

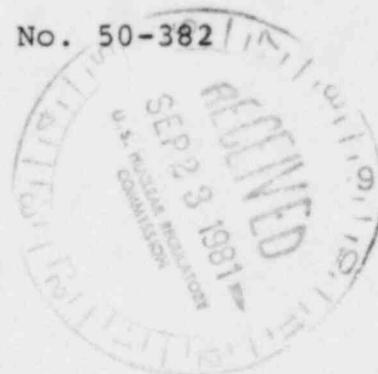
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

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

Docket No. 50-382



APPLICANT'S REPORT ON AGREEMENTS
WITH JOINT INTERVENORS AND MOTION TO
COMPEL ANSWERS TO INTERROGATORIES
BY JOINT INTERVENORS

In accordance with the terms of the September 25, 1979, Discovery Stipulation, Applicant filed, on June 10, 1981, interrogatories relating to new information contained in the NRC Staff's Draft Environmental Statement ("DES") bearing upon issues raised in Joint Intervenors' Contentions 1, 2 and 8/9 (Exhibit A attached hereto). Objections to these interrogatories would have been due on June 30, 1981; no objections were filed. Responses to these interrogatories were originally due on July 15, 1981. However, acting upon representations by Joint Intervenors' counsel that additional time was needed in order to formulate substantive replies, counsel for Applicant agreed to several extensions of time for Joint Intervenors to respond to these interrogatories. Joint Intervenors' answers to Applicant's second set of interrogatories, a copy of which is attached hereto as Exhibit B, were served on September 1, 1981, as ultimately agreed to by counsel for Applicant.

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Since receiving and reviewing Joint Intervenors' responses, counsel for Applicant has discussed the responses with Joint Intervenors' counsel. Based on some of the responses and the ensuing discussions between counsel, agreements have been reached on certain of Joint Intervenors' contentions which are reported in Section I immediately below. In Section II below, Applicant moves to compel answers to others of Joint Intervenors' responses to Applicant's interrogatories.

I. REPORT ON AGREEMENTS

With respect to Joint Intervenors' Contention 1, which challenges in some respects the need for power from Waterford 3, Joint Intervenors have agreed not to pursue this contention either with respect to the existing LP&L load forecasts or MSU's load forecasts. Joint Intervenors' only remaining interest in this contention would be to challenge the impact, if any, on present load forecasts due to the proposed consolidation of LP&L and NOPSI. Joint Intervenors currently are reviewing information on the consolidation. Within 30 days (by October 16, 1981), Joint Intervenors will supplement their responses to Applicant's interrogatories 1-1 through 1-13 by answering these interrogatories on the assumption that the consolidation will take place, or Joint Intervenors at that time will withdraw their Contention 1. Applicant has agreed to delay filing any motions to compel on Contention 1 interrogatories pending Joint Intervenors' supplemental responses or decision to withdraw on October 16, 1981.

With respect to Contention 2, Joint Intervenors have agreed to withdraw subparts c. and d. Joint Intervenors' Contention 2, as revised to reflect this agreement, reads:

Applicant has failed to demonstrate the necessity in the public interest for operation of the Waterford 3 Facility based upon its understatement of costs of generating power at the facility which understatement of costs results from improper consideration of the following factors:

- a. Applicant has overstated the production capacity factor (i.e., generating capability of the facility) because of design inefficiencies and operating basis inefficiencies which are associated with the operation of pressurized water reactor (PWR) steam generators as was recently noted in the Division of Operating Reactors recent March 2, 1979 communication to applicant enclosing NUREG-0523.
- b. Applicant has understated the costs of obtaining uranium fuels which will be used to operate the facility based upon its disregard for the escalation of the costs of such fuel, which can be reasonably expected to rise in cost to at least three times present cost.

Counsel for Applicant has discussed this report with Joint Intervenors' counsel and is authorized to represent his concurrence as to its accuracy.

II. MOTION TO COMPEL

Pursuant to Section 2.740(f) of the Commission's Rules of Practice, 10 C.F.R. § 2.740(f), Louisiana Power & Light Company ("Applicant") hereby moves the Atomic Safety and Licensing Board for an order compelling Joint Intervenors within ten days from

the date of such order to give complete, responsive answers to Applicant's Second Set of Interrogatories.

As set forth more particularly below, Joint Intervenors' answers to Applicant's interrogatories can hardly be deemed substantive; rather, Joint Intervenors have provided incomplete and evasive answers and, in several instances, have failed to provide information which is in any way responsive to the question actually posed. Under the Commission's Rules of Practice with respect to motions to compel discovery, such "evasive or incomplete answer[s] or response[s] shall be treated as a failure to answer or respond." 10 C.F.R. § 2.740(f)(1). Further, while the applicant in an operating license proceeding must carry the burden of proof as to the issues in controversy, the intervenors must come forward with evidence sufficient to require reasonable minds to inquire further. See Vermont Yankee Nuclear Power Corp. v. NRC, 435 U.S. 519, 553-54 (1978). The Appeal Board, in recognition of the applicant's burden of proof and its need to obtain information through the discovery process, upheld a Licensing Board holding that:

Unless [the applicant] can effectively inquire into the position of the intervenors, discharging that burden may be impossible. To permit a party to make skeletal contentions, keep the bases for them secret, then require its adversaries to meet any conceivable thrust at hearing would be patently unfair, and inconsistent with a sound record.

