

January 12, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating License)

APPLICANTS' SECOND SET OF INTERROGATORIES TO
CASE AND REQUESTS TO PRODUCE

Pursuant to 10 C.F.R. §§2.740b and 2.741, Texas Utilities Generating Company, et al. ("Applicants") hereby serve Applicants' Second Set of Interrogatories and Requests to Produce upon Citizens Association for Sound Energy ("CASE"). Each interrogatory shall be answered fully in writing, under oath or affirmation, and include all pertinent information known to CASE, its officers, directors or members as well as any pertinent information known to its employees, advisors or counsel. Each request to produce applies to pertinent documents which are in the possession, custody or control of CASE, its officers, directors or members as well as its employees, advisors or counsel. In answering each interrogatory and in responding to each request, please recite the interrogatory or request preceeding each answer or response. Also, please identify the person providing each answer or response.

DS03
s
1/1

8101160 233

G

These interrogatories and requests shall be continuing in nature. Thus, any time CASE obtains information which renders any previous response incorrect or indicates that a response was incorrect when made, CASE should supplement its previous response to the appropriate interrogatory or request to produce. CASE should also supplement its responses as necessary with respect to identification of each person expected to be called at the hearing as an expert witness, the subject matter of his or her testimony, and the substance of that testimony. The term "documents" shall include any writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained. We request that at a date or dates to be agreed upon, CASE make available for inspection and copying, all documents subject to the requests set forth below.

APPLICANTS' INTERROGATORIES AND
REQUESTS TO PRODUCE

Contention 22: Applicants have failed to comply with 10 C.F.R. Part 50, Appendix E, regarding emergency planning, for the following reasons:

- a. The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.
- b. No agreements have been reached with local and state officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.
- c. There is no description of the arrangements for services of physicians and other medical personnel

qualified to handle radiation emergencies and arrangements for the transportation of injured or contaminated individuals beyond the site boundary.

- d. There are no adequate plans for testing periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicant.
- e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose.
- f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

INTERROGATORIES

- 1-2.* / Please state in your own words the meaning of Contention 22.
- 2-2. What is your basis for Contention 22? Please list all documents not elsewhere identified upon which you rely with respect to Contention 22. Please provide copies of all such documents for inspection and copying.
- 3-2. Have you prepared any report, study or analysis with respect to Contention 22? If so, please identify each such report, study or analysis by subject and author, including the author's professional and educational background. Please provide each such report, study or analysis for inspection and copying.
- 4-2. Have you caused others to prepare any report, study or analysis with respect to Contention 22? If so, please identify each such report, study or analysis by subject and author, including the professional and educational background of the author. Please provide for inspection and copying each such report, study or analysis on which you intend to rely.
- 5-2. What are the dates of the meetings or contacts you have had with the other intervening parties with respect to Contention 22? Please specify the purpose of such meetings or contacts and the results of such meetings or contacts.

* / Applicants have identified these interrogatories as the second set to CASE by the hyphen 2 following each number.

- 6-2. What are the dates of the meetings or contacts you have had with persons other than the intervening parties with respect to Contention 22? Please identify the purpose and dates of those meetings or contacts, the other persons involved, and the results of such meetings or contacts.
- 7-2. Do you plan to participate in the upcoming hearing with respect to Contention 22? If so, what will be the extent of your participation?
- 8-2. Do you plan to file testimony in the upcoming hearing with respect to Contention 22? If so, who will be the sponsor (i.e., witness) of that testimony? Please set forth the nature of such testimony and the professional and educational background of the witness. Please provide copies of that testimony. Also, please identify by title, subject matter and author, and provide for inspection and copying, any documents which any such testimony will rely upon.
- 9-2. Do you plan to call any witness in the upcoming hearing with respect to Contention 22? If so, please provide a summary of his or her professional and educational background. Also, set forth any information which has a bearing on his or her qualifications to testify in this proceeding on Contention 22.
- 10-2. If you plan to call any witness in the upcoming hearing with respect to Contention 22, please specify the nature and scope of that person's testimony. Please provide copies of such testimony. Please state whether that witness has conducted any research or made any studies on which the witness intends to rely. Also, identify by title, subject matter, and author, and provide for inspection and copying, any document on which such witness will rely in their testimony with regard to Contention 22.
- 11-2. Have you reviewed the Applicants' Final Safety Analysis report ("FSAR")? If not, please explain. If so, please answer the following:
 - a. Do you object to any of the information, data or analyses contained or referenced therein with respect to emergency planning?
 - b. If your answer to a. is in the affirmative, please identify those objections by the section of the FSAR to which you object and the substance of your objections.

