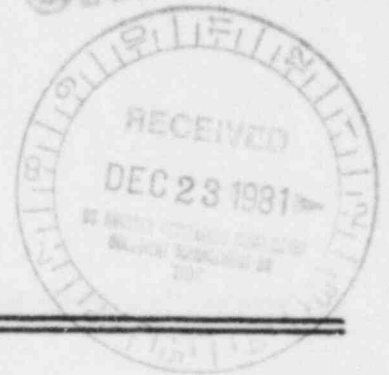


NUCLEAR REGULATORY COMMISSION

ORIGINAL



In the Matter of:

PUBLIC SERVICE COMPANY OF OKLAHOMA, ASSOCIATED	)	
ELECTRIC COOPERATIVE, INC.,	)	
and	)	DOCKET NO. STN 50-556CP
WESTERN FARMERS ELECTRIC	)	STN 50-557CP
COOPERATIVE,	)	
	)	
(Black Fox Station,	)	
Units 1 and 2	)	

DATE: December 17, 1981      PAGES: 210 thru 242

AT: Tulsa, Oklahoma

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1 UNITED STATES OF AMERICA  
 2 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
 3

4 In the Matter of: )  
 )  
 5 PUBLIC SERVICE COMPANY OF )  
 OKLAHOMA, ASSOCIATED )  
 6 ELECTRIC COOPERATIVE, INC. ) Docket Nos. STN 50-556CP  
 and ) STN 50-557CP  
 7 WESTERN FARMERS ELECTIC )  
 COOPERATIVE, )  
 8 )  
 (Black Fox Station, )  
 9 Units 1 and 2) )

10 Courtroom No. 5  
 11 United States Federal Courthouse  
 333 West 4th Street  
 12 Tulsa, Oklahoma

13 Thursday  
 14 December 17, 1981

15 The above-entitled matter came on for further  
 16 hearing, pursuant to adjournment, at 9:00 a.m.

17 BEFORE:

18 SHELTON J. WOLFE, Chairman  
 Administrative Judge  
 Atomic Safety and Licensing Board  
 U. S. Nuclear Regulatory Commission  
 19 Washington, D. C. 20555

20 DR. PAUL W. PURDOM, Member  
 Administrative Judge  
 Atomic Safety and Licensing Board  
 Director of Environmental Studies Institute  
 21 at Drexel University  
 22 245 Gulph Hills Road  
 23 Radnor, Pennsylvania 19087

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FREDERICK J. SHON, Member  
Administrative Judge  
Vice Chairman (Technical)  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. D. 20555

APPEARANCES:

As heretofore noted.

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C O N T E N T S

WITNESSES:

None

E X H I B I T S

None

P R O C E E D I N G S

1  
2 JUDGE WOLFE: The hearing is in session.

3 I would note that it is my understanding that  
4 the Court may have usage of this courtroom at 11:00. We  
5 should know by 10:30 whether the Judge needs this courtroom.

6 I understand he will only need it for half an  
7 hour to 45 minutes, but maybe he won't need to use it. We  
8 will know by 10:30.

9 Mr. Thessin, have you checked with your office  
10 on the status of Supplement 3 to the SER?

11 MR. THESSIN: Yes. The delay in the SER  
12 has been caused by the need to review the applicant's  
13 recent submittal on the generic issues. Our review is not  
14 yet complete.

15 That is the cause for the delay. We are  
16 committed to issuing the SER by the end of the year, before  
17 calendar year 1982.

18 JUDGE WOLFE: Mr. Gallo, anything?

19 MR. GALLO: All I can do is pray and hope.

20 JUDGE WOLFE: If perchance, Mr. Thessin, and  
21 we hope this perchance doesn't come about. If Supplement 3  
22 is not issued by December 31, 1981, you are requested to  
23 send a letter to the Board and to all parties in the form  
24 of a status report indicating why the Supplement 3 has not  
25 been issued as of December 31st, detailing those reasons,

1 and giving us a hard estimate on when the supplement will  
2 be issued.

3 All right.

4 Mr. Gallo and Mr. Farris, you have had the  
5 opportunity to review the San Onofre Decision last night.

6 MR. GALLO: Judge Wolfe and Members of the  
7 Board, I did read the Memorandum and Order of the Commission's  
8 Decision in the San Onofre Case, CLI-81-33.

9 It does say in one particular point in the  
10 decision that emergency plans to be tailored to account for  
11 specific accident sequences. Let me say that again. It does  
12 not mean however that emergency planning should be tailored  
13 to accomodate specific accident sequences or that emergency  
14 planning must also take into account the disruption in  
15 implimentation of off-site emergency plans caused by severe  
16 earthquakes.

