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RELATED CORRESPONDENCE

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD DOCKETED
USNRC

In the Matter of)	94 AUG 26 P1 03
)	
GULF STATES UTILITIES COMPANY)	Docket No. 50-458-OLA
)	
(River Bend Station, Unit 1))	

GULF STATES UTILITIES COMPANY'S
FIRST SET OF INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS TO
CAJUN ELECTRIC POWER COOPERATIVE, INC.

Pursuant to 10 C.F.R. §§ 2.740, 2.740b, and 2.741, Gulf States Utilities Company ("GSU") hereby requires Cajun Electric Power Cooperative, Inc. ("Cajun") to respond to the following interrogatories and produce the documents requested below.

INSTRUCTIONS AND DEFINITIONS

- A. Each interrogatory should be answered separately. The responses shall include all pertinent information known to Cajun, as defined below. All scientific and technical terms should be understood as being used in the context of the licensing and operation of present generation light-water commercial nuclear power plants in the United States and their regulation by the U.S. Nuclear Regulatory Commission ("NRC").
- B. Each interrogatory shall be answered fully, in writing, under oath or affirmation. To the extent that Cajun does not have specific, complete, and accurate information with which to answer any interrogatory, Cajun should so state, and the interrogatory should be answered to the extent information is available, stating what efforts have been made to obtain the unknown information.

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- C. Requests for documents should be answered by providing a list, organized by request number, identifying all documents responsive to the request. In addition, Cajun should produce a copy of each document requested. The copy should be in the form and condition in which the document exists on the date of service of this request, and shall include all comments, notes, remarks, and other material (including handwriting) that may have been added to or attached in any fashion to the document after its initial preparation. Documents produced in response to the requests below should be mailed to the undersigned counsel for GSU.
- D. The word "document" as used herein means any written matter, whether produced, reproduced or stored on paper, cards, tapes, disks, belts, charts, film, computer storage devices or any other medium and shall include, without limitation, books, reports, studies, statements, speeches, notebooks, agreements, appointment calendars, working papers, manuals, memoranda, notes, procedures, orders, instructions, directions, records, correspondence, diaries, plans, diagrams, drawings, periodicals, lists, telephone logs, minutes, and photographs, and shall also include, without limitation, originals, copies (with or without notes or changes thereon) and drafts.
- E. "Cajun" means in the context of this discovery request: Cajun Electric Power Cooperative, Inc., or any of its agents, employees, officers, partners, corporate parent, subsidiaries

or affiliates, Members, consultants, contractors, technical advisors, representatives or other persons acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them -- whether paid or unpaid.

- F. The term "safe operation" shall include "safe shutdown."
- G. "Operation" shall include the period during startups, shutdowns, full or partial power operation, transients, accidents, hot and cold shutdown, surveillance, maintenance, operation of balance-of-plant, auxiliary and ancillary components and systems, transmission and distribution systems necessary for outgoing and incoming power, both normal and emergency, and all other ancillary functions such as engineering, quality assurance, security, and emergency planning necessary to meet NRC requirements, guidance and all commitments.
- H. "River Bend" means the River Bend Station, Unit 1 as described in the Updated Final Safety Analysis Report and as licensed by the NRC.
- I. "EOI" means in the context of this discovery request: Entergy Operations, Inc., or any of its agents, employees, officers, partners, corporate parent, subsidiaries or affiliates (other than GSU), consultants, contractors, technical advisors, representatives or other persons acting for or on behalf of

all or any of them, or at their direction and control, or in concert with or assisting them -- whether paid or unpaid.

J. "GSU" means in the context of this discovery request: Gulf States Utilities Company, or any of its agents, employees, officers, partners, corporate parent, subsidiaries or affiliates (other than EOI), consultants, contractors, technical advisors, representatives or other persons acting for or on behalf of all or any of them, or at their direction and control, or in concert with or assisting them -- whether paid or unpaid.

K. "NRC" means all staff offices and program offices, including regional offices, and the Office of the Executive Director for Operations, the Commission, panels, boards, and committees and Commission Staff (but not the Atomic Safety and Licensing Board Panel, Office of Commission Appellate Adjudication or any Commission Adjudicatory employee in this proceeding, as defined in 10 CFR Parts 1 and 2), their employees, agents, consultants, contractors or subcontractors in any tier, including, but not limited to commercial entities, other government agencies, national laboratories, or universities.