- c. What are the bases (legal and/or other) for your responses to a. and b.?
- 12-2. What State authorities responsible for emergency planning do you contend should be identified by the Applicants?
- 13-2. What are the regional authorities responsible for emergency planning which you contend should be identified?
- 14-2. What do you contend should be the responsibilities of those State authorities identified by you in your response to Interrogatory 12-2 with respect to emergency planning at Comanche Peak?
- 15-2. What do you contend should be the responsibilities of the regional authorities identified in your response to Interrogatory 13-2 with respect to emergency planning at Comanche Peak?
- 16-2. What are the State authorities which you contend should be identified which have "special qualifications for dealing with emergencies"?
- 17-2. What are the regional authorities which you contend should be identified who have "special qualifications for dealing with emergencies"?
- 18-2. What are those "special qualifications" for each of the State and regional authorities identified in your responses to Interrogatories 16-2 and 17-2?
- 19-2. How do you contend the Applicants should identify the State and regional authorities identified by you in your responses to Interrogatories 12-2, 13-2, 16-2 and 17-2?
- 20-2. What are your bases (legal and/or other) for your responses to Interrogatories 12-2 through 19-2?
- 21-2. What type of agreements do you contend should be made with local officials for the early warning and evacuation of the public?
- 22-2. What kind of agreements do you contend should be made with State officials for the early warning and evacuation of the public?

- 23-2. What are the local officials and agencies with which you contend agreements must be made regarding early warning and evacuation of the public?
- 24-2. Who are the State officials and what are the State agencies with which you contend agreements must be made regarding early warning and evacuation of the public?
- 25-2. What are your bases (legal and/or other) for your responses to Interrogatories 21-2 through 24-2?
- 26-2. What kind of "early warning" do you contend must be the subject of the agreements identified in your responses to Interrogatories 21-2 and 22-2?
- 27-2. What is (are) the time frame(s) in which you contend the early warning which you discussed in your response to Interrogatory 26-2 must be made?
- 28-2. What are the segments of the public which you contend must be warned in the time frame(s) identified in your response to Interrogatory 27-2?
- 29-2. What evacuation measures do you contend should be the subject of the agreements identified in your responses to Interrogatories 21-2 and 22-2?
- 30-2. What segments of the public do you contend should be subject to the evacuation measures identified in your response to Interrogatory 29-2?
- 31-2. What is the time frame for the evacuation measures for each segment of the public identified in your response to Interrogatory 30-2?
- 32-2. What are your bases (legal and/or other) for your responses to Interrogatories 26-2 through 31-2?
- 33-2. Who are the "principal" officials which you contend should be identified in the agreements with the localities identified in your response to Interrogatory 23-2?
- 34-2. Who are the "principal" officials which you contend should be identified for the State agencies set forth in your response to Interrogatory 24-2?
- 35-2. What are your bases (legal and/or other) for your responses to Interrogatories 33-2 and 34-2?