17 It would appear therefore that one could draw  
18 the inference that Mr. Thessin has; that the recent regulations  
19 on emergency response planning do not contemplate dealing with  
20 specific accident sequences; and suggest that specific  
21 accident sequences should be considered as a challenge to  
22 the regulation and one that must be made under 2.75(a).

23 I might say, however, with all candor that  
24 the San Onofre Decision really addresses itself to earthquakes  
25 as off-site phenomena, and the sentence that I read you that

1 has the words in it --

2 JUDGE WOLFE: At what page does that appear?

3 MR. GALLO: Page 2.

4 I understand the Board has a copy of the same  
5 copy that I do, and it is bracketed and underlined in ink.

6 The sentence does mention specific accident  
7 sequences. Those three words are really the only words that  
8 deal with the type of sequences that are set forth in Mr.  
9 Farris's contention 14.

10 I must say again with all candor that if the  
11 Licensing Board issued this kind of decision, it undoubtedly  
12 would be subject to heavy criticism from the Appeal Board  
13 for failing to articulate the bases for its judgments.

14 However, I guess by being at the top of the  
15 pile you can issue this kind of order, and the Board is  
16 bound by it.

17 I have nothing further to add.

18 MR. FARRIS: I think it is in order to admit  
19 that the order is rather cryptic, but I think that we can  
20 limit this to exactly what it says.

21 That emergency plans don't need to take into  
22 account the disruption in implementation of off-site emergency  
23 plans by earthquakes.

24 Now I don't think we could draw a distinction  
25 between earthquakes and tornadoes, but I think that what the



1 Commission is saying is that we don't take -- the emergency  
2 plan need not take into account two traumatic events  
3 occurring at the some time, such as a tornado and an  
4 earthquake coupled with the accidental release that might  
5 trigger the implimentation of an emergency plan.

6 If you will look at our contentions 13 and 14  
7 and particularly contention 13, we are not trying to tie in  
8 any traumatic event, things like earthquakes or tornadoes,  
9 in 13 with implimentation of the plan.

10 We are saying that certain fairly routine  
11 static type of conditions should be taken into account.

12 I don't think the Commission's order goes to  
13 that. For example, we say in 13(b) that we criticize the  
14 emergency plan for not taking into account local meteorolo-  
15 gical conditions. We do mention tornadoes, but we say "including  
16 the distribution of wind directions and speed."

17 There is always going to a wind of some sort,  
18 and we submit there is probably a prevailing wind direction.

19 That is not a factor that has any sort of  
20 probability that must be multiplied with the probability of  
21 an accident. If we have an accident, then some of these  
22 conditions are going to be there.

23 The liquid pathway is going to be there regardless  
24 of the occurrence of some other drastic or severe event.

25 The number, location and capacity of local



1 sheltering facilities and things of that nature.

2           There are a few things admittedly in contention  
3 14 that would appear to fall with the ambit of the  
4 commission's decision, but we submit that this order is  
5 simply not applicable to most of the sub-parts of cont'nation  
6 13 and 14 which merely criticize the emergency planning  
7 for failure to take into account those conditions that can  
8 be expected to exist at Black Fox Station most of the time  
9 not just once in a while.

10           JUDGE WOLFE: Mr. Farris, to your mind, and  
11 we are asking you to advise the Board, which of your  
12 sub-parts do you feel might be covered by the San Onofre  
13 Decision? You say you do not think that (d) would be  
14 covered.

15           MR. FARRIS: We have withdrawn (c) of 13.

16           I don't think that (a), (b) or (d), except  
17 to the extent that (d) mentions the frequency of tornados.  
18 I would be hard pressed to draw the distinction between a  
19 tornado and an earthquake in so far as the commission's  
20 decision or the import of the commission's decision is  
21 concerned.

22           I just don't think the commission's decision  
23 even purports to reach the conditions that we have described  
24 in (a), (c) and the first part of (d), that is, "distribution  
25 of wind directions and speeds", meaning prevailing wind

1 directions or usual or expected wind directions.

2 In going through 14 I would have to grudgingly  
3 concede that --

4 JUDGE WOLFE: Backing up to 13, Mr. Farris,  
5 applicant had no objection to sub-part (e) and (f), is  
6 that correct?

7 MR. FARRIS: Yes. Well, I think the staff did  
8 to one or the other.

9 JUDGE WOLFE: Yes. Well, how about (e) and  
10 (f) then. You didn't discuss those.

11 MR. GALLO: Judge Wolfe, I believe it was just  
12 (e).

13 MR. FARRIS: That is correct.

14 I would submit that (f) would not apply  
15 because of the -- harvest time to me is not equivalent  
16 to a tornado or an earthquake. That is something that is  
17 going to happen on a regular basis in the area. I don't  
18 think that it is that improbably or unlikely that -- I mean  
19 the additional probability of being at harvest time is not  
20 that significant.

