

April 22, 1983

UNITED STATES OF AMERICA
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 No. 50-382
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APPLICANT'S REPLY TO THE PROPOSED FINDINGS
OF FACT AND CONCLUSIONS OF LAW ON CONTENTION 17/26 (1) (a)
FILED BY JOINT INTERVENORS AND NRC STAFF

SHAW, PITTMAN, POTTS & TROWBRIDGE

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reflect the record in this proceeding, Applicant is largely in agreement with the Staff's brief and proposed findings on Contention 17/26(1)(a). Accordingly, Applicant's reply focuses almost exclusively on the proposed findings submitted by Joint Intervenors.

Applicant's reply is set forth in two sections which follow this Introduction. The first section is a memorandum in reply to the proposed opinions and findings submitted by the other parties on the brochure. The final section, Part III, replies to the specific proposed findings of fact filed by other parties. Parties' proposed opinions are cited as "[proposing party] PO at [page number].¹/ Proposed findings of fact are cited as "[proposing party] PF [paragraph number]" -- for example, "Staff PF 22" or "JI PF 12." And Joint Intervenors' Proposed Conclusions of Law are cited as "JI PCL [paragraph number]."

¹/ The pages of Joint Intervenors' filing are not numbered. Nevertheless, for the sake of clarity and for ease of reference, Applicant has cited to Joint Intervenors' Proposed Opinion as though the pages of its filing were numbered, beginning with page 1.

II. APPLICANT'S MEMORANDUM IN REPLY TO
PROPOSED FINDINGS AND CONCLUSIONS OF OTHER
PARTIES ON THE BROCHURE

Applicant's review of the Joint Intervenors' proposed findings on the brochure has revealed some material defects in the proposed findings which are of a generic nature. These defects are discussed briefly below. In addition, Applicant's and Staff's discussions of the scope of the second Partial Initial Decision are clarified.

A. JOINT INTERVENORS DISREGARDED THE BOARD'S
INSTRUCTION TO NOTE ANY AGREEMENTS
WITH APPLICANT'S PROPOSED FINDINGS

In instructing the parties on the preparation of proposed findings of fact and conclusions of law, and post-hearing memoranda, the Licensing Board directed that the "Staff and the Joint Intervenors should where possible incorporate by reference Applicant's proposed findings with which they really do not disagree." Tr. 4889 (Wolfe). The Staff generally embraced the spirit of the Board's recommendation. However, the Joint Intervenors have given only lip service to the Board's instruction in their filing, and have drafted their proposed findings essentially in a vacuum, apparently conceding the accuracy of all of Applicant's proposed findings which their proposed findings do not directly controvert.^{2/}

^{2/} Joint Intervenors note, at page 6 of their filing, that they "concur in the Applicants' proposed Findings of Fact 1-5

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In many instances, the proposed findings of Applicant and the Staff anticipated the arguments of Joint Intervenors, reciting criticisms of the brochure raised by Joint Intervenors' witnesses, then referencing other parties' witnesses' responses to the criticisms. Yet Joint Intervenors' findings did not even acknowledge the responsive testimony of the other parties' witnesses, and therefore did not properly reflect the weight of the evidence on the points they chose to brief.

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only. All other Proposed Findings of Fact are in dispute." But Joint Intervenors' proposed findings alleged very few problems with the brochure, and proposed no specific changes to the content of the brochure. And, Joint Intervenors' quoted rhetoric notwithstanding, Joint Intervenors completely failed to address the subject matter of many of the proposed findings of both Applicant and the Staff, particularly in the area of "readability."

For example, Joint Intervenors have completely abandoned their claim that a fold-out brochure format is "cumbersome," and should be replaced with a booklet format. See Applicant PF 41; Staff PF 41. And they no longer argue that the panels of the brochure should be numbered. See Applicant PF 42; Staff PF 41. Nor have Joint Intervenors criticized the use of repetition (see Applicant PF 52-55; Staff PF 41) or advocated that dictionary-type definitions of terms such as "reception center" and "pickup point" must be included in the brochure. See Applicant PF 56-58; Staff PF 41. And Joint Intervenors are apparently persuaded that the size of type used in the brochure chart is readable. See Applicant PF 59; Staff PF 41. There are many other similar examples of concerns which Joint Intervenors raised at the hearing, and which were addressed by Applicant at the hearing (and later by both Applicant and the Staff in proposed findings) which Joint Intervenors have elected not to brief.