L. "Identify" when used in reference to a natural person means to set forth the following:

- a. full name;
- b. present or last known residential address;
- c. present or last known business address;

- d. current or last employer;
 - e. title or position;
 - f. area of responsibility; and
 - g. office held in Cajun or business, professional, or other relationship with Cajun.
- M. "Identify" when used in reference to a document means to set forth the following:
- 1. its title;
 - 2. its type (e.g., letter, memorandum, calendar entry);
 - 3. its subject matter;
 - 4. its date;
 - 5. its author;
 - 6. its addressee;
 - 7. its recipient;
 - 8. its file designation or other identifying designation; and
 - 9. its present location and present custodian.
- N. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- O. "Person" is defined as any natural person or any business, legal or governmental entity, partnership, corporation or association.
- P. "Concerning" means relating to, referring to, describing, evidencing or constituting.

- Q. The connectives "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.
- R. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.
- S. If Cajun objects to any interrogatory or document request, in whole or in part, or seeks to withhold documents or information because of the alleged proprietary or other nature of the data, please set forth all reasons and the underlying factual basis for the objection in sufficient detail to permit the Atomic Safety and Licensing Board to determine the validity of the objection. This description by Cajun should include with respect to any document: (1) author, sender, addressee, and recipients of indicated and "blind" copies, together with their job titles; (2) date of preparation; (3) subject matter; (4) purpose for which the document was prepared; (5) all persons to whom distributed, shown, summarized, brief, or explained; (6) present custodian; (7) all persons believed to have a copy of the document; and (8) the nature of the objection asserted.
- T. For any document or part of a document that was at one time, but is no longer, in Cajun's possession, custody, or control,

or which is no longer in existence, or which cannot be located or produced, identify the document, state where and how it passed out of existence or why it can no longer be located and the reasons therefore, and identify each person having knowledge concerning such disposition or loss and the contents of the document, and identify each document evidencing its prior existence and/or any fact concerning its nonexistence or loss.

U. These interrogatories and document requests shall be continuing in nature as required by 10 C.F.R. § 2.740(e). Thus, any time Cajun obtains information that renders any previous response incorrect or incomplete, or which indicates that a response was incorrect or incomplete when made, Cajun must supplement its previous response. Such supplements should be provided in a timely fashion.

V. If the answer to any interrogatory below relies upon one or more calculations: (1) describe each calculation and identify any documents setting forth such calculation; (2) provide the name and location of each person who performed the calculation and the date the calculation was made; (3) describe each assumption made in each calculation, to include the value of and basis for each assumption; (4) describe each constant and variable in each calculation, to include the value and basis for each constant and the source of the data applied to each variable; define in English each term and symbol in each

equation or calculation; (5) provide the results of each calculation; and (6) explain in detail how each calculation provides a basis for the contention.

GENERAL INTERROGATORIES

- G-1. Identify the name, profession, employer, and area of professional expertise of each person whom Cajun expects to call as a witness, including any expert witness, at the NRC hearing on this matter.
- G-2. Identify the specific subject matter on which each witness is expected to testify at the hearing and the substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion.
- G-3. Identify all documents, and all pertinent pages or parts thereof, that each witness has read or been shown to date.
- G-4. Identify all documents and all pertinent pages or parts thereof, the witness will rely upon or will otherwise use for his/her testimony at the hearing.
- G-5. Identify the educational and professional qualifications and relevant experience of each witness identified in G-1, above.

SPECIFIC INTERROGATORIES

- 1. Identify each and every safety issue, concern, or allegation (individually or collectively "matter") related to the operation of River Bend Station that has ever been identified, or raised by Cajun to GSU, EOI or NRC (state which). For each such matter raised, identify the following:

- a. A detailed description of the nature of the issue, concern or allegation.
- b. The manner in which the safety of the facility was asserted to be or could be affected.
- c. Any rule, regulation, license, or NRC guidance or licensee commitment which was violated or threatened to be violated.
- d. The structure, system and/or component to which the issue related, giving all specifics such as system or component identifying mark or number shown on the component or relevant engineering drawings, figures, or diagrams.
- e. The date on which the matter was discovered or identified.
- f. The date the matter was reported to GSU, EOI and/or the NRC, and the person to whom it was reported.
- g. The persons discovering the matter.
- h. The manner in which the matter was discovered or identified, e.g., plant tour, review of drawings or documents.
- i. The person reporting the matter to GSU, EOI and/or the NRC.
- j. The name of each and every person who gave further information, opinion, or conclusions concerning that matter to Cajun, GSU, EOI and/or the NRC, and a

description of such communication and an identification of any written communication.