21 The way that I read the commission's decision  
22 it is saying the -- I feel the probabilities of the two  
23 events occurring simultaneously or in close proximity is  
24 what causes it not to require the Licensing Board to  
25 consider it.

1 JUDGE SHON: Mr. Farris, there is one thing  
2 that bothers me-- the BWR-1, -2 and -3 accidental releases  
3 mentioned. I think many people think of BWR-1, -2 and -3  
4 from WASH-1400 as being sequences -- accident sequences.

5 The statement by the commission that emergency  
6 plans should not be tailored to include specific accident  
7 sequences -- would this in your view preclude us looking at  
8 something that is specifically mentioned BWR-1, -2 or -3  
9 from WASH-1400?

10 MR. FARRIS: I think perhaps the contention  
11 should in light of this decision -- it could be read to say  
12 "the consequences of an accidental release at harvest time"  
13 without making reference to an specific accident sequence.

14 I would agree to delete the reference to the  
15 particular type of accidental release, "BWR-1, -2 and -3."

16 JUDGE SHON: Fine, I think that would make me  
17 more comfortable.

18 MR. FARRIS: Going to contention 14 then,  
19 since (a) and (d) also mention BWR-., -2 and -3 releases  
20 and because they don't make reference to any other particular  
21 impact other than the probabilities and consequences of  
22 those, again I would have to concede reluctantly that those  
23 would appear to be within the scope of the commissions  
24 decision.

25 As to (c) as you can see (c) has several

1 sub-parts and sub-parts within sub-parts.

2 The impact of (c) is that the WASH-1400  
3 estimates are not sufficient evidence. Our contention here  
4 is that for Black Fox there exist no generic probability  
5 assessment because, as we have indicated, the large degree of  
6 uncertainty of several of the WASH-1400 assumptions and  
7 calculations simply make it not applicable.

8 Our suggestion is then that there is no generic  
9 study that would apply to Black Fox in the first case, and  
10 that to each of these items there should be a site-specific  
11 calculation.

12 It seems to me that the Commission's decision  
13 was that generic study of emergency planning would be  
14 sufficient, but we have tried to point out why generic  
15 planning would not be sufficient.

16 In other words we have made Black Fox  
17 specific unique arguments.

18 The same would go for 14(d), (e), (f); and  
19 I believe (g) has been accepted by the applicant at least  
20 as a valid contention; (h); (i) I believe I have already  
21 withdrawn as falling within an earlier contention -- one of  
22 the 13 contentions; and (j); and (k) I would have to admit  
23 appears to me to fall within the San Onofre decision.

24 Other than those, gentlemen, I submit that  
25 the decision is simply not applicable because we are not

1 talking about any sort of traumatic or unusual event  
2 that we have postulated as occurring simultaneously  
3 with the accidental release at Black Fox.

4 We are simply saying that the emergency  
5 response plan that the applicants have proposed in the  
6 PSAR is inadequate in the particular areas that we have  
7 delineated.

8 JUDGE WOLFE: Mr. Farris, going back to  
9 proposed contention 13, sub-paragraph (e), it is my  
10 understanding that in some circumstances in proposed  
11 contentions 13 and 14 you have admitted that by virtue of  
12 the reference to BRW-1, -2 and -3 that the particular  
13 sub-paragraph has been covered under the San Onofre  
14 Decision or you have agreed to strike reference to  
15 BWR-1, -2 and -3.

16 MR. FARRIS: Yes.

17 JUDGE WOLFE: How say you as to 13(e).

18 MR. FARRIS: I would agree also to strike  
19 the reference to BWR-1, -2 and -3. I would do so though  
20 without prejudice to any rights of appeal. I would like  
21 to reserve any rights we may have.

22 But I would have to admit to you today that  
23 it appears to be included with that.

24 JUDGE WOLFE: So you do wish to strike the  
25 reference?

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MR. FARRIS: Yes.

I don't concede the validity of the San Onofre Decision in so far as the record is concerned, but I do have to admit standing before you today that it does appear that it does cover the areas we have proposed.

JUDGE WOLFE: All right.

Mr. Thessin.

MR. THESSIN: Let me address two points. The first being whether the language cited from the San Onofre Decision is an accurate reflection of the commission's view on accident sequences -- plant-specific accident sequences.

I think if one looks carefully at NUREG-0396 which both Mr. Gallo and myself had read to take the position that plant-specific accident sequence issues could not be taken into account.

If one looks carefully at the rule and sees the incorporation by reference to the guidance found in NUREG-0396, that at the very least that document can be read as a statement of the commission's position on what it had in mind when it defined the concept of EPZ's.

