

# ORIGINAL

## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the matter of:

GULF STATES UTILITIES COMPANY, et al

(River Bend Station, Units 1 & 2)

Docket No. 50-458 OL  
50-459 OL

Oral Argument

Location: Baton Rouge, La.

Pages: 133-264

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### TAYLOE ASSOCIATES

Court Reporters  
1625 I Street, N.W. Suite 1004  
Washington, D.C. 20006  
(202) 293-3950

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY & LICENSING BOARD

- - -

In the Matter of: |  
|  
GULF STATES UTILITIES CO., et. al. | DOCKET NOS. 50-458  
|  
(River Bend Station, Units 1 & 2) | 50-459

Governmental Building  
Court Of Appeals, First Circuit  
Courtroom 905  
222 St. Louis Street  
Baton Rouge, Louisiana

Tuesday, June 19, 1984

The prehearing conference in the above-entitled  
matter convened, pursuant to notice, at 9:30 o'clock a.m.

BEFORE:

B. PAUL COTTER, Esquire, Chairman  
Atomic Safety & Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

GUSTAVE LINENBERGER, Member  
Atomic Safety & Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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1     APPEARANCES:

2             On behalf of the Applicants:

3                     TROY B. CONNER, JR., Esquire  
4                     JESSICA H. LAVERTY, Esquire  
5                     Conner & Wetterhahn, P.C.  
6                     1747 Pennsylvania Avenue, N. W.  
7                     Washington, D. C. 20006

8             On behalf of the Joint Intervenors:

9                     STEPHEN IRVING, Esquire  
10                    LINDA WATKINS  
11                    355 Napoleon Street  
12                    Baton Rouge, Louisiana

13                    JAMES PIERCE, Esquire  
14                    1747 Main Street  
15                    Baton Rouge, Louisiana 70802

16             On behalf of the State of Louisiana:

17                    J. DAVID McNEILL, III  
18                    Assistant Attorney General  
19                    Department of Justice  
20                    State of Louisiana  
21                    743 1/2 Perkins Road  
22                    Baton Rouge, Louisiana 70808

23             On behalf of the U. S. Nuclear Regulatory Commission:

24                    LEE SCOTT DEWEY, Esquire  
25                    Office of the Executive Legal Director  
26                    EDWARD J. WEINKAM, III, Project Manager  
27                    Division of Licensing, NRR  
28                    U. S. Nuclear Regulatory Commission  
29                    Washington, D. C. 20555

30             On behalf of the Federal Emergency Management Agency:

31                    BRIAN P. CASSIDY, Esquire  
32                    Regional Counsel, Region I  
33                    John W. McCormick Post Office and Courthouse  
34                    Boston, Massachusetts 02109

P R O C E E D I N G S

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JUDGE COTTER: Good morning, ladies and gentlemen.

This is a prehearing conference in connection with the River Bend Station Units 1 and I guess also Unit 2 unless the status of unit 2 is completed. This prehearing conference is held pursuant to the Board's order of May 3, 1984 and a Notice of Oral Argument issued on June 11, 1984.

The purpose of the conference is to consider emergency planning contentions filed by the Joint Intervenors, to schedule any adjustments that may be necessary or appropriate to the schedule which was set out in the May 3 order and to consider any other appropriate matters.

The Board is sitting as a quorum pursuant to Title X of the Code of Federal Regulations, Section 2.721(d) because Judge Cole has a conflict and is involved in another proceeding at this time.

Maybe we should begin with the entry or appearance by counsel. Perhaps we could start with you, Mr. Conner.

MR. CONNER: If the Board please, my name is Troy B. Conner, Jr. With me is Jessica Lavery from our firm of Conner and Wetterhahn in Washington. We have entered a formal appearance.

JUDGE COTTER: Thank you, sir.

MR. IRVING: Steve Irving, Linda Watkins and James Pierce for the Joint Intervenors.

1 JUDGE COTTER: Thank you, Mr. Irving.

2 MR. MCNEILL: Mr. Chairman, may it please the Board,  
3 I am J. David McNeill, III, Assistant Attorney General for  
4 the State of Louisiana representing the State of Louisiana.  
5 We appear here also as an intervenor.

6 MR. DEWEY: I am Lee Dewey representing the staff  
7 and with me is Edward Weinkam, the project manager for River  
8 Bend.

9 JUDGE COTTER: Thank you, Mr. Dewey.

10 MR. CASSIDY: I am Brian P. Cassidy, Federal  
11 Emergency Management Agency, representing FEMA and I have filed  
12 an appearance in this proceeding.

13 JUDGE COTTER: Thank you, Mr. Cassidy. At the  
14 telephone prehearing conference which was held in May, I  
15 promised to distribute to the parties if they have not  
16 already received it a statement of the Commission on financial  
17 qualifications as soon as it was issued. I have brought with  
18 me a statement which was issued on June 7, 1984 concerning the  
19 question of financial qualifications which was raised in  
20 connection with the decision by the United States Court of  
21 Appeals for the District of Columbia circuit in New England  
22 Coalition on Nuclear Pollution versus NRC.

23 The decision is reported at 727 Fed. 2d, 1127. In  
24 it, the Court found that the financial qualifications rule  
25 was not adequately supported by its accompanying statement

1 of basis and purpose and remanded the rule to the agency. The  
2 agency in this statement of policy has taken the position that  
3 the decision did not explicitly vacate the rule and  
4 consequently the rule will continue in effect while the  
5 Commission revises the statement of basis for issuing the  
6 rule.

7 Do the parties have copies of this statement?

8 (Chorus of no's.)

9 JUDGE COTTER: Let me pass these out.

10 (The previously referred to document was  
11 distributed.)

12 MR. CONNER: I might note for the record, it is in  
13 the 49 federal register 24, 111 at June 12, 1984.

14 JUDGE COTTER: Thank you, Mr. Conner.

15 Do all the parties now have a copy of that statement  
16 of policy in their possession?

17 (Chorus of ayes.)

18 JUDGE COTTER: Maybe the best place to begin is  
19 perhaps to have a report from Mr. McNeill in connection with  
20 the May 18 meeting among the parties concerning the state of  
21 emergency planning. Mr. McNeill filed a written report dated  
22 May 31, 1984 as agreed to and perhaps you could bring us up  
23 to date on that, sir.

24 MR. McNEILL: Yes, sir. May it please the Board,  
25 we did have the meeting as you stated and in that we went over

1 the 12 contentions which have been filed and discussed them in  
2 some detail. There were amendments that I think were fairly  
3 well agreed were necessary. The Louisiana Nuclear Energy  
4 division is working on those amendments.

5           However, it is our understanding that the Federal  
6 Emergency Management Agency will shortly be coming forth with  
7 their written comments on the State's original plan and  
8 rather than submit amendments prior to receiving FEMA's  
9 comments, we felt it better to wait for FEMA's comments and  
10 address those comments as well as the amendments addressing  
11 the issues raised by the contentions at the same time.

12           JUDGE COTTER: Do you know when the FEMA comments  
13 are due?

14           MR. McNEILL: FEMA's representative told me this  
15 morning that it would be sometime this month or next month  
16 but I would let him speak to that issue.

17           JUDGE COTTER: While we are on it, why don't you  
18 speak to that, Mr. Cassidy?

19           MR. CASSIDY: Yes. In the conversation that I had  
20 last week with our regional staff, I was advised that they  
21 are prepared to have the comments completed and that is  
22 including the comments from the Regional Assistance Committee,  
23 the RAC that has reviewed the plan, sometime at the end of  
24 this month or beginning of July and they would be transmitted  
25 to the State, I believe, around that time so that those could

1 be reviewed and could be discussed with the State and where  
2 changes were required worked into the plan revisions that  
3 is being developed now.

4 JUDGE COTTER: What is the outside date of  
5 transmitting the comments to the State?

6 MR. CASSIDY: I do not have a hard and fast date.  
7 What I received from our staff in our Denton office was early  
8 July at the latest.

9 MR. McNEILL: Of course, I would not be able to  
10 even begin to commit as to when we could respond to those  
11 comments until we have some idea what they are. We would,  
12 of course, expeditiously try to address them and depending on  
13 what they are as to how long that would take. As soon as we  
14 get them, we could probably give everyone a better idea of  
15 how long that would take.

16 More specifically, we addressed several issues which  
17 may have been felt to require state legislation. One of these  
18 is the matter raised in contention number "6." In the Plan  
19 there is reference to using the school lunch program foodstock  
20 for the feeding of evacuees and the discussion came up that  
21 this was not the foodstock that was intended although that is  
22 what is said in the Plan. The foodstock intended was rather  
23 a foodstock in the custody of the United States Department of  
24 Agriculture, their surplus commodity foodstocks, and the  
25 acquisition of those foodstocks can be handled apparently by



1 an inner-agency agreement and not require legislation.

2           The other matter was the question raised by  
3 contention number "11" relative to the legal authority of the  
4 Department of Health and Human Resources in the State of  
5 Louisiana as to the supply of the services outlined for them  
6 in the Plan. In reviewing that matter we are in agreement,  
7 I believe, that the wording of that section of the Plan needs  
8 some changing to clarify what is intended for the Department  
9 of Health and Human Resources to provide. What they are to  
10 provide is the coordination, the matching of a need with a  
11 service available, not the providing of the service but merely  
12 the locating of the service and the bringing together the  
13 person needing the service and the person providing the service  
14 because the services themselves are under the jurisdiction of  
15 various and sundry local fire departments, emergency medical  
16 service agencies, private ambulance services and these types  
17 of things.

18           So we feel that we do not feel legislation there  
19 insofar as it relates to the Department of Health and Human  
20 Resources and the emergency medical services.

21           However, in our discussion on that point Mr. Irving  
22 brought out some matters worthy of consideration in the  
23 general area of procuring of services for an emergency.  
24 Obviously you don't have time to sit down and negotiate  
25 contracts when you have an emergency to respond to.

1           In this matter the Secretary of the Department of  
2 Environmental Quality has fairly broad powers as it is to  
3 obtain services in an emergency. The price that you would pay  
4 for these things and the quality standards and such as this  
5 are matters that should be determined in advance. I agree  
6 with Mr. Irving on that.

7           However, I am keeping an open on this until we  
8 have to make a decision on a legislative matter which is pretty  
9 quick, but I feel that she has the authority now to do what  
10 negotiations she thinks she has to do.

11           JUDGE COTTER: Does that agency have a statutory  
12 authority or a regulation equivalent to the federal statute  
13 regulation which authorizes this in emergency situations?

14           MR. McNEILL: That is what I am referring to. She  
15 has certain powers in a declaration of an emergency to procure  
16 services and materials necessary to combat the emergency. As  
17 I say, I will keep an open mind on it, but I am of the  
18 opinion at this particular moment in time that she has  
19 sufficient authority as it presently stands and that no  
20 legislation is needed on that.

21           If someone can show me that there is such a need,  
22 I will be glad to listen and if persuaded I will be glad to  
23 advocate such legislation and take the necessary steps but  
24 at this particular point, I am of the opinion that it doesn't  
25 require legislation.

1 JUDGE COTTER: On that point without prejudging the  
2 question, if your view did not prevail that the authority was  
3 adequate as it stands, how long would it take for you to  
4 obtain the legislation?

5 MR. McNEILL: The legislature is in session now  
6 and I have a bill filed. It is really a generalized bill  
7 that really says very little if anything other than I am  
8 continuing to address a particular subject matter. So it  
9 would have to be amended which, of course, would take a short  
10 time and then it is a matter of a few days.

11 You have to have a bill read three times in each  
12 house and it has to go before a committee and what not. We  
13 are getting pretty close to where it would not be feasible  
14 this session. I think if we made a decision to go forward  
15 with the legislation today, we could probably still do it.  
16 If we delayed a couple of days, I don't think it would be  
17 possible. We are running pretty close to the time limits.

18 JUDGE COTTER: When does the legislature end its  
19 session?

20 MR. McNEILL: The legislature is due for adjournment  
21 around July 14.

22 JUDGE COTTER: When does it reconvene?

23 MR. McNEILL: Next year except on call from the  
24 Governor for purposes stated.

25 JUDGE COTTER: When next year?

1 MR. McNEILL: Next year in March or April, somewhere  
2 next spring -- April, I think -- would be the next available  
3 time. Another thing, too, we have this exercise which is  
4 scheduled for January 1985 in conjunction with FEMA's  
5 review of the overall situation, I am sure that human nature  
6 being what it is as a result of the exercise things will  
7 probably come to light as the exercises are designed to bring  
8 to light, things that make it necessary to correct either the  
9 plan or the legislation and, of course, we stand ready to  
10 take whatever actions are indicated to protect the health and  
11 welfare of our citizens.

12 I would like to state for the record right now that  
13 at any time, now or at any time in the future, if any of the  
14 parties have anything that is within the jurisdiction of the  
15 State that they feel needs correcting, if they will bring them  
16 to me I will bring them to the attention of the appropriate  
17 parties and we will put the matter under consideration and  
18 take whatever action we think is necessary.

19 JUDGE COTTER: Is there continuing disagreement  
20 about the authority of the Department of Environmental Services?

21 MR. IRVING: Yes, sir.

22 MR. McNEILL: I would let Mr. Irving address that.

23 JUDGE COTTER: Mr. Irving.

24 MR. IRVING: Our feeling is that the authority that  
25 he is referring to would be applicable to a hazardous waste

1 situation but not to a radiological emergency because of the  
2 location in the statute creating the authority for the  
3 Secretary to do these things. So if you had a radiological  
4 emergency that, for instance, was also a hazardous waste  
5 emergency, the authority might exist but under a purely  
6 radiological emergency it wouldn't.