- 36-2. What are the services of physicians and other medical personnel for which you contend arrangements should be made?
- 37-2. What arrangements do you contend should be made for the services identified in your response to Interrogatory 36-2?
- 38-2. What qualifications do you contend the physicians or other medical personnel who are to provide the services identified in your response to Interrogatory 36-2 must have to handle radiation emergencies?
- 39-2. What are your bases (legal and/or other) for your responses to Interrogatories 36-2 through 38-2?
- 40-2. What kind of arrangements do you contend should be made for transporting injured or contaminated individuals beyond the site boundary?
- 41-2. Where do you contend the injured or contaminated individuals should be transported to?
- 42-2. What are your bases (legal and/or other) for your responses to Interrogatories 40-2 and 41-2?
- 43-2. What persons, other than employees of the Applicant, do you contend should be part of the periodic drills of emergency plans?
- 44-2. With respect to each of the persons or category of persons identified in your response to Interrogatory 43-2, please set forth their role in the periodic drills of emergency plans which you contend must be performed.
- 45-2. What portions of the emergency plans do you contend must be the subject of periodic drills?
- 46-2. How often do you contend periodic drills of emergency plans should be conducted?
- 47-2. What are your bases (legal and/or other) for your responses to Interrogatories 43-2 through 46-2?
- 48-2. Do you contend that all parts of the emergency plans should be tested with the same frequency?
- 49-2. If your response to Interrogatory 48-2 is in the negative, please identify for each portion of the emergency

plans the frequency of the periodic drills which you contend must be performed. What is your basis (legal and/or other) for your response?

- 50-2. If your response to Interrogatory 48-2 is in the affirmative, please set forth your basis (legal and/or other) for your response.
- 51-2. What "provision" for medical facilities in the immediate vicinity of the site do you contend must be made?
- 52-2. What kind of medical facility(ies) do you contend must be provided for? Please specify by setting forth the capabilities which you contend must be provided for at that (those) medical facility(ies).
- 53-2. Where do you contend the medical facility(ies) identified in your response to Interrogatory 52-2 must be located?
- 54-2. Do you contend that the capabilities identified in your response to Interrogatory 52-2 can only be afforded if the medical facility(ies) is (are) located as set forth in your response to Interrogatory 53-2?
- 55-2. Who are the medical facilities identified in your response to Interrogatory 52-2 intended to serve?
- 56-2. What are your bases (legal and/or other) for your responses to Interrogatories 51-2 through 55-2?
- 57-2. What type of emergency planning do you contend must be provided for Glen Rose?
- 58-2. What kind of emergency planning do you contend must be provided for the Dallas/Fort Worth metroplex?
- 59-2. Do you contend that emergency plans for Glen Rose must include evacuation procedures?
- 60-2. Do you contend that the emergency plans for Dallas/Fort Worth must include evacuation procedures?
- 61-2. Do you contend that emergency measures should vary with respect to the type of event which triggers their actuation? If so, please specify the particular emergency actions which you contend must be taken for each event identified in your response.

- 62-2. What are your bases (legal and/or other) for your responses to Interrogatories 57-2 through 61-2?
- 63-2. What are the specific responsibilities you contend Applicants should have with respect to developing emergency plans for Glen Rose and the Dallas/Fort Worth metroplex?
- 64-2. What particular responsibilities do you contend Applicants should have with respect to the actuation of emergency plans?
- 65-2. What responsibilities do you contend Applicants should have with respect to carrying out the emergency plan measures?
- 66-2. What responsibilities do you contend State and local officials should have with respect to developing emergency plans for Glen Rose and the Dallas/Fort Worth metroplex?
- 67-2. What responsibilities do you contend State and local officials should have with respect to the actuation of emergency plans?
- 68-2. What responsibilities do you contend State and local officials should have with respect to carrying out the emergency plan measures?
- 69-2. What responsibilities do you contend the NRC should have in emergency planning for Glen Rose and the Dallas/Fort Worth metroplex?
- 70-2. What responsibilities do you contend the NRC should have with respect to the actuation of emergency plans?
- 71-2. What responsibilities do you contend the NRC should have with respect to carrying out emergency plan measures?
- 72-2. What responsibilities do you contend the Federal Emergency Management Agency ("FEMA") must have with respect to emergency planning for the Glen Rose and the Dallas/Fort Worth metroplex?
- 73-2. What responsibilities do you contend FEMA should have with respect to the actuation of emergency plans?
- 74-2. What responsibilities do you contend FEMA should have with respect to carrying out emergency plan measures?