Reading that document shows the correctness of the statement found in the San Onofre Decision in slip opinion, page 2.

I offer that as additional support that the



1 statement should be taken on its own terms.

2 With respect to the contentions I would agree  
3 with Mr. Farris that 13(a) and (b) are not governed by  
4 the languaged cited in the San Onofre Decision; that the  
5 arguments with reference to 13 (a) and (b) are on a  
6 different basis and I won't repeat what those are today.  
7 They were discussed yesterday.

8 With respect to 13(d), the meteorology, again  
9 the Staff believes one must look to NUREG-0396 for guidance  
10 on what the concept of an EPZ is intended to be.

11 One sees that it is a concept designed for  
12 taking or making plans to take effective action in the event  
13 of any emergency.

14 It is not a concept which can be expanded to  
15 take into account various consequences. For example, if one  
16 postulated that in a southwest direction one had a river that  
17 was flowing for many miles that therefore the EPZ's should be  
18 moved in that direction an extra 50 miles.

19 That would be a rule challenge.

20 If one is looking instead at the effectiveness  
21 of protective action within the EPZ's, the guidance in  
22 NUREG-0396 indicates that it would be imprudent to tailor  
23 your plan to one specific type of meteorology.

24 If you look carefully at the footnotes in  
25 Appendix E, which sets forth what characteristics one must



1 include in defining the EPZ's, you see the absence of any  
2 reference to meteorology.

3 Let me get that footnote and read to you  
4 in precise language. This would be footnote No. 1 to  
5 Appendix D to part 50 of the Commission's regulations.

6 It indicates that "EPZ's for power reactors  
7 shall be determined in relation to local emergency response  
8 needs and capabilities as they are affected by such  
9 conditions as demography, typography, land characteristics,  
10 access routes and jurisdictional boundaries."

11 The question I would pose is what would you  
12 do differ in terms of planning for effective action within  
13 the EPZ's if you were to take specific account of  
14 meteorology?

15 We are not talking about changing the definition  
16 of the EPZ. We are talking about what kind of planning would  
17 you use and would it be prudent to have in effect a plan  
18 which places greater emphasis on an easterly bound plume  
19 than on a westernly bound plume?

20 Now on 13(e) and (f) -- 13(e), even if we  
21 strike the reference to BWR-1, -2 and -3 sequence, it is  
22 unclear to me how the contention speaks to a generic  
23 accident sequence or a generic set of accident sequences  
24 even without the reference to BWR-1, -2 and -3.

25 It is the Staff's position that even if we

1 strike those references, you still have at the heart of this  
2 contention a plant-specific scenerio.

3 The contention with this footnote indicates  
4 that the generic guidance of the rule -- in NUREG-0396  
5 and NUREG-0654 understates the nature of releases for this  
6 particular plant.

7 The Staff would contend that even with the  
8 deletion to BWR-1, -2 and -3 in sub-part (e), the contention  
9 remains a plant-specific accident sequence analysis.

10 With respect to contention (f), sub-part (f)  
11 of contention 13, if you strike the reference to BWR-1,  
12 -2, and -3, I believe you do cure the defect which is posed  
13 by the San Onofre Decision.

14 However, I believe we then must analyze the  
15 relevance and the acceptability of this contention in the  
16 light of the stated basis.

17 The Staff believes the intervenor has failed  
18 to state a basis for why the consequences at harvest time  
19 have not been adequately considered in the preliminary  
20 plans presented by the applicant.

21 JUDGE WOLFE: Have they been considered at all?

22 MR. THESSIN: I believe they have.

23 I would refer the parties and the Board to  
24 Amendment 16 to the Applicant's preliminary Safety Analysis  
25 Report, sections 4.3, .2 and .4, entitled "Ingestion exposure

1 from water and foodstuffs contamination."

2 In that section the applicant has stated  
3 the various types of efforts that would be studied and  
4 undertaken with reference to minimizing exposure in the  
5 ingestion pathway.

6 As I understand the contention it is that the  
7 Applicant has taken inadequate action to prevent contamination  
8 of foodstuffs and other elements of the ingestion pathways.

9 I would submit that in the light of this  
10 section the intervenor should be more specific as to the  
11 nature of the defect that he foresees.

12 With reference to contention 14 the principle,  
13 and as I understood the remarks of Mr. Farris, still uncured  
14 defect of contention 14 is in the initial independent clause  
15 which in essence states that one must consider a specific  
16 set of accident sequences for this plant for BWR-1, -2 and  
17 -3 accidental releases.

18 As the contention states the applicant has  
19 failed to show the feasibility of protective action in the  
20 light of those sequences.

