

2/17/81

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

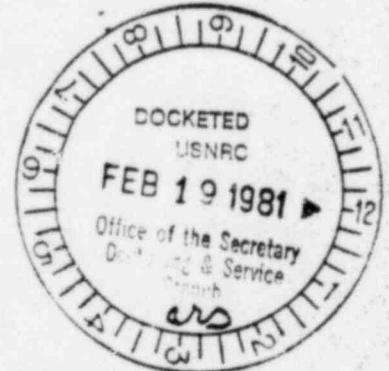
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES
GENERATING COMPANY, ET AL. FOR AN
OPERATING LICENSE FOR COMANCHE
PEAK STEAM ELECTRIC STATION
UNITS #1 AND #2 (CPSIS)

Docket Nos. 50-445
and 50-446

CASE'S ANSWERS TO NRC STAFF'S
FIRST SET OF INTERROGATORIES
AND REQUEST FOR THE PRODUCTION
OF DOCUMENTS



COMES NOW CASE (Citizens Association for Sound Energy), hereinafter referred to as CASE, Intervenor herein, and files this, its Answers to NRC Staff's First Set of Interrogatories and Request for Production of Documents,¹ dated January 19, 1981.

ANSWERS

I. GENERAL INTERROGATORIES

- G-1. (a) Probably. Unknown at this time.
(b) Probably. Unknown at this time. Our present plans are to file testimony, call witnesses, and cross-examine Applicants regarding each of CASE's contentions, and to participate as fully as possible in the hearings. Who CASE's specific witnesses will be is unknown at this time. When and as such agreements and decisions are made, the Board and all parties will be kept informed in accordance with requirements of 10 CFR 2.740(e). See answers 74, 106, 148, 179 of 12/1/80 SUPPLEMENT TO CASE'S ANSWERS

¹ On February 3, 1981, CASE contacted Marjorie Rothschild, Counsel for NRC Staff, to request a week's delay in answering the Staff's First Set of Interrogatories, until February 17, 1981; NRC Staff Counsel had no objections. CASE then contacted Board Chairman Valentine Deale, who granted the delay. See CASE's February 9 confirming letter to Marjorie Rothschild. This delay was necessary because of illness of CASE's primary representative, which in turn necessitated a delay in responding to Applicants' Second Set of Interrogatories which was filed on February 6 and delayed CASE's response to the Staff's Interrogatories.

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TO APPLICANTS' FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE.
(c) Probably. Unknown at this time.

G-2. Not applicable at this time. We will update later.

G-3. See answer to G-2.

G-4. (a) Applicants' Emergency Plan; Applicants' responses to interrogatories and other filings in these proceedings; NUREG-0654, FEMA-REP-1, Rev. 1 and related documents. NRC Staff already has all of these documents. See answer to G-1; we do not know what documents our witnesses will use.

(b) 24(a): Applicants' Environmental Report (ER), Amendment 1; NUREG/CR-0130 and Addendum; previous CASE pleadings. NRC Staff already has all of these documents. We do not know what documents our witnesses will rely on; see answer to G-1.

24(b): Sandia Report; German Report No. 290; NRC Translation #458, "Critical Comments on Work Report AB-290"; Applicants' FSAR; previous CASE pleadings. We do not know what documents our witnesses will rely on; see answer to G-1. Staff already has all these documents.

24(c): Applicants' ER (OLS); Texas Utilities Company Prospectus, 1/23/79 through the present (see CASE 5/7/79 Contentions, pages 25 and 26, item 4). We do not know what documents our witnesses will rely on; see answer to G-1. Staff already has these documents, except perhaps for TU's Prospectus, which we will make available for copying upon request (however, we assume it would be faster and simpler for Staff to obtain copies from Applicants).

24(d): See CASE 4/10/80 Position on Contentions, page 21, last paragraph, through page 25, and CASE's 5/7/79 Contentions, page 26, item 5, and page 27. The House Report "Nuclear Power Costs" will be made available for inspection and copying upon request. We do not know what documents our witnesses will rely on; see answer to G-1.