Joint Intervenors' disregard of the Board's instructions has thus significantly increased the burden on the Board and the other parties -- and, indeed, even on Joint Intervenors themselves -- in the preparation and review of proposed findings in this proceeding.

B. JOINT INTERVENORS' PROPOSED FINDINGS
FAIL TO ADHERE TO FORMAT
PRESCRIBED BY COMMISSION REGULATION

The Commission's Rules of Practice, at 10 C.F.R. § 2.754(c), provide that proposed findings of fact shall be confined to the material issues of fact presented on the record, with exact citations to the transcript of record and exhibits in support of each proposed finding. Consequently, the Board must reject proposed findings which do not conform to 10 C.F.R. § 2.754(c), except where a party is summarizing, or drawing a logical inference from, other findings which are supported by exact citations to the record.

Several of Joint Intervenors' proposed findings are supported by no "exact citations" whatsoever, but rather refer generally to "Hunter Direct Testimony," without even a page reference.^{3/} See, e.g., JI PF 14-16. Such citations are

^{3/} Joint Intervenors' proposed findings include no references whatsoever to the oral testimony of Dr. Hunter, possibly reflecting Joint Intervenors' perception of her ability to withstand cross-examination on her testimony. Joint Intervenors' wholesale failure to refer to the testimony of Ms. Duplessis -- either written testimony or oral testimony --

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patently insufficient, and the otherwise unsupported findings merit rejection for that reason alone. Further, while Applicant has not undertaken to check each record citation offered by Joint Intervenors, Applicant has found that a number of the citations are inaccurate. This includes cases where the cited testimony does not support the position urged in the finding,^{4/} as well as cases where the cited testimony is taken out of context.^{5/} In other cases, Joint Intervenors have provided inaccurate citations to statements which actually appear elsewhere in the record.^{6/} In still other cases, Joint

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similarly suggests that they realize that those of her comments which had merit had already been incorporated into the brochure, and that much of her other testimony was undermined on cross-examination, and by other witnesses.

^{4/} In some instances, Joint Intervenors have grossly distorted the cited testimony. For example, contrary to Joint Intervenors' assertions, Staff witness Mr. Perrotti did not testify that a single sentence satisfied the Commission's requirement that "educational information on radiation" be included in the brochure. Rather, the Staff reviewer specifically identified a number of statements that were considered in reaching the determination that the brochure complied with the specified regulatory criteria. Compare JI PF 6 with Tr. 4605-12, 4617 (Perrotti).

^{5/} For example, while Dr. Mileti did testify that he did not know of any publications quantifying the precise number of people in St. John and St. Charles Parishes who would automatically turn to their radios and TVs to get more information upon hearing the sirens, Dr. Mileti explained that such wide scale public behavior has been observed in every emergency researched, and that -- in his expert judgment -- the residents of the risk Parishes here can be expected to take similar actions when the sirens are sounded. Compare JI PF 7 with Tr. 4752-53 (Mileti).

^{6/} For example, Joint Intervenors assert that one of Applicant's witnesses testified at Tr. 4160 that the "communi-

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Intervenors have attempted to inject new issues into the proceeding via their proposed findings, completely unsupported by any evidence of record.^{7/}

C. JOINT INTERVENORS' PROPOSED FINDINGS
ARE NOT CONFINED TO
"MATERIAL ISSUES OF FACT"

The Commission's Rules of Practice provide that proposed findings of fact shall be confined to "material issues of fact." 10 C.F.R. § 2.754(c). Some latitude in the application of the rule is appropriate to accommodate proposed findings on mixed questions of fact and law. However, Joint Intervenors' broadest proposed finding rests on its argument with the wisdom of the Board's evidentiary rulings in the course of the proceeding and its generalized disagreement with the scope of the reopened hearing, as determined by the Board -- pure legal

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cation process" should be scrutinized "as an integrated whole." See JI PF 1. While Joint Intervenors did attempt to elicit such testimony from one of Applicant's witnesses, the question on this subject was actually posed at Tr. 4166. Such inaccuracies increase the burden on the Board and the other parties in verifying the accuracy and context of Joint Intervenors' references. (As noted infra, at n.7, Joint Intervenors also distorted the witness's response).

^{7/} Joint Intervenors have recommended -- for the first time -- in their proposed findings that the Board order the inclusion in the brochure of information "outlining the special sensitivity of women and unborn children." JI PCL 4. There is absolutely no record evidence to support the imposition of such a condition.

questions. Such findings are proscribed by even a liberal construction of the Commission's Rules of Practice.

