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RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
OF ENERGY
WASHINGTON, D.C.

In the Matter of)	
)	
Gulf States Utilities Company,)	Docket No. 50-458 <i>OL</i>
<u>et al.</u>)	50-459 <i>OL</i>
)	
(River Bend Station, Units 1 and 2))	

APPLICANTS' FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS TO
STATE OF LOUISIANA AND JOINT INTERVENORS
ON SAFETY CONTENTIONS 1 & 2

Pursuant to the Rules of Practice of the Nuclear Regulatory Commission ("NRC"), 10 C.F.R. §2.740(b), and the Atomic Safety and Licensing Board's Memorandum and Order (May 3, 1984), Gulf States Utilities Company, et al. ("Applicants") hereby propound the following interrogatories to the State of Louisiana and Joint Intervenors to be answered fully in writing, under oath, in accordance with the definitions and instructions below.

Additionally, pursuant to 10 C.F.R. §2.741, Applicants request that the State of Louisiana and Joint Intervenors produce for inspection and copying (or provide copies of) those documents designated by the State of Louisiana and Joint Intervenors in their respective answers below.

Definitions and Instructions

1. For each interrogatory, please state the full name, business address, and title or position of each person

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providing information, expert opinion, and other supporting data, for the answer to the interrogatory.

2. The following definitions shall apply:

a. "Joint Intervenors" shall refer to Louisiana Consumers League, Inc.; Louisianans for Safe Energy, Inc.; and Gretchen Reinike Rothschild as consolidated by the Licensing Board in its Memorandum of August 26, 1983.

b. "Document" shall mean any written, printed, typed, or other graphic matter of any kind or nature, and all mechanical and electronic sound recordings or transcripts thereof, in the possession, custody, or control of Joint Intervenors, or their officials, employees, or agents; it shall also mean all copies or drafts of documents by whatsoever means made.

c. "Date" shall mean the exact day, month, and year, if ascertainable, or, if not ascertainable, the best approximation (including the event's relationship to other events in the relevant context of the interrogatory).

d. "NRC" or "Commission" shall mean either the Atomic Energy Commission or the Nuclear Regulatory Commission, as appropriate, including its regulatory staff and adjudicatory boards, as indicated by the context of the interrogatory.

e. "Specify," when referring to a proceeding before the Nuclear Regulatory Commission, means that the answer shall set forth the proceeding, applicant, docket number, relevant date, and any other descriptive information appropriate to the request.

f. "Specify" or "identify," when referring to an individual, corporation, or other entity, means that the answer shall set forth the name, present or last known business address, and, if a corporation or other entity, its

principle place of business, or, if an individual, his or her title or titles and employer. Once an individual, corporation, or other entity has been identified in answer to an interrogatory, it shall be sufficient thereafter when identifying that individual, corporation, or other entity to state merely his, her, or its name.

g. "Basis" shall mean any document (as defined in 2(b) above), analysis, study, reference, or source upon which Joint Intervenors rely for any assertion in the contentions or which will be referred to or used in cross-examination of Applicants' witnesses.

3. These interrogatories request all knowledge and information in the possession of the State of Louisiana and Joint Intervenors and/or knowledge and information in the possession of the agents, representatives, consultants, and, unless privileged, attorneys of the State of Louisiana and Joint Intervenors.

General

4. State whether you intend to present any expert witnesses on Contentions 1 or 2, as restated and renumbered by the Licensing Board in its Memorandum dated August 26, 1983 (slip op. at 25). If so, identify each expert witness and state (a) his professional qualifications; (b) the subject matter on which the expert is expected to testify; (c) the substance of the facts and opinions which the expert is expected to offer; (d) the grounds for each opinion. Identify by court, agency, or other body each proceeding in which the expert rendered testimony on the same subject(s).

5. State whether you intend to present any factual witnesses on Contentions 1 or 2. If so, identify each factual witness and state (a) his professional qualifications; (b) the subject matter on which the witness is expected to testify; (c) the substance of the facts to which the witness is expected to offer. Identify by court, agency, or other body each proceeding in which such individual rendered testimony on the same subject(s).