(c) See Answer 95-2, page 7, of CASE'S 2/6/81 ANSWERS TO APPLICANT'S SECOND SET OF INTERROGATORIES AND REQUESTS TO PRODUCE. It is unknown what documents our witnesses will rely on; see answer to G-1. Testimony from the DP&L, TP&L & TESCO rate hearings will be made available for inspection and copying upon request (at this time CASE does not have copies of TP&L & TESCO testimony; however, it is available from the Texas Public Utilities Commission).

G-5. (a) See CASE'S 2/9/81 MOTION FOR POSTPONEMENT OF RESPONSES TO INTERROGATORIES REGARDING CONTENTION 22 PENDING RECEIPT OF CERTAIN INFORMATION FROM APPLICANTS.

(b) See 12/1/80 SUPPLEMENT TO CASE'S ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE, answers to Questions 55, 57, 59, 60, 62, 64, 66, 76, 82, 83, 85, 87, 89, 90, 91, 93, 94, 95, 96, 98, 108, 113, 114, 115, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,

140, 150, 152, 154, 155, 156, 158, 160, 161, 162, 163, 164, 165, 166, 167, 169, 171, 172, 181, 185, 186, 187, 189, 191, 192, 193, 195, 196, 197.

- (c) See CASE's 2/6/81 ANSWERS TO APPLICANT'S SECOND SET OF INTERROGATORIES AND REQUESTS TO PRODUCE, answers to Questions 95-2, 104-2, 106-2, 107-2, 109-2, 110-2, 111-2, 112-2, 113-2, 114-2, 115-2, 116-2, 117-2, 118-2, 119-2, 120-2, 121-2, 122-2, 123-2.

NOTE: In regard to the preceding, it should be noted that CASE has not yet analyzed Applicants' ER Amendment 3, FSAR Amendments 13 and 14, and it is unknown at this time what effect these documents may have on our contentions. We also have not thoroughly analyzed NUREG-0654, Rev. 1, which we recently received. We are unable to answer many of the questions regarding the Applicants' Emergency Plan because we don't have much of the Plan itself; see CASE's 2/9/81 MOTION FOR POSTPONEMENT OF RESPONSES TO INTERROGATORIES REGARDING CONTENTION 22 PENDING RECEIPT OF CERTAIN INFORMATION FROM APPLICANTS. Further, we do not at this time know what documents our witnesses may rely on regarding these contentions. However, we will be updating our responses in the future.

G-6. Unknown at this time; we have not yet prepared our cross-examination questions. We will update later.

II. INTERROGATORIES RELATED TO SPECIFIC CONTENTIONS

CONTENTION 22: Applicants have failed to comply with 10 CFR 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 by periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicants.
- e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose; and
- f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

C22-1. "Emergency planning" is the mental formulation and graphic representation of methods or schemes of action, procedures and arrangements required by 10 CFR Part 50, Appendix E, and related NRC documents such as NUREG-0654, Rev. 1, etc., for dealing with a sudden, unforeseen combination of circumstances which calls for immediate action in order to avoid, mitigate, relieve, and alleviate the results of an event, incident, or accident resulting from the operation or existence of the Comanche Peak nuclear power plant which may be inimical to the health and safety of the public.

NUREG-0654, FEMA-REP-1, Rev. 1, November 1980, states "The purpose of this guidance and upgraded acceptance criteria is to provide a basis for NRC licensees, State and local governments to develop radiological emergency plans and improve emergency preparedness." "This document is consistent with NRC and FEMA regulations and supersedes other previous guidance and criteria published by FEMA and NRC on this subject. It will be used by reviewers in determining the adequacy of State, local and nuclear power plant licensee emergency plans and preparedness." It also states that certain other documents are currently in the process of development.

- (a) Although CASE is still in the process of reviewing NUREG-0654, we believe that it addresses at some length the question posed by the Staff regarding 22(a), 22(d) and 22(f).
- (d) See answer to (a) above.
- (f) See answer to (a) above. See especially NUREG-0654, pages 10 and 11, D.2. Emergency Planning Zones.

C22-2. (a) Unknown. See NOTE on page 3 of this pleading.

- (b) See answer to (a) above.
- (c) See answer to (a) above.
- (d) Footnote ¹ to Appendix E states "The Commission has developed a document entitled "Guide to the Preparation of Emergency Plans for Production and Utilization Facilities" to help applicants establish adequate plans required pursuant to paragraph 50.34 and this Appendix, for coping with emergencies." NUREG-0654 supersedes that guidance (see paragraph 2 of answer to C22-1 above) and deals at length with this question.