Pennsylvania Power & Light Company (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 338 (1980).

Therefore, Applicant requests that the Licensing Board issue an order compelling Joint Intervenors to completely respond to those interrogatories discussed below.

Joint Intervenors' Contention 8/9 makes the following allegation:

Applicant has failed to properly evaluate the cumulative and/or synergistic effects of low level radiation with environmental pollutants, known or suspected to be carcinogens.

The effects of low-level radiation is a subject covered by the DES, and Applicant therefore served a number of interrogatories dealing with statements in the DES that bear upon Contention 8/9. Joint Intervenors have failed to give complete, responsive answers to most of these interrogatories, and they should be compelled to give further answers to Interrogatories 8/9-7, 8/9-8, 8/9-9, 8/9-10(b)-(d), 8/9-12, 8/9-13, 8/9-14 and 8/9-15(b)-(d).

Interrogatory 8/9-6 asked whether Joint Intervenors disagree with the statement in the DES (p.5-45) that the risk of premature death from cancer to the maximally exposed individual from exposure to radioactive effluents from one year of normal reactor operation at Waterford 3 "is less than one chance in a million . . . over the average lifetime." Joint Intervenors answered this question by stating that they disagreed with the risk estimate in the DES, but they failed to go on and answer related follow-up questions.

The first follow-up question, Interrogatory 8/9-7, inquired into the factual basis for Joint Intervenors' position, and the following response was given:

The combined or synergistic effect of radiation and other agents has been shown to exist in various cell studies, animal studies, and human studies. Some of these agents (benzene, polycyclic aromatic hydrocarbons, etc.) exist in abundance in Southeastern Louisiana because of the thriving petrochemical industry.

This is an evasive and unresponsive answer. If Joint Intervenors have particular "studies" that support their position, the studies should be identified and their findings discussed in the context of Contention 8/9. Moreover, the answer lists only two supposed synergistic agents, but follows the listing with "etc.," which suggests that there are other, unnamed agents. All of the substances that Joint Intervenors claim to be synergistic agents must be listed, and for each such agent Joint Intervenors should explain in detail, with all supporting references, what causes the synergistic effect with low-level radiation. If Joint Intervenors wish to litigate this issue, they have an obligation to explain their contention in complete and specific detail, not in partial responses and vague generalities.

Interrogatory 8/9-8 asked Joint Intervenors to identify all documents supporting their assertion that the DES cancer risk estimate is inaccurate. The answer refers to a list of documents set forth in Joint Intervenors' answer to an earlier interrogatory by

the NRC Staff. The answer also states that new documents "include" two identified studies. Joint Intervenors' use of the word "include" suggests that the list is not complete and that they are attempting to leave open the possibility of relying upon other unidentified studies or documents to support their contention. Applicant is entitled to a complete list of all documents upon which Joint Intervenors rely so that it can prepare its case at the hearing. As the Appeal Board has held, "interrogatories designed to discover what (if any) evidence underlies an intervenor's own contentions are not out of order." Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2), ALAB-613, 12 N.R.C. 317, 340 (1980). Applicant's interrogatories here are likewise proper and should be answered fully.

Interrogatory 8/9-9 asked for the names of the witnesses who are expected to testify on behalf of Joint Intervenors concerning synergistic effects. The response again refers to Joint Intervenors' answers to the Staff's earlier interrogatories and then adds the following: "It is possible others may be called upon." Joint Intervenors are holding back again here. Applicant is entitled to know what witnesses will be called on this issue. Joint Intervenors apparently wish to hold open the possibility of surprising their opponents by calling a previously unidentified witness at the hearing. Such surprise is precisely what the discovery rules were designed to prevent, and Joint Intervenors should be ordered to give a complete, unequivocal answer now. Moreover,

Joint Intervenors' earlier answer to the NRC Staff, upon which they now rely to respond to Applicant's interrogatory, was provided over a year ago and listed some nine individuals. It is hard to believe with a year's additional time to prepare their case, and now just some few months from the hearing, that that expansive field of potential witnesses has not been narrowed. Joint Intervenors should be required to provide their present knowledge on this subject.

Interrogatory 8/9-10(a) asked Joint Intervenors to give their own estimate of the cancer risk. They answered that because of the alleged synergistic effect, the actual cancer risk is "anywhere in the range from two times to twenty-five times" the risk set forth in the DES. This response is acceptable, but again Joint Intervenors have failed to give adequate answers to the follow-up questions.^{*/} Interrogatory 8/9-10(b) asked for a detailed description of how Joint Intervenors calculated their risk estimate. The answer was as follows:

Joint Intervenors have extrapolated results from cell studies, animal studies, and human studies. Due to the nascent level of research, the range is very wide.

