



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

DOCKETED
USNRC

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February 14, 1983

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MEMORANDUM FOR: Scott W. Stucky
Docketing and Service Branch

SERVED FEB 15 1983

FROM: Sheldon J. Wolfe **SJW**
Administrative Judge

SUBJECT: WATERFORD STEAM ELECTRIC STATION, UNIT 3
ASLB Docket No. 79-417-06 OL
(NRC Docket No. 50-382-OL)

(Handwritten initials)

Pursuant to 10 C.F.R. § 2.780, I am enclosing a copy of the transcript (pp. 4027-4034) into which was incorporated a letter from Mr. Turk to the Board and a copy of a letter from Mr. Eisenhut, Director, Division of Licensing to Mr. Maurin, Vice President-Nuclear Operations, LP&L Co. Both letters are dated February 3, 1983.

Please serve copies upon those on the service list in this case. Also, in this one instance, serve one copy each upon Mr. Robert Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, and upon Mr. Jerry Wilson, Project Manager, Division of Licensing, Office of Nuclear Reactor Regulation.

Finally, please place one copy in the NRC public document room.

c/c and enclosure To Service List

8302160175 830214
PDR ADOCK 05000382
G PDR

DS02

P R O C E E D I N G S

9:00 a.m.

JUDGE WOLFE: Good morning.

Pursuant to the Order of December 22, 1982, this reopened hearing is now in session solely to receive evidence upon the adequacy of the Applicant's revised pre-emergency brochure.

I am Sheldon Wolfe, Administrative Judge and Chairman.

To my left is Administrative Judge Jordan, and to my right is Administrative Judge Foreman.

Beginning to my left, would counsel or representatives of the parties identify themselves for the record.

MR. TURK: Good morning, Judge Wolfe, and Judges Foreman and Jordan. My name is Sherwin Turk. I'm representing the NRC Staff at this hearing.

I've been asked by Mr. Cassidy, who is the attorney for FEMA, to advise the Board that he was unable to take a plane out of Boston yesterday due to the weather conditions, but he will be arriving later today.

JUDGE WOLFE: All right.

MR. CHURCHILL: Good morning, Your Honors. My name is Bruce Churchill. I'm with Shaw, Pittman, Potts and

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1 Trowbridge in Washington, D. C. With me is DeLissa Ridgway
2 of the same law firm. We are here on behalf of the Appli-
3 cant.

4 MR. FONTANA: My name is Luke Fontana. I'm
5 the Executive Attorney for Save Our Wetlands, Incorporated,
6 and also the attorney for the Intervenors, Save Our Wet-
7 lands, Incorporated and Oyster Shell Alliance.

8 To my left is Mr. Gary Groesch, also a repre-
9 sentative of the Intervenors. And for the record, I'd like
10 to indicate at this time that I do hereby give permission
11 for Mr. Groesch to act as representative and capacity
12 for Save Our Wetlands, Incorporated and for Oyster Shell
13 Alliance, in particular these hearings concerning the
14 emergency preparedness document.

15 I would state for the record that Mr. Groesch
16 has our full permission to ask questions, to cross-
17 examination and for the expediency and efficiency for the
18 record, Mr. Groesch will do the questioning and cross-
19 examination. The record should indicate that he has our
20 permission to do such.

21 The only thing that I might reserve for the
22 future is to make possibly some comments on the closing
23 argument, and there's a possibility that I won't even do
24 that, and would also like to ask the Court for permission
25 to be excused personally, since Mr. Groesch will be doing

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1 all the questioning.

2 JUDGE WOLFE: All right. You're excused, Mr.
3 Fontana.

4 MR. FONTANA: Thank you.

5 (Mr. Fontana left the courtroom.)

6 JUDGE WOLFE: Now, there are two preliminary
7 matters, after which if the parties -- representatives or
8 counsel have any other matters, they may bring them for-
9 ward.

10 But the first preliminary matter is that, as
11 we did in the initial hearing, the Board will take official
12 notice of NUREG-0654, FEMA-REP-1, Revision 1.

13 The second matter -- second preliminary matter,
14 I have received a letter -- a covering letter from Mr. Turk
15 dated February 3rd, and he therein advised, with a copy to
16 everyone on the service list, that he was enclosing a copy
17 of a letter from Mr. Eisenhut dated February 3rd.

18 Has everyone received a copy of Mr. Turk's
19 letter of February 3rd, 1983, which enclosed a copy of a
20 letter dated February 3 from Mr. Eisenhut? That's
21 E-i-s-e-n-h-u-t, Director, Division of Licensing --
22 to Mr. L. V. Maurin, M-a-u-r-i-n, Vice President, Nuclear
23 Operations, Louisiana Power and Light Company.

24 Mr. Churchill, did you receive a copy?

25 MR. CHURCHILL: Yes, sir, I believe I did.

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JUDGE WOLFE: And Mr. Groesch?