- k. Describe the resolution of the matter proposed by GSU or EOI and if such resolution was not deemed satisfactory by Cajun so state, describing why the resolution was unsatisfactory in relation to applicable rules and regulations of the NRC and the River Bend Operating License.
 - l. If the issue is still pending, state the status of the matter.
 - m. Identify all documents associated with each matter identified.
2. For each such Cajun individual identified in Interrogatory 1, provide:
- a. Full name, address, telephone number, employer, employer's address, date of birth, education, employment experience, a description of all training in scientific and technical disciplines.
 - b. A description of his expertise in the operation of nuclear power plants, including the areas of expertise claimed.
 - c. An identification of the nuclear power plants at which such individual has been employed, been a consultant or provided consulting services, the dates on which those services were performed, the facility, the entity to

which such services were provided and whether such individual had unescorted access at such facility.

- d. An identification of all NRC licenses held and the dates on which such licenses were active.
3. Identify every Cajun representative having unescorted access to the River Bend site since operation has begun. Provide the following information for each such person identified:
 - a. Name, title, employer, education, training, professional or technical experience in nuclear power operation, dates on which individual had unescorted access, badge number, if known.
 - b. Duties and responsibilities of such individual having unescorted access at the River Bend, the dates on which such individual visited or worked at River Bend, any efforts exerted by such individual to seek out safety issues, the periods that the individual accessed the protected area, the restricted area, vital areas and/or radiologically controlled areas.
 - c. Any safety issues, concerns or allegations observed or identified by such individual and identify any documents associated with each.
 4. Identify the individuals associated with Cajun who have had escorted access to the River Bend Station. For each such individual, state the dates on which they had escorted access, whether the escort was provided by Cajun or GSU or EOI, the

nature of any safety-related matters or matters important to safety (collectively "safety matters") which were discussed in the presence of such individuals, a description of the substantive way which such individuals contributed to identification of or discussion of safety matters. Identify all documents prepared by such individuals relating to their identification of safety issues, concerns or allegations.

5. Identify employees of Cajun, its agents or consultants who met with GSU, its employees, EOI, EOI employees, their contractors, or any tier of subcontractor, with regard to any safety matter, stating the place and date of the meeting, the names of all individuals present, a detailed description of the specific safety matters discussed, the resolution of such safety matters, to the extent Cajun knows, the contribution of Cajun to the discussion or resolution of such safety matters, and any followup by Cajun with regard to such safety matters. Identify all documents prepared by Cajun associated with such issues.
6. Identify all documents prepared by Cajun representatives reviewing the operation of River Bend relating to operation, safety, funding of safe operation or decommissioning of the unit.
7. Identify each meeting with the NRC, its employees or agents relating to safety matters at which Cajun was represented through its directors, officers, employees, Members,

consultants, contractors, counsel or other agents. For each such meeting, state the names of the NRC employees present, the date of the meetings, the subject matter of the meeting, the substantive contribution of Cajun to the discussion of safety matters, if any, and the resolution of any such safety matters raised by Cajun. Identify all documents prepared by Cajun associated with such meetings.

8. Describe each communication between Cajun and the NRC employees or agents relating to substantive safety matters. For each such instance, state the names of the NRC employees with whom such communications occurred, state the date of the communication, state the subject matter of the communication, the substantive contribution of Cajun to the communication of any safety matters, and the resolution of any such safety matters.
9. Describe any systematic plan or procedure for review by Cajun or its consultants of safety matters arising at River Bend, identifying any documents associated with such plan or procedure, the author of such document or plan, anyone reviewing or concurring in such document, when it was prepared, the dates of any amendments thereto, the dates on which it was implemented, and any safety matters evaluated, discovered or dispositioned in accordance with such procedure or plan.