Specifically, Joint Intervenors criticize the Board for limiting the scope of the reopened hearing to the subject of the brochure alone, and disallowing cross-examination "on the communication process as an integrated whole."^{8/} See JI PO at 2; JI PF 1. Proposed findings of fact are neither a proper vehicle nor a timely vehicle for requests for reconsideration of a determination of the scope of a hearing or of rulings on evidentiary questions. Joint Intervenors' ill-timed arguments, opinions and complaints about the scope of the reopened hearing and the evidentiary rulings of the Board are not proper proposed findings of fact, and should be disregarded by the Board. See "Partial Initial Decision (Operating License)," LBP-82-100, at 36 n.24.

^{8/} Joint Intervenors distort the testimony of one of Applicant's witnesses to attempt to support its assertion of error. See JI PF 1. Contrary to Joint Intervenors' assertion, Dr. Klare did not testify that "of course" the brochure should be reviewed in conjunction with, e.g., the public information broadcast messages. Rather, read fairly in context, Dr. Klare testified only that he "of course" wanted to be certain that all necessary emergency information was effectively conveyed to the public by one means or another. In other words, Dr. Klare's use of the phrase "of course" was merely as an introductory phrase, and did not signal agreement with the premise of Joint Intervenors' question -- the alleged necessity of the "integrated" review of the brochure and emergency broadcast messages. Compare Tr. 4166 (Klare) with Tr. 4169-70 (Turk).

D. SCOPE OF SECOND PARTIAL INITIAL DECISION
IS LIMITED TO PROVISIONS FOR
WRITTEN EMERGENCY PUBLIC INFORMATION

Both Applicant and the Staff have addressed, in their Proposed Opinions, the proper scope of the Board's second Partial Initial Decision. See Applicant's PO at 4 n.2; Staff's PO at 4-5 n.7,8. Both observed that the Board's first Partial Initial Decision reserved judgment on the entirety of Contention 17/26(1)(a), although the evidentiary record was reopened only as to one part of the contention -- i.e., the content of the emergency public information brochure. Accordingly, both parties noted that their proposed findings on the reopened hearings addressed only a part of the sole contention remaining before the Board, and suggested that the Board might therefore wish to consider the proposed findings filed by the parties after the 1982 emergency planning hearings, to facilitate the Board's resolution of the entire contention.

Both Applicant and the Staff cautioned the Board that some of the parties' earlier proposed findings on Contention 17/26(1)(a) have been rendered moot by the reopened hearings or superseded by the parties' later filings. In addition, Applicant reiterates its observation (not reflected in the Staff's Proposed Opinion) that some matters which the parties discussed under Contention 17/26(1)(a) in their earlier

proposed findings were disposed of by the Board elsewhere in its first Partial Initial Decision. Thus, although Applicant and the Staff discussed the emergency public information broadcast messages in paragraphs 20 through 22 of their earlier proposed findings, the Board addressed those messages in its resolution of Contention 17/26(1)(c), and accordingly need not consider that matter in preparing its second Partial Initial Decision. See Applicant PO at 4 n.2. The Board therefore need only pass upon the means for pre-emergency public education of EPZ residents, as well as the means to be used to provide transients with written emergency public information (including the distribution systems for these materials).

III. APPLICANT'S REPLY FINDINGS

1. Joint Intervenors still maintain that the purpose of the brochure is to persuade the public to evacuate in an emergency at Waterford 3. JI PO at 2; JI PF 13. But Joint Intervenors' position is based exclusively on the testimony of their witness, Dr. Hunter, who had absolutely no familiarity with the Commission's emergency planning regulatory scheme, and could provide no support whatsoever for her assertion. See Applicant PF 13; Staff PF 30. Dr. Hunter's baseless testimony is directly controverted by the testimony of the many other witnesses who testified that the purpose of the brochure is informational, not motivational. See generally Applicant PF 16-18; Staff PF 31-32.9/

9/ Contrary to the seeming thrust of Joint Intervenors' innuendo, there is no inconsistency between Dr. Mileti's admission

2. Dr. Hunter's concern that the brochure convey an "optimal fear level" (see JI PO at 2-3, JI PF 14) springs from her mistaken belief that the purpose of the brochure is to motivate people to evacuate in the event of an emergency at Waterford 3. However, as the Board has found, the purpose of the brochure is informational, not motivational. The motivation to take any particular protective action would be determined by the specific emergency public information broadcast at the time of any actual emergency. Applicant PF 18; Staff PF 32, 35. Moreover, even assuming it were possible for a pre-emergency brochure to motivate behavior in some future emergency, a brochure which aroused fear to a level which motivates evacuation would evoke an inappropriate public response in some circumstances (e.g., where sheltering is the recommended protective action). Applicant PF 19.