7 JUDGE COTTER: You don't think there is any likelihood  
8 that the Department would simply draw on that authority?

9 MR. IRVING: I do not think that it would be legal  
10 for them to draw on that authority.

11 JUDGE COTTER: They don't have a general power to  
12 deal with emergencies?

13 MR. IRVING: Their powers are quite specific and  
14 I do not think they have that authority. We have a very  
15 tightly drawn constitution in this State and is quite  
16 specific about what executive agencies can do and they can do  
17 only what the legislature tells them that they can do. Our  
18 feeling is that the situation can be readily cured and  
19 obviously should be cured by putting a similar provision into  
20 the radiological part of the department.

21 I might add that one of other contentions deals  
22 with the fact that the Department of Environmental Quality  
23 isn't currently in the Plan because of its recent coming into  
24 existence and there have been other amendemtns. For instance,  
25 I think the Environmental Control Commission which is in the

1 Plan as of July 1 probably is not going to exist any more so  
2 the whole framework of this authority is changing in this  
3 State and being consolidated in the Secretary of Environmental  
4 Quality.

5 MR. McNEILL: If I might make a brief response?

6 JUDGE COTTER: Please.

7 MR. McNEILL: I agree with him about the name of the  
8 department. This is one of the changes that will be made in  
9 the Plan, to substitute the Department of Environmental  
10 Quality where appropriate for the Department of Natural  
11 Resources, Office of Environmental Affairs, which was the  
12 predecessor agency.

13 I would be more than happy to see if we could meet  
14 with the Secretary after this meeting and discuss this with  
15 her and as I say, I have an open mind and if you can convince  
16 me, I am ready to talk to the legislature right now.

17 JUDGE COTTER: That is my question. What is it  
18 going to take to resolve this difference of opinion?

19 MR. McNEILL: All I can do, as I say, is we both have  
20 access to the Secretary and I would be happy to go and sit  
21 down with her and with Mr. Irving and with the other attorneys  
22 for the Intervenors and discuss this matter. Like I say,  
23 if you can convince me and convince her, I will go to the  
24 legislature.

25 MR. IRVING: The way it appears to us if the authority

1 already exists, it won't hurt to give it to them again. If the  
2 authority does not exist, then we need it.

3 MR. McNEILL: I agree with what he says. Like I  
4 said, I am not fighting you on this. I am not yet quite  
5 convinced but I am willing to listen.

6 JUDGE COTTER: Ms. Watkins.

7 MS. WATKINS: Even the statutes on which the  
8 entire Department of Environmental Quality and the Office of  
9 Environmental Affairs was the service or agency rather than  
10 the Department of Natural Resources and they have had  
11 tremendous difficulty getting enforcement with the Louisiana  
12 State Supreme Court and in that sense even hazardous waste  
13 emergency duties were challenged by the courts and required  
14 as we will discuss in other contentions substantial interven-  
15 tion on the part of local judges for injunctions and so forth  
16 to enhance and bolster up the statute. The statute has been  
17 unenforceable in terms of criminal law and it has been  
18 unenforceable in terms of groundwater protection. So we  
19 think that the entire statute as it stands is highly  
20 questionable as it reads for what it reads.

21 If you go over and say that it is going to be used  
22 for radiological emergencies instead of hazardous waste  
23 emergencies, I think Mr. McNeill would probably agree it could  
24 not be used, for example, in terms of flood emergencies. We  
25 wouldn't go to the Department of Environmental Quality for

1 water emergencies and again I don't think that we could go  
2 there for radiological emergencies either. I feel that  
3 a radiological emergency is better compared with water  
4 since water is also not specifically mentioned in the  
5 response plans.

6 MR. McNEILL: If I might make a brief response  
7 there, I agree with Ms. Watkins that we have had certain  
8 legal problems over the past few years. As to the groundwater  
9 problem, she is absolutely correct. Our office has taken  
10 the position publically on many occasions that the groundwater  
11 protection laws in this state are not sufficiently and  
12 currently there is a law going to the legislature which our  
13 office is in support of which will we hope give an added  
14 measure of protection for groundwater.

15 JUDGE COTTER: Did you say there was a bill going  
16 through now?

17 MR. McNEILL: There is a bill going through now  
18 that has to do with additional protection for the groundwater  
19 in this state against pollution sources. I don't know if  
20 that exactly relates to this but I agree with her that in the  
21 past there has been a problem there. There have also been  
22 problems in the criminal enforcement of the environmental  
23 statutes.

24 Unfortunately the criminal jurisdiction is given to  
25 the District Attorney and the District Attorney saw fit to



1 bring his indictment without consulting me although I offered  
2 my assistance in the matter. The Supreme Court ruled that  
3 the statute and the regulations were not sufficiently tightly  
4 drawn to substantiate a criminal indictment and so this is a  
5 problem that is going to take continuing review. That is in  
6 the general environmental field.

7 As far as the Secretary's authority to handle  
8 emergencies though, I agree that the constitution does limit  
9 our state agencies and I think that is a very good thing  
10 and this is why I say, if it is needed, I am willing to support  
11 it. However, she does have the authority, it has been  
12 recognized and put in the statute, she does have the authority  
13 to contract for and obtain certain services under emergency  
14 conditions. If this is not sufficient and like I say, I  
15 would be happy to meet after this hearing and we will try  
16 to see if the Secretary is available and meet with the people  
17 from the Nuclear Energy Division and sit down and discuss  
18 it and if legislation is needed, we have a bill in the  
19 legislature and we have a representative who has worked with  
20 us on this and if it is necessary, I feel we can get it  
21 passed this session. But I think we need to act on it today.

22 JUDGE COTTER: It seems to me that is highly  
23 advisable.

24 MR. McNEILL: We have tried to get together. We  
25 have just had some scheduling problems and I don't think it

1 is anybody's fault but it is just one of those things.

2 JUDGE COTTER: I think it would be beneficial to  
3 set some dates for taking this course of action that you just  
4 described so I would suggest --

5 MR. McNEILL: How about today? If we don't act  
6 today, we can forget about it for this session -- pretty much  
7 today or tomorrow or the next day. This week is the latest  
8 we would have in any event.

9 JUDGE COTTER: To the extent that it will assist  
10 you the Board is specifically directing you to explore taking  
11 the action that you have described with the Secretary and  
12 anyone else that it is necessary to consult. Then if you would  
13 report back to us the result of those discussions.

14 MR. McNEILL: I will report to you by letter by  
15 the first of next week as to what we have come up with.

16 JUDGE COTTER: Thank you very much, Mr. McNeill.

17 MR. McNEILL: As far as the other contentions, Your  
18 Honor, it might be best to let someone else go into these.

19 JUDGE COTTER: I don't want to get into the whole  
20 contention process. I just wondered if there was something  
21 specific that had come out of your meeting.

22 MR. McNEILL: There were other specific things  
23 and it involves going through the whole set of contentions  
24 but these will come out as amendments to the Plan. We have  
25 discussed them and agreed that there are changes required.

1 I would be happy to go into it if you want me to. Otherwise,  
2 we propose to wait until FEMA comes back with their comments  
3 and put it all in one package.

4 JUDGE COTTER: All right. I believe there were seven  
5 items in the Plan that were mentioned at various points or  
6 at least in connection with one particular contention. Do you  
7 have any schedule for completing those items?

8 MR. McNEILL: I think I know the items you are  
9 talking about.

10 JUDGE COTTER: The items that were accepted to by  
11 the five governing bodies as incomplete.

12 MR. McNEILL: Let me get a little help here, Judge.  
13 If it please the Board, I have with me today Mr. Bill Spell  
14 who is the administrator of the Louisiana Nuclear Energy  
15 Division and perhaps he would be able to give you a more  
16 informative answer if that would be appropriate.

17 JUDGE COTTER: That would be fine. Mr. Spell, would  
18 you spell your name for the record, please?

19 MR. SPELL: S-P-E-L-L, William H. Spell. The staff  
20 is working on each of these and some of these at present  
21 I would have to determine exactly which ones are complete at  
22 the present time. But I would give a ballpark estimate that  
23 within the month, these items will be concluded. I would like  
24 to confer with my own staff to see how far off I am on that  
25 estimate if I may, sir.

1 JUDGE COTTER: Please do.

2 MR. McNEILL: If they can transmit the information to  
3 me, I would be glad to include an update on that in my report  
4 on the legislation matter.

5 MR. SPELL: If I may, sir, I would like to ask Mr.  
6 Rick Walker who is working on this daily as his primary job  
7 to address each one of these items on that list.

8 JUDGE COTTER: Thank you very much. That would be  
9 fine. Tell me again your agency, Mr. Walker.

10 MR. WALKER: Louisiana Nuclear Energy Division.

11 MR. McNEILL: Which is a part of the Department of  
12 Environmental Quality.

13 JUDGE COTTER: Thank you.

14 MR. WALKER: I will give you my status of each of  
15 the items. The prompt notification system at the present  
16 time has a bid proposal prepared which once submitted has  
17 been approved, the timing of installation and completion  
18 would be more easily set. So at this point the prompt  
19 notification system, a bid proposal has been prepared.

20 JUDGE COTTER: That is notification for bidders to  
21 come in with offers or is it a proposal from a bidder?

22 JUDGE LINENBERGER: Is it a request for proposal  
23 or is it a response to a request for proposal?

24 MR. WALKER: It is a request for proposal.

25 JUDGE COTTER: When does that issue? Has that been

1 issued to the public?

2 MR. WALKER: Gulf States is dealing with that. I  
3 just know that that is the point at which it is right now.  
4 They would be able to identify the specific date that that  
5 has taken place.

6 JUDGE COTTER: Do you have any knowledge of the  
7 timeframe set out in the bid proposal for completion of  
8 installation of the system?

9 MR. WALKER: Not at this time.

10 MR. CONNER: If the Chairman please, we happen to  
11 have those dates. Do you want us to provide them to you?

12 JUDGE COTTER: Please.

13 MR. CONNER: I am informed that the bid went out  
14 on June 7 for response by June 29.

15 JUDGE COTTER: It was issued June 7 and bids are due  
16 June 29.

17 MR. CONNER: Yes. That is for installation by  
18 January of 1985.

19 JUDGE COTTER: Do you have the date?

20 MR. CONNER: I don't know -- before the exercise  
21 which is January 16.

22 JUDGE COTTER: Mr. Walker.

23 MR. WALKER: As far as the emergency operations  
24 centers, four of the centers -- there are five parishes we are  
25 identifying emergency operations centers four -- four of those

1 centers have been identified, their physical locations and  
2 the fifth has been identified as to its location but has  
3 not been confirmed on the availability of the space identified.  
4 We are anticipating a meeting to confirm that by the end of  
5 this week.

6 MS. WATKINS: I would like to request that the  
7 identification of these centers be put into the Plan so that  
8 we can deal with them in a timely fashion as amended and  
9 proposed by both FEMA and LNED.

10 MR. DEWEY: They are in the Plan right now. Their  
11 locations are identified. For example, I don't think I have  
12 all of them written down but I do have an example here for you.  
13 Look at Section "I", page three.

14 MR. CONNER: Is that the reference to the EOC for  
15 East Baton Rouge Parish at 222 St. Louis Street, Baton Rouge,  
16 Louisiana?

17 MR. DEWEY: Yes.

18 MR. CONNER: Thank you.

19 MR. DEWEY: I believe they are identified in the  
20 other sections for the other parishes as well.

21 MR. McNEILL: I think Ms. Watkins concern addresses  
22 itself to the fact that the information would be ultimately  
23 located in the Plan and I think that is our intent to do.

24 MR. DEWEY: It is in the Plan.

25 MR. McNEILL: But once you confirm it, then what

1 is in the plan will be correct and locked in, so-to-speak.

2 MR. WALKER: I would mention that the problem with  
3 the identification of the one that has not been confirmed is  
4 that the present governing body in that parish, the police  
5 jury in Point Coupee Parish has had some problems in  
6 reestablishing the jury members and as such it is a difficult  
7 decision on who has the authority to say "Yes, we will let you  
8 do this or that." So they are hoping to get themselves able  
9 to make a decision about the location. The original that is  
10 indicated in the Plan is not different. It is just that it  
11 has never been confirmed through the police jury that it can  
12 be utilized for that purpose.

13 JUDGE COTTER: Which parish is this?

14 MR. WALKER: Point Coupee Parish.

15 JUDGE COTTER: Why can't they resolve their location  
16 now?

17 MR. WALKER: I don't understand the whole problem  
18 they have had with their police jury.

19 JUDGE COTTER: I don't know what a police jury is.

20 MR. WALKER: That is their governing body of the  
21 parish.

22 MR. McNEILL: It is kind of like a commission council  
23 or whatever governing body.

24 JUDGE COTTER: The membership is not established now?

25 MR. WALKER: I am not exactly sure of the problem.

1 They tried to hold an election to appoint new jury members  
2 and they have been incapable of doing so.

3 JUDGE COTTER: Is an election scheduled?

4 MR. WALKER: I believe one was scheduled for April  
5 but it was postponed or it wasn't held. It is my understanding  
6 that because there is question of the authority in the parish  
7 at this time, the Civil Defense Agency has had a problem  
8 with addressing their police jury for permission to utilize  
9 the space that we anticipated would be utilized for their EOC.

10 MR. IRVING: Our understanding is that they have an  
11 apportionment problem of some sort so they can't get the  
12 electorate down, one-man/one-vote down, so they can have an  
13 election. There may be federal court litigation either  
14 threatened or existing about that.

15 JUDGE COTTER: So it is uncertain as to when they  
16 are going to have a fully authorized governing body that could  
17 make this decision.