10. Describe any procedures adopted by Cajun pursuant to 10 C.F.R. Part 21 or § 206 of the Energy Reorganization Act, 42 U.S.C. § 5846.
11. Describe any limitations in access to River Bend or to information regarding safe operation which existed prior to December 31, 1993.
12. Describe how Cajun's access to River Bend or its access to information regarding the safe operation of River Bend has changed since EOI assumed responsibility for operation on December 31, 1993.
13. Identify the additional documents, records, and River Bend operational or safety data Cajun asserts it needs to assure safe operation of the facility. Identify how each such document or communication would be utilized to assure safe operation of the facility.
14. Describe NRC requirements applicable to Cajun related to its assuring the safe operation of River Bend, and identify how Cajun presently meets such requirements.
15. Identify the River Bend cost management and regulatory reports Cajun contends must be submitted or made available to it to assure safe operation of the facility. Describe how each such report is necessary to assure the safety of the facility.
16. Identify the Institute for Nuclear Power Operation ("INPO") meetings Cajun is presently or has been in the past permitted

to attend and identify the INPO documents to which Cajun presently or has in the past had access.

17. Identify each recommendation or suggestion Cajun has made as a result of its attendance at INPO meetings and/or as a result of its access to INPO documents with regard to improving safe operation of River Bend Station.
18. Identify the additional INPO documents (or specific types and subject matter of INPO documents) and meetings to which Cajun asserts access is necessary to assure safe operation of the facility and the bases for that assertion.
19. Identify the person associated with Cajun capable of analyzing such documents with regard to assurance of safe operation.
20. Provide the definition of "significant" as used in Contention 2.
21. Define the present "margin of safety" or the level of "reasonable assurance" of safety at River Bend as utilized by Cajun for a basis in alleging a change in such margin of safety at River Bend.
22. Define the exact differences in the operation of River Bend before and after the issuance of each of the disputed license amendments which has or could result in a significant reduction in the "margin of safety" or in the level of "reasonable assurance" of safety at River Bend.
23. Identify whether any NRC precedent exists for requiring a holding company to be responsible for the obligation to pay

costs for safe operation of a commercial nuclear power plant in case a subsidiary which has been found to be financially qualified fails to make such payments.

24. Describe the circumstances, if any, which would cause Cajun not to provide its 30% of operating costs (including costs associated with safe shutdown) should it be requested by Gulf States Utilities Company pursuant to the Joint Ownership Participation and Operating Agreement (Operating Agreement).
25. Under the Operating Agreement between GSU and EOI, describe the circumstances which Cajun asserts that GSU would be excused from making payments to maintain River Bend in safe and reliable operation or in safe shutdown.
26. State whether Cajun is aware of any utility which owns or operates a licensed nuclear power plant which has operated or owned such facility when it was bankrupt or in bankruptcy proceedings and describe such circumstances.
27. Identify whether any other public utility in the United States has been or is bankrupt, and for each such utility whether the bankruptcy court has provided funds to permit it to operate its facilities and describe such circumstances.
28. Identify the safety aspects related to safe shutdown which Cajun asserts are changed as a result of EOI operating the facility as opposed to GSU operating the facility.
29. Identify any estimates that Cajun has made or are available to it with regard to the safety risks associated with shutdown of

River Bend, and any estimates of the change in risk as the result of EOI's operation of the facility.

30. With regard to the River Bend Litigation, if Cajun prevails and GSU becomes the sole owner of River Bend, state the basis on which Cajun would be affected by any resulting bankruptcy.
31. State Cajun's estimate for the cost of safely shutting down the River Bend Station should it be necessary and the annual cost of keeping the facility in such a safe shutdown condition, considering separately the following alternative assumptions:
 - a. The facility may at some point in the future resume operation.
 - b. The facility is permanently shut down and awaiting decommissioning at some point in the future.
32. Identify the information that Cajun and/or its law firms representing it with regard to the litigation have provided to Cajun's auditors regarding the litigation and the evaluation of each as to the probability of Cajun's success in such litigation.
33. Please provide all Cajun budgets and balance sheets for River Bend for the years 1991 to 1995, including but not limited to the budgets for River Bend O&M and decommissioning expenses.
34. Please describe all plans and provide all documents which relate to the funding of River Bend operations, by Cajun, in

the event of a determination adverse to GSU in the River Bend Litigation or in the bankruptcy of GSU.