- 75-2. What are your bases (legal and/or other) for your responses to Interrogatories 63-2 through 74-2?
- 76-2. Precisely what is the geographical area which corresponds to the area you are concerned with when you speak of "emergency planning for Glen Rose"? Please specify that area including the distance of the area from the Comanche Peak site.
- 77-2. What is the geographical area which corresponds to the area you are concerned with when you speak of emergency planning for the "Dallas/Fort Worth metroplex"? Please specify that area and provide the distance of the area from the Comanche Peak site.
- 78-2. Do you contend that the emergency plans for these two areas should differ in any way? If so, please specify.
- 79-2. What are your bases (legal and/or other) for your responses to Interrogatories 76-2 through 78-2?
- 80-2. Do you contend that emergency planning must be provided for the entire Dallas/Fort Worth metroplex as identified in your response to Interrogatory 77-2?
- 81-2. If your response to Interrogatory 80 is in the affirmative, please set forth with specificity the NRC requirements (including statutes, regulations and NRC staff guidance) which you contend mandate that emergency planning be provided for the entire area which you have identified as the Dallas/Fort Worth metroplex in your response to Interrogatory 77-2?
- 82-2. What are the dangers which you contend might require emergency action to be taken in the Glen Rose area?
- 83-2. What are the dangers which you contend might require emergency action to be taken in the Fort Worth area?
- 84-2. What are the dangers which you contend might require emergency measures to be taken in the Dallas area?
- 85-2. With respect to each of your responses to Interrogatories 82-2 through 84-2, please specify precisely the initiating event, the sequence of events, and the exposure pathway for radiological dangers.
- 86-2. For each of your answers to Interrogatories 80-2 through 85-2, please set forth the assumptions, analysis and

conclusion and any documents relied on for your answers. What are the other bases (legal and/or other) for your responses to Interrogatories 80-2 through 85-2?

- 87-2. With respect to your answer to Interrogatories 82-2 through 84-2 please identify the specific emergency planning measures you contend should be provided with respect to the dangers which you contend could exist.
- 88-2. What is your basis (legal and/or other) for your response to Interrogatory 87-2?
- 89-2. Do you contend that any particular communication capability must be provided as part of the emergency planning with which you are concerned in Contention 22?
- 90-2. If your response to Interrogatory 89-2 is in the affirmative, please specify the precise capabilities and functions of the communications system which you contend must be provided.
- 91-2. What is your basis (legal and/or other) for your response to Interrogatory 90-2?
- 92-2. Precisely how do you contend the Applicants should demonstrate that adequate emergency planning as required for Glen Rose or the Dallas/Fort Worth metroplex has been prepared? (For example, what documentation of emergency plans do you contend must be submitted to what authority for approval?)
- 93-2. What is your basis (legal and/or other) for your response to Interrogatory 92-2?

Contention 25: The requirements of the Atomic Energy Act, as amended, 10 C.F.R. 50.57(a)(4) and 10 C.F.R. 50 Appendix C have not been met in that the Applicant is not financially qualified to operate the proposed facility.

- 94-2. Please state in your own words the meaning of Contention 25.
- 95-2. What is your basis for Contention 25? Please list all documents not elsewhere identified upon which you rely with respect to Contention 25. Please provide copies of all such documents for inspection and copying.