This is no answer at all. We are not told what "studies" Joint Intervenors used, what they mean by "extrapolate," or what calculations they used to arrive at their risk estimate. The answer provides no concrete, useful information, and it prevents Applicant

^{*/} Applicant's follow-up questions are clearly proper. See Pennsylvania Power & Light Co., supra, 12 N.R.C. at 333 n.23.

from preparing its case. An intervenor is required through discovery to explain the basis for its contentions so that the applicant and the Staff can prepare for the hearing. As noted above, it is now well established that to permit an intervenor "to make skeletal contentions, keep the bases for them secret, then require its adversaries to meet any conceivable thrust at hearing would be patently unfair, and inconsistent with a sound record." Northern States Power Co. (Tyrone Energy Park, Unit 1) LBP-77-37, 5 N.R.C. 1298, 1301 (1977), quoted with approval in Pennsylvania Power & Light Co., supra, 12 N.R.C. at 338. Accordingly, a nonevasive, informative answer must be given to Interrogatory 8/9-10(b).

Interrogatory 8/9-10(c) asked Joint Intervenors to identify all documents they used in making their own cancer risk estimate. Their response simply referred back to their answer to Interrogatory 8/9-8. For the reasons discussed above, the answer to Interrogatory 8/9-8 is inadequate, and the answer to Interrogatory 8/9-10(c) is therefore likewise inadequate. It is just not logical to assume that they used 30 documents to arrive at their estimate, even given the 2-25 range of that estimate. Joint Intervenors should be compelled to give a proper answer to Interrogatory 8/9-10(c).

Interrogatory 8/9-10(d) asked for the identities and qualifications of all persons who assisted in making Joint Intervenors'

cancer risk estimate. The answer merely referred back to the answer to Interrogatory 8/9-9, which, as noted above, is itself an inadequate answer. Moreover, Interrogatory 8/9-9 deals with potential witnesses, not with the persons who made Joint Intervenors' risk estimate. Thus, the cross-reference to Interrogatory 8/9-9 is not responsive to the question actually asked by Interrogatory 8/9-10(d). The point here is to get the names and qualifications of the persons who actually made or assisted in making Joint Intervenors' estimate that the cancer risk is 2-25 times greater than the risk set forth in the DES. This information has not been given, and a further answer to Interrogatory 8/9-10(d) should therefore be compelled.

Applicant also asked a similar series of questions about the statement in the DES (p.5-46) that the risk of premature death from cancer to the average individual within 50 miles of Waterford 3 from exposure to radioactive effluents from normal operation of the reactor "is less than 1 percent of the risk to the maximally exposed individual." Joint Intervenors answered Interrogatory 8/9-11 by stating that they disagree with this risk estimate in the DES. However, Joint Intervenors again failed to provide proper answers to the follow-up questions. In purporting to answer Interrogatories 8/9-12, 8/9-13, 8/9-14 and 8/9-15(b)-(d), Joint Intervenors merely referred back to their answers to Interrogatories 8/9-7, 8/9-8, 8/9-9 and 8/9-10(b)-(d), respectively. As shown above, Joint Intervenors' answers to Interrogatories 7-10 are inadequate. For

the same reasons, the answers to Interrogatories 12-15 are also inadequate, and Joint Intervenors likewise should be compelled to give proper answers to these questions.

Wherefore, on the basis of the foregoing, Applicant hereby moves the Licensing Board for an order compelling Joint Intervenors to respond fully to Applicant's Second Set of Interrogatories.

DATED: September 16, 1981.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

BY: Ernest L. Blake, Jr.
Ernest L. Blake, Jr.
James B. Hamlin

Counsel for Applicant
Louisiana Power & Light Company

June 10, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
LOUISIANA POWER & LIGHT COMPANY)	Docket No. 50-382
)	
(Waterford Steam Electric)	
Station, Unit 3))	

APPLICANT'S INTERROGATORIES
TO JOINT INTERVENORS (SECOND SET)

Pursuant to 10 C.F.R. § 2.740b, Louisiana Power & Light Company ("Applicant") submits the following interrogatories to be answered separately and fully in writing under oath or affirmation by Save Our Wetlands, Inc. and Oystershell Alliance, Inc. ("Joint Intervenors"). In accordance with paragraph 3 of the September 25, 1979 Discovery Stipulation, these interrogatories relate to new information in the NRC Staff's Draft Environmental Statement ("DES") bearing on allowed contentions. Pursuant to paragraph 5 of the Discovery Stipulation, these interrogatories must be answered within 30 days, and any objections to the interrogatories must be made within 15 days. Answers and objections must be served on all parties and the Licensing Board.

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INTERROGATORIES ON CONTENTION 1

1-1. State whether Joint Intervenors contend that the peak load responsibility forecasts for 1983-1986 for Applicant and the MSU System set forth in DES Table 2.1 are "higher than reasonable," as alleged in Joint Intervenors' Contention 1(a).