6. Identify by title, author, publisher and date of issuance or publication, all documents you rely upon as a basis for your contentions or that you intend to use in your direct case or in cross-examining other witnesses on Contentions 1 or 2.

7. If your answer to any interrogatory below is based upon one or more documents, identify each document, the specific information upon which you rely, and explain how the information provides a basis for your answer. In each such answer, specify the interrogatory to which you are responding.

8. If your answer to any interrogatory is based upon any study, calculation, research or analysis, describe and identify any documents which discuss or describe it. Include the identity of the person(s) or entity(ies) who performed the study, calculation, research or analysis, a detailed description of the information it contains, its results, and explain how it provides a basis for your

answer. In each such answer, specify the interrogatory to which you are responding.

9. If your answer to any interrogatory is based upon consultations or correspondence with one or more individuals or entities, identify each individual or entity, his educational and professional background (including occupation and institutional affiliations). Describe the nature and substance of each communication, including time and context, and how such information provides a basis for your answer. In each such answer, specify the interrogatory to which you are responding.

10. If you possess information or documents expressing facts or opinions relevant to the specific interrogatories below, but which do not support your position or have not otherwise been fully provided in other answers, provide such information and documents. Specify the interrogatory to which you are responding.

Contention 1

11. Specify all applicable NRC regulations, General Design Criteria or other regulatory requirements or guidance pertaining to protection of nuclear facility components and systems against infestation and/or control of the Asiatic Clam which you assert are applicable to the River Bend Station.

12. Specify each section of the River Bend Final Safety Analysis Report ("FSAR") or correspondence with the NRC, including Applicants' responses to Staff questions, which

you assert may be relevant to consideration of the protection of the facility against Asiatic Clams. Specify any failure to meet the regulatory requirements set forth in response to Interrogatory 11.

13. State the basis upon which you rely for the assertion that Applicants have failed to provide adequate assurance that River Bend Station components and systems relying on Mississippi River water for their operation will be adequately protected against infestation of Asiatic Clams.

14. Describe your knowledge regarding the presence of the Asiatic Clam on any type of intake or other facility on the Mississippi River, the facility affected, its location, the date on which the infestation was first discovered, the manner in which such facility is affected by the Asiatic Clam, and measures taken by the facility to prevent or mitigate infestation and the success of such measures.

15. Specify the preventative measures undertaken by Applicants to protect River Bend Station components and systems relying on Mississippi River water against infestation by Asiatic Clams. Provide your opinion and the basis for your opinion as to their effectiveness.

16. Specify and describe in detail why you allege these preventative measures are insufficient.

17. Specify each River Bend Station system, component, or other part relying on Mississippi River water whose operation or performance you allege will be inadequately

protected against infestation by Asiatic Clams. As to each such system, component or other part, specify through what physical pathway and at what life cycle stage the Asiatic Clam will manifest itself, the extent its presence will affect the part's intended safety function, and the measures which you contend should be taken as appropriate preventative, mitigative, and/or corrective action.

18. Describe in detail the factual basis for your assertion that the Asiatic clam will be present in sufficient mass to affect the operation and performance of any system, component or part discussed above.

19. Specify the safety functions of each component and system identified in response to Interrogatory 17.

20. Do you allege that there are no other safety systems that can assure the safety functions of each component and system identified above? If so, state the documentary or other basis upon which you rely for this position.

21. Specify the inspection and maintenance measures undertaken by Applicants to assure that the safety functions of each component and system identified above can be implemented.

Contention 2

22. State the basis upon which you rely for your assertion that there is a high probability of failure of the Old River Control Structure. Identify and describe all studies, calculations or analyses as to the likelihood of a partial or total failure of the Old River Control Structure

over the operating lifetime of the River Bend Station. Describe the mechanism for such failure and include any predictions or estimate as to the date or timing of such failure.