18 MR. IRVING: This is not an unknown situation in  
19 Louisiana.

20 (Laughter.)

21 MR. McNEILL: Judge, I will put that on my list of  
22 things to check out. I will try to find out about that and  
23 I will try to let you know.

24 JUDGE COTTER: Thank you very much.

25 MR. McNEILL: I can't guarantee it because if it is



1 an enforcement problem that is in federal court, we may have a  
2 problem there. But if that is the case then between whoever  
3 the existing jurors are and the federal judge, I am sure we  
4 can work out something to resolve this problem.

5 MR. WALKER: Letter "c" and "d" both deal with  
6 communications equipment. At this time it is my understanding  
7 that GSU has --

8 JUDGE COTTER: What was the acronym?

9 MR. WALKER: Gulf States Utilities has identified  
10 what communication equipment is necessary and they are in the  
11 process of putting that out on bid as well. I guess I would  
12 turn to Gulf States and let them answer at what point that is  
13 at.

14 MR. CONNER: Mr. Cadwallader informs me that  
15 communications equipment will be in in September.

16 JUDGE COTTER: These are all the items under "c"  
17 and "d" that are accepted in the emergency planning document?

18 MR. CONNER: Mr. Cadwallader who is the emergency  
19 planning coordinator for Gulf States can answer that question.

20 MR. CADWALLADER: Sir, all of this equipment, the  
21 back-up means of contacting that key EOC personnel on the  
22 emergency hot line and communications equipment has been  
23 ordered. It has been ordered and should be in by mid-September.

24 JUDGE COTTER: When you say "in," do you mean  
25 delivered or installed?

1 MR. CADWALLADER: Delivered and installed.

2 JUDGE COTTER: Mr. Walker.

3 MR. WALKER: The next item is letters of agreement.

4 The letters that we identified as necessary, there are two  
5 that I am aware of that are outstanding at this point. One  
6 is with the American Red Cross and the hold up on that is  
7 that we are trying to work out a national policy with the  
8 Red Cross on their involvement in a radiological emergency.

9 JUDGE COTTER: Who is we?

10 MR. WALKER: The State of Louisiana.

11 JUDGE COTTER: Why are you trying to work out a  
12 national policy with the Red Cross?

13 MR. WALKER: We have addressed the Red Cross locally,  
14 the chapter for this region, and their feelings were that  
15 whereas the Red Cross traditionally is to offer aid without  
16 compensation that that is for natural disasters and not  
17 necessary man-made disasters so they are getting instructions  
18 from St. Louis on a policy that they could live with so the  
19 approach that we have taken is to meet with persons from this  
20 region as well as the three utilities that impact Louisiana,  
21 Mississippi Power and Light, Louisiana Power and Light and  
22 Gulf States Utilities, and discuss what mutually agreeable  
23 agreement could be drawn that would be worked through the Red  
24 Cross and the State of Louisiana.

25 At this point I am awaiting the instructions that

1 the local chapter would receive from St. Louis. I had made  
2 a call to the representative from the Red Cross about three  
3 weeks ago and he informed me that due to a number of tornadoes  
4 that had hit the region in St. Louis that they had to deal  
5 with from their office that they had been rather busy and  
6 they had not made much progress on this issue with the region.

7 JUDGE COTTER: Do you have any time estimate as to  
8 when it might be resolved?

9 MR. WALKER: He had indicated that hopefully by the  
10 end of June he would have something but that is the best he  
11 could provide us.

12 The other agreement that is outstanding at this  
13 point is with the East Baton Rouge School Board. The agreement  
14 has been approved by the School Board of East Baton Rouge for  
15 the utilization of their school buses but the actual signatures  
16 have not been obtained.

17 JUDGE COTTER: Do you anticipate any problems with  
18 that?

19 MR. WALKER: No, sir.

20 JUDGE LINENBERGER: Question on this point. Will the  
21 scope of the agreement you are talking about include periods  
22 of time when school is not in session or is its scope only  
23 operative with respect to those periods of time when schools  
24 are in session?

25 MR. WALKER: The wording of the agreement is such

1 that it is upon a request from the East Baton Rouge Parish  
2 Civil Defense, the school board would respond.

3 JUDGE LINENBERGER: Even if it is during summer  
4 vacation or whatever?

5 MR. WALKER: Yes, sir.

6 JUDGE LINENBERGER: Thank you.

7 JUDGE COTTER: All other matters then I take it  
8 have been signed, the letters of agreement?

9 MR. WALKER: That we have identified at this point,  
10 yes.

11 JUDGE COTTER: Special facility planning.

12 MR. WALKER: Special facility planning. I believe  
13 that all special facilities that we identified as preparing  
14 the plans for have been completed at this time, special  
15 facilities being the hospitals or schools or nursing homes  
16 within the ten-mile emergency planning area. We have  
17 prepared procedures for them if they receive a call that there  
18 was an emergency.

19 JUDGE COTTER: You are saying all procedures are  
20 complete?

21 MR. WALKER: Yes.

22 JUDGE COTTER: And all facilities, the same thing.

23 MR. WALKER: Yes.

24 JUDGE COTTER: Have those procedures been distributed  
25 to specifically the intervenors in this case?

1 MR. WALKER: No, sir.

2 JUDGE COTTER: Do you plan on doing that?

3 MR. WALKER: If requested, they would be provided,  
4 yes.

5 MR. IRVING: We would request them certainly.

6 MR. WALKER: Then we will provide them.

7 JUDGE COTTER: When?

8 MR. WALKER: My hesitation is getting the copies  
9 made so I would say by the end of next week.

10 JUDGE COTTER: So by June 26 they should receive  
11 them?

12 MR. WALKER: Yes.

13 JUDGE COTTER: Next is "G," Emergency Implementing  
14 Procedures.

15 MR. WALKER: Emergency implementing procedures are  
16 in progress at this time. I believe that a draft of the  
17 procedures for each parish has been developed and they are  
18 at different stages of completion depending on the parish.  
19 Certain of them have received an initial draft. Others have  
20 had an opportunity to comment on the procedures and the  
21 procedures are being incorporated at this time.

22 JUDGE COTTER: Question, Ms. Watkins?

23 MS. WATKINS: We don't have copies of any implemen-  
24 tation procedure plans from any of the parishes and we would  
25 request copies of those drafts as they appear to the LNED.

1 JUDGE COTTER: You want the drafts? Why not get the  
2 final?

3 MS. WATKINS: Because we had trouble if we have to  
4 wait until the final and then we find it incomplete to go  
5 back and ask for a new draft and we don't know how to deal  
6 with it any other way than to ask for the draft and our  
7 comments could be inserted at an earlier procedural time.

8 JUDGE COTTER: Do you see any problem with that,  
9 Mr. Walker?

10 MR. WALKER: I would prefer to give them something  
11 that we feel is workable. I have no problem in giving them  
12 copies. In draft form a lot of times we know that there are  
13 problems and if we felt that it was adequate, then I think  
14 they could identify something that maybe we just overlooked.

15 MR. CONNER: Mr. Chairman, may we comment on that  
16 at some point not necessarily now?

17 JUDGE COTTER: You may as well do it now while we  
18 are on it. We will get it all in one place in the record.

19 MR. CONNER: All right. It is our position that as  
20 a matter of law under 0654 that the implementing procedures  
21 supporting a given plan or plans are not proper for the NRC  
22 to consider in a hearing.

23 Now we haven't the slightest objection in the world  
24 to the implementing procedures being made available to any  
25 member of the public that wants them provided the State which

1 has the responsibility for the plan agrees. We don't consider  
2 that any of our business but we do make the distinction that  
3 the job of the NRC is to predict whether the State plan will  
4 in fact carry out its intended purpose, not to determine  
5 whether or not there should be two cops on this corner or  
6 wouldn't it be nice if the evacuation route went this way  
7 instead of that way. That, in our view, is counter productive  
8 and beyond the requirements of 9654.

9 So at a later time in the day I would like to  
10 develop this point more generally but with regard just to the  
11 implementing procedures, we want to make the record clear  
12 that we do not consider this an appropriate matter for  
13 litigation in this forum. There may be some other forum  
14 but this we do not believe is the one.

15 It is possible that some kind of peculiar event  
16 might occur which would involve a legitimate issue involving  
17 an implementing procedure. I have yet to see one. But in  
18 general we do not believe implementing procedures are  
19 properly brought into an NRC licensing case.

20 JUDGE COTTER: Let me say, Mr. Conner, that that  
21 question has not been reached and what it is that I think we  
22 are doing at this point is simply providing for as much  
23 exchange of information among all the parties involved here  
24 because I think that this area is not an area that lends itself  
25 to litigation and I believe that the more information

1 that is exchanged at the outset of wherever it is  
2 appropriate or possible during the course of the process  
3 of developing what is going to be ultimately the emergency  
4 plan will benefit this process in that it will not be  
5 necessary to litigate matters upon which the intervenors are  
6 satisfied because they have received adequate information on  
7 whatever aspect of the matter might be.

8 Do I don't envision us at this point reaching  
9 the question which you have raised. I do see us at this  
10 point not so much wherever possible, we will direct if that  
11 will assist that information exchange process but I  
12 certainly don't want to try to inject this Board into the  
13 State of Louisiana's processes. They have enough difficulty,  
14 I am sure, simply coming up with the final emergency plan.

15 But to the extent that we can lend ourselves to  
16 assisting the information exchange process, we are more than  
17 willing to do that. I can see the competing concerns between  
18 your office's desire to develop the procedures as far as you  
19 can before exchanging them with the intervenors or anybody  
20 else. I am not sure frankly that I see any clear answer to  
21 that one much as I also can see the intervenor's interest  
22 in getting a bit at the apple while the apple is being formed.

23 MR. McNEILL: If I might comment on that, I think  
24 one of the problems that the State has on that is one really  
25 of logistics. Perhaps I can suggest this, perhaps I can offer



1 my services as a go-between or a coordinator to get the  
2 information to you timely or to put you in touch with the  
3 information timely and then if you need copies of something  
4 certainly we can work that out.

5 This whole proceeding seems to generate an ungodly  
6 amount of paper. But I do share their concern about having  
7 the information timely. It has been experience that if you  
8 don't have input at an early stage, each succeeding stage  
9 it becomes harder and harder to have input. So I can  
10 sympathize with the intervenor and if you will stay in touch  
11 with me, I will be glad to assist in any way I can in getting  
12 that information to you.

13 But at the same time we do have a logistical  
14 problem on the other hand. We have to get it prepared and  
15 you don't want to spend all your life making copies. But we  
16 would like to make the information available and where copies  
17 are appropriate, we would certainly be glad to provide them.

18 JUDGE COTTER: We appreciate the offer, Mr. McNeill,  
19 and I would certainly urge the parties to use his services  
20 to the extent that it is beneficial to all of you. Did you  
21 have a comment, Mr. Irving?

22 MR. IRVING: My comment was that I don't see a big  
23 difference in making one or two more copies and under the  
24 Public Records Act we have in this State, it would all be  
25 public record and any person in the state could go request a

1 copy anyway once we know it exists.

2 MR. McNEILL: All I am suggesting is this. Once  
3 we have the draft, why don't we sit down and look at it and  
4 if you want a copy of the whole draft after you have looked  
5 at it, fine. We will make you one. If you only need four or  
6 five pages, why put the taxpayers to the expense of making  
7 1,000 pages if you only need five or six. If you need 1,000  
8 and want 1,000, we will give them to you.

9 MR. IRVING: I appreciate that but I wouldn't think  
10 that we are talking about a 1,000 document here to begin with.

11 MR. McNEILL: Frankly, I don't know. All I am  
12 saying is let's look and we will find out and then we can make  
13 a decision.

14 MR. CONNER: It is easily a thousand pages, I would  
15 guess if you take all the parishes and all the school board  
16 plans.

17 MR. McNEILL: We will do whatever is reasonable  
18 and whatever is necessary.

19 JUDGE COTTER: If you would, Mr. McNeill.

20 MR. McNEILL: If there is anything else other than  
21 that, I will just sit down and let somebody else talk and I  
22 will offer comments as they come up.

23 JUDGE COTTER: Thank you. Thank you, Mr. Walker.  
24 The next item on my agenda is to address the contentions which  
25 have been filed and disputed. Let me ask Ms. Watkins, Mr.

1 Irving, has your presentation of any of these contentions  
2 changed as a result of your meetings with Mr. McNeill and  
3 the other parties to the proceeding?

4 MS. WATKINS: We really can't address to what  
5 degree they have changed because we have to see how the  
6 interim final document would change as a result of our  
7 conversations. We can hope that they will have changed  
8 sufficiently enough for implementation and all the various  
9 things but we have to see that first before we can honestly  
10 either give up a contention or say that it is satisfied  
11 within the meaning of this forum. Not having a revised  
12 draft and waiting for the FEMA draft while at the same time  
13 you have wanted to rush this hearing and have it as early as  
14 possible, it puts us in a situation where we really cannot  
15 give up any of our contentions because we don't know to what  
16 degree they are cured as of this date.

17 JUDGE COTTER: Do you have anything to add?

18 MR. IRVING: No, sir. She said it very well.

19 MR. McNEILL: For the record on that point, Judge,  
20 I agree with Ms. Watkins that until we actually put it in  
21 print I don't see how they can comment. Of course, it is  
22 impractical for us to come forward with amendments now  
23 when the FEMA comments are so imminent. I don't know what  
24 else we can do expect to just to proceed in an orderly  
25 fashion with what the Supreme Court calls "all deliberate

1 speed."

2 JUDGE COTTER: It does put us in somewhat of a  
3 dilemma because I am certainly more than sympathetic to the  
4 difficulty of trying to litigate facts not yet in being.