C22-3. (a) See answer to C22-2(a).

- (b) See answer to C22-2(a).

(c) See answer to C22-2(a).

C22-4. (a) (We assume that the first (b) was supposed to be (a) and are answering accordingly.) See answer to C22-2(a).

(b) See answer to C22-2(a).

(c) See answer to C22-2(a).

C22-5. (a) See answer to C22-2(a).

(b) See answer to C22-2(a).

(c) See answer to C22-2(a).

C22-6. (a) See answer to C22-2(a).

(b) See answer to C22-2(a).

(c) See answer to C22-2(a).

C22-7. (a) See answer to C22-2(a).

(b) See answer to C22-2(a).

(c) See answer to C22-2(a).

Contention 24. A favorable cost/benefit balance cannot be made because Applicant has failed to adequately consider:

- a. The costs of safely decommissioning the facility after its useful life.
- b. The costs in terms of health, as well as the economic costs, of a possible accident in the on-site storage of spent fuel.
- c. The fuel costs and supply.
- d. The costs of waste storage.

C24-1. "Favorable" means a cost/benefit balance in which the benefits of CPSES clearly outweigh the costs, thereby allowing the operation of CPSES -- conditioned upon all costs having been thoroughly and completely considered.

C24-2. "Cost/benefit balance" means all costs and benefits of the operation of CPSES have been thoroughly and completely considered and weighed against one another.

C24-3. "Adequately" means sufficiently to assure that requirements of NRC regulations will be met and that the plant can be operated in such a manner that it will not be inimical to the public health and safety and that a favorable cost/benefit balance can be made. "Consider" means to look

at attentively, to examine, to think on with care, to ponder, to study, to fix one's mind on something so as to know it or to solve a problem involved in it; in the context of this contention, it further means that Applicants have not provided documentation that they have adequately considered the items listed. Further, in order to make an accurate cost/benefit analysis, all costs associated with CPSES must be considered.

C24-4. Contention 24(a):

- (a) See CASE'S 12/1/80 SUPPLEMENT TO CASE'S ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE, page 19, answer to Question 87.
- (b) The Comanche Peak nuclear power plant (CPSES), Units 1 and 2.
- (c) "Useful life" as used in this contention means the period of time the plant will be used and useful in providing electricity. According to sworn testimony in DP&L rate hearings, this economic life of CPSES will be 30 years.
- (d) See 12/1/80 SUPPLEMENT TO CASE'S ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE, page 20, answers to questions 89 and 90.
- (e) See 12/1/80 SUPPLEMENT referenced in (d) above, page 20, answers to question 95, which is almost word for word the same question as asked by Staff.
- (f) Applicants must identify and examine each and every cost associated with the safe decommissioning of CPSES in order to arrive at an accurate cost/benefit analysis. See also 12/1/80 SUPPLEMENT TO CASE'S ANSWERS TO APPLICANTS' FIRST SET OF INTERROGATORIES AND REQUESTS TO PRODUCE, answers to questions 66(a), 66(b), 67, 76, 77, 78, 82, 83, 84, 85, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, pages 17, 18, 19, and 20.

C24-5. Contention 24(b):

- (a) The spent fuel pool or going to or from the spent fuel pool. We have not made a more detailed analysis of the precise location; we expect that our witness on this contention will provide more specifics later.
- (b) See 4/10/80 CASE POSITION ON CONTENTIONS, page 27, 1st full sentence, through page 32, and 5/7/79 SUPPLEMENT TO PETITION FOR LEAVE TO INTERVENE AND CONTENTIONS BY CASE, pages 28 through 30. We have not made a more detailed analysis of the specific sequences of events except as referenced previously; we expect that our witness on this contention will provide more specifics later.
- (c) Possibly; see answer to (b) above.