3. Dr. Hunter similarly premises the alleged need for a practice evacuation on her erroneous belief that people would have to "act on" the brochure in the event of an emergency.

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that he does not know what factors motivate people to read and his testimony that the brochure is not a "motivational tool." See JI PF 8. Dr. Mileti does not purport to be a readability expert, and thus cannot be expected to know what motivates people to read. Dr. Mileti is a sociologist specializing in emergency public information systems (and one of the leading experts in the field today). Accordingly, his testimony that the brochure is not intended to motivate people to evacuate is entitled to great weight.

See JI PO at 3, JI PF 16. As the Board has already observed, it is the information disseminated at the time of an emergency -- and not the pre-emergency brochure -- which would motivate people to take the appropriate protective actions. See paragraphs 1, 2, supra. In fact, the practice evacuation urged by Dr. Hunter could be very counterproductive, since it would increase the likelihood that, in an actual emergency, people would evacuate prematurely or when sheltering (rather than evacuation) is the appropriate response. See Applicant PF 20; Staff PF 36.

4. Dr. Hunter provided no evidentiary support for her hypothesis that individuals might possess different fear levels, depending upon their respective distances from Waterford 3. Compare JI PO at 3, JI PF 15, with Staff PF 35. In any event, the alleged need for a survey of fear levels within the EPZ and for the preparation of several different brochures (reflecting various fear levels) is concededly premised solely on the incorrect assumption that the brochure is a "motivational tool" to persuade people to evacuate. See JI PO at 3, JI PF 15. Thus, since the brochure is not intended to induce fear in the public in order to motivate behavior in a future emergency, there is no need for such a survey, or for several different brochures. See Applicant PF 21; Staff PF 35.

5. Like Dr. Hunter's other recommendations, her view that a communicator credibility study should be performed was based

on her assumption that the brochure is a "motivational tool." See JI PO at 2, JI PF 14. However, since the purpose of the brochure is to inform rather than to motivate, there is no need for such a study. See Applicant PF 22; Staff PF 34. Moreover, Dr. Hunter's concerns about credibility do not rest upon any evidence, but rather on the mere fact that a credibility survey has not been performed. See Staff PF 34. Indeed, there is no indication whatsoever that the brochure is not credible; the official nature and the friendly tone of the brochure enhance its credibility. See Applicant PF 22; Staff PF 34.10/

6. Joint Intervenors' challenges to the general information about radiation included in the brochure (see JI PO at 4, 5, JI PF 6, JI PCL 1-4), are also unfounded.11/ The Board has

10/ Joint Intervenors suggest that Applicant has attempted to "cover up" its role in the preparation of the brochure, allegedly possibly affecting the credibility of the brochure. See JI PO at 5, JI PF 2, JI PCL 5. There is no factual basis whatsoever for Joint Intervenors' innuendoes. Under the Commission's regulatory scheme, the State, the Parishes and Applicant share the responsibility for the preparation of the brochure. See, e.g., NUREG-0654, Criteria G.1, G.2. Applicant's uncontroverted testimony before this Board as to its role in the preparation of the brochure is a matter of public record. See Applicant PF 6-11; Staff PF 14-19. Indeed, the introductory section of the brochure is "A Message to Our Neighbors and Friends" in the form of a letter signed by the Parish Emergency Preparedness/Civil Defense Directors as well as Applicant's Plant Manager for Waterford 3. Further, the brochure will bear a full color picture of Applicant's Plant Manager. See Applicant Ex. 13; Tr. 4077 (Perry). There is thus no likelihood that the public will (wrongly) perceive that Applicant has been anything less than candid about its role in the preparation of the brochure.