5 MS. WATKINS: A document not yet in being.

6 JUDGE COTTER: Mr. Conner, do you have any comment  
7 on this? The issue as it appears to me is whether there is  
8 any benefit at this point to addressing these 12 contentions  
9 and attempting to rack up some sort of "won/loss" record  
10 when in fact so much of this information is in one or another  
11 stage of development.

12 MR. CONNER: If the Board please, I would start off  
13 by saying for the record matters which I do not intend repeat  
14 that we had given our detailed analysis of each of the 12  
15 contentions in our response to the amended contentions in  
16 our document dated March 26, 1984 and I do not intend to  
17 try to go back through that since it is already on the record.

18 JUDGE COTTER: Nor would we be interested in  
19 hearing it. Thank you.

20 MR. CONNER: I was sure of that.

21 JUDGE COTTER: I appreciate your consideration.

22 MR. CONNER: The basic fact remains though that we  
23 do not believe that any of those contentions should be granted  
24 and should in fact be dismissed.

25 Primarily we do not believe that any of them address

1 matters which the NRC should address. Now the main area here,  
2 I guess, is a matter we just finished discussing, the details  
3 of the state plan. In the event some doctor, let's say,  
4 went beyond his charter in helping somebody do something  
5 if there were a genuine emergency, doesn't mean that the  
6 doctor won't do his job. To the contrary, maybe one of the  
7 intervenor parties would like to bring a suit on behalf of  
8 the taxpayers or something to get a supplemental budget or  
9 something through the legislature to reimburse somebody for  
10 this doctor going beyond the strict letter of the law.

11 But the Louisiana Emergency Plan is a fine plan.  
12 It is well-written. It has stood the test of time in other  
13 hearings and it sets forth what the State of Louisiana would  
14 intend to do in an emergency. In my opinion the intervenors  
15 are nit-picking at corners of it. As Mr. McNeill says, if  
16 we can improve it, we will improve it. I think that is great.

17 The company will do what it can to assist in this  
18 area but it is not a matter for litigation by the NRC. That  
19 is the fundamental distinction that we make. There is no  
20 question that every citizen should be interested in making the  
21 plan as good as possible. That does not mean it has to be  
22 litigated by the NRC. That is the fundamental distinction  
23 and I would quickly remind the Board that the San Onofre  
24 decision, the Waterford decision and so forth all point out  
25 that what the NRC is to do is to see if the plan provides

1 reasonable assurance that adequate protective measures can  
2 and will be taken in the event of the radiological emergency  
3 period.

4           It goes on to emphasize that the function of the NRC  
5 is predictive. In this case the Louisiana Plan has already  
6 gone through the FEMA review in Waterford and it has been  
7 found to be quite acceptable. The only variations would be  
8 are all of the things in place for River Bend. The list of  
9 the seven items which the Intervenors copied and I think it  
10 was contention two, you just had the report on and everything  
11 is essentially in place.

12           The exercise will take place in January. To me  
13 there is no doubt that things will fall in place. In the  
14 event that something were to come up as a result of the  
15 exercise or on some other matter that would present legitimate  
16 new matter, I think the intervenors would have the right to  
17 raise the point at that time if it is something that is  
18 properly litigable before the NRC.

19           But at this point in time I don't think they have  
20 anything that is litigable. That is, as I say, fully  
21 discussed in our brief and I would not propose to go back  
22 through it. So unless the Board has specific questions, I  
23 think it is a matter for Mr. McNeill to work out with the  
24 intervenors to satisfy them that the state plan can be made  
25 even better.

1 MR. McNEILL: May I address one point, Your Honor.

2 JUDGE COTTER: Yes.

3 MR. McNEILL: I think for the record I have to take  
4 exception to something that Mr. Conner said and that is, I  
5 do think it is the NRC's business to see. As a state agency  
6 we are going to try to do our best to make the best plan  
7 but I think the NRC does have a duty to the people themselves  
8 to make sure that the plan is capable of working in a  
9 radiological emergency to protect the people. We are going to  
10 try to do our very best but I think that is something the  
11 Board will have to decide.

12 JUDGE COTTER: Mr. Dewey.

13 MR. DEWEY: Your Honor, addressing your question  
14 as to whether it would be advisable to go forward at this  
15 stage, I do think it would be advisable to go through these  
16 contentions because I think some of the contentions are ripe  
17 to rule upon at this time and we can also educate the Board  
18 as to the items which do appear to be probably resolved. So  
19 I think it would be helpful if we could do this.

20 MR. CONNER: If the Board please, you asked me the  
21 question in terms of going forward on the contentions, I would  
22 like to add one thing. If there are any contentions which  
23 the Board thinks should be litigated that we do so promptly  
24 after the other two issues are heard in October so that if  
25 there are any general issues, they can be gotten out of the way

1 or the record closed prior to the exercise so that in the  
2 event some matter were raised as a result of the exercise it  
3 would be cleanly delineated and not tied up with whatever  
4 other matters might exist. I see no reason why we couldn't  
5 go forward with the hearing sometime in October following the  
6 completion of the hearing on the other two issues.

7 MR. McNEILL: Your Honor, I don't mind moving the  
8 hearing date up if that will serve a useful purpose but I  
9 don't think it is going to serve a useful purpose until we  
10 have in the record the FEMA comments and the State response  
11 to those comments. Then we can set a hearing date that is  
12 realistic.

13 MR. CONNER: I am sorry. I thought Mr. Cassidy  
14 indicated those comments from FEMA would be in within one or  
15 two months.

16 JUDGE COTTER: We will discuss scheduling after we  
17 finish with the contentions. I think it might be useful to  
18 go through the contentions one at a time not so much for the  
19 purpose of repeating what has already been filed but perhaps  
20 we could begin with the intervenor addressing each contention,  
21 what items or materials might satisfy the uncertainty or the  
22 defect that the intervenor sees there and to the extent that  
23 that item or uncertainty is presently being addressed, we  
24 might get some kind of a sense of when those gaps to the  
25 extent that the contention is based on lack of information



1 will be filled. Can we begin there, Mr. Irving?

2 MR. IRVING: On the first contention, this primarily  
3 involves the fleshing out of the plan and I would suspect that  
4 when the FEMA process is over with and the plan is amended  
5 that many of these areas also will be addressed. We would  
6 certainly hope so and also with regard to the implementing  
7 procedures. Basically the complaint here is that there are  
8 several areas in the plan that are just given a "lick" in  
9 passing and it is not really a plan. We cannot see how the  
10 Board can have any assurance that anything is going to happen  
11 when you have no details about it at all.

12 JUDGE COTTER: On the first contention, am I  
13 hearing you correctly that it is your feeling that the process  
14 which is now working will satisfy the elements of that  
15 contention as the information is completed?

16 MR. IRVING: We have every hope that it will. Of  
17 course, we won't know until we see the information that is  
18 provided.

19 MR. McNEILL: If it doesn't totally satisfy it,  
20 Your Honor, it may be that contention number one could be  
21 narrowed down to one or two particularly targeted issues. We  
22 would hope that they would be satisfied with the final product.

23 JUDGE COTTER: Mr. Conner.

24 MR. CONNER: Mr. Chairman, very quickly and  
25 responding only to the points Mr. Irving made, I disagree that

1 there is not a plan. There is a plan which has stood the test  
2 of NRC review already. Secondly, the emphasis on details, I  
3 repeat, is misplaced. Under 0654 you have only the basic  
4 outline for the plan which is all that is required and I  
5 believe that if this Board were to adjudicate a line-by-line  
6 analysis of 0654 versus the Louisiana Plan, the latter  
7 document would pass with flying colors.

8 MR. IRVING: In response to that, it might pass with  
9 flying colors until you got down to the line where it says  
10 that you have to have reasonable assurance that the plan is  
11 going to work and then you would have to look at it and say,  
12 "Look, where is it going to work?"

13 MS. WATKINS: You also have to say that the county  
14 plans have not been litigated previously and different  
15 parishes are involved from the Waterford plan and the River  
16 Bend plan.

17 MR. IRVING: With very, very different factual  
18 situations.

19 MS. WATKINS: Yes.

20 JUDGE COTTER: I am aware of that.

21 MR. CASSIDY: Mr. Chairman, if I might be heard at  
22 this point.

23 JUDGE COTTER: Yes.

24 MR. CASSIDY: One of the problems that I was having  
25 in reviewing the intervenor's contentions here throughout all

1 12 of them is to where we are talking about something that  
2 we would consider or FEMA would consider the state portion  
3 of the plan and as Mr. Conner has indicated, that has been  
4 reviewed and certainly portions of it litigated in at least  
5 one NRC hearing, versus the deficiency that appears in a  
6 specific parish or parish plan which are annexes to the state  
7 plan.

8           It is not clear to me throughout these contentions  
9 where the intervenors are saying something is deficient in a  
10 parish plan as opposed to the state generic plan or state  
11 site specific plan. That would certainly help me in going  
12 through these if the intervenors could point out when we are  
13 talking about parish plans versus when we are talking about  
14 state plans and it would also, I think, help limit the scope  
15 of the issues that we are looking at here.

16           MR. IRVING: I think that is true and we do have  
17 specifics in mind on some of them. I think this particular  
18 contention number one would address itself to both the parish  
19 and state plan and I think that would also be true of contention  
20 number two and then I think we start getting into the  
21 specifics.

22           JUDGE COTTER: So contention number one sees  
23 deficiencies in both the state and the parish plans?

24           MR. IRVING. Right. I think contention number two  
25 we have already talked about at length and had a report on. I

1 think we are all aware of the status of those matters and I  
2 don't see any point in talking about it further.

3 JUDGE COTTER: Before you jump to contention two,  
4 Mr. Dewey.

5 MR. DEWEY: With regard to contention number one,  
6 the staff has reconsidered some of these items and it appears  
7 to us as written the contention does lack basis with respect  
8 to most of these parts. For example, example "A" has to do  
9 with whether the Nuclear Energy Division will make protective  
10 action recommendations to the public. The plan, in fact,  
11 does outline the recommendations that would be made to the  
12 public. For example, the EPA's protection action guide  
13 would be recommended to the public and because the intervenor  
14 has not addressed why the way the plan outlines these  
15 different protective action guides is defective, therefore  
16 the intervenor's contention lacks basis with respect to this.

17 So we consider example "A" to lack basis as a  
18 contention because they do not address what is defective in  
19 the plan that is already there. There is a significant amount  
20 of information on example "A".

21 Now example "B" refers to whether the plan includes  
22 the names of key emergency personnel. Staff believes that  
23 such detailed information is not required under the Waterford  
24 decision of 17 NRC 1076 at 1104 through 1108.

25 Example "C" pertains to primary responsibilities of

1 the various supporting organizations and whether they have been  
2 specifically established or not. Staff believes that this  
3 contention lacks basis because once again the plan specifically  
4 sets out the duties of these supporting organizations at pages  
5 17 through 24. The Intervenor does not address how or why  
6 the plan is defective in the way it sets these out.

7 Example "D" is the question that it is not clearly  
8 and unequivocally demonstrated that each principal organiza-  
9 tion has staff to respond to and augment its initial  
10 response on a continuous basis. Here again the plan, in fact,  
11 does provide that such emergency capability will be  
12 provided and these are in sections III-A(9) at page 11 of the  
13 plan and section V-B at page 15 of the plan and section  
14 VI-A(4) at page 17 of the plan and Section VI-A(6) at page 17  
15 of the plan.

16 Example "E" states that the approval and adoption  
17 of the eight attachments and enclosures have not been  
18 affected. We agree with Mr. Conner that to a certain extent  
19 implementing procedures do not have to be listed and under  
20 NUREG-0654 which requires that approval and adoption of the  
21 plan's agreements be affected prior to the hearing, that  
22 there is nothing in that NUREG that requires such detail to  
23 be inserted. I refer you to Waterford at 17 NRC 1105.

24 On that basis we do feel that contention one is  
25 defective as is written.

1 MR. McNEILL: If Your Honor please, I wonder if the  
2 staff is going to put that in writing as an amendment to  
3 their response?

4 MR. DEWEY: I have just done it orally. We changed  
5 our response.

6 MR. McNEILL: I was just wondering if I could get  
7 a copy then to review.

8 JUDGE COTTER: You will get a copy of the transcript  
9 of this hearing. Mr. Irving, do you want to respond?

10 MR. IRVING: Yes, sir. I think Ms. Watkins also has  
11 a response, too. For instance, item "A" addressing making  
12 recommendations apparently the staff is now taking the  
13 position that the recommendations are going to be provided  
14 in the various guides and criteria to be developed but if  
15 we look at pages 20 and 21, the development of the guides and  
16 criteria are relative to workers and the section on making  
17 recommendations appropriate for a protective response is as  
18 to the general public.

19 JUDGE COTTER: Tell me again the reference.

20 MR. IRVING: "F" and "G," 20 and 21. Of course,  
21 I am having to go through this in his verbal response but  
22 if I understand correctly the position he is taking is that  
23 on "F" relative to making recommendations, that they now  
24 believe that it is adequate because of the reference to the  
25 guides and exposure criteria which is also contained in this

1 section but if you look at "G", the guides and exposure  
2 criteria are relative to worker exposure and not to the  
3 general public and "F" is clearly aimed at the general public.

4 JUDGE COTTER: You are talking about pages 20 and 21  
5 of the plan?

6 MR. IRVING: Yes, sir.

7 JUDGE COTTER: All right.

8 MR. IRVING: In terms of whether the key personnel  
9 need to be identified, that is a matter of some dispute  
10 but at least we could have the key personnel specifically  
11 identified by position and current occupant. That wouldn't be  
12 too much to ask. What we are looking for is ultimate  
13 assurance that this plan can be implemented and is  
14 implementable and we don't feel like we have that. That is  
15 the point that we are raising.