- 96-2. Have you prepared any report, study or analysis with respect to Contention 25? If so, please identify each such report, study or analysis by subject and author, including the author's professional and educational background. Please provide each such report, study or analysis for inspection and copying.
- 97-2. Have you caused others to prepare any report, study or analysis with respect to Contention 25? If so, please identify each such report, study or analysis by subject and author, including the professional and educational background of the author. Please provide for inspection and copying each such report, study or analysis on which you intend to rely.
- 98-2. What are the dates of the meetings or contacts you have had with the other intervening parties with respect to Contention 25? Please specify the purpose of such meetings or contacts and the results of such meetings or contacts.
- 99-2. What are the dates of the meetings or contacts you have had with persons other than the intervening parties with respect to Contention 25? Please identify the purpose and dates of those meetings or contacts, the other persons involved, and the results of such meetings or contacts.
- 100-2. Do you plan to participate in the upcoming hearing with respect to Contention 25? If so, what will be the extent of your participation?
- 101-2. Do you plan to file testimony in the upcoming hearing with respect to Contention 25? If so, who will be the sponsor (i.e., witness) of that testimony? Please set forth the nature of such testimony and the professional and educational background of the witness. Please provide copies of that testimony. Also, please identify by title, subject matter and author, and provide for inspection and copying, any documents which any such testimony will rely upon.
- 102-2. Do you plan to call any witness in the upcoming hearing with respect to Contention 25? If so, please provide a summary of his or her professional and educational background. Also, set forth any information which has a bearing on his or her qualifications to testify in this proceeding on Contention 25.

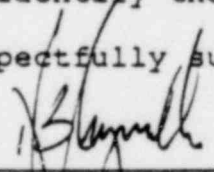
- 103-2. If you plan to call any witness in the upcoming hearing with respect to Contention 25, please specify the nature and scope of that person's testimony. Please provide copies of such testimony. Please state whether that witness has conducted any research or made any studies on which the witness intends to rely upon. Also, identify by title, subject matter, and author, and provide for inspection and copying, any document on which such witness will rely upon in their testimony with regard to Contention 25.
- 104-2. Do you contend that none of the owners of Comanche Peak possess nor have reasonable assurance of obtaining their share of the funds necessary to cover their share of the estimated operating cost?
- 105-2. If your answer to Interrogatory 104-2 is in the negative, please specify which of the owners you contend do not have or cannot demonstrate with reasonable assurance of being able to obtain their share of the estimated operating costs of the Comanche Peak facility.
- 106-2. Please set forth with particularity and with respect to each owner of Comanche Peak the information which you contend demonstrates that such owner does not have the funds necessary to cover the operating costs or does not have reasonable assurance of obtaining those funds with respect to Comanche Peak.
- 107-2. Do you contend that any of the owners' annual financial statements contained in their published annual reports do not demonstrate that they have or have reasonable assurance of obtaining the necessary funds for their share of the operating costs of Comanche Peak?
- 108-2. If your answer to Interrogatory 107-2 is in the affirmative, please set forth with particularity the information which you contend demonstrates that the owners do not have or do not have reasonable assurance of obtaining the funds necessary to cover their share of the estimated operating costs of Comanche Peak.
- 109-2. If your response to Interrogatory 107-2 is in the negative, what information do you contend demonstrates that the owners do not possess or have reasonable assurance of obtaining the funds necessary to cover their share of the estimated operating costs of

Comanche Peak? (Please indicate if this Interrogatory has already been answered in your response to Interrogatory 106-2.)