- (d) Possibly; see answer to (b) preceding.
- (e) We have not made this analysis; see answer to (b) preceding.
- (f) Possibly; see answer to (b) preceding.
- (g) Possibly; see answer to (b) preceding.
- (h) Possibly; see answer to (b) preceding.
- (i) We have not made this analysis; see answer to (b) preceding.
- (j) See answer to (b) preceding and answer to G-4(b) 24(b) of this pleading.
- (k) Consequences of accidents with regard to the onsite storage of spent fuel could cover a wide range, including but not limited to health effects to workers, radiation releases confined to the plant site, relatively minor to major radiation releases outside the plant site; we have not made a detailed analysis of such consequences. See answer to (b) preceding.
- (l) Yes. In addition to the radiological consequences resulting from such accidents, there is also a dollar amount associated with them such as health costs, cost of health care, possible shut-down of the plant (perhaps both units) with attendant costs of possibly purchasing replacement power, inability to secure loans, lawsuits, etc.
- (m) We have not made this analysis. We would expect that our witness will be able to provide more information regarding this question.
- (n) See answer to (m) above.
- (o) See answer to (m) above.
- (p) See answer to (m) above.
- (q) (k) General knowledge; the rule of reason; Three Mile Island. We expect that our witness will be able to provide more information regarding this question.
- (l) See answer to (q)(k) above.
- (m through p) See answer to (m) above.
- (r) See answer to (m) above.

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

C25-1. 42 U. S. Code Section 2232(a): "Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the Applicants, the character of the Applicant, the citizenship of the Applicant, or any other qualifications of the Applicant as the Commission may deem appropriate for the license."

C25-2. "The kind and depth of information described in this guide is not intended to be a rigid and absolute requirement. In some instances, additional pertinent material may be needed. In any case, the applicant should include information other than that specified if such information is pertinent to establishing the applicant's financial ability to construct and operate the proposed facility." "The Commission reserves the right, however, to require additional financial information at the construction permit stage, at the operating license state, and during operation of the facility, particularly in cases in which the proposed power generating facility will be commonly owned by two or more existing companies or in which financing depends upon long-term arrangements for the sharing of the power from the facility by two or more electrical generating companies."

"Section 50.33(f) requires that all applications for operating licenses show that the applicant possesses the funds necessary to cover estimated operating costs, or has reasonable assurance of obtaining the necessary funds, or a combination of the two. In addition, each application for a license for a facility other than a medical or research reactor is required to show that the applicant possesses or has reasonable assurance of obtaining the funds necessary to pay the estimated costs of operation for the period of the license or for 5 years, whichever is greater, plus the estimated costs of permanently shutting down the facility and maintaining it in a safe condition. For purposes of the latter requirement, it will ordinarily be sufficient to show at the time of filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first 5 years of operation plus the estimated costs of permanent shutdown and maintenance of the facility in safe condition."

C25-3. "Financially qualified" in this contention means able to adequately comply with the regulations referenced in C25-2 above and the requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50, Appendix C.

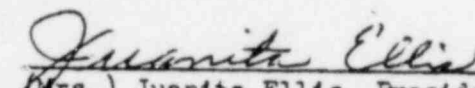
C25-4. See answer to C25-2 above. Satisfactorily answer CASE's questions and prove that Applicants have financial integrity and are financially qualified to operate CPSES.

C25-5. The Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50, Appendix C.

C25-6. See answers to C25-2 preceding; make certain that the questions raised by CASE are accurately and completely answered satisfactorily; make the Applicants prove that they have financial integrity and are financially qualified to operate CPSES.

C25-7. See answer to C25-5 above.

Respectfully submitted,



(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, TX 75224
214/946-9446
214/941-1211, work, part-time, usually
Tuesdays and Fridays

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and accurate copies of CASE's ANSWERS TO NRC STAFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS has been sent this 17th day of February, 1981, to the following by First Class Mail:

* * with Certificate of Mailing Receipt

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

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

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

*Nicholas S. Reynolds, Esq.
Debevoise & Liberman
1200 - 17th St., N. W.
Washington, D. C. 20036

*Marjorie Rothschild
Counsel for NRC Staff
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

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

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

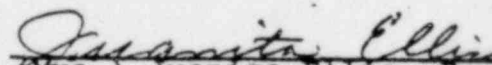
Mr. Richard Fouke
1668-B Carter Drive
Arlington, TX 76010

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

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

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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


(Mrs.) Juanita Ellis, President
CASE (CITIZENS ASSOCIATION FOR
SOUND ENERGY)