16 We are dealing with as the applicant obviously  
17 concedes a very, very general and unspecific document.

18 MS. WATKINS: Then we prepared general and  
19 unspecific contentions on that basis. It is very hard to be  
20 more specific in response to a non-specific plan. I call your  
21 attention, too, to the fact that certain of the definitions  
22 between the state generic plan, the state site specific plan  
23 and the parish plans are at odds. They are not defined in the  
24 same way. If we could have a unity of all the plans for  
25 cross-reference, that would be helpful in terms of notifying

1 individuals and personnel of their rights and responsibilities  
2 under the situation.

3 I think finally particularly as to not identifying  
4 state workers who are holding these positions, our particular  
5 state is in a turmoil in terms of state departments and  
6 workers because many of the various state agencies have been  
7 required to submit plans for cutting back their total budget  
8 within the year. We don't know if these divisions are  
9 occupied now or will be occupied in the position actually will  
10 exist at any time even through the emergency exercise.

11 We can deal without having phone numbers and names but in  
12 some kind of a state situation, there should be a state  
13 employee slot for each of these positions identified.

14 JUDGE COTTER: Would it be difficult, Mr. McNeill  
15 or perhaps Mr. Spell could furnish that information?

16 MR. SPELL: I think it would be on a continuing  
17 basis, sir, because of changes in personnel. I am not sure  
18 that we could keep a running track of the individuals.

19 JUDGE COTTER: I understand. But the position could  
20 be identified?

21 MR. SPELL: Yes.

22 JUDGE COTTER: Would that be difficult to do?

23 MR. SPELL: I think it would be safe to assume that  
24 if a position is there, there would be somebody to take that  
25 responsibility even though the position may be vacant.



1 MR. IRVING: That might not necessarily be so  
2 but at least it would let us know.

3 MR. McNEILL: We will see if we can provide them  
4 with that information on a position basis.

5 MR. CONNER: Mr. Chairman, could I note just for  
6 the record one point. The Applicant did not say that the  
7 plan is whatever it was -- very vague and unspecific. We  
8 did not take that position at all. We said that the plan  
9 fully meets the requirements that have been identified by  
10 FEMA and the NRC.

11 JUDGE COTTER: I understand, Mr. Conner, and I  
12 understand that the controlling NUREG requires a generalized  
13 description of how the thing is to work and it does not  
14 mandate some of the kinds of detail that we have talked about  
15 today.

16 But it seems to me that the intervenors make a good  
17 point when they say that the State is going through agency  
18 reorganization and that there is some question in their mind  
19 and it seems to me that it is a legitimate question that  
20 deserves some kind of an answer as to when the reorganization  
21 is complete that the responsibilities are relatively well  
22 identified. I think that is a legitimate public health and  
23 safety concern. It may well be a moot question as to whether  
24 it is litigable or not.

25 MR. CONNER: Sir, on that point I would like to make

1 a distinction. It is quite one thing for a state government,  
2 as happens all the time, to be undergoing changes. That is  
3 not, I think, proper for the NRC.

4 If the intervenors were able to show that the  
5 State of Louisiana is in such chaos and inability to govern  
6 that it couldn't carry out a plan, that I think the NRC  
7 would have a right to look at. But we are far short of that  
8 threshold. We are saying maybe the act ought to be changed  
9 to give a doctor authority to go out and do something if  
10 there were an emergency. That is certainly not reaching the  
11 level of the state being unable to furnish the powers of  
12 government to its people.

13 Short of that, I think we are playing with nickels  
14 and dimes.

15 JUDGE LINENBERGER: Well, Mr. Conner, I think I  
16 hear the intervenors saying something slightly in between  
17 the perfect and the imperfect; namely that in the face of  
18 possible budgetary constraints the efficacy of the plan may  
19 very well suffer.

20 Now, that is not, it seems to me, an awfully far-  
21 fetched concern.

22 Speaking for the applicant, how does the applicant  
23 view this situation in terms of somebody having the stick,  
24 the responsibility for assuring that the efficacy of the plan  
25 doesn't suffer if there are budgetary reductions?

1 MR. CONNER: The applicant is, of course,  
2 providing services and equipment as may be appropriate, but  
3 I don't think I heard Mr. Spell or Mr. Walker suggest that  
4 they were so handicapped by changes in legislation or  
5 economic budget considerations that they were unable to  
6 perform the functions of their office. That is the  
7 distinction I think is important to make.

8 JUDGE LINENBERGER: I doubt if they would come  
9 before us with that kind of worry. If I were they, I  
10 wouldn't come before us with that kind of worry. But I can  
11 see it being a worry that does concern the intervenors and  
12 I am wondering, Mr. McNeill, whom do you see taking  
13 responsibility for the state to assure that the effectiveness  
14 of this plan doesn't fall apart if there are some budget  
15 cuts by the legislature?

16 MR. McNEILL: Well, let me first say for the record  
17 that the State of Louisiana is able to govern, and I would  
18 take exception to any inference that the situation is  
19 otherwise.

20 JUDGE COTTER: And I would certainly want to  
21 assure you, Mr. McNeill, that there is no inference of that  
22 kind.

23 MR. McNEILL: A second point, neither Mr. Spell  
24 nor any of his people -- or at least, if they did, I didn't  
25 hear it -- indicated that they were not capable of handling

1 their office and I think that they are fully capable of  
2 doing so.

3 I do not appreciate the intervenors' thrust as  
4 being directed in that direction. I think it is more  
5 directed as to whether or not, when you have a man designated  
6 to carry a water bucket, is that man going to be there and  
7 is the bucket going to be there and is the water going to  
8 be there is what they are talking about.

9 Now, we are having well publicized budget  
10 problems in the state. How that will come out is in the  
11 hands of wiser men than I.

12 But certainly the Louisiana Nuclear Energy  
13 Division has and admittedly has a continuing responsibility  
14 to review this plant.

15 Changes will have to be made in this plan from  
16 time to time and I don't know that anyone has ever contended  
17 otherwise.

18 If, for example, a fire department within the  
19 plan ceases to function and its duties are taken over by  
20 someone else, the plan is going to have to be amended to  
21 reflect that.

22 If the fire chief resigns and his position goes  
23 vacant, somebody is going to have to perform that function.  
24 These are going to be ongoing things. I don't know how --  
25 you know, you can't ever fix it in concrete because we don't

1 live in that kind of world. But the state would have to  
2 ensure -- and, of course, I would hope that any citizens,  
3 the applicant, the intervenors and the other citizens who  
4 had information that ought to be brought to the attention of  
5 the Nuclear Division would do so, so that these kinds of  
6 things would not be overlooked.

7 MS. WATKINS: Your Honor, I have a response very  
8 succinctly to those allegations. And the first one is that  
9 GSU dollars built St. Francisville a fire station because  
10 St. Francisville was not on hand with the money to build an  
11 adequate fire station for the radiological response.

12 In addition to that, individuals in St.  
13 Francisville themselves admitted that they did not have an  
14 adequate response at that time.

15 The other article I would submit is that a Georgia  
16 firm did the detailing of this plan because it was felt that  
17 NLED did not have the personnel or the manpower to provide  
18 a comprehensive radiological response plan for River Bend.

19 Mr. Dreher himself, who is in charge of such  
20 matters in St. Francisville, mentioned that he was grateful  
21 to GSU for contracting for this service. But again, the  
22 state did not have the manpower or the money to go forward  
23 with the production of this plan. It was not provided  
24 locally, it was not provided by the state. It was provided  
25 by a firm from Georgia on a contract basis to GSU for our

1 own inadequacies.

2 We still have a government, you know, in our  
3 parish, and I think these are very substantial questions.

4 MR. IRVING: If I might make one more point here,  
5 the state right now is facing, as near as we can figure, a  
6 15 percent across-the-board cut. Now, how that is going to  
7 run from agency to agency, I don't think anybody, including  
8 the governor, knows right now.

9 There is a tremendous controversy which if you have  
10 been in Louisiana a few days and you have seen our local  
11 newspapers, you have seen raging through the legislature  
12 about whether we can raise enough taxes to prevent these  
13 cuts or to give the public employees raises to prevent them  
14 from leaving, or to give teachers raises.

15 The State of Louisiana right now, because of a  
16 unique situation -- and that situation is the decline of the  
17 petrochemical industry in this state, which we had historically  
18 relied upon as our tax base -- we are facing a unique  
19 situation in terms of financing government, and government  
20 is going to be cut back. And the question is where it is  
21 going to be cut back.

22 And, of course, our concern is that where you have  
23 an area like this that involves long range planning, involves  
24 having people in place to do things and having equipment and  
25 material in place to do things that may never be necessary,

1 you are looking at an area that is very, very vulnerable  
2 when the budget cutter comes around.

3 That is the reason that for this particular part  
4 of this contingent No. 1 and also for Part D that I would  
5 hate to see the situation occur where, for instance, the  
6 Department of Agriculture is designated some duties and when  
7 it got time for the Department of Agriculture to do their  
8 duties they didn't have anybody around to do them. And you  
9 could easily have it happen.

10 JUDGE COTTER: Mr. Cassidy?

11 MR. CASSIDY: Hopefully, I can shortcut some of  
12 what has gone before, I guess at this point.

13 NUREG 0654 does require, and specifically planning  
14 standard A, sub (1)(b) and (2)(a) do require that each  
15 organization indicate by title the person that is in  
16 charge and list the key individuals that are responsible by  
17 title. And I think, you know, that is what is required and  
18 that addresses some of Mr. McNeill's concern and some of the  
19 concerns by others about having different individuals in  
20 these jobs.

21 Certainly in our review we are going to make sure  
22 that that requirement is, in fact, met, and I think that  
23 addresses part of the problem that has been discussed.

24 Whether or not the state financially has people in  
25 those positions somewhere down the road is certainly beyond

1 FEMA's responsibility, and that is another question.

2           With regard to the issue that is raised by  
3 contention 1(a), as far as recommendations of LNED to make  
4 recommendations for protective responses, I think what is  
5 being overlooked is pages 49 to 63 of the state plan which  
6 does detail the state's procedure for data collection of  
7 information with regard to the accident and the EPA  
8 protective action guidelines that are going to be applied,  
9 and what the protective response options are and who is  
10 going to make the decisions at the state level, which I  
11 think is what is certainly the level of detail that FEMA  
12 looks for in the plan that is listed on those pages.

13           And as I understand the contention 1, subpart (a),  
14 this is the specific information that is implicitly, the  
15 contention implies, is not in the plan.

16           With regard to a general comment that was made by  
17 Mr. Irving earlier regarding some of these issues specifi-  
18 cally applying to parishes, I guess as far as contention 1  
19 goes I don't see by their nature how 1(a) and 1(b) could  
20 apply to other than the state in this case, since they do  
21 specifically refer to responsibilities of the Louisiana  
22 Nuclear Energy Division in both of those parts.

23           The other three parts, perhaps they do apply to  
24 parishes, and if that is the case, I think that should be  
25 clarified in any contention that is admitted so that the



1 parties know what specifically to look at in responding.

2 JUDGE COTTER: Thank you, Mr. Cassidy.

3 I think that fairly well covers both contention  
4 1 and contention 2. Maybe we ought to take about a ten  
5 minute stretch break here and come back and address the  
6 remaining contentions.

7 We will recess until 10:10.

8 (Recess.)

9 JUDGE COTTER: The hearing will come to order.

10 MR. McNEILL: Mr. Chairman, Mr. Spell had asked  
11 if, at the appropriate time, he might have a moment to put  
12 on record his comments concerning the comments that were  
13 made about his particular agency and its capability to  
14 respond to its responsibilities.

15 JUDGE COTTER: Certainly. Mr. Spell.

16 MR. SPELL: Thank you very much.

17 First of all, I would like to address the question  
18 of reorganization. Reorganizations take place in govern-  
19 ment and private industry all the time. Those things are  
20 generally done with a minimum of confusion.

21 But I would like to point out that our agency has  
22 been operating since 1965 under one organization or another.  
23 So, we have nearly 20 years of experience in radiological  
24 protection matters.

25 We have been involved in the emergency planning

1 business since about 1974, so there are nearly 10 years  
2 there.

3 Now, in the act that created the Department of  
4 Environmental Quality, the responsibilities and duties of  
5 the previous Office of Environmental Affairs were transferred  
6 and all of the things that were previously existing remained  
7 in place.

8 I think it is prudent to look at the act to make  
9 sure that those activities, those responsibilities that are  
10 in general encumbered on the Department of Environmental  
11 Quality are also included with the Nuclear Energy Division,  
12 and I would welcome that examination and I think it should be  
13 done.

14 The secretary of the department is aware of the  
15 things that we do and is fully supportive of our actions,  
16 and this has not changed under the various organizations  
17 that we have been under.

18 With regard to the budget situation in the state,  
19 in a staff meeting yesterday morning our secretary told us  
20 that there were some cuts but they also have made a request  
21 for some reinstatements and they feel that that will be  
22 viewed favorably.

23 We do feel like that we can continue our  
24 responsibilities even with a 15 percent budget cut. I don't  
25 think that will affect us that greatly.

1           We are in excellent condition with regard to  
2 equipment. We have only two staff vacancies at present, and  
3 we normally have vacancies of one kind or another. Our  
4 staff is presently 19 professionals, 5 technical and  
5 clerical, and so two of the vacancies are in the professional  
6 staff. But we propose to fill those after July 1st.

