

UNITED STATES
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

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

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Docket 50-382

Motion to disallow the introduction of a second evacuation brochure, grant judgement on the first evacuation brochure, include unverified parts of the evacuation plan as part of any new hearings, and allow new evidence and testimony to be presented on synergism and evacuation contentions.

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

(1) No predicate has been laid for the introduction of LP&L's first or second evacuation brochure into evidence.

(2) The unseen second evacuation brochure is scheduled to be 2 months untimely to the Board Order of August 17.

Joint Intervenors move that the court exclude from evidence LP&L's first evacuation brochure.

In the alternative that this motion is not granted and that LP&L is allowed to offer into evidence the said brochure without a proper sponsor or proper predicate being laid, Joint Intervenors move to admit the sworn testimony of Samuel Epstein and Exhibits, Joint Intervenors' Exhibits previously excluded from evidence by ruling of this Board, said scientific papers and sworn testimony in great contrast to the hearsay, self-serving propaganda offered by LP&L as an "evacuation brochure," are reliable and probative evidence of the highest degree, i.e. sworn testimony of a prominent impartial scientist and scientific papers which have been published by scientific journals and have passed peer review. Joint Intervenors further move that in the alternative that LP&L is permitted to offer its second evacuation brochure into evidence, 2 months after the Board Order of August 17, Joint Intervenors move to reopen the synergism hearings to present further testimony on synergism including, inter alia, further developments concerning research relevant to synergism including

but not limited to additional evidence concerning the introduction of even more carcinogens into the south Louisiana environment. This includes (1) an Exxon study done at a Baton Rouge refinery that shows high infant mortality among workers and (2) the release of previously secret documents from a federal lawsuit outlining extremely high levels of carcinogenic, mutagenic, and teratogenic compounds in the Petro Processor facility near Baton Rouge. This facility has been called "another Love Canal" by the State Attorney General William Guste.

In the alternative that the foregoing motions are not granted, Joint Intervenors upon suggesting to the court that the following facts are undisputed:

(1) That there is no evidence in the record by affidavit testimony or otherwise by any qualified education expert and, in particular, in reading that the first or second evacuation brochure will reasonably insure that a safe and orderly evacuation as required by federal law and N.R.C. regulations will and/or can be carried out in the event of an emergency.

(2) That there is no evidence or testimony in the record by any education expert that the evacuation brochure can or will be read and understood by a sufficiently large percentage of the population in the evacuation area to reasonably insure an orderly and safe evacuation as required by federal law and N.R.C. regulations.

(3) That there is no evidence or testimony in the record by any educational expert that any other educational procedures, media, or materials will supplement the brochure and/or that any supplemental procedures, media, or materials can or will be sufficiently effective

to reasonably insure a safe and orderly evacuation will be carried out as required by federal law and N.R.C. regulations.

(4) That the undisputed affidavit testimony of the only educational expert before the court is as follows:

- (a) That LP&L in submitting a draft of said brochure has violated generally acceptable educational procedures thereby showing its inability to competently carry out its duties in evacuation procedures and its lack of concern for the safety of persons in the evacuation area.
- (b) That the reading level of the brochure is far too complex for the population in the evacuation area, that 75% of said population cannot understand the evacuation instructions, and that their inability to do so will result in a large percentage of persons being unwilling or unable to evacuate the area or will result in a large number of persons being injured by radiation exposure or otherwise as a result of LP&L's gross negligence in failing to use proper educational methods, media, and procedure in fulfilling its duties under the evacuation plan.
- (c) That the brochure will be discarded as junk mail without personalized instruction of the area's population.
- (d) That the brochure contains unnecessary LP&L propaganda which will result in its being discarded and/or disregarded.
- (e) That a small-scale unannounced public trial evacuation must be undertaken to test the adequacy of the brochure and the failure to do so is an unacceptable educational procedure.