21 Now everything subsequent to that initial  
22 clause is in support of the proposition that you must take  
23 into account BWR-1, -2 and -3 accident sequences.

24 So even if one of the bases cited in the sub-  
25 parts may not make reference to the specific accident

1 sequence, the contention read as a whole is alleging  
2 nothing more than that you must take into account three  
3 very precise and specific accident sequences.

4 That is a challenge to the rules and must  
5 be properly filed under 2.758.

6 So I would continue to content on behalf  
7 of the Staff that contention 14 is in its entirety to be  
8 rejected.

9 If I could clarify one thing I may have misled  
10 the Board on yesterday with reference to emergency planning.  
11 I did not mean to overstate the plant-specific accident  
12 sequence principle.

13 I think that must be distinguished from the  
14 site's peculiar characteristics whether it is bridges, water;  
15 and that one must obviously take into account characteristics  
16 of the 10 miles EPZ's which are in some way specific to  
17 Black Fox as opposed to Indian Point.

18 For example if you had a large group of elderly  
19 people right nest to the Black Fox Station in an institution,  
20 one must plan to take into account that institution which I  
21 would contend is a site-specific piece of planning.

22 When I said one need not take into account  
23 plant-specific accident scenerios, I did not mean to include  
24 these site-specific elements such as institutions and what not.

25 If I misled the Board in any way, I apologize.

1 JUDGE WOLFE: Thank you.

2 Mr. Farris, you may have other responses  
3 to what Messrs. Gallo and Thessin have stated, but would  
4 you address yourself to Mr. Thessin's comment to  
5 the introductory phrase was proposed contention 14.

6 MR. FARRIS: Yes, sir.

7 While ago I should have deleted that  
8 introductory phrase, because as he said, it does qualify  
9 the entire -- all the sub-sections of 14.

10 As we did on some of the sub-sections I  
11 would agree to modify contention 14 and ask the Board leave  
12 to modify contention 14 to delete in the introductory phrase  
13 the words "BWR-1, -2 and -3" so that it will read "in the  
14 event of an accidental release" and then my earlier  
15 comments would still apply.

16 JUDGE SHON: How about "or its equivalent"?  
17 That should probably go too, shouldn't it?

18 MR. FARRIS: Yes.

19 Thank you, Mr. Shon.

20 It will read, "In the event of an accidental  
21 release at Black Fox Station this is true for the following  
22 reasons" and then the sub-parts with the exceptions of the  
23 one that I modified earlier.

24 JUDGE SHON: It seems however that Mr. Thessin's  
25 objection to this introductory sentence extended beyond

1 the business of simply mentioning BWR-1, -2 and -3.

2 He seemed to think that the whole thing  
3 would apply a consideration of sequences.

4 Is this not right, Mr. Thessin?

5 MR. THESSIN: I think that is accurate, Judge  
6 Shon.

7 If you look at the sub-parts and the references  
8 to WASH-1400 etcetera, they are implicitly an attack on the  
9 generic guidance.

10 MR. FARRIS: That is true. There is no question  
11 that we are attacking the generic guidance. We have attacked  
12 it very specifically I feel in our contention 14, showing  
13 why generic guidance is not sufficient. Not in the context  
14 of a specific accident sequence but in the context of  
15 specific factors to Black Fox Station; that one of the  
16 consequences of that release, should it occur, or that any  
17 accidental release haven't been properly assessed by the  
18 applicant.

19 JUDGE WOLFE: Before we recess to give  
20 consideration now to proposed contentions 13 and 14, anything  
21 more to add?

22 Yes, Mr. Thessin.

23 MR. THESSIN: I would like to add a statement  
24 to my previous remarks on the statement of deviations.

25 I represented yesterday that the Staff had



1 actually implimented a procedure for stating deviations from  
2 the standard review plan and subsequently withdrew it.

3 That was incorrect. The Staff had under  
4 serious consideration the implimentation and has set forth  
5 procedures for implimenting that policy, but had never  
6 actually done it with respect to any plants before it  
7 was withdrawn.

8 So I would stand on my remarks that it was  
9 under serious consideration. I think my statement was  
10 overbroad in so far as it represented that the plan had  
11 been implimented with respect to some plants. That was  
12 incorrect.

13 JUDGE WOLFE: We will recess until 10:15.

14 (Whereupon, at 9:40 a.m., the hearing was  
15 recessed.)  
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O R D E R

1  
2 JUDGE WOLFE: The Board will now render its  
3 rulings, first upon the motions to reopen.

4 Applicants' Motion to Reopen the record of  
5 November 5, 1981, is granted, but any direct testimony and  
6 cross-examination may not exceed the scope of the issues  
7 reopened by Applicant.