MR. GROESCH: Yes, I did.

JUDGE WOLFE: All right.

I will hand to the reporter for incorporation into the record as if read a copy of Mr. Turk's letter of February 3rd, to which is attached the letter of Mr. Eisenhut to Mr. Maurin.

Would someone come forward to give this to the reporter?

(Mr. Turk's letter of February 3, 1983 follows and is made a part of the record.)

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 3, 1983

Sheldon J. Wolfe, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Walter H. Jordan
Administrative Judge
881 West Outer Drive
Oak Ridge, TN 37830

Dr. Harry Foreman
Administrative Judge
Box 395, Mayo
Minneapolis, MN 55455

In the Matter of
Louisiana Power and Light Company
(Waterford Steam Electric Station, Unit 3)
Docket No. 50-382

Dear Administrative Judges:

Enclosed for your information is a copy of a letter from Darrell G. Eisenhut to L. V. Maurin, dated February 3, 1983, relating to the chemical fire which occurred in the vicinity of the Waterford 3 facility in December 1982. The referenced chemical fire was the subject of the Licensing Board's Order "(Re Joint Intervenors' Mailgram)" dated December 15, 1982.

Sincerely,

Sherwin E. Turk
Counsel for NRC Staff

Enclosure: As stated

cc w/encl: Service List



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 3 1983

Docket No.: 50-382

Mr. L. V. Maurin
Vice President - Nuclear Operations
Louisiana Power and Light Company
142 Delaronde Street
New Orleans, Louisiana 70174

Dear Mr. Maurin:

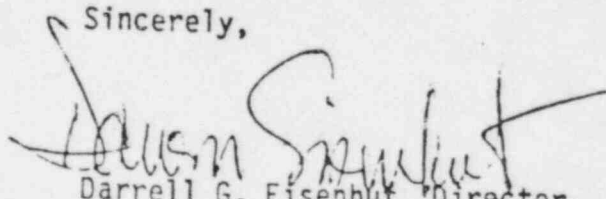
Subject: Chemical Explosion and Fire at Union Carbide on December 11, 1982

As you know, in the early morning hours of December 11, 1982, a chemical explosion and fire occurred at the Union Carbide plant located in Taft, Louisiana about 2 miles from Waterford 3. As a result, approximately 17,000 persons were evacuated from 2 parishes in a 5-mile area around the plant, including two to three hundred non-essential personnel from Waterford 3. The evacuation was implemented in accordance with St. Charles Parish and St. John the Baptist Parish Emergency Plans. These offsite plans, which have been developed for a variety of emergencies under the authority of State of Louisiana statutes, are reviewed and evaluated by the Federal Emergency Management Agency (FEMA). While we understand that the evacuation was highly successful, FEMA intends to review the results of the evacuation to determine if any inadequacies existed at the time of the evacuation, or if any State or local emergency procedures need to be improved. The results of a FEMA fact-finding study (now underway) will be reviewed by FEMA and the NRC staff, and any improvement that may be required in emergency planning preparedness will be addressed by the staff during the NTOL emergency preparedness inspection phase currently scheduled to commence in February, 1983.

Because of the nature of this external event, it is requested that you provide the staff with an evaluation of the expected plant response (which should include all actions expected of onsite personnel) that this event would have caused had the unit been operating at full power. This evaluation should compare the expected behavior to the anticipated operational occurrences and postulated accidents which form the design basis envelope for the Waterford 3 station.

We request that this information be submitted with 30 days of receipt of this letter.

Sincerely,


Darrell G. Eisenhower, Director
Division of Licensing

cc: See next page

Mr. L. V. Maurin
Vice President - Nuclear Operations
Louisiana Power & Light Company
142 Delaronde Street
New Orleans, Louisiana 70174

cc: W. Malcolm Stevenson, Esq.
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Mr. E. Blake
Shaw, Pittman, Potts and Trowbridge
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Washington, DC 20036

Mr. Gary L. Groesch
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Mr. F. J. Drummond
Project Manager - Nuclear
Louisiana Power & Light Company
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New Orleans, Louisiana 70174

Mr. D. B. Lester
Production Engineer
Louisiana Power & Light Company
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New Orleans, Louisiana 70174

Luke Fontana, Esq.
824 Esplanade Avenue
New Orleans, Louisiana 70116

Stephen M. Irving, Esq.
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Baton Rouge, Louisiana 70802

Resident Inspector/Waterford NPS
P. O. Box 822
Killona, Louisiana 70066

Dr. D. C. Gibbs
Middle South Service, Inc.
P. O. Box 61000
New Orleans, Louisiana 70161

Regional Administrator-Region IV
U. S. Nuclear Regulatory Commission
611 Ryan Plaza Drive
Suite 1000
Arlington, Texas 76012

1 JUDGE WOLFE: I have advised concerning the
2 background leading to this letter from Mr. Eisenhut. On
3 January 12th, I phoned Mr. Darrell Eisenhut, Division of
4 Licensing, Office of Nuclear Reactor Regulations, but he
5 was out of town.

