusion area and the 39 cases of expropriated tracts of land from different owners. Identify each tract of land by its area, name of owner, cost and corresponding docket number assigned at the Court of Expropriation of the Superior Court of Puerto Rico (Cases Docket Nos. E74-1019 to E75-908) ; accompany also copy of the expropriation petitions.
- 10.- Serve certified copy of the 39 Motions of Desistance filed with the Court of Expropriation by the Department of Justice of Puerto Rico on behalf of Applicant since 1976 ; include also copy of final or interlocutory decisions or orders, as the case may be, and the ruling thereof issued by said Court of Expropriation.
- 11.- Serve certified copy of letter from José F. Irizarry, Esq., Legal Counsel for Applicant, dated December 4, 1979, to Rafael A. Pons del Valle, Esq., Director of Legal Matters, Land Cases Division of the Department of Justice of Puerto Rico.
- 12.- Inform Intervenors the status of negotiations with the different land owners referred to above aimed at returning the land to them. Include minutes of meetings, correspondence with such land owners or their legal representatives, if any.
- 13.- Serve certified copy of Applicant's yearly Financial Statements from 1974 to date certified by an independent public accountant, including copy of Power Revenue Bond Brochures from 1974 to date.
- 14.- Serve certified copy of Capital Improvement Program of 1979-85, dated July, 1979. Include also all Capital Improvement Programs from 1970 to date.

- QUESTIONS :

- 1.- Has Applicant desisted from building the Nuclear Plant in Arecibo or elsewhere in Puerto Rico?

- 2.- If the answer to the above question is in the negative, explain the following :

- (a) - Why has Applicant decided to reverse pursuing the 39 cases of expropriation? If another site is contemplated, indicate its location, give description of the land, estimated cost and serve copy of the survey plan.

- (b) - Did Applicant take into consideration the Governor of Puerto Rico's views with regard to the Nuclear Plant? In which way, if any?

- (c) - Has Applicant taken into consideration the Report by the Office of Energy of Puerto Rico entitled: The Energy Policy of Puerto Rico, dated June, 1979, regarding nuclear plants? Explain.

- (d) - Has Applicant taken into consideration the Interim Report of 1979 of the National Academy of Sciences with regard to the nuclear plant option and next electric power generating unit for Puerto Rico?

- (f) - Why has Applicant partially written down the costs of the North Coast Nuclear Plant project when plans to build it have allegedly only been postponed, not cancelled? Explain.

- 3.- State whether or not Applicant's Financial Statements show the following : the total or partial expenditure on the Nuclear Plant projects up to the date of the last Statement since the project was first considered being sited at Aguirre, Puerto Rico, including costs of reactors' excavations, construction effected, equipment purchased, fees paid for construction plans, parts storage, studies, consultations and costs of Applicant's Environmental, Licensing and Nuclear Division's payroll and administrative expenses thereof, including legal counsel retained at Washington, D.C. and elsewhere. If the answer is in the affirmative, but only some of the aforementioned expenditures are listed separately therein, then show a breakdown of each item of those expenditures that may appear in a lump-sum figure under other costs items.

- 4.- If the Nuclear Plant project were to be reactivated in a near future, what percentage of the studies, plans, excavations, construction, temporary facilities, equipment purchased could be utilized? Explain giving concrete facts.

- 5.- Had the Applicant cancelled the Nuclear Plant project withdrawing its application in 1975, would the net effect on its Financial Statement and sale of Power Revenue Bonds have been adversely or favorably affected? Explain.

- 6.- How did the indefinite postponement of the Nuclear Plant project affect Applicant's net assets as reflected in its Financial Statements, and how did such action affect the sale of Power Revenue Bonds? Explain.

- 7.- Why does Note (8), p. 1-11 of the October 18, 1979 Financial Statement in the brochure of Power Revenue Bonds of same year refer to "construction work in progress" when there has been no construction going on since 1975?
- 8.- What is the status of the sale of the Aguirre nuclear reactor and its parts? What entity is in charge of promoting the sale?
- 9.- Why did the write down of the total investment in the Nuclear Plant take place gradually every year since 1975 instead of being written down in one single action in 1975 when the project was postponed indefinitely? Explain.
- 10.- What technical and expert personnel was employed by Applicant's Environmental, Licensing and Nuclear Division at the peak of activity before the Nuclear Plant project was postponed indefinitely in 1975 and what technical and expert personnel is presently employed therein? If there has been a substantial reduction in the size of the staff, explain.
- 11.- Give a list of names and addresses of all witnesses which Applicant intends to have testify at the forthcoming hearings.
- 12.- Give a list and serve copy of all documents that Applicant contemplates presenting at the hearings.
- 13.- Is Applicant making arrangements for conducting simultaneous translation (English to Spanish and vice-versa) of the proceedings at the forthcoming hearings, as previously approved by the ASLB?

- In San Juan, Puerto Rico, this 3rd day of September, 1980



Gonzalo Fernós, Pro Se, and
representing Members of CCNR
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CERTIFICATE OF SERVICE BY MAIL

● I HEREBY CERTIFY : That on this same date original and 2 copies of the above questionnaire entitled : DISCOVERY have been filed by U.S. Airl Mail with the Nuclear Regulatory Commission, Docketing and Service Section ; one copy served by Certified Air Mail, Return Receipt Requested to Maurice Axelrad, Esq., Lowenstein, Newman, Axelrad & Toll, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036 ; and one copy served by Air or First Class Mail on each of the following : Alc S. Rosenthal, Esq., Chairman, ASLAB ; Dr. John H. Buck, Member, ASLAB ; Michael C. Farrar, Esq., Member, ASLAB ; Sheldon J. Wolfe, Esq., Chairman, ASLB ; Dr. Richard F. Cole, Member, ASLB ; Mr. Gustave A. Linenberger, Member, ASLB ; Edwin J. Reis, Esq., Counsel for NRC Staff (All the above, except as noted, bearing same address as follows : United States Nuclear Regulatory Commission, Washington, D.C. 20555) ; José F. Irizarry, Esq., Legal Counsel for Applicant, Puerto Rico Electric Power Authority, GPO Box 4267, San Juan, Puerto Rico 00936 ; Eng. Alberto Bruno Vega, Executive Director, Puerto Rico Electric Power Authority, GPO Box 4267, San Juan, Puerto Rico 00936.



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