8 Staff's Motion to Reopen of November 5, 1981,  
9 is granted in that the record will be reopened in order  
10 that Supplement 3 to the SER may be offered into evidence.

11 However, in granting the motion we do not  
12 grant Staff's restrictions.

13 It should be recognized that if any contentions  
14 relating to Supplement 3 to the SER are admitted as issues  
15 testimony may be adduced and cross-examination will be  
16 allowed.

17 Intervenors' Motion to Reopen of November 5  
18 is granted so that the record is reopened upon the financial  
19 qualifications contention and upon the containment design  
20 contention.

21 However, Intervenors shall submit a reworded  
22 contention upon financial qualifications supported by bases  
23 set forth with reasonable specificity within 45 days after  
24 the date of this oral order.

25 Obviously discovery upon the financial

1 qualifications issue should be begin immediately.

2 Other parties may respond within 10 days  
3 after receipt of the reworded contention upon financial  
4 qualifications.

5 We will now proceed to rule upon the  
6 Intervenors' Proposed Contentions.

7 Proposed Contention 1 is conditionally admitted  
8 with the words "existing safety related equipment and"  
9 being deleted.

10 Within 60 days after the date of this oral  
11 Order Intervenors shall submit a reworded contention setting  
12 forth with specificity which equipment it is that does not  
13 meet environmental qualification requirements and specifying  
14 why this equipment fails to meet these requirements.

15 Other parties may have 10 days after receipt  
16 of this reworded contention to respond.

17 Proposed Contention 2(a) is admitted.

18 Intervenors' counsel withdrew sub-paragraphs  
19 (B) and (c) of Proposed Contention 2 on December 16 during  
20 the course of the pre-hearing conference.

21 Proposed Contention 3 is denied without  
22 prejudice since there is no showing of any nexus between the  
23 cited four sections of proposed 50.34(e) and the cladding,  
24 swelling and rupture models adverted to in NUREG-0630.  
25 Intevenors may, if they so desire, resubmit a contention

1 making this showing within 15 days of this Order.

2 Other parties may respond within 10 days  
3 after receipt of the resubmitted contention.

4 Proposed Contention 4 is admitted with the  
5 phrase "nor has it applied the evaluation criteria in  
6 NUREG-0700", which was stricken by Intervenor's counsel  
7 on December 16th during the pre-hearing conference.

8 Proposed Contention 5 is denied because the  
9 contention exceeds the requirements of the cited proposed  
10 regulation, 50.34(e).

11 Proposed Contention 6 is admitted except  
12 for the words stricken by Intervenor's counsel on December  
13 16th. The stricken words are "because they have failed to  
14 include accidents more severe than those listed in PSAR,  
15 Chapter 15."

16 It is understood that the portions concerning  
17 the liquid pathway will be interpreted as explained by  
18 Intervenor's counsel during the pre-hearing conference.

19 Proposed Contention 7 is denied.

20 Proposed Contention 8 is denied without  
21 prejudice to resubmission if Applicant should attempt to  
22 change its present commitment to provide in-core thermocouples.

23 If such an event occurs other parties may  
24 respond to any such resubmission within 10 days after  
25 receipt.

1 Proposed Contention 9 is admitted.

2 Going back again to proposed contention 9,  
3 it is admitted without objection with the second sentence  
4 deleted.

5 Proposed Contention 10 is denied.

6 Proposed Contention 11 was withdrawn by  
7 Intervenors' counsel during the course of the pre-hearing  
8 conference.

9 Proposed Contention 12 has been withdrawn  
10 by Intervenors' counsel during the pre-hearing conference.

11 Proposed Contention 13, sub-paragraph (a) is  
12 granted. Sub-paragraph (b) is granted. Sub-paragraph (c)  
13 was withdrawn by Intervenors' counsel during the course of  
14 the pre-hearing conference. Sub-paragraph (d) granted with  
15 the words "and the frequency of tornados" deleted pursuant  
16 to the deletion by Intervenors' counsel during the pre-  
17 hearing conference. Sub-paragraph (e) is denied. Sub-  
18 paragraph (f) of proposed contention 13 is granted with  
19 the words "a BWR-1, -2 and -3" deleted by Intervenors'  
20 counsel during the pre-hearing conference.

21 With respect to Proposed Contention 14 and as  
22 to its introductory phrase, Intervenors' counsel substituted  
23 the words "in the event of a" for "in the event of a BWR-1,  
24 -2 and -3".

