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December 7, 1982

822-1051

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

Dear Chairman Wolfe and Drs. Foreman and Jordan:

As requested by the Licensing Board, this letter will report on the telephone conference call on October 12, 1982, with the Licensing Board and the parties. Participants were Judges Wolfe, Foreman and Jordan; Messrs. Churchill and Blake and Ms. Ridgway for Applicant; Messrs. Groesch and Fontana for Joint Intervenors; Mr. Turk for the NRC Staff; and Mr. Cassidy for FEMA.

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Drs. Foreman and Jordan
December 7, 1982
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This report is based upon a tape of the conference call recorded by Mr. Groesch which Applicant's counsel received last week. Because of poor connections, much of the dialogue was not intelligible on the tapes.

The purpose of the call was for the Board to announce its rulings on (1) Applicant's filing of September 23, 1982, which the Board treated as a motion to withdraw the draft public information brochure submitted on August 19, 1982; to schedule a hearing on the limited issue of the revised brochure; and to request the issuance of a partial initial decision on all issues except the brochure (hereinafter "Motion"); (2) Joint Intervenors' September 29, 1982 motion regarding Applicant's public information brochure and the introduction of additional evidence relating to the emergency plans and the synergism issue (hereinafter "Cross-Motion"); (3) Joint Intervenors' September 29, 1982 Motion to Dismiss for Failure to Make Discovery; and (4) Joint Intervenors' September 29, 1982 Motion for the Production and Copying of Documents.

The parties were allowed to make comments or arguments before the rulings were made. The rulings were subsequently confirmed in the Board's Memorandum and Order (Re Applicant's Response (Motion) of September 23, 1982, and Joint Intervenors' Motion (Cross-Motion) of September 29, 1982), and Memorandum and Order (Re Joint Intervenors' Motion to Dismiss For Failure to Make Discovery, and Joint Intervenors' Request for the Production and Copying of Documents), both dated October 18, 1982.

Mr. Groesch argued against Applicant's request for the issuance of a partial initial decision on synergism, mentioning a new study (unidentified) about a petroprocessing plant 60 to 70 miles from the Waterford plant, and an Exxon Corporation study (unidentified) showing increased levels of infant mortality around the petroleum refineries in the Baton Rouge area. Mr. Groesch also maintained that a partial initial decision on synergism should not issue until the D.C. Court of Appeals' decision on Table S-3 is "litigated out totally."

With respect to a partial initial decision on emergency planning, Mr. Groesch argued that, because the public information brochure was in the process of being rewritten to a lower educational level, documents relating to other areas of emergency planning should be examined by Joint Intervenors to find "the gross inadequacies that the Joint Intervenors find with the brochure." (The "gross inadequacies" were not identified.)

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With respect to Joint Intervenors' Cross-Motion, Mr. Groesch argued that he should be allowed to present testimony on emergency planning by a new witness who was not presented or identified during the hearings to rebut the supplemental testimony of Ronald Perry. He also argued that the evacuation exercises had been postponed, and the hearing should be reopened after the exercises were held.

Mr. Churchill responded briefly to Mr. Goresch's comments, stating that Joint Intervenors had not shown good cause for reopening any other aspects of the hearing, and that a partial initial decision could be issued, consistent with NRC practice, on the aspects of the hearing for which the record was closed. He stated that the Table S-3 decision had not been mentioned in any of Joint Intervenors' motions under consideration at that time, and that the decision was not germane to the synergism issue. Messrs. Turk and Cassidy rested on their pleadings and did not comment.

The Board announced its rulings on the Motion and the Cross-Motion, which were later presented as Items 1.a-b, f and 2 in the Board's October 18, 1982 Memorandum and Order.

During the course of the discussions on Joint Intervenors' two motions related to discovery, the Board inquired extensively of Applicant and the Staff as to what correspondence was in the public document room and what correspondence was served directly on Joint Intervenors. It was ascertained that, both before and after the close of the hearing in May 1982, all correspondence among Applicant, the NRC Staff and FEMA was placed in the NRC public document room, including the local public document room in New Orleans, except for correspondence from Applicant to FEMA and internal correspondence between the NRC Staff and FEMA. Applicant did not routinely serve Joint Intervenors with all such Applicant-originated correspondence, but selectively served all relevant correspondence on Joint Intervenors. The NRC Staff routinely served all Staff-originated correspondence to Applicant on Joint Intervenors.

The Board then announced its ruling, as is stated at pages 8-9 of its October 18, 1982 Memorandum and Order regarding Joint Intervenors' discovery motions. There was considerable discussion as to whether internal correspondence between the NRC Staff and FEMA was appropriately encompassed by the Board's

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ruling. The NRC Staff will inform the Board if it believes that any such documents should not be made available to intervenors.

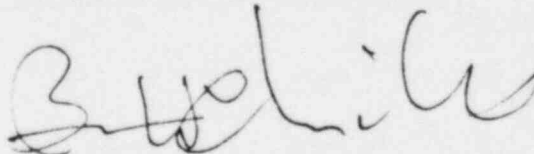
The Board considered Applicant's request for the following hearing schedule:

Applicant submits revised brochure	- 10/15/82
All parties submit testimony	- 11/1/82
Hearing begins	- 11/15/82

Mr. Groesch argued that a hearing schedule should not be established until Joint Intervenors received any new documents pursuant to the Board's ruling on the discovery motions. However, the ensuing comments of Messrs. Churchill, Turk and Cassidy indicated that it was unlikely that there was any significant correspondence relating to the public information brochure which was not already in Mr. Groesch's possession or available to him. Mr. Groesch indicated his intent to appeal the Board's rulings, and asked that the hearings not be scheduled until the Commission ruled on his appeal. His request was not granted. Mr. Groesch also requested a period of 45 days between submittal of the brochure and the filing of testimony. This was granted, and following further discussions among the Board members and the parties, the following schedule was established:

Applicant submits revised brochure	- 11/12/82
All parties submit testimony	- 12/27/82
Hearing begins	- 1/11/83.

Respectfully submitted,



Bruce W. Churchill
Counsel for Applicant

BWC/tjc

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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))

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