1-2. If the answer to the preceding interrogatory is affirmative, describe in detail all the facts that support Joint Intervenors' contention that the load forecasts are unreasonably high.

1-3. If the answer to Interrogatory No. 1-1 is affirmative, identify by author, title and date all documents upon which Joint Intervenors rely in contending that the load forecasts are unreasonably high.

1-4. If the answer to Interrogatory No. 1-1 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the reasonableness of the load forecasts and for each person state his or her address, employer, position and qualifications.

1-5. If the answer to Interrogatory No. 1-1 is affirmative, state in detail:

(a) The peak load responsibility that Joint Intervenors contend Applicant and the MSU System will encounter for the years 1983-1986;

(b) The method by which Joint Intervenors calculated their estimates of peak load responsibility;

(c) The author, title and date of each document upon which Joint Intervenors relied in making their peak load responsibility estimates; and

(d) The name, address, employer, position and qualifications of each person who assisted or contributed in making Joint Intervenors' peak load responsibility estimates.

1-6. State whether Joint Intervenors contend that the DES is incorrect in stating (§ 2.4.1) that "adequate supplies of oil for generating electricity are uncertain."

1-7. If the answer to the preceding interrogatory is affirmative, state the name and address of each oil supplier who will make a firm and certain commitment to meet Applicant's fuel oil requirements for the period 1983-1986, and state the price per barrel at which each such supplier will sell the oil during that period.

1-8. State whether Joint Intervenors contend that the DES is incorrect in stating (§ 2.4.1) that "[n]atural gas, as supplied under firm contracts, has been curtailed in the past" and that "such gas supplies may be further curtailed and that acceptable replacement fuels will be difficult to acquire."

1-9. If the answer to the preceding interrogatory is affirmative, state the name and address of each gas supplier who will guarantee to supply Applicant's natural gas requirements without curtailment for the period 1983-1986, and state the price per mcf at which each such supplier will supply the natural gas during that period.

1-10. The DES states (§ 3.2) that "the only alternative available at the operating license stage is limited to denying the operation of the facility and thereby not permitting the constructed nuclear facility to be added to the applicant's generating system." State whether Joint Intervenors contend that this statement is incorrect.

1-11. If the answer to the preceding interrogatory is affirmative, state in detail with respect to each alternative to operation of Waterford 3:

- (a) The nature of the alternative;
- (b) All the facts that support Joint Intervenors' contention that the alternative is reasonable;
- (c) The environmental and economic costs of the alternative, and the method by which such costs were calculated;
- (d) The author, title and date of all documents upon which Joint Intervenors rely in proposing the alternative; and

(e) The name, address, employer, position and qualifications of each person expected to testify on behalf of Joint Intervenors with respect to the alternative.

1-12. The DES states (§ 3.2) that "[t]he alternative of not operating the facility will involve incurring the environmental and economic costs of construction of Waterford 3 without receiving the benefit of the power Waterford 3 would produce." State whether Joint Intervenors contend that it would be reasonable to incur these economic and environmental costs without obtaining any counterbalancing benefit.

1-13. If the answer to the preceding interrogatory is affirmative, describe in detail the rationale for Joint Intervenors' contention.

1-14. State separately for each answer to the preceding interrogatories on Contention 1 the name, address, employer, position and qualifications of the person or persons drafting the answer and, if different, of the person or persons supplying the information upon which the answer was based.

INTERROGATORIES ON CONTENTION 2

2-1. The DES estimates (§§ 2.2, 5.10) the cost of safely decommissioning Waterford 3 to range from \$21 million to \$43 million (1978 dollars), based in part on NUREG-0586. State whether Joint Intervenors contend that this estimate is materially inaccurate.

2-2. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the estimate is inaccurate.

2-3. If the answer to Interrogatory No. 2-1 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the estimate is inaccurate.

2-4. If the answer to Interrogatory No. 2-1 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the estimate.

2-5. If the answer to Interrogatory No. 2-1 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the cost, (in 1978 dollars) of decommissioning Waterford 3;

(b) The method by which Joint Intervenors calculated their estimate of decommissioning costs;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of decommissioning costs; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of decommissioning costs.

2-6. The DES assumes (§ 2.2) that Waterford 3 will operate at a capacity factor of 60 percent in its first year of operation. State whether Joint Intervenors contend that this assumption is inaccurate.

2-7. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the assumption is inaccurate.

2-8. If the answer to Interrogatory No. 2-6 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the assumption is inaccurate.

2-9. If the answer to Interrogatory No. 2-6 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the assumption.

2-10. If the answer to Interrogatory No. 2-6 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the capacity factor of Waterford 3 in its first year of operation;

(b) The method by which Joint Intervenors calculated their estimate of the capacity factor;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the capacity factor; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the capacity factor.

2-11. The DES estimates (Table 6.2) that in the first year of operation the cost of fuel and the costs of operating and maintenance

for Waterford 3 will be 14.23 mills/kWh. State whether Joint Intervenors contend that this cost estimate is materially inaccurate.

2-12. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the estimate is inaccurate.