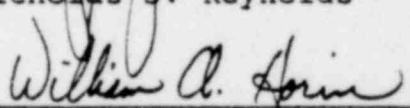
- 110-2. What do you contend are the estimated annual operating costs of Comanche Peak?
- 111-2. Do you contend that any of the owners do not possess or have reasonable assurance of obtaining any part of the estimated operating costs for Comanche Peak?
- 112-2. If your response to Interrogatory 111-2 is in the affirmative, please identify those owners which you contend do not possess or have reasonable assurance of obtaining any of the funds necessary to cover the estimated operating costs of Comanche Peak.
- 113-2. With respect to the owners identified in your response to Interrogatory 112-2, please set forth with particularity and discuss the reasons which you contend prevent these owners from possessing or having reasonable assurance of obtaining their share of the estimated operating costs of Comanche Peak while the other owners are considered by you to possess or have reasonable assurance of obtaining at least some of their share of the operating costs of Comanche Peak.
- 114-2. With respect to the owners of Comanche Peak not identified in your response to Interrogatory 112-2, what portion of their share of the estimated operating costs of Comanche Peak do you believe they either possess or have reasonable assurance of obtaining.
- 115-2. Please set forth with particularity the basis for your conclusion that the owners not identified in your response to Interrogatory 112-2 either have or have reasonable assurance of obtaining that portion of their share of the operating costs of Comanche Peak identified in your response to Interrogatory 114-2 and yet are unable to obtain the remaining portion of their share of the operating costs of Comanche Peak.
- 116-2. What are your bases (legal and/or other) for your responses to Interrogatories 104-2 through 115-2?
- 117-2. What type of information do you contend the owners must supply to the Commission to demonstrate reasonable assurance of obtaining the funds to cover the estimated operating costs of Comanche Peak?

- 118-2. What do you contend the information identified in your response to Interrogatory 117-2 must show to demonstrate the funds are available or to provide reasonable assurance that the funds necessary to cover the estimated operating costs of a nuclear facility can be obtained?
- 119-2. Do you contend that any of the owners of Comanche Peak have not or cannot supply the information identified in your response to Interrogatory 117-2?
- 120-2. If your response to Interrogatory 119-2 is in the affirmative, please identify with specificity what information you contend has not been supplied.
- 121-2. Do you contend that any of the information identified in your response to Interrogatory 117-2 would demonstrate that the owners of Comanche Peak do not have or cannot provide reasonable assurance of obtaining their share of the necessary funds to cover the estimated operating costs of Comanche Peak?
- 122-2. If your response to Interrogatory 121-2 is in the affirmative, please identify with particularity the information which would prevent a finding that the owners of Comanche Peak have or can provide reasonable assurance of obtaining the funds necessary to cover their share of the estimated operating costs of Comanche Peak.
- 123-2. Do you believe that any public or private utilities would have the financial qualifications to operate Comanche Peak? If so, please identify those utilities.

Respectfully submitted,



Nicholas S. Reynolds



William A. Horin

Debevoise & Liberman
1200 - 17th Street, N.W.
Washington, D.C. 20036
(202) 857-9817

Counsel for Applicants

January 12, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating License)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Second Set of Interrogatories to CASE and Requests to Produce", in the above captioned matter were served upon the following persons by deposit in the United States mail, first class postage prepaid this 12th day of January, 1981:

Valentine B. Deale, Esq.
Chairman, Atomic Safety and
Licensing Board
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Chairman, Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Forrest J. Remick, Member
Atomic Safety and Licensing
Board
305 E. Hamilton Avenue
State College, Pennsylvania 16801

Marjorie Ulman Rothschild, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard Cole, Member
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

David J. Preister, Esq.
Assistant Attorney General
Environmental Protection
Division
P.O. Box 12548
Capitol Station
Austin, Texas 78711

Chairman, Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Mr. Richard L. Fouke
CFUR
1668B Carter Drive
Arlington, Texas 76010

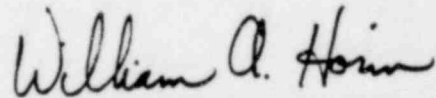
Arch C. McColl, III, Esq.
701 Commerce Street
Suite 302
Dallas, Texas 75202

Jeffery L. Hart, Esq.
4021 Prescott Avenue
Dallas, Texas 75219

Mrs. Juanita Ellis
President, CASE
1426 South Polk Street
Dallas, Texas 75224

Mr. Geoffrey M. Gay
West Texas Legal Services
100 Main Street (Lawyers Bldg.)
Fort Worth, Texas 76102

Mr. Chase R. Stephens
Docketing & Service Branch
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555



William A. Horin

cc: Homer C. Schmidt
Spencer C. Relyea, Esq.