25 With respect to Proposed Contention 14,

1 sub-paragraph (a) is denied. Sub-paragraph (b) is denied.  
2 Sub-paragraph (c) is denied. Sub-paragraph (d) is denied.  
3 Sub-paragraph (e) is denied. Sub-paragraph (f) is admitted,  
4 but the words "including tornados" are stricken from sub-  
5 paragraph (f)(3). Sub-paragraph (g) is admitted. Sub-paragraph  
6 (h) is denied. Sub-paragraph (i) was withdrawn by Intervenors'  
7 counsel during the pre-hearing conference. Sub-paragraph (j)  
8 is denied. Sub-paragraph (k) is denied.

9 Proposed Contention 15(b), which is worded  
10 "The backup EOF is beyond the 20 mile siting requirement of  
11 NUREG-0696", is admitted without objection.

12 Proposed Contention 15(a) was stricken by  
13 Intervenors' counsel during the course of the pre-hearing  
14 conference as well as the balance of proposed contention 15(b).

15 Are there any other matters now to be discussed  
16 before we conclude this pre-hearing conference?

17 MR. GALLO: Judge Wolfe, as I understand from  
18 the Board's ruling that discovery on the admitted issues,  
19 including financial qualifications, will proceed from this  
20 day forward in accordance with the schedule.

21 We understand that the Board's ruling on  
22 financial qualifications doesn't necessarily alter the  
23 schedule on discovery.

24 JUDGE WOLFE: Yes, we made an exception there  
25 where we want to get discovery started immediately. It would

1 start immediately anyway.

2 MR. GALLO: I think normally the end-date  
3 would have been concluded 30 days from today.

4 JUDGE WOLFE: I don't see what you are saying,  
5 Mr. Gallo. I am looking at page 3 of our Order of October 14th.

6 MR. GALLO: Yes, I misstated myself. I stand  
7 corrected.

8 JUDGE WOLFE: All right.

9 Any other matters?

10 MR. THESSIN: Your Honor, as a point of  
11 clarification on the reopening of the record on Applicants'  
12 motion with respect to intergranular stress corrosion cracking,  
13 is the Board's ruling that that the issue is not 15-1 or is  
14 it more limited to the new materials that are going to be  
15 used in the piping?

16 JUDGE WOLFE: The issue is now limited to the  
17 characteristics of the piping as it will now exist.

18 MR. THESSIN: Similarly on the reopening on  
19 the issue of containment design, is the issue as stated in  
20 Intervenors' motion the issue?

21 JUDGE WOLFE: We are not reopening the entire  
22 issue of containment design. The issue is limited to the  
23 containment design contention as set forth and with the  
24 several sub-elements as set forth in Intervenors' motion  
25 to reopen.



1 MR. THESSIN: So then it does not extend to  
2 the previous contention 16, is I understand you correctly?

3 JUDGE WOLFE: That is right.

4 I will wait several minutes if counsel want  
5 to digest our rulings. They may have additional questions.

6 MR. THESSIN: One further point of clarification,  
7 in reference to your order on the issue of the SER Supplement  
8 No. 3 and the limitations -- the lack of limitations on the  
9 scope of cross-examination and testimony that may relate  
10 to admitted contentions --

11 JUDGE WOLFE: You are assuming there are no  
12 restrictions?

13 MR. THESSIN: Let me restate that. As I  
14 understood the Board's order on that issue if any contentions  
15 that have now been admitted are discussed in that supplement  
16 a party has the full rights to adduce testimony and to  
17 cross-examine with respect to those contentions.

18 JUDGE WOLFE: That were admitted in the present  
19 oral ruling.

20 MR. THESSIN: Fine, that was my question.

21 JUDGE WOLFE: It goes beyond that.

22 JUDGE SHON: It would also include any contention  
23 that might be admitted later as a result of the SER.

24 JUDGE WOLFE: And as provided for in whatever  
25 sub-paragraph it was of our order of October 14, 1981.



1 MR. GALLO: Judge Wolfe, I thought that the  
2 Board's ruling covered the unresolved generic issues in  
3 that the Intervenors' participation would be allowed with  
4 respect to those. Did I interpret it wrong?

5 If the S-SER is going to contain a discussion  
6 of these unresolved generic issues, what is the Board's  
7 ruling with respect to that aspect of the document in  
8 connection with the Intervenors' participation on those  
9 issues?

10 JUDGE WOLFE: I think the answer to that once  
11 again, Mr. Gallo, is in our Order of October 14, 1981.

12 Pursuant to your joint motion, which we incor-  
13 porated in the main in our order of October 15th, once the  
14 supplement 3 to the SER has been issued, any party may  
15 submit proposed contentions.

16 If those contentions do pertain to unresolved  
17 generic issues and are admitted as contentions, obviously  
18 any party may present direct testimony thereon and/or  
19 cross-examine.