2-13. If the answer to Interrogatory No. 2-11 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the cost estimate is inaccurate.

2-14. If the answer to Interrogatory No. 2-11 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the cost estimate.

2-15. If the answer to Interrogatory No. 2-11 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the first year's fuel, operating and maintenance costs for Waterford 3;

(b) The method by which Joint Intervenors calculated their estimate of fuel, operating and maintenance costs;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of fuel, operating and maintenance costs; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of fuel, operating and maintenance costs.

2-16. The DES states (§ 2.2) that its fuel cost estimate is based in part upon Table 11 of NUREG-0480. State whether Joint Intervenors contend that the estimates of spent fuel storage, transportation and disposal costs in Table 11 are materially inaccurate.

2-17. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the estimate is inaccurate.

2-18. If the answer to Interrogatory No. 2-16 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the spent fuel cost estimates are inaccurate.

2-19. If the answer to Interrogatory No. 2-16 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the spent fuel cost estimates.

2-20. If the answer to Interrogatory No. 2-16 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the spent fuel costs for Waterford 3;

(b) The method by which Joint Intervenors calculated their estimate of spent fuel costs;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of spent fuel costs; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of spent fuel costs.

2-21. The DES estimates (§§ 2.2, 6.6.2) that the fuel-cost savings during the first year of operation of Waterford 3 will be approximately \$230 million. State whether Joint Intervenors contend that this estimate is materially inaccurate.

2-22. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the estimate is inaccurate.

2-23. If the answer to Interrogatory No. 2-21 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the estimate is inaccurate.

2-24. If the answer to Interrogatory No. 2-21 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the estimate.

2-25. If the answer to Interrogatory No. 2-21 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the first year's fuel-cost savings;

(b) The method by which Joint Intervenors calculated their estimate of the first year's fuel-cost savings;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the first year's fuel-cost savings; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the first year's fuel-cost savings.

2-26. State separately for each answer to the preceding interrogatories on Contention 2 the name, address, employer, position and qualifications of the person or persons drafting the answer and, if different, of the person or persons supplying the information upon which the answer was based.

INTERROGATORIES ON CONTENTION 8/9

8/9-1. The DES states (§ 5.9.1.5.1(1)) that the "occupational risk associated with the industrywide average radiation dose is about 11 potential premature deaths/10⁵ man-years attributable to cancer." State whether Joint Intervenors contend that this statement is materially inaccurate.

8/9-2. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the occupational risk estimate is inaccurate.

8/9-3. If the answer to Interrogatory No. 8/9-1 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the occupational risk estimate is inaccurate.

8/9-4. If the answer to Interrogatory No. 8/9-1 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the occupational risk estimate.

8/9-5. If the answer to Interrogatory No. 8/9-1 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the occupational risk;

(b) The method by which Joint Intervenors calculated their estimate of the occupational risk;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the occupational risk; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the occupational risk.

8/9-6. The DES estimates (§ 5.9.1.5.2(3)) that the risk of potential premature death from cancer to the maximally exposed individual from exposure to radioactive effluents from one year of normal reactor operation at Waterford 3 "is less than one chance in a million . . . over the average lifetime." State whether Joint Intervenors contend that this estimate is materially inaccurate.

8/9-7. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-8. If the answer to Interrogatory No. 8/9-6 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-9. If the answer to Interrogatory No. 8/9-6 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the risk estimate.

8/9-10. If the answer to Interrogatory No. 8/9-6 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the risk to the maximally exposed individual;

(b) The method by which Joint Intervenors calculated their estimate of the risk to the maximally exposed individual;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the risk to the maximally exposed individual; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the risk to the maximally exposed individual.

8/9-11. The DES estimates (§ 5.9.1.5.2(3)) that the risk of potential premature death from cancer to the average individual within 50 miles of Waterford 3 from exposure to radioactive effluents from normal operation of the reactor "is less than 1 percent of the risk to the maximally exposed individual." State whether Joint Intervenors contend that this estimate is materially inaccurate.

8/9-12. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-13. If the answer to Interrogatory No. 8/9-11 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-14. If the answer to Interrogatory No. 8/9-11 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the risk estimate.

8/9-15. If the answer to Interrogatory No. 8/9-11 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the risk to the average individual within 50 miles of Waterford 3;

(b) The method by which Joint Intervenors calculated their estimate of the risk to the average individual within 50 miles of Waterford 3;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the risk to the average individual within 50 miles of Waterford 3; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the risk to the average individual within 50 miles of Waterford 3.

8/9-16. The DES estimates (§ 5.9.1.5.2(4)) that the risks to the general United States population from exposure to radioactive effluents and transportation of fuel and waste from each year of normal operation of Waterford 3 "are a very small fraction (less than 0.001 percent) of the risks to the U.S. population from each year of exposure to natural background radiation." State whether Joint Intervenors contend that this estimate is materially inaccurate.

8/9-17. If the answer to the preceding interrogatory is affirmative, state in detail all the facts that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-18. If the answer to Interrogatory No. 8/9-16 is affirmative, identify by date, author and title all documents that support Joint Intervenors' contention that the risk estimate is inaccurate.