23. State the basis for your assertion that the probability of failure of the Old River Control Structure is sufficiently high that the consequences of operating the River Bend Station following such failure must be considered, giving the threshold value for such consideration in terms of numerical probabilities and the basis for such selection.

24. Explain your understanding as to any plans for repair, replacement and/or augmentation of the Old River Control Structure, including the scheduled date for such action, which would prevent or mitigate the effect of a partial or total failure.

25. Provide a time estimate for repair or replacement of any part of the Old River Control Structure you assert may fail.

26. Explain why current plans for repair, replacement and/or augmentation of the Old River Control Structure are inadequate to prevent its partial or total failure.

27. Explain how current plans for repair, replacement and/or augmentation affect your estimates of the probability of partial or total failure of the Old River Control Structure over the operating lifetime of the River Bend Station.

28. For each mode of partial or total failure identified in response to the interrogatories above, identify and describe in detail any study or analysis regarding altered river flow and salinity conditions of all affected bodies of water, including the resulting impacts upon the safety of the River Bend Station and a quantitative or qualitative description of the time necessary to reach steady state conditions regarding these parameters.

29. If you contend that the partial or total failure of the Old River Control Structure will affect the safe operation of River Bend (including safe shutdown and its maintenance in that condition), identify the systems, components or parts affected and specify the exact means by which the safety of the facility would be affected. Specify all applicable NRC regulations, General Design Criteria or other regulatory requirements or guidance which you assert are applicable to the prevention or mitigation of any safety hazards.

30. Specify each section of the River Bend FSAR or other correspondence with the NRC, including Applicant's responses to staff questions, which you assert may be relevant to consideration of possible failure of the Old River Control Structure. Specify, to the extent applicable, any failure to meet the regulatory requirements set forth in response to Interrogatory 29.

31. Specify every change in design, construction or operation of the River Bend Station which you contend should

be taken to assure safe operation of the River Bend Station should partial or total failure of the Old River Control Structure occur, including the design, construction, installation, testing and delay costs associated with each change.

32. Specify, the "cost" which should be attributed to the potential of failure of the Old River Control Structure, including potential consequences to the environment and the public health and safety, in the final cost/benefit analysis to be performed by the NRC.

33. Specify and describe in detail the volume of water that would be diverted in the event the Old River Control Structure failed as you allege.

34. Specify and describe in detail the course you allege the diversion would take, whether into the Atchafalaya or Mississippi Rivers.

35. Specify and describe in detail the effects on river flow and salinity you allege would occur in the event of failure.

36. Specify the flow in the river at approximately River Mile 262 in the event of failure of the Old River Control Structure.

37. Specify the change in the salinity of the river you allege would take place as a result of the failure of the Old River Control Structure.

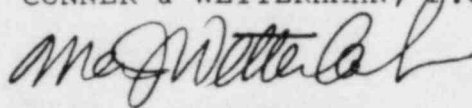
Request for Production of Documents

Please attach to your answer(s) to the interrogatories listed above a copy of all documents applicable to such

answer(s), whether or not supportive of your position, or upon which you otherwise intend to rely in the presentation of your direct case or in examination of other witnesses. Alternatively, state that all such documents will be produced at a reasonable time and place to be agreed upon by the Applicants for inspection and copying.

Respectfully Submitted,

CONNER & WETTERHAHN, P.C.



Mark J. Wetterhahn
Jessica H. Lavery
Counsel for the Applicants

June 5, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
GULF STATES UTILITIES) Docket Nos. 50-453 OL
COMPANY, et al.) 50-459 OL
)
(River Bend Station, Unit 1)
and 2)

SERVICE LIST

I hereby certify that copies of "Applicants' First Set of Interrogatories and Request for Production of Documents to State of Louisiana and Joint Intervenors on Safety Contentions 1 & 2," dated June 5, 1984 in the captioned matter, have been served upon the following by deposit in the United States mail this 6th day of June, 1984:

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