11/ Joint Intervenors attempt to impugn the sufficiency of the Staff's emergency planning regulatory criteria, suggesting that

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recognized that absolute technical accuracy must in some respects be compromised for simplicity, so that the general public can understand the information presented. Expanding the brochure to achieve textbook precision would not further enhance public health and safety, but would make the information on radiation more difficult for the general public to understand. See Applicant PF 27-29; Staff PF 22. Joint Intervenors suggest that "[i]mportant inaccuracies" in the brochure might undermine its credibility. JI PCL 2. But there is no evidence that the technical inaccuracies here rise to such a level of significance. Joint Intervenors also baldly assert that the technical inaccuracies could be readily corrected without reducing the readability of the brochure. JI PCL 2. But there is no evidence to support their assertion. Certainly, Joint Intervenors have never recommended specific textual changes on this point -- not in their affidavits on the original brochure, nor in response to Applicant's prehearing offers to discuss resolution of the brochure issue, nor in

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the Staff reviewer found that a single sentence satisfied the Commission's requirement that "educational information on radiation" be included in the brochure. See JI PF 6. This is a gross distortion of the Staff's testimony. The Staff specifically identified a number of statements about the nature of radiation that were considered in reaching the determination that the brochure complied with the specific regulatory criteria. See generally Tr. 4605-12, 4617 (Perrotti).

their pre-filed direct testimony, nor through oral testimony in the course of the evidentiary hearings, and not even at this late date in their proposed findings. The Board refuses to reject the brochure on the basis of nothing more than Joint Intervenor's non-specific and unsupported suspicions that the State, the Parishes and Applicant "can do better."

7. Joint Intervenors assert that the brochure "underplays" the potential hazards of radiation, and would have the Board include in the brochure a technical discussion of "cancer, mutations [and] radiation sickness".^{12/} See JI PO at 4, JI PCL 1, 3. Even assuming arguendo that the probability of and nature of these effects could be presented without reducing the readability of the brochure (see paragraph 6, supra), Joint Intervenors have failed to demonstrate that such a discussion is necessary here. To the contrary, the evidence of record indicates that the brochure does not downplay the risk involved in a radiological emergency, and that -- taken as a whole -- the brochure will not cause the public to take an accident or protective actions less seriously than they should. Applicant

^{12/} Joint Intervenors imply that the word "safety" in the title of the brochure is the only indication in the brochure that excessive radiation can be harmful to humans. JI PO at 4. Joint Intervenors have conveniently overlooked such statements as "If the amount of radiation in the air is large, you must protect yourself from it." See Applicant Ex. 13. Such statements compel the reader to conclude that radiation can be harmful.

PF 38. To graphically detail in the pre-emergency brochure the full range of health effects of radiation overexposure (as Joint Intervenors suggest) might well overstate the actual risk presented in some future actual emergency, and might cause the public to engage in inappropriate behavior. Applicant PF 39.

8. Joint Intervenors further urge the Board to order the inclusion in the brochure of unspecified information "outlining the special sensitivity of women and unborn children." JI PCL 4. Joint Intervenors developed no evidentiary record whatsoever to support such a condition. Indeed, Joint Intervenors raised the issue for the very first time on the next to the last page of their proposed findings -- after an extended prehearing proceeding and a relatively lengthy evidentiary hearing devoted exclusively to the content of the brochure. Joint Intervenors' attempt to inject this issue into the hearing is untimely in the extreme, for no apparent reason, and must be rejected.

9. Joint Intervenors note that Dr. Klare did not field test the actual population of the risk Parishes for brochure comprehension, and did not pre-test for motivation, interest or prior knowledge.^{13/} But Joint Intervenors do not go on to

^{13/} Joint Intervenors also observe that Dr. Klare did not pre-test "to find out how people know words in St. John and St. Charles Parish." JI PF 3. The Board has no idea what type of test Joint Intervenors are describing. The transcript reference supplied by Joint Intervenors is to a discussion of testing for prior knowledge, which is discussed above.

argue that such tests are necessary. JI PF 3. Certainly, Joint Intervenors' own "readability" witness -- Ms. Duplessis -- did not testify that such tests should be required. The only evidence of record on the point is Dr. Klare's uncontroverted expert testimony that, given the extensive body of research data already available on factors such as motivation, interest and prior knowledge -- and given that the brochure is already written to the lowest level possible, consistent with the nature of the information to be conveyed -- such testing is unnecessary. See, e.g., Tr. 4190, 4094-95, 4157-64, 4174-75 (Klare) (on comprehension); Tr. 4192, 4176-78, 4184, 4187-89 (Klare) (on motivation); Tr. 4192, 4188-89 (Klare) (on interest); Tr. 4192, 4141-47, 4175-76, 4184 (Klare) (on prior knowledge).