8/9-19. If the answer to Interrogatory No. 8/9-16 is affirmative, identify all persons whom Joint Intervenors expect to testify on their behalf concerning the accuracy of the risk estimate.

8/9-20. If the answer to Interrogatory No. 8/9-16 is affirmative, state in detail:

(a) Joint Intervenors' estimate of the risk to the general population;

(b) The method by which Joint Intervenors calculated their estimate of the risk to the general population;

(c) The date, title and author of each document upon which Joint Intervenors relied in making their estimate of the risk to the general population; and

(d) The name, address, employer, position and qualifications of each person who assisted in making Joint Intervenors' estimate of the risk to the general population.

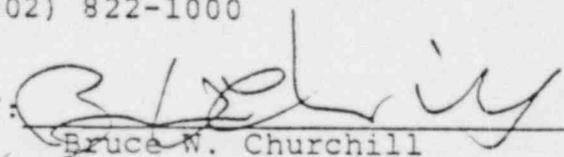
8/9-21. State separately for each answer to the preceding interrogatories on Contention 8/9 the name, address, employer, position and qualifications of the person or persons drafting the answer and, if different, of the person or persons supplying the information upon which the answer was based.

DATED: June 10, 1981.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

BY:


Bruce W. Churchill
James B. Hamlin

Counsel for Applicant

June 10, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
LOUISIANA POWER & LIGHT COMPANY) Docket No. 50-382
)
(Waterford Steam Electric)
Station, Unit 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Interrogatories To Joint Intervenors (Second Set), dated June 10, 1981, were served upon those persons on the attached Service List, by deposit in the United States mail, postage prepaid, this 10th day of June, 1981.


Bruce W. Churchill

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
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LOUISIANA POWER & LIGHT COMPANY) Docket No. 50-382
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U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Harry Foreman
Director, Center for
Population Studies
Box 395, Mayo
University of Minnesota
Minneapolis, Minnesota 55455

Dr. Walter H. Jordan
881 West Outer Drive
Oak Ridge, Tennessee 37830

Joseph R. Gray, Esquire
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory
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Lyman L. Jones, Jr., Esquire
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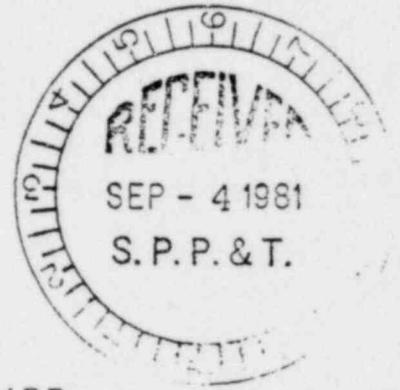
Luke B. Fontana
824 Esplanade Avenue
New Orleans, Louisiana 70116

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

Atomic Safety and Licensing
Appeal Board Panel
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EXHIBIT "B"

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of

LOUISIANA POWER & LIGHT COMPANY

Docket No. 50-382

(Waterford Steam Electric Station
Unit 3)

JOINT INTERVENORS ANSWERS TO APPLICANT'S SECOND SET INTERROGATORIES

Answers to Interrogatories of Contention I

Interrogatory 1-1:

The DES has omitted calculations of load responsibilities if the proposed merger of applicant and New Orleans Public Service, Inc. takes place. Since the merger has been announced by the Applicant, New Orleans Public Service, Inc. and MSU, it is highly probable that the merger will take place pending approval by the Securities and Exchange Commission. This merger raises more questions than it answers. For instance, will the alleged "operating efficiencies" achieved result in a decreased load responsibility? How will the fuel procurement company, Systems Fuels Incorporated, be effected? Several governmental groups, including the Jefferson Parish Council, have requested this information be furnished. Joint Intervenors await this information.

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Interrogatory 1-2.

See 1-1.

Interrogatory 1-3:

See 1-1.

Interrogatory 1-4:

See 1-1.

Interrogatory 1-5.

See 1-1.

Interrogatory 1-6:

See 1-1.

Interrogatory 1-7:

See 1-1.

Interrogatory 1-8:

See 1-1.

Interrogatory 1-9:

See 1-1.

Interrogatory 1-10:

See 1-1.

Interrogatory 1-11:

See 1-1.

Interrogatory 1-12:

The input of the ratepayers of NOPSI have never been sought in relation to the construction or payment schedule of Waterford Three. An analysis of risk/benefit which this question would elicit collapses with the prospect of an Applicant-NOPSI eleventh hour merger. More information must be forthcoming from appropriate corporate and governmental bodies

before an intelligent answer can be given. Joint Intervenors await this information.

Interrogatory 1-13:

See 1-12.

Interrogatory 1-14:

See 1-12.