35. Please describe all plans and provide all documents related to the funding of operation of River Bend by Cajun in the event of a determination adverse to Cajun in the River Bend Litigation or Cajun bankruptcy.
36. Describe the circumstances that Cajun would cease to make payments to GSU under the Cajun/GSU Joint Ownership Participation and Operating Agreement.
37. Please provide all minutes of Cajun Board of Directors' meetings or meetings of the officers of Cajun which reflect any material, documents or discussions regarding the River Bend Litigation, the impact of a GSU or Cajun victory in the River Bend Litigation or the bankruptcy of GSU or Cajun on:
 - a. Cajun's or GSU's ability to operate and maintain River Bend;
 - b. the funding of Cajun or GSU's operation and decommissioning of River Bend;
 - c. the potential shutdown of River Bend;
 - d. the procedures for the shutdown of River Bend.
38. Please provide copies of all documents submitted to the Board of Directors or officers related to the matters referenced in Subsections a-d of Request 37.
39. Please provide copies of all documents sent to the Rural Electrification Administration or received by Cajun from that

agency relating to the matters referenced in Subsections a-d of Request 37.

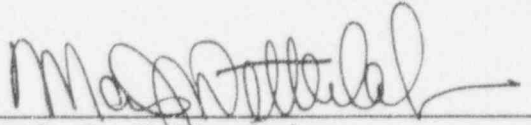
40. For each of the seven conditions contained in proposed Contention 5 of Cajun Electric Power Cooperative Inc.'s Amendment and Supplement to Petition for Leave to Intervene, Comments and Request for a Hearing dated August 1, 1993, identify:

- a. The legal basis in the Atomic Energy Act of 1954, 42 U.S.C. § 2011, et seq., Energy Reorganization Act of 1974, 42 U.S.C. § 5801, et seq., or in the NRC Rules and Regulations for such condition.
- b. The effect on safe operation of the facility were each condition separately imposed.
- c. Whether all such proposed conditions are collectively necessary, if not, or all combinations of conditions which Cajun deems necessary and the basis for such response.
- d. Whether and where any such conditions have previously been imposed by the NRC on any other light-water reactor licensee.

DOCUMENT REQUEST

D-1. Provide copies of all documents identified in the responses to the General and Specific Interrogatories set forth above, in accordance with Instruction C, above.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark J. Wetterhahn', written over a horizontal line.

Mark J. Wetterhahn

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Washington, D.C. 20005
(202) 371-5700

Attorneys for Gulf States
Utilities Company

Dated at Washington, D.C.
this 26th day of August, 1994

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'94 AUG 26 P1:08

In the Matter of)	
)	Docket No. 50-458-OLA
GULF STATES UTILITIES COMPANY)	
)	Re: License Amendment
(River Bend Station, Unit 1))	(Transfer of Ownership and
)	Control)

CERTIFICATE OF SERVICE

I, Mark J. Wetterhahn, hereby certify that on this 26th day of August, 1994, I served on the following, by first class mail, postage pre-paid, copies of:

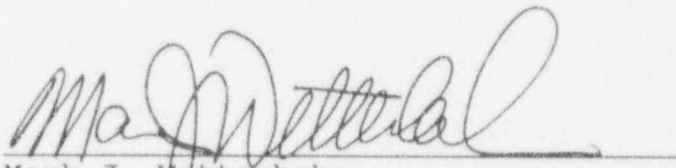
1. Gulf States Utilities Company's First Request for the Production of Documents to the U.S. Nuclear Regulatory Commission's Executive Director for Operations
2. Licensee's Request for Board Approval of Written Interrogatories to be Answered by NRC Personnel
3. Gulf States Utilities Company's First Set of Interrogatories and Request for Production of Documents to Cajun Electric Power Cooperative, Inc.

* B. Paul Cotter, Jr., Esq. Chairman, Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	* Docketing and Services Branch U.S. Nuclear Regulatory Commission Washington, D.C. 20555
* Dr. Richard F. Cole Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	* Ann P. Hodgdon, Esq. Mitzi A. Young, Esq. Office of the General Counsel U.S. Nuclear Regulatory Commission Washington, D.C. 20555
* Dr. Peter S. Lam Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	* James D. Pembroke, Esq. Thomas L. Rudebusch Duncan, Weinberg, Miller & Pembroke, P.C. 1615 M Street, N.W. Suite 800 Washington, D.C. 20036
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August 26, 1994

* Hand Delivery