20 MR. GALLO: Judge Wolfe, I am confused.

21 As I understood the nature of the Staff's -- let  
22 me start again.

23 Applicants and Intervenors argued that the true  
24 nature of the motion to reopen by the Staff was to update the  
25 various generic unresolved safety questions that were

1 previously litigated in this case.

2 It was the Applicants' position that with  
3 respect to those specific issues it would not be necessary  
4 for us to submit new contentions because what we have here  
5 is a matter similar to what the applicant had been urging  
6 with respect to 316 Stainless Steel and urging with respect  
7 to the other issues we have reopened.

8 That if the Staff's document included an  
9 update of these unresolved safety questions that this was  
10 just a continuation of the prior litigation and all parties  
11 could participate in that without the need for additional  
12 contentions.

13 Now has the Board by its ruling rejected that  
14 argument?

15 JUDGE SHON: Mr. Gallo, it may be that the  
16 Board has created more confusion than it dispelled with  
17 this particular proviso.

18 It was our intention, yes, that you or the  
19 Intervenors would be able to cross-examine Staff witnesses  
20 and the people in the Staff who produced the S-SER Supplement  
21 and offer testimony on matters such as the unresolved  
22 safety issues.

23 The sense of our order was precisely that sort  
24 of thing; that we did not mean by granting the Staff's motion  
25 to imply that the S-SER was to be taken as the last word on

1 any issue whether an admitted contention or simply an issue  
2 which it deducted itself or which it presented itself.

3 MR. GALLO: That is very helpful. Thank you.

4 JUDGE SHON: It was some difficulty with  
5 both the Intervenors and yourself and with us too in  
6 understanding the Staff's motion to mean that.

7 It sounded as though the Staff intended to  
8 leave its S-SER in its motion in the whole and nothing further  
9 would be said upon any matter that it covered, and we didn't  
10 want that.

11 JUDGE SHON: You weren't attempting to limit  
12 yourself the matters upon which testimony could be adduced  
13 or cross-examination carried out to the matters in your  
14 motion, were you?

15 MR. GALLO: No.

16 JUDGE SHON: I didn't think so.

17 MR. GALLO: One last question, Judge Wolfe,  
18 as a matter of professional curiosity I would be interested  
19 to know the reason for the denial of contention 10 if the  
20 Board would care to elucidate.

21 JUDGE WOLFE: Proposed Contention 10?

22 Well, as I told you we will be issuing an  
23 Order giving reasons why. You will be enlightened at that  
24 time.

25 MR. GALLO: So be it.

1 MR. THESSIN: My question is a clarifying  
2 one on the generic issues in the immediately preceding  
3 discussion with Mr. Gallo.

4 I am confused as to the question once an  
5 issue is in controversy what is the scope of the parties'  
6 abilities to adduce testimony and cross-examine?

7 JUDGE WOLFE: We were concerned that your  
8 motion to reopen stood for the proposition that Staff would  
9 at the beginning of the hearing tender the Supplement 3  
10 into evidence and sit down and that would be the end of it.

11 It would stand for what it says it stands for.  
12 We thought that was your proposed -- implied  
13 restriction. This we didn't go along with.

14 MR. THESSIN: What I wanted to clarify was what  
15 is the issue with respect to the Supplement in the discussion  
16 of generic issues? Is that issue as follows: the adequacy  
17 of the Staff's review to take into account generic issues  
18 in deciding that the plant should be licensed or should not  
19 be licensed or is the issue the adequacy of the Applicant  
20 dealing with a particular generic issue, whatever it might be?

21 I think in the context of the River Bend Decision  
22 the second issue is much broader and requires a contention  
23 on a particular point.

24 MR. FARRIS: Judge Wolfe, if I might, as I  
25 recall our original contention in the earlier hearing was

1 that the Staff had not met the River Bend criteria as to  
2 unresolved generic safety issues.

3 It was my understanding that the scope would  
4 be limited to that test and the Staff would come forward  
5 and show the parties that they had progressed to the stage  
6 as the River Bend Decision requires.

7 JUDGE WOLFF: That was our understanding as well.

8 MR. THESSIN: Thank you.

9 JUDGE WOLFE: Anything else?

10 (No response.)

11 JUDGE WOLFE: All right.

12 The pre-hearing conference is concluded.

13 (Whereupon, at 11:00 a.m. the pre-hearing  
14 conference in the above-entitled matter was closed.)  
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This is to certify that the attached proceedings before the

ATOMIC SAFETY AND LICENSING BOARD

in the matter of: Public Service Company of Oklahoma, et al.

Date of Proceeding: December 17, 1981

Docket Number: STN 50-556CP and STN 50-557CP

Place of Proceeding: Tulsa, Oklahoma

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Judy Bradley

Official Reporter (Typed)

Judy Bradley  
Official Reporter (Signature)