Answers to Interrogatories on Contention 2

Interrogatory 2-1:

Joint Intervenors consider the cost estimates of decommissioning (\$21-43 million) to be low by at least a factor of three. Since the cost of Waterford 3 (in 1978 dollars) was \$900 million, site restoration (as opposed to entombment) costs could be nearly 15% of capital costs. However, the NRC and the LPSC do not require that decommissioning costs be included in the rate base for a particular facility. Therefore, pursuing this question in this forum is futile. Joint Intervenors request that NRC change its rule to require decommissioning costs in the rate base. Joint Intervenors will question this rule before the LPSC when Applicant seeks rate relief for Waterford Three capital costs, assuming Waterford Three is granted an operating license.

Interrogatory 2-2:

Moot.

Interrogatory 2-3:

Moot.

Interrogatory 2-4:

Moot.

Interrogatory 2-5:

Moot.

Interrogatory 2-6:

Joint Intervenors believe the capacity factor for W3SES will be 55%. The DES figure of 60% is acceptable. The LP&L figure of 80% is grossly high.

Interrogatory 2-7:

Moot.

Interrogatory 2-8:

Moot.

Interrogatory 2-9:

Moot.

Interrogatory 2-10:

Moot.

Interrogatory 2-11:

The DES figure of 14.23 mills/kwh for fuel and operating and maintenance is acceptable. It contrasts sharply to the Applicant's figure of 7.80 mills/kwh shown in Table 8.2-2 of the ER. Applicant erred by 82%.

Interrogatory 2-12:

Moot.

Interrogatory 2-13:

Moot.

Interrogatory 2-14:

Moot.

Interrogatory 2-15:

Moot.

Interrogatory 2-16:

Joint Intervenors feel disposal costs are incalculable, considering the nascent level of technology. However, we will not address that question in this forum.

Interrogatory 2-17:

Moot.

Interrogatory 2-18:

Moot.

Interrogatory 2-19:

Moot.

Interrogatory 2-20:

Moot.

Interrogatory 2-21:

Joint Intervenors believe the figure of \$230 million is not so much inaccurate as it is misleading. Conservation technologies could save that much fuel with a fraction of the capital costs. This was addressed by intervenors during the CP hearings. Their arguments were dismissed by the AEC licensing panel judge. Subsequent economic analysis (Harvard Business School, for instance) has shown the absolute correctness of the CP intervenors. Joint Intervenors note that Applicant plans \$6 billion in capital expenditures during the 1980's.

Joint Intervenors will not question the number "\$230 million" at this forum.

Interrogatory 2-22:

Moot.

Interrogatory 2-23:

Moot.

Interrogatory 2-24:

Moot.

Interrogatory 2-25:

Moot.

Interrogatory 2-25:

Moot.

Interrogatory 2-26:

Moot.

Answers to Interrogatories on Contention 8/9

Interrogatory 8/9-1:

Occupational risk is outside the scope of Contention 8/9 by agreement of NRC, Applicant, and Joint Intervenors. Therefore, Joint Intervenors will not question this number before the ASLB.

Interrogatories 8/9-2 through 8/9-5:

Moot.

Interrogatory 8/9-6:

Joint Intervenors believe this number is materially inaccurate in this particular licensing because of the excess burden of pollution in Louisiana and particularly in the environs of Waterford III.

Interrogatory 8/9-7.

The combined or synergistic effect of radiation and other agents has been shown to exist in various cell studies, animal studies, and human studies. Some of these agents (benzene, polycyclic aromatic hydrocarbons, etc.) exist in abundance in Southeastern Louisiana because of the thriving petrochemical industry.

Interrogatory 8/9-8:

See "Joint Intervenors Answers to NRC Staff Interrogatories, and Response to Request for Documents", Section 8/9. Numerous references are listed. New documents include: The Environment and Human Health in Louisiana, prepared for Office of Environmental Affairs, City of New Orleans, by Doctor Velma Campbell, January, 1984; and Combined Effect, Ionizing Radiation Plus Other Agent, issue paper prepared by M. M. Elkind, Division of Biological and Medical Research, Argonne National Laboratory, Argonne, Illinois. 60439, 1980.

Interrogatory 8/9-9:

See "Joint Intervenors Answers to NRC Staff Interrogatories and Response to Request for Documents", particularly 8/9-1 a. and b. It is possible others may be called upon.

Interrogatory 8/9-10 (a):

Joint Intervenors believe the risk to be anywhere in the range from two times to twenty-five times the listed risk.

Interrogatory 8/9-10 (b):

Joint Intervenors have extrapolated results from cell studies, animal studies, and human studies. Due to the nascent level of research, the range is very wide.

Interrogatory 8/9 (c):

See 8/9-8.

Interrogatory 8/9 (d):

See 8/9-9.

Interrogatory 8/9-11:

Joint Intervenors believe this is materially inaccurate.

Interrogatory 8/9-12.

See 8/9-7.

Interrogatory 8/9-13:

See 8/9-8.

Interrogatory 8/9-14:

See 8/9-9.

Interrogatory 8/9-15 (a):

See 8/9-10 (a).

Interrogatory 8/9-15 (b):

See 8/9-10 (b).

Interrogatory 8/9-15 (c):

See 8/9-10 (c).