7           We do not feel that any budget cuts that we  
8 anticipate will cause any great deal of difficulty with our  
9 response effort.

10           With regard to the use of a Georgia firm, this was  
11 a matter of practicality. Because of the time constraints  
12 that were placed on us, we felt like the offer by Gulf States  
13 to employ this firm would be to our advantage for a couple  
14 of reasons.

15           Number one, we knew the people. Actually, some of  
16 the people in that firm were in positions similar to mine  
17 in the past. We have known them professionally. And with  
18 the condition that they work under our direction -- not under  
19 GSU's direction, but under the direction of the Louisiana  
20 Nuclear Energy Division, we agreed to allow them to employ  
21 this firm to be used by the Louisiana Nuclear Energy  
22 Division.

23           This was done and is simply a matter of  
24 practicality because it does take a great deal of time to  
25 put out contracts through the bid process of the state, and

1 we did not feel we had time to do that.

2 I believe this concludes the remarks I would like  
3 to make at this time.

4 JUDGE COTTER: Thank you, Mr. Spell. Certainly,  
5 contracting some portions of government work is not a  
6 practice unknown to either state or federal government  
7 agencies.

8 MR. IRVING: If I might just respond with one  
9 sentence, that our concern is not necessarily that  
10 Mr. Spell's agency would be affected by the budget cuts as  
11 much as it would be the other agencies that have  
12 responsibilities and whose nuclear disaster responsibilities  
13 are certainly not the number one responsibility of that  
14 agency.

15 JUDGE COTTER: Thank you, Mr. Irving.

16 Continue with contention 3.

17 MR. IRVING: Contention No. 3, I believe, will be  
18 remedied with the amendments. This deals with the various  
19 reorganizations that have already taken place and the  
20 changing of responsibilities. And we all, I think,  
21 recognize that this has occurred and that there is a need to  
22 amend the plan to reflect the correct agencies and the  
23 correct roles at this time.

24 That effort is being made. And, of course, if the  
25 matter were adequately addressed, then we would certainly

1 withdraw the contention.

2 JUDGE COTTER: Do any of the parties wish to  
3 comment, any other parties?

4 (No response.)

5 All right. Contention 4.

6 MR. IRVING: Contention No. 4, we think, is a  
7 very difficult issue. There are a number of jail and prison  
8 populations and also a state hospital, and these are a  
9 hospital for insane persons, that are within the EPZ and  
10 need to be addressed.

11 Basically, the plan gives them a hit and a miss by  
12 mentioning that they have to be dealt with and doesn't  
13 really say what is going to be done.

14 I think these are serious issues. We understand  
15 from the conferences that we have had that, for instance,  
16 at the state hospital some consideration is being given to  
17 putting the patients in place in one of the buildings with  
18 heavier walls.

19 When that gets to be something we can address, we  
20 certainly would like to because I think the general feeling  
21 amongst intervenors is that might not be the best thing to  
22 do if the hospital were immediately downstream of any  
23 release.

24 JUDGE COTTER: How far is that hospital from the  
25 site?

1 MR. IRVING: The hospital is, what, between nine  
2 and ten miles. Between nine and ten miles from the site.

3 There is also a prison that is adjacent to that  
4 hospital grounds, and there is a jail in the town of  
5 St. Francisville. And you also have a jail in New Roads  
6 that is within the ten mile EPZ.

7 And I think the hospital is of particular concern  
8 because I have had some dealing with the people who are in  
9 that hospital and have been in that hospital, and, you know,  
10 you find some people who know what they are doing up there  
11 but would certainly not be someone you would want to meet in  
12 a dark alley. I mean, there are some pretty rough people  
13 up there.

14 And I would not want to see a situation where  
15 those people got it into their head, how rational or  
16 irrational a belief, that they were not being adequately  
17 protected.

18 MR. McNEILL: If I may, a couple of observations.  
19 One is that the two parish jail populations that Mr. Irving  
20 referred to in St. Francisville and New Roads would, in the  
21 event of an emergency, have to be evacuated. And the  
22 proceeding would be to evacuate those prisoners to another  
23 parish jail outside of the affected area.

24 Now, the prisons in this state are under the  
25 jurisdiction of the Federal District Court here as far as

1 overcrowding and things like that go. But as I appreciate,  
2 the district judge has been understanding and reasonable  
3 about making arrangements when emergencies like this come up,  
4 so long as that is not abused.

5           So, the question of the people at the mental  
6 institution at Jackson, I agree with Mr. Irving, you would  
7 not want these people to get it in their minds that they had  
8 a problem that wasn't being addressed because they are not  
9 rational, and even if they were they might still get upset  
10 about it if they thought it wasn't being handled properly.

11           But the feeling, as I appreciate it, is -- and this  
12 was discussed at our meeting on May 18th -- that the buildings  
13 there -- these are older buildings which were built back  
14 when the cost of materials was not what it is today -- they  
15 have extremely thick walls, apparently, and it is felt that  
16 the protection afforded an individual in those buildings  
17 would be greater than if you tried to evacuate these people  
18 and take them to another place. Considering the nature of  
19 the population there, that you would run a much greater  
20 risk that they would be harmed or harm themselves in the  
21 process of moving.

22           You know, that is just the way -- there is a  
23 difference of opinion there, or there might be a difference  
24 of opinion. I guess that is just a matter that will have to  
25 be resolved by the Board.

1           As far as the people who have, because of age,  
2 infirmity or lack of transportation, would have to be moved,  
3 the plan, as I appreciate it, envisions attempting to  
4 generate and update and maintain a list of such people and  
5 where they are normally physically located.

6           But obviously no one knows when such an emergency  
7 might arise and you are not always at your home or your  
8 office. So, there will be some people who are not going to  
9 be really expecting it and there is no way that I can see  
10 that that can be compensated for in advance if someone has  
11 left their home and has walked down to the store.

12           But the attempt is being made, and from what I  
13 could gather from what was presented at the meeting the  
14 other day, about the most that you could expect is being  
15 done as far as providing for those particular individuals.

16           If there is a better suggestion, we are open to  
17 it.

18           MR. IRVING: I think the issue is more the  
19 fleshing out of the plan to show, because at this point in  
20 time, the things, for instance, about what we are going to  
21 do with the hospital have all been verbal to us, and we would  
22 like to see it in writing.

23           MR. PIERCE: It may be in these implementing  
24 procedures that are forthcoming.

25           MR. McNEILL: I think that request is understandable



1 and reasonable. And again, this is something that I think  
2 we will better be able to discuss after we get the FEMA  
3 comments and respond to those comments and make the  
4 amendments that we are envisioning.

5 But those problems, there are some problems there  
6 that are recognized and we are attempting to deal with them,  
7 and hopefully we will deal with them in such a manner that  
8 will provide the best protection for everybody.

9 JUDGE COTTER: All right. Is there anything to  
10 add to that? Anything from the other parties?

11 (No response.)

12 Contention 5.

13 MR. IRVING: Louisiana is unique in that we have  
14 experienced a situation recently which has many similarities  
15 to the kind of disaster that we will be talking about planning  
16 for, which is the well-known Livingston train derailment  
17 which occurred in the town of Livingston two years ago  
18 involving a chemical train which wrecked and an ensuing  
19 evacuation of the entire town.

20 Now, we are talking about evacuating a much  
21 smaller area in the Livingston train derailment than we  
22 would have to potentially evacuate in a River Bend accident.  
23 It was perhaps a three mile circle at the most in the  
24 Livingston train derailment, and here we are talking of  
25 perhaps ten.

1           The situation that occurred in Livingston was that  
2 the state police felt it necessary to go to the courts and  
3 get an injunction issued to prohibit people from coming into  
4 the area, and there, in fact, were a number of people that  
5 even in the face of potential explosions and fires, which were  
6 occurring, and the hazardous fumes which were well reported  
7 on television, who did go back into the area to check on  
8 their possessions and do other things, perhaps some looting.  
9 And the injunction was felt to be necessary to prevent  
10 those people from going back in.

11           There is no mention of the judicial system in the  
12 plan and since it was considered necessary to have an  
13 injunction issued in the only kind of similar event that we  
14 can think of where the same kind of authority was, in fact,  
15 exercised by the lieutenant governor, as acting governor at  
16 the time, then I think the involvement of the courts is  
17 essential.

18           I might point out that the gravamen of the dispute  
19 here perhaps is the feeling on the part of the applicant and  
20 perhaps some of the other parties that the state is not under  
21 an obligation to ensure that no one will go back into the  
22 evacuated area.

23           But I must point out that the plan in several  
24 locations specifically mentions law enforcement personnel  
25 being stationed in places to prevent people from going back

1 into the area. And the problem you are going to have is  
2 that without an injunction issued by the court, it is by no  
3 means a certainly in my estimation that they have the  
4 authority to do that.

5 MR. McNEILL: I am somewhat uncertain as to  
6 exactly what Mr. Irving would have us do, because if an  
7 injunction is necessary or felt to be necessary, certainly  
8 one will be sought.

9 We can't in the plan order the judges to do  
10 something. I mean, by statute the legislature could perhaps  
11 do that, to some extent.

12 But certainly we do feel that there are -- if you  
13 have such an emergency, you are going to have to have areas  
14 where people are told to get out and stay out until it is  
15 clear.

16 To enforce this, you get into a question of a  
17 police matter and perhaps an injunction. I am not saying that  
18 an injunction would not be necessary. If it is, the courts --  
19 you know, presumably there would be a court available that  
20 we could go to and apply for an injunction and get one.

21 What would you have us put in the plan, I guess is  
22 what I am saying?

23 MR. IRVING: The answer to that question is very  
24 simple. You are dealing with courts in East Baton Rouge  
25 Parish, East Feliciana Parish, West Feliciana Parish and

1 Pointe Coupee Parish. You have got four parishes. Each of  
2 those parishes has a judge who is designated as a duty judge  
3 or available all the time.

4 For instance, in East Baton Rouge Parish, police  
5 officers in the normal course of doing their business  
6 occasionally find it necessary to get search warrants or  
7 arrest warrants or things of that nature issued. All  
8 parishes have a need from time to time to have bonds fixed  
9 for persons who are incarcerated.

10 So, there already is an existing mechanism to get  
11 in touch with a judge just about anytime. All you have to  
12 do is write it into the plan and say that, as a part of the  
13 response, that some designated person in responsibility upon  
14 the declaration of a state of emergency will have some  
15 agency's lawyer get in touch with the judge and see to it  
16 that any necessary court orders are issued, and write the  
17 duty judge into it. And that would solve the contention.

18 MS. WATKINS: I remember, too, at the time of the  
19 Livingston derailment we had a particularly sympathetic judge  
20 who was able to see the fires, look at the fumes and smell  
21 things that were going on. It was quite an apparent  
22 emergency and he could understand the need for this  
23 injunction.

24 But we don't always have those kind of judges that  
25 are duty judges at the moment.

1           Moreover, the judge in Livingston wrote up his own  
2 injunction, which was deemed to be sufficient at the time,  
3 or at least it really hasn't been litigated.

4           I think as a minimum, providing an injunction that  
5 would be designed in some kind of an advance form and not  
6 putting that onus on the judge to draft out the injunction  
7 would be perhaps an abundance of caution, but the state  
8 police in this state are among the premier organizations,  
9 and when they say they think they need an injunction, they  
10 are not going to act without one. They will seek out a  
11 judge in the proper course of time. And I think it would  
12 be incumbent on us to supply an injunction for them to seek  
13 from the various judges in the parishes affected.

14           JUDGE COTTER: I agree with your concept, but I  
15 don't see that we have any jurisdiction in this area because  
16 of the way the NUREG is written.

17           JUDGE LINENBERGER: Well, this Board member is  
18 thoroughly confused by this whole discussion, consistent with  
19 what Judge Cotter just said.

20           You, Ms. Watkins, commented about law enforcement  
21 personnel wanting judicial authority to enforce something.  
22 Well, sure, they are going to protect themselves against  
23 illegal actions on their part.

24           But let's go outside of that realm of consideration  
25 and ask, where is it in the plan anywhere that says that a

1 person that doesn't want to get out has to be forced to get  
2 out? I don't see that anywhere. Is it somewhere?

3 The whole premise of what you are saying, it seems  
4 to me, is predicated on a requirement that exists somewhere  
5 to not let anybody have the right to stay put, if he wants  
6 to. Now, I don't know where that requirement exists and I  
7 need some clarification there, because otherwise I am  
8 confused.

9 MR. IRVING: That is not in the plan, but the plan  
10 does say with reference to several of the law enforcement  
11 agencies that they will be stationed at various highways to  
12 keep people from going back into the evacuated area, which  
13 is precisely the question that you have got to answer. They  
14 have no authority to do that.

15 JUDGE LINENBERGER: Well now, suppose the plan  
16 said to advise people of the dangers they will be confronted  
17 with if they go back in. Would that satisfy your concern?

18 MR. IRVING: They could do that. But I think if  
19 you are going to put in the plan that the law enforcement  
20 officials have the authority to do something, then they ought  
21 to have the authority to do it.

22 Now, if you want to amend the plan and just say  
23 that we are going to create an advisory evacuation and we  
24 are going to recognize that they don't necessarily have the  
25 authority to make people abide by it, then that is different.

1           The situation can be addressed either way. You can  
2 either involve the courts and make it mandatory, or you can  
3 delete the requirement and make it advisory.

4           MR. McNEILL: Of course, I think you have two  
5 considerations here that we have to look at. One of them is  
6 that you are concerned with the safety of the people in the  
7 area. If you tell them, hey, we have got a dangerous  
8 situation here, here is a bus, you ought to get on it --  
9 certainly there is a question as to whether you should put a  
10 gun at the guy's head and make him get on the bus if he  
11 doesn't want to go.