10. Joint Intervenors also suggest that, because the term "emergency" is generally understood to mean "need for quick action," the public will be confused and think that they need to take some action in the two lowest classes of radiological events, even though the brochure expressly states that the public probably need take no action in such circumstances.^{14/} See JI PO at 6, JI PF 4. But no one, not even Ms. Duplessis,

^{14/} As Dr. Klare correctly observed, even in the lowest classes of events, the public may be advised to take some actions such as listening to the radio or television, although no protective actions (e.g., sheltering, respiratory protection, or evacuation) would be indicated. Tr. 4197-98 (Klare).

testified that the public would be confused by this matter; indeed, the names of the two lowest classes of events in the standard emergency classification scheme required by 10 C.F.R. § 50.47(b)(4) -- "Unusual Event" and "Alert" -- do not even include the word "emergency", and thus would not themselves indicate a need for action. The Board therefore credits Dr. Klare's uncontroverted expert testimony that the public will not be confused on this point. See Tr. 4201-02 (Klare).

11. Joint Intervenors assert that Dr. Klare simply "assumes" people are likely to know whether their children's school is within the EPZ. JI PF 10. Joint Intervenors ignore the existence of the map in the brochure, which will indicate (by numbered triangles) the precise location of each specific school, within the perimeter of the color sketch defining the area within ten miles of Waterford 3. See Applicant PF 68; Staff PF 40. There is thus no need to test whether parents know -- in the abstract, without the brochure map -- whether their children go to school inside the EPZ.

12. Joint Intervenors further assert that the use of a large fold-out brochure format (to accommodate a large, readable map of the EPZ) obscures the primary message of the brochure -- to tune to the broadcast media when the sirens are sounded. See JI PO at 5-6, JI PF 11. Joint Intervenors' concern is baseless. The primary message of the brochure is appropriately emphasized throughout the brochure, through the

use of means such as summary, repetition, color and boldface type. See Applicant Ex. 13; Applicant PF 53-54; Perry, ff. Tr. 4066, at 5; Klare, ff. Tr. 4100, at 2.

13. Joint Intervenors also opine that the brochure includes too much specificity about matters such as evacuation routing. See JI PO at 4, 5-6, JI PF 11. But information about evacuation routes and reception centers is among the most important information to be included in a brochure. Tr. 4796, 4778-79 (Mileti). Accordingly, the Board rejects the suggestion that such information be eliminated from the brochure.

14. The Staff has suggested that a caveat be added to the brochure, to provide for the possibility that the evacuation routes prescribed in an actual emergency could conceivably differ from those indicated in the brochure. See Staff PO at 14 n.11; Staff PF 43. While it is important that any changes in evacuation routing be emphasized in the emergency public information messages broadcast at the time of any accident [see, e.g., Tr. 4796, 4815 (Mileti)], a caveat in the brochure itself, to provide for that contingency, is not really necessary, though it probably would not hurt. See generally Tr. 4815-17 (Mileti). Nevertheless, the Board harbors a residual concern that such a caveat might lead some brochure readers to assume that the planned evacuation routes would be altered in an actual emergency, thereby reducing the likelihood that those readers would carefully study the planned routes in advance of

an actual emergency. Accordingly, the Board commends the recommended caveat -- as well as its reservations about the caveat -- to the attention of Applicant's experts, to consider for inclusion in the brochure.

15. Joint Intervenors recite the numbers of adults in the risk Parishes who do not speak English well or do not speak it at all. JI PO at 5, JI PF 12. But these numbers mean little in the abstract. For purposes of designing a public information brochure, what is significant is that 99.3% and 99.5% of the adult populations in St. Charles and St. John Parishes, respectively, speak English well or very well. See Applicant PF 72; Staff PF 44. Moreover, Joint Intervenors' reliance on the cited statistic is misleading. The statistic accounts only for adults, but the Board recognizes that many of those adults doubtless reside in households which include bilingual members (including school children), or have bilingual friends who assist them with their day-to-day affairs, who can generally be expected to make sure that they get such necessary information -- e.g., either by actually translating the brochure for them or explaining its contents. Cf. Applicant PF 77; Staff PF 46 (discussing the sociological phenomenon in which illiterate individuals typically develop relationships with reading friends and family members in which those friends and family members assume day-to-day responsibility for ensuring that those who cannot read are informed of all important

information). Thus, the number recited by Joint Intervenors greatly overstates the number of non-English speaking individuals who may not learn of the message in the brochure. Moreover, Joint Intervenors have completely failed to adduce any evidence that a brochure in any particular second language would reach any appreciable portion of those few who do not speak English. It is at least conceivable that each of the non-English speaking individuals speaks a different language, and some likely cannot read any language (i.e., are simply illiterate) so that no brochure would reach them.