Interrogatory 8/9-15 (d):

See 8/9-10 (d).

Interrogatory 8/9-16.

Joint Intervenors believe this is materially inaccurate.

Interrogatory 8/9-17:

See 8/9-7.

Interrogatory 8/9-18:

See 8/9-8.

Interrogatory 8/9-19:

See 8/9-9.

Interrogatory 8/9-20 (a):

See 8/9-10 (a).

Interrogatory 8/9-20 (b):

See 8/9-10 (b).

Interrogatory 8/9-20 (c):

See 8/9-10 (c).

Interrogatory 8/9-20 (d):

See 8/9-10 (d).

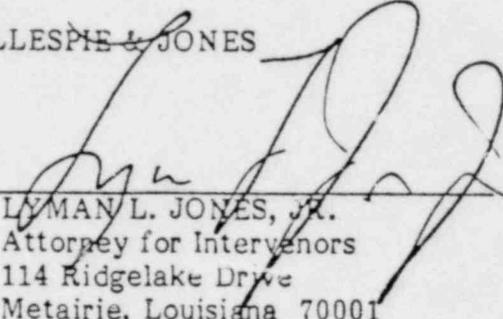
Interrogatory 8/9-21:

Response to be prepared.

Respectfully submitted,

GILLESPIE & JONES

BY


LYMAN L. JONES, JR.
Attorney for Intervenors
114 Ridgelake Drive
Metairie, Louisiana 70001
(504) 835-6458

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of

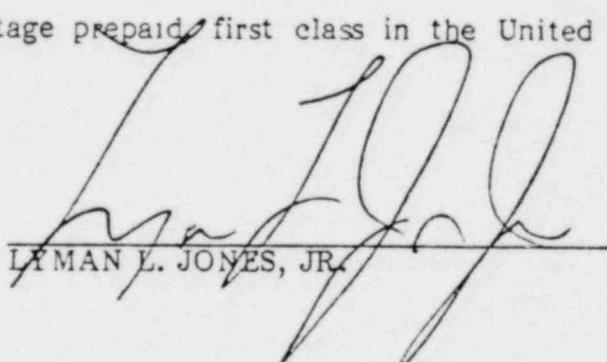
LOUISIANA POWER & LIGHT COMPANY

Docket No. 50-382

(Waterford Steam Electric Station
Unit 3)

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 1981, I mailed copies of Save Our Wetlands, Inc. and Oystershell Alliance, Inc.'s, JOINT INTERVENORS ANSWERS TO NRC STAFF INTERROGATORIES, AND RESPONSE TO REQUEST FOR DOCUMENTS to all individuals or entities appearing on the attached Service List, postage prepaid first class in the United States Mail.



LYMAN L. JONES, JR.

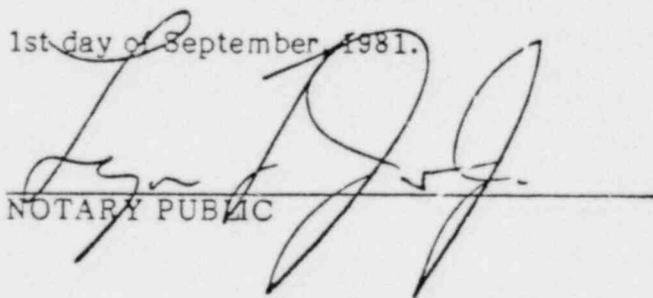
September 1, 1981

STATE OF LOUISIANA
PARISH OF JEFFERSON

BEFORE ME, the undersigned, did appear GARY L. GROESCH, a person of the full age of majority and a resident of the Parish of Orleans, who did declare on oath that the Answers provided herein to Applicant's First Interrogatories are true and correct to the best of his knowledge, information and belief.


GARY L. GROESCH

Sworn to and subscribed before me, Notary, this
1st day of September, 1981.


NOTARY PUBLIC

SERVICE LIST

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

Dr. Harry Foreman
Box 395, Mayo
University of Minnesota
Minneapolis, Minnesota 55455

Dr. Walter H. Jordan
881 West Outer Drive
Oak Ridge, Tennessee 37830

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

Sherwin E. Turk, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

George F. Trowbridge, Esquire and
E. Blake, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N. W.
Washington, D. C. 20036

W. Malcolm Stevenson, Esquire
Monroe & Lemann
Whitney Building
625 Gravier Street
New Orleans, Louisiana 70112

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
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LOUISIANA POWER & LIGHT COMPANY) Docket No. 50-382
)
(Waterford Steam Electric)
Station, Unit 3))

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S REPORT ON AGREEMENTS WITH JOINT INTERVENORS AND MOTION TO COMPEL ANSWERS TO INTERROGATORIES BY JOINT INTERVENORS was served by deposit in United States mail, postage prepaid, this 16th day of September, 1981, upon those persons listed on the attached Service List.

Ernest L. Blake, Jr.

Ernest L. Blake, Jr.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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Lyman L. Jones, Jr., Esquire
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Suite 201
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