6 A Mr. Robert Purple, the Deputy Director of
7 NRR, was in conference, but his secretary advised he would
8 call me.

9 On January 13th, a Mr. Jerry Wilson, Project
10 Manager, Division of Licensing, NRR, telephoned. I asked
11 whether or not NRR was going to respond in a letter to Mr.
12 Fontana's mailgram, which was referred to in the Board's
13 Order of December 15, 1982.

14 Mr. Wilson said he was not in a position to
15 make this decision, that the thought had been to leave
16 any actions to the Licensing Board.

17 Mr. Wilson proceeded to state that on the
18 day of the accident, there had been a checking with the
19 Applicant, that the accident was evaluated and presented
20 no danger to Waterford 3 plant.

21 I stated that I was not interested in what was
22 done in the way of looking into the accident. I noted,
23 however, that I did not think that Joint Intervenors were
24 concerned about the impacts of the accident upon the safe
25 operation of the plant, but that rather they were

1 interested in whether emergency evacuation of some 17,000
2 people had resulted in untoward incidents, such as car
3 accidents and holdups in evacuation.

4 Mr. Wilson proceeded to say that the accident --
5 excuse me -- proceeded to say that evacuation took place
6 in about one or two hours, that since there had been no
7 problems, he did not think that the Joint Intervenors would
8 raise this matter again.

9 I stated once again that I did not want to get
10 into the nuts and bolts, or into NRR's conclusions, that I
11 was calling only to determine procedurally whether NRR
12 was going to respond; that if NRR decided not to respond,
13 it should send a letter to Joint Intervenors to this effect;
14 but that if it was going to respond, that NRR should address
15 whether evacuation presented any problems because I thought
16 this was what was of concern to Mr. Fontana.

17 Mr. Wilson said he would have to consult with
18 Mr. Purple to decide if NRR was going to respond. I said
19 once again that this was the purpose of my call. Mr.
20 Wilson said he would have Mr. Purple call me.

21 January 14th I phoned Mr. Purple who was in a
22 meeting. I asked his secretary to have Mr. Purple phone
23 me.

24 On January 17th Mr. Purple phoned. I stated
25 the purpose of my call was to find out whether NRR was

1 going to respond to the mailgram.

2 Mr. Purple said they were going to respond.
3 I stated to Mr. Purple that going beyond my question to
4 him, Mr. Wilson had spoken as to whether the plant had been
5 in danger.

6 I advised that I had suggested to Mr. Wilson,
7 and now I suggested to him, Mr. Purple, that the letter
8 also be directed to what I deemed to be Joint Intervenors'
9 basic concern; in other words, whether there had been any
10 problems in the evacuation.

11 He said both issues would be covered, that some
12 things would have to be done. He stated the letter would
13 be sent to Joint Intervenors, to the Board and those on
14 the service list.

15 On January 26th and January 27th, my secretary
16 placed three calls to Mr. Purple.

17 On January 27th, a Mr. Thomas Novak, Assistant
18 Director of NRR, Division of Licensing, phoned my secretary
19 on Mr. Purple's behalf and advised her that a response to
20 the mailgram would be made on February 2.

21 On February 2 my secretary phoned Mr. Novak's
22 secretary and asked that he call her relative to the is-
23 suance of the response to the mailgram.

24 On February 3rd my secretary phoned Mr. Novak's
25 secretary, who said that a letter was to be signed by Mr.

1 Eisenhut that day.

2 A copy of these pages of the transcript will
3 be sent to our Docketing Section and served on Messrs.
4 Wilson and Purple, and also to those on the service list.

5 The Board has discussed Mr. Eisenhut's letter
6 of February 3rd, in deciding what we should do. We have
7 disregarded any comments or conclusions by Mr. Wilson or
8 by Mr. Purple, and we have given and will give no weight
9 to Mr. Eisenhut's understanding in his letter of February
10 3rd that the evacuation was, quote, highly successful, end
11 quote.

12 We have decided to await the results of the
13 FEMA fact-finding study and of FEMA's and the NRC Staff's
14 review.

15 We ask the Staff, particularly and with
16 specificity Mr. Turk, and we would also ask that he convey
17 this message to Mr. Cassidy. We ask that the Staff and
18 FEMA -- that copies of their studies and reviews be furnished
19 to the Board and the parties.

20 If any of these studies and reviews cause
21 grave concern to the Board, and with respect to any con-
22 tention in the case, and if we have jurisdiction at that
23 time, we will decide what course of action to take.

24 All right. Are there any preliminary matters
25 to be brought to our attention before we begin taking