16. Joint Intervenors also advance in the abstract the number of adults who lack the education to read the brochure without assistance.^{15/} JI PO at 5, JI PF 9. But, again, the Board recognizes that a given adult's inability to read the brochure does not mean that the individual will not learn of the information in the brochure. Not only other adults but

^{15/} Joint Intervenors note that Dr. Klare did not know whether there were any actual discrepancies in the population of the risk Parishes between educational attainment (as reflected in census data) and reading ability -- but Joint Intervenors do not suggest what the Board should make of the point. See JI PF 9. In reviewing the educational attainment data, Dr. Klare did recognize that many individuals have reading skills which far exceed their level of educational attainment, while some others read below their level of educational attainment. Tr. 4289-90 (Klare). Dr. Klare referred to the census data on educational attainment as the best available evidence on reading ability, Tr. 4175 (Klare), and Joint Intervenors themselves introduced no better evidence. It therefore ill-behooves Joint Intervenors to criticize Dr. Klare for his reliance on the data.

also children in the household, as well as neighbors and friends, can be expected to help those who cannot read, by reading the brochure to them.^{16/} See Applicant PF 77; Staff PF 46. In any event, Dr. Klare has written the brochure to be as readable as possible, consistent with the information contained therein. See Applicant PF 76; Staff PF 45. Accordingly, the Board need not consider whether the reading level of the brochure should be reduced further still. The Board is satisfied that the preparers of the brochure have made all reasonable efforts to ensure that the message of the brochure reaches a very, very large segment of the public.

17. Ultimately, the Board acknowledges that it is the information disseminated at the time of an actual emergency (and not pre-emergency public education) which determines the efficacy of public emergency response. Thus, individuals who cannot or will not or, for whatever reason, have not read the brochure will not be at greater risk than the rest of the community in the event of an emergency at Waterford 3, provided that the emergency warning information disseminated at the time of the emergency is adequate.^{17/} And the Board has already

^{16/} Joint Intervenors question whether this general, documented sociological phenomenon operates in southern Louisiana. See JI PO at 5, JI PF 3. But there is no evidence to support their skepticism -- not even testimony from their own "readability" witness, Ms. Duplessis. The Board therefore credits the uncontroverted testimony of Dr. Klare on this point. See Applicant PF 77; Staff PF 46.

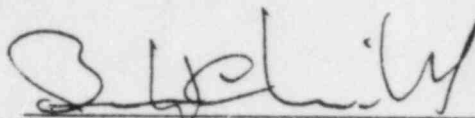
^{17/} Dr. Miletic explained that even individuals who have not read the brochure can be expected to turn on their radios and

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approved the public alert and notification system for use in an emergency. See Applicant PF 78.

Respectfully submitted,

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Dated: April 22, 1983

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TVs when the sirens are sounded, because the natural human response to a stimulus such as a siren is to seek more information -- and the most convenient, immediate means of seeking such information is via the broadcast media. See Staff PF 46. In Dr. Mileti's expert opinion, residents of Louisiana can be expected to respond similarly to the sirens. Tr. 4752-53. While Joint Intervenors express skepticism on this point (see JI PO at 3, JI PF 7), they can point to no evidence to refute Dr. Mileti's judgment. Indeed, Joint Intervenor's own witness knew of no studies which would contradict Dr. Mileti's statement. See Tr. 4452 (Duplessis).

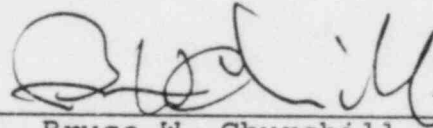
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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))	

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicant's Reply to the Proposed Findings of Fact and Conclusions of Law on Contention 17/26(1)(a) Filed By Joint Intervenors and NRC Staff" were served by deposit in the U.S. Mail, first class, postage prepaid, to all those on the attached Service List, this 22nd day of April, 1983.



Bruce W. Churchill

Dated: April 22, 1983

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In the Matter of)
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)
(Waterford Steam Electric)
Station, Unit 3))

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