12           The other thing, though, is I think there is a  
13 legitimate interest in trying to keep sightseers, as it were,  
14 out of the area so that the personnel who have duties to  
15 perform as far as restoring things to normal can do their  
16 jobs.

17           Also, you want to keep potential looters out of  
18 the area. This again addresses the question of how bad the  
19 situation is, and we are presuming, I guess, the worst case  
20 scenario.

21           In the worst case scenario, you may have to  
22 address the question of perhaps martial law, to put the  
23 National Guard there to put down looting, if that becomes a  
24 problem.

25           JUDGE COTTER: But neither of those are Nuclear

1 Regulatory Commission functions.

2 MR. McNEILL: No, these are law enforcement  
3 functions.

4 Now, I am sympathetic with what Mr. Irvings is  
5 saying and I am not necessarily arguing against him. I am  
6 really just bringing out some points.

7 Let me talk some more with Mr. Irvings. Maybe we  
8 can work out some language that will satisfy that contention.  
9 I am not opposed to what he is saying. I just want to make  
10 sure that what we put in there will be something that makes  
11 sense and is workable.

12 It may be that we could designate the Secretary of  
13 Environmental Quality to be the one to ask for the injunction  
14 and certainly we can do that through the agency, the  
15 Attorney General's office, and we could coordinate it with the  
16 DA's offices in various parishes.

17 MR. IRVING: Look at I-8 for an example of what I  
18 am talking about. This would be enclosure 1 of the East  
19 Baton Rouge Parish.

20 If you will look at the fifth item down, one of the  
21 responsibilities of the sheriff's office is instituting  
22 access control and area security, and that is exactly what I  
23 am talking about.

24 The access control is not something that I  
25 appreciate that the sheriff has authority to do absent the



1 issuance of some kind of a court order that he can enforce.

2 JUDGE COTTER: But still, that is a bootstrap  
3 argument. Because they put that in there doesn't mean that  
4 it is required to be in there by the Commission's regulations.

5 MR. IRVING: Once it is in there, if we are going  
6 to address the question of whether this is a workable plan or  
7 not, once it is in there, I mean, you can't have a plan that  
8 has a provision in it that is completely contrary to the  
9 law, which is what we have got right now. And there are  
10 many reasons that for the protection of the general public  
11 you are going to need that kind of access control, because  
12 I am a whole lot more likely to go back into my house if I  
13 am afraid that somebody else can get back in there and loot  
14 my house.

15 JUDGE COTTER: I am not disagreeing with your  
16 logic in terms of the benefit that you seek to have added to  
17 the plan. But what I am saying is that that is not a  
18 requirement of this regulation and therefore it is not an  
19 appropriate subject for this Board to consider. That is  
20 the difficulty with it.

21 MR. CASSIDY: I would respectfully differ in terms  
22 of ordering an evaluation. Clearly, that is not. If the  
23 contention is talking about access control, clearly it is.  
24 Under NUREG 0654, paragraph J, subparagraph (10)(j), access  
25 control is.

1 I didn't understand the contention the way it is  
2 written to be discussing access control. I understood it to  
3 be dealing with ordering an evacuation.

4 I would say that if the contention is whether or  
5 not ordering an evacuation or forcing people to leave their  
6 homes is the thrust of the contention, then it is beyond the  
7 scope of anything that the Board is required to look it. If  
8 the contention is access control, it should be rewritten as  
9 such.

10 And if we are talking access control, I would just  
11 like to toss out my own anecdotal story here with regard to  
12 a similar evacuation that occurred in December of '82 in the  
13 vicinity of the Waterford 3 facility.

14 A Union Carbide chemical plant which is located, I  
15 believe, a mile and a half upriver from the Waterford 3 site,  
16 there was an accident there where there was a major release  
17 of gas.

18 The parish officials involved, in fact, utilized  
19 to some degree the emergency plan for -- that had been  
20 designed for Waterford 3 to conduct an evacuation of some  
21 17,000 people in the area.

22 The point that I am getting to is that my under-  
23 standing from the hearings in Waterford and certainly from  
24 the events that occurred at that accident was that the county  
25 sheriff -- in fact, the county sheriff, the testimony was

1 quite emphatic about his authority to order people out of  
2 their homes, specifically without resorting to any kind of  
3 court order, and clearly both in the actual emergency in  
4 December of '82 involving the Union Carbide plant, maintained  
5 access control and kept people from entering the area that  
6 had been evacuated.

7 I understand from what they are saying that  
8 obviously the state police took a different approach in  
9 this other accident in Livingston, but it seems to me from  
10 my experience dealing with -- particularly dealing with the  
11 sheriffs' departments in Louisiana that they, in fact, do have  
12 that authority and I believe once a state of emergency has  
13 been declared in the State of Louisiana that the governor, in  
14 fact, has the authority to control specifically ingress and  
15 egress to a local disaster area.

16 I believe that is the current state of the law in  
17 Louisiana, and I believe Mr. Dewey has the citation to that.

18 MR. DEWEY: Yes. Not only the governor, but also  
19 the directors of parishes are to compel an evacuation and to  
20 control ingress and egress. The cite on that is  
21 Louisiana Revised Statutes 29.701 et sequitor. And if you  
22 would like, I will read the language in the record right now.

23 It says under Section 5 that the chief executive  
24 officer has the power to direct and compel the evacuation of  
25 all or part of the population from any stricken or threatened

1 area within the local governing authority if he deems this  
2 action necessary for the preservation of life or other  
3 disaster mitigation response or recovery.

4 And section 7 provides that he has the power to  
5 "control ingress and egress to and from a local disaster  
6 area and movement of persons within this area and the  
7 occupancy of premises therein."

8 Based upon this clear legislative authority, I  
9 believe this is a non-contention, I mean a non-issue, because  
10 the head of the parish has been granted power to effect this  
11 evacuation.

12 JUDGE COTTER: Does the sheriff respond or does he  
13 report to the parish director?

14 MR. DEWEY: Yes, sir. The parish director ---

15 MR. IRVING: No. The sheriff is his own boss.

16 MR. DEWEY: Well, the parish director, it would  
17 appear, has power to have his emergency personnel go and  
18 carry out these various functions, whoever he appoints as  
19 the emergency personnel, and that could include the sheriff,  
20 I would think.

21 So, anyway, I think the Louisiana law clearly takes  
22 care of this, and secondly, I agree that the NUREG 0654  
23 doesn't require this. And the way the contention is  
24 presently written, it would appear to apply to the ingress  
25 and egress of individuals or controlling that and enforcing

1 evacuation.

2 MR. CONNER: Mr. Chairman, just for the record,  
3 the next section from the one cited by Mr. Dewey, Section  
4 706, makes the same type of provisions for local disaster  
5 emergency being declared by the principal executive officer  
6 of the local governmental subdivision.

7 If the Board would like copies of this legislation  
8 for information -- I don't think it is proper for considera-  
9 tion formally -- we would be glad to give you copies. We  
10 brought some, if you want them.

11 MR. IRVING: That was exactly the section that the  
12 court relied on in issuing the injunction in the Livingston  
13 train derailment. And the question is whether under the  
14 Constitution that provision is self executing or whether  
15 the executive officer has to execute it through the courts.

16 In the case of the Livingston train derailment, the  
17 feeling was it had to be executed through a court order, and  
18 we are specifically raising this contention, raising the  
19 question of access control.

20 So, if it is not clear then, it is clear now. That  
21 is what we are talking about.

22 MR. CONNER: Well, we object now to that. That is,  
23 I think, changing the game in midstream, and that is not  
24 what that contention in plain language talks about. And I  
25 think here we have to make an objection on the grounds that

1 we are not talking about a different thing, we are talking  
2 about the concept of judicial enforcement, and now we are  
3 trying to switch gears to argue about whether 0654 prohibits  
4 ingress and egress by somebody after control points have  
5 been set up. And I think they are totally silent on that.

6 But I also think it is not a contention before the  
7 Board.

8 MR. IRVING: Well, if I might respond to that,  
9 first, this is not a game. Everybody here is for the same  
10 purpose and that is to get a workable evacuation plan that  
11 we can all live with.

12 And in that regard, the language that I have placed  
13 here obviously -- it may not be artful, but obviously you  
14 can see what I am talking about, and certainly access control  
15 would be one of the things, and particularly since that is a  
16 completely legitimate issue to consider.

17 The order to enforce an evacuation is the same  
18 thing is preventing people from going into the area.

19 JUDGE COTTER: I am not sure I would agree with  
20 that, but I understand your point.

21 MR. IRVING: Enforcing an evacuation would perhaps  
22 be broad enough to include ordering people out and keeping  
23 them out. Well, it may well be that ordering people out is  
24 beyond the scope of what the NRC can consider, but item No. 2,  
25 keeping people out, is not, is within the items that the NRC

1 can consider and should consider.

2 JUDGE COTTER: As I understand it, you are going  
3 to talk with Mr. Irving and see if the two of you can work  
4 something out.

5 MR. IRVING: It is a very easy contention to comply  
6 with.

7 MR. McNEILL: I am going to sit down with Mr. Irving  
8 and see if we can work out something we can agree will serve  
9 the purpose. I don't take any position one way or the other  
10 as to whether it ought to be here or not. I think that any  
11 of these things that concern the workability of the plan and  
12 whether or not the plan is going to be effective in protecting  
13 the public, I think anything that is germane to that would be  
14 germane to our consideration here today.

15 But whatever way the Board decides on that matter,  
16 I still within my jurisdiction would like to explore with  
17 Mr. Irving and see if there is a problem here. If there is,  
18 I would like to address it and try to correct it, and we  
19 certainly intend to make every effort to do that.

20 JUDGE COTTER: All right.

21 MR. IRVING: We could draft a two page amendment  
22 to the plan which would take care of that whole problem, or  
23 a two paragraph amendment.

24 JUDGE COTTER: Contention 6 I think we have  
25 discussed. Have we covered that adequately?

1 MR. IRVING: Yes, I think we have discussed  
2 Contention 6. I think there is some question, I think, with  
3 the applicant ---

4 JUDGE COTTER: Excuse me a moment. I did want to  
5 say that the Board would like copies of those statutes. It  
6 makes it easier to take official notice of them as a public  
7 record.

8 MR. IRVING: What I would like to do is, could I  
9 submit to the Board a copy of the injunction that was, in  
10 fact, issued in the Livingston train derailment? I have it  
11 at my office, but due to a conflict this morning I didn't get  
12 it over here in time.

13 JUDGE COTTER: Well, you have made mention of it.  
14 I assume that would be ---

15 MR. CONNER: I have no objection.

16 JUDGE COTTER: Yes, please.

17 MR. IRVING: I will mail it to you.

18 MR. McNEILL: As far as Contention 6, Your Honor,  
19 we plan on amending the plan to reflect the intended food  
20 stock program and I think that will correct it. We will take  
21 care of that problem.

22 JUDGE COTTER: All right. Contention 7.

23 MR. IRVING: Contention 7 deals with Capitol  
24 Transportation Corporation. There is a memorandum of  
25 understanding with Capitol Transportation Corporation which



1 appears at the end of the plan, but Capitol Transportation  
2 Corporation is not in the plan. And all we are asking is  
3 that the plan be amended to put them in the plan where they  
4 are supposed to be.

5 MR. McNEILL: And we are going to do that.

6 JUDGE COTTER: Contention 8.

7 MR. IRVING: Contention 8 deals with the duties of  
8 the State Department of Agriculture. As I understand it,  
9 plans are underway to make an amendment of the plan to  
10 redefine this. Right?

11 MR. McNEILL: I think that the problem in here was  
12 that in reading the duties of the Department of Agriculture,  
13 the intervenors read into it that the Department of  
14 Agriculture was being asked to make a determination as to  
15 whether or not certain food stocks had been contaminated.  
16 That was never the intention.

17 The intention was that Agriculture should provide  
18 information to the Louisiana Nuclear Energy Division as to  
19 what food stocks may have been resident within the danger  
20 zone. Then the Nuclear Energy Division would take the  
21 responsibility for determining whether or not these foodstuffs  
22 had been contaminated.

23 The language may not have been as clear as it  
24 could have been and we are working on amendments which will  
25 hopefully clarify that language to show what the true

1 responsibilities are.

2 JUDGE COTTER: Do you expect that to satisfy your  
3 contention?

4 MR. IRVING: I think it will satisfy the contention  
5 if it is amended.

6 JUDGE COTTER: Contention 9.

7 MR. IRVING: Okay. Contention 9 deals with  
8 notification of commercial and industrial facilities in the  
9 event of an emergency. As I appreciate, the State  
10 Department of Commerce has been delegated the task of doing  
11 this, and the entire plan is very vague about it, but we  
12 suggest that as a minimum that that section of the plan could  
13 just recite who they plan on notifying.

14 I realize there are some maps that show different  
15 industries that are in the area, but I don't think it is too  
16 much to ask to say that the Department of Commerce will be  
17 responsible for notifying, and a list.

18 JUDGE COTTER: Mr. McNeill, any comment?

19 MR. McNEILL: We discussed this at the meeting and  
20 we are looking into seeing what kind of amendments can  
21 possibly be made on that. So, that is another one that  
22 quite possibly will be taken care of and knocked out when  
23 we finish the proposed amendments.

24 JUDGE COTTER: Do you have any time frame for  
25 that?

1 MR. McNEILL: Well, it is like all the rest of it.  
2 When FEMA submits it, we are going to do this all at one time,  
3 or we propose to, in response to FEMA's comments as well as  
4 to addressing the matters we are discussing here today, as  
5 well as addressing any other matters that may come to our  
6 attention that we feel require amendments.