Joint Intervenors move that for the foregoing reasons, all of which are stated at greater length in Joint Intervenors' Expert Reports, Duncan, Winograd, and Duplessis, Joint Intervenors hereby move and are entitled to a summary judgement as a matter of law excluding LP&L's first evacuation brochure from the evidence and a judgement that LP&L's evacuation plan is inadequate and insufficient as a matter of law.

In the further alternative that the foregoing motions are not granted, Joint Intervenors move to strike from the record any evacuation brochure offered by LP&L or any testimony concerning any evacuation brochure except the seven page black and white xeroxed document which LP&L furnished Joint Intervenors in August 1982, five months after the close of the evacuation hearings and 12 years after construction of Waterford 3 began.

Further, as Joint Intervenors were not allowed an opportunity to obtain expert testimony on the 12 pages of changes in bus operation procedures*, Joint Intervenors move to permit rebuttal testimony on said subject by Earl Duncan and by other experts whom he might recommend following his review of said document.

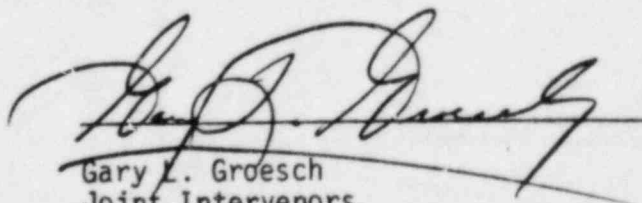
Other documents which have not been furnished by LP&L constitute the heart of the evacuation plan. These documents include:

- (1) The siren warning system
- (2) Agreements with surrounding parishes for buses
- (3) All standard operating procedures
- (4) All evacuation evaluation procedures

Accordingly, Joint Intervenors move that hearings be held on all

* Supplemental Testimony of Ronald J. Perry, submitted May 4, 1982

documents and plans which have not been verified. To allow these portions of the evacuation plan to be proffered by LP&L without being subjected to cross-examination by Joint Intervenors and by rebuttal testimony presented by Joint Intervenors would make the evacuation hearings a sham and a fraud upon the people of Louisiana. It cannot be seriously disputed that the N.R.C. Staff and F.E.M.A. have rubber-stamped virtually all proposals or plans submitted by LP&L and that the only real controversy in these hearings is between Joint Intervenors and LP&L. The Staff's rubber-stamping of an evacuation brochure which LP&L has now attempted to withdraw because it is inadequate is further proof that the Staff's position is aligned with LP&L and that the N.R.C. Staff is unconcerned with the health and safety of the people of Louisiana and cannot be trusted to protect the interests of the public. Accordingly, Joint Intervenors move that hearings be held on all documents and/or portions of the evacuation plan which were not presented by LP&L at previous hearings or subjected to cross examination or rebuttal testimony. The Board has apparently adopted LP&L's contention that an evacuation plan is a "living" document with ongoing changes, ergo the critique of the evacuation plan must be a "living" ongoing process. Joint Intervenors at the previous hearings specifically reserved the right to cross-examine and present expert testimony concerning documents or portions of the evacuation plan which were not in existence or completed at that time. Joint Intervenors are entitled to participate in said hearings as a matter of law.


Gary L. Groesch
Joint Intervenors

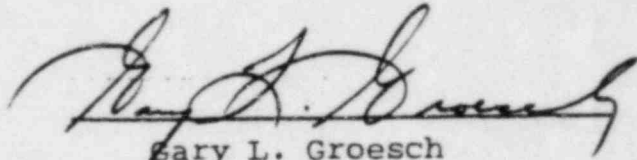
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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
LOUISIANA POWER & LIGHT CO.) Docket 50-382
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing documents dated September 29, 1982 from Gary L. Groesch to the Licensing Board were served by deposit in the U.S. Mail first class, postage prepaid, to all those on the attached service list on the 29th day of September, 1982.


Gary L. Groesch

Dated: September 29, 1982

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