

UNITED STATES
NUCLEAR REGULATORY COMMISSION

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IN the Matter of)
LOUISIANA POWER & LIGHT CO.)
(Waterford Steam Electric Station,)
Unit 3))

Docket 50-382

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

MOTION TO DISMISS FOR FAILURE TO MAKE DISCOVERY

Now into court through the undersigned come Joint Intervenors and upon suggesting to the court as follows:

- (1) Joint Intervenors have participated in 3 years of this licensing process including exhaustive hearings and have produced expert testimony and affidavits on both the Synergism and Evacuation portions of this license and,
- (2) Materials presently being furnished by the Applicant to the Staff and /or FEMA or materials being prepared by the Staff and/or FEMA for this licensing directly affects and is related to the evacuation contentions of the Joint Intervenors and,
- (3) these materials have not been provided to the Joint Intervenors and
- (4) this has resulted in grievous harm to the rights of the Joint Intervenors.

These materials include inter alia:

- (a) all documents evaluating evacuation procedures or establishing schedules for such evaluation
- (b) all documents evaluating the siren warning system or establishing schedules for such evaluation.
- (c) all documents pertaining to any and all teaching methods or sessions concerning evacuation procedures including names and curriculum vitae of those individuals doing the instruction.
- (c) all standard operating procedures for the removal of individuals during a nuclear accident including but not limited to the special categories of individuals named in Joint Intervenor's contentions.
- (d) all documents relating to any agreements reached by Applicant


with adjacent parishes for buses or other special vehicle transportation for categories of individuals named in Joint Intervenors contentions. (e) all documents relating to the installation or testing of communication equipment in the Waterford facility which would interface with any and all state or local agencies.

The grievous harm done to the Joint Intervenors include inter alia:

- (i) removal of the right of due process under the 5th Amendment of the Constitution.
- (ii) the inability of Joint Intervenors to prepare adequately for the defense of their interests against the tremendous impact of this facility on their lives and livelihoods.

Therefore, because of the grievous harm done to Joint Intervenors because of this failure, Joint Intervenors move that the license application of Applicant be denied.

In the alternative, with a surfeit of caution, Joint Intervenors are including a request for the production and copying of documents. Joint Intervenors believe a prompt and complete response on behalf of Applicant, [REDACTED] Staff, and FEMA will mitigate the harm.


Gary L. Groesch
Joint Intervenors