7 The idea being so we can present FEMA with one  
8 package to review, rather than doing it piecemeal, and that  
9 seeming to be the most economical from the point of view of  
10 time.

11 JUDGE COTTER: All right. Contention 10.

12 MR. IRVING: Contention 10, I think, arises from  
13 probably some difficulty understanding how school boards and  
14 school buses work in this state.

15 In all the rural parishes, and in particular the  
16 rural parishes that are at issue here, the school buses are  
17 almost without exception privately owned by owner/drivers  
18 who have other occupations and they run multiple loads.

19 In other words, driving a school bus is a sideline  
20 to whatever your regular occupation is.

21 And what we are raising is the question of the  
22 difficulties in relying upon a transportation network like  
23 that for rapid emergency response.

24 Among the issues there is the fact that the school  
25 buses run more than one load and if you attempted to evacuate

1 everyone at once, you would either have to substantially  
2 overload the buses from what they customarily run, or you  
3 would have to provide alternative buses.

4 Now, there is some discussion, obviously, of  
5 alternative buses, for instance, from East Baton Rouge  
6 Parish, but this is not well fleshed out at all.

7 The other thing that is certainly not demonstrated  
8 in the plan is that the school bus drivers who have other  
9 occupations will be available, for instance, during the  
10 summertime when the schools are closed and they may be, you  
11 know, working more in their full time occupation, or during  
12 the day when they are working doing something else, to  
13 quickly provide the school bus transportation needed. Or  
14 they could be on vacation, or many things.

15 And another thing is, we are also not of a belief  
16 that a memorandum of understanding with the West Feliciana  
17 Parish School Board would be adequate to commit the  
18 individual owner/operators of schools buses to providing the  
19 service.

20 JUDGE LINENBERGER: A point of clarification,  
21 Mr. Irving. Is it your understanding that the school buses  
22 would be used only for evacuation of school children, not  
23 for evacuation of disadvantaged people who may not have  
24 transportation, or others?

25 MR. IRVING: No, sir. My understanding is that the

1 school buses are available for transportation for both  
2 groups, for schools and for other disadvantaged persons who  
3 need transportation.

4 I mean, we are really putting a very heavy burden  
5 on these school buses.

6 MS. WATKINS: This is the other contention on  
7 school buses that really needs to be dealt with at some  
8 time, that school buses and drivers are in place in a very  
9 close proximity all during the school year, but when school  
10 is not in session the driver and the buses are often  
11 separated for routine maintenance and storage and  
12 refurbishing of the buses.

13 Now, that wouldn't apply to the privately owned  
14 buses, but it certainly applies to all the school buses in  
15 East Baton Rouge Parish. They don't keep them with them in  
16 the summertime.

17 So, there is going to have to be some assurance  
18 that these buses are in runnable condition, or a certain  
19 portion of them at times when school is not in session.

20 MR. IRVING: I will bet you that the vast majority  
21 of these owner/operator drivers don't drive their school  
22 buses to their other jobs during the summer when they don't  
23 have to leave at three o'clock in the afternoon and haul kids.

24 JUDGE COTTER: Mr. McNeill?

25 MR. MCNEILL: I would like to call on the

1 Louisiana Nuclear Energy Division to comment on that.

2 MR. WALKER: I am Rick Walker with the Nuclear  
3 Energy Division.

4 I would just like to give an indication on the  
5 agreements that have been obtained for school buses. As I  
6 indicated earlier with the East Baton Rouge School Board,  
7 the present status of that agreement is for the use of -- we  
8 requested 30 buses, and this is a supplement to particularly  
9 West Feliciana Parish because of the shortfall that we have  
10 identified.

11 And at the present time the school board has  
12 approved the proposal as it was presented to them but the  
13 signatures have not been obtained.

14 As far as the other areas where we have identified  
15 a need for school buses, and because they are predominantly  
16 privately owned buses, we have obtained agreements with the  
17 individual drivers with 24 drivers in East Feliciana Parish,  
18 with 47 drivers in Pointe Coupee Parish, and with 24 drivers  
19 in West Feliciana Parish.

20 And with the additional 30 buses identified out of  
21 a pool of 500 or so in East Baton Rouge, which we have  
22 identified we thought we would need at any one time 30  
23 buses, they do have a pool of 500 buses, of which I am sure  
24 they could give us at least ten or so more. In fact, as a  
25 minimal request, we say 30.

1           We feel we have identified an adequate number of  
2 buses to address the need to supplement the double run  
3 situation, in particular.

4           JUDGE LINENBERGER: One question here. It is not  
5 at all clear to me how the numbers of drivers with whom  
6 agreements have been reached that you cited compare with the  
7 total number of drivers that would be required if there were  
8 an emergency. You gave certain numbers, but does this  
9 represent 50 percent, 100 percent?

10          MR. WALKER: Oh, I am sorry. Okay. What we have  
11 done is we have identified the number of buses that  
12 normally would be required to transport the number of  
13 students enrolled at the different schools in particular,  
14 because they would not have transportation. And we have  
15 identified in excess of the number in each parish.

16          So, for instance, if it takes 18 buses to evacuate  
17 a particular high school and they need to accomplish that by  
18 a double run, we make sure that we would have 18 buses  
19 available at one time, as opposed to having, say, 12 buses  
20 there and 6 would have to make a double run.

21          In place to accomplish this, we have procedures,  
22 a coordinating mechanism whereby parishes will call upon  
23 other parishes through their transportation coordinator, who  
24 has been identified, to make arrangements to provide those  
25 buses. Have I answered your question?

1 JUDGE LINENBERGER: I think half of it, actually.

2 JUDGE COTTER: Implicit in the question is the  
3 coverage for those people who otherwise do not have  
4 transportation, aside from children.

5 MR. WALKER: Oh, okay. For those persons who are  
6 without transportation, we had hoped through a door-to-door  
7 survey we will identify who will need transportation. We  
8 have also -- well, this will be an ongoing list maintained  
9 in civil defense offices.

10 For other members of the general public there will  
11 be buses available through dispatch locations that we intend  
12 to utilize.

13 Now, the other area that I didn't talk on is  
14 for nursing homes or hospitals. We have also identified  
15 what transportation needs they would have specifically based  
16 on their enrollment or their number of beds that would be  
17 occupied at any one point in time, and in conjunction with  
18 also considering that some of those persons at hospitals  
19 or a nursing home may need transportation other than a bus,  
20 some non-ambulatory van, and we have identified those, as  
21 well.

22 JUDGE LINENBERGER: Incidentally, this is a little  
23 bit off the subject specifically, but not very far off. I  
24 ran into a school bus utilization situation one time in  
25 which a time to evacuate study was made that assumed that



1 school buses would be traveling at a certain average speed,  
2 and lo and behold it turned out that that certain average  
3 speed exceeded state law and the mechanical governor  
4 capabilities on the buses that were to be used.

5 I would like to think that that kind of a glitch  
6 has not occurred here. I am not asking a question. I am  
7 just pointing out that.

8 MR. WALKER: I would point out, if we realize we  
9 are going to supplement, for instance, from East Baton Rouge  
10 Parish in the Baton Rouge area to West Feliciana in the  
11 St. Francisville area, we will know the distance and we are  
12 going to try to predict what the time required would be, not  
13 only for notification but to have those buses available. And  
14 we intend to have an estimated provided in the planning  
15 documents for the civil defense agencies to have. And it  
16 is not based on evacuation time as the model.

17 MR. IRVING: We are dealing with a situation where  
18 we are being provided with new information whenever they  
19 come up with the addressing of this contention by providing  
20 the buses from East Baton Rouge Parish. I think there is a  
21 very serious contention that is going to have to be raised  
22 about the transit time which would be in excess of an hour  
23 to get a bus in East Baton Rouge Parish up to the West  
24 Feliciana Parish school system, for instance.

25 MS. WATKINS: Moreover, if school is in session the

1 500 East Baton Rouge Parish buses also make two runs, and  
2 those drivers would not be in telephone or radio  
3 communication until the second run was finished.

4 JUDGE COTTER: Mr. Walker, before you get away  
5 from us, have you considered those two questions? The  
6 first was the time of transport from East Baton Rouge.

7 MR. WALKER: I can't deny that there is  
8 transportation time that would take an hour. We would hope  
9 that based on the emergency that we would have lead time  
10 that allows that. Certainly, we can't say that it will or  
11 will not.

12 As far as the buses being utilized for other  
13 services, when we addressed the East Baton Rouge School  
14 Board, it was their feeling that the request of 30 buses  
15 was not going to hinder their ability to provide the normal  
16 transportation for the students.

17 MR. IRVING: That is not the question, though. The  
18 question is, what do you do when those buses are actively  
19 in the process of being used and you have an emergency? That  
20 is going to increase your time that you need for those buses  
21 to respond to your emergency by perhaps an hour while they  
22 are on their run and get back.

23 JUDGE COTTER: I think what Mr. Walker said was  
24 that they could furnish the 30 buses and that would not  
25 impact the double run.

1 MR. McNEILL: What he is saying, though, Judge, is  
2 this: If the Baton Rouge buses are being used -- let's say  
3 it is 3:30 in the afternoon, all the Baton Rouge buses are  
4 on the road, and the whistle blows at River Bend. You  
5 can't communicate with those drivers because they are  
6 enroute, and you would have to wait until at least they got  
7 to one end or the other of one of their runs before you  
8 could let them know of the emergency.

9 JUDGE COTTER: I understand what he is saying.  
10 Mr. Walker, am I not understanding you correctly, that  
11 there were 30 buses that in fact would not be on the road?

12 MR. WALKER: I know that when we have asked for  
13 30 buses through the school board, they indicated that that  
14 would not hamper their normal operation. Now, exactly how  
15 they would deal with it, I can't answer that.

16 MR. McNEILL: What they are saying, I think, is  
17 that they can give you 30 buses and they can still get the  
18 kids home from school here in Baton Rouge. And Mr. Irving  
19 is raising the question of how do you let those 30 buses  
20 know it is time to go to St. Francisville, and I think that  
21 is something we are going to have to sit down and discuss.

22 MS. WATKINS: There aren't 30 buses parked  
23 somewhere in reserve for the West Baton Rouge Parish  
24 evacuation. I am almost certain of that.

25 MR. IRVING: I could see during several -- during,

1 say, the two hours of the day in the morning when the  
2 children are being delivered and the two hours of the day or  
3 the three hours in the day while they are going home, that  
4 the response time of getting a bus from Baton Rouge up to  
5 St. Francisville would easily exceed two hours, and probably  
6 be closer to three.

7 JUDGE COTTER: I understand what you are saying,  
8 but we are all speculating here because we don't know  
9 exactly what the East Baton Rouge bus resource is.

10 MR. McNEILL: Judge, I didn't understand that to be  
11 the issue, but I understand what he is saying now. Let me  
12 get with Mr. Walker and we will check it out and see if we  
13 can come up with something.

14 MR. CONNER: May I suggest a question to  
15 Mr. Walker? Couldn't buses be detached from the sectors  
16 that are not being evacuated to provide buses for the sectors  
17 that might be evacuated?

18 MR. WALKER: Yes.

19 MR. CONNER: So then, you would have buses to  
20 evacuate the sector in one run?

21 MR. WALKER: Yes.

22 MR. CONNER: And the 30 buses from Baton Rouge  
23 would be essentially back-up?

24 MR. WALKER: Yes. If there is a situation that  
25 doesn't encompass the entire evacuation of the ten mile

1 emergency planning area at one time, certainly we can look  
2 at resources from other areas. I think that is your point.

3 MR. IRVING: The problem that theory, for instance,  
4 is if you go to Pointe Coupee Parish to get school buses to  
5 get them to St. Francisville, you are going to have a major  
6 logistical problem. You either have to take the ferry  
7 across the Mississippi River, which I am sure is within the  
8 EPZ itself, or you are going to have to come all the way  
9 down and go through Baton Rouge and go up, which is at least  
10 a two and a half hour trip to get the buses from there to  
11 the other side of the Mississippi River.

12 If you are talking about taking the buses from  
13 East Baton Rouge Parish, then that is fine. If you start  
14 talking about taking the buses from West Feliciana Parish,  
15 West Feliciana Parish does not have that many schools where  
16 you would be that likely to have some free buses in one area  
17 that you could use to go move people in the other.

18 MR. McNEILL: I think realistically what you are  
19 going to have to do -- and correct me, Mr. Walker, if I am  
20 wrong -- but if you are talking about evacuating Pointe  
21 Coupee Parish, you are talking about using the Pointe  
22 Coupee resources plus what resources can be mustered from  
23 Baton Rouge.

24 On the other hand, if you are talking about  
25 evacuating the Felicianas, you are going to be talking about

1 their own local resources plus what can be sent from Baton  
2 Rouge. I think Baton Rouge is going to have to provide the  
3 back-up for both areas because of the problem that  
4 Mr. Irving cites of crossing the Mississippi River.

5 You have got the one ferry and it can't carry but a  
6 limited number of people or buses at any given time, and it  
7 takes what, a half an hour to get across the river. And it is  
8 two and a half hours to come all the way down to the bridge  
9 and go back up.

10 So, Baton Rouge is going to have to be the focal  
11 point of sending the assistance if we get into this.

12 MR. WALKER: I would say, too, you have neglected  
13 to mention East Feliciana Parish, and if they are not  
14 impacted we can also utilize theirs, as well as we have  
15 Capitol Transportation which has an agreement to provide us  
16 35 buses, I believe.

17 MR. McNEILL: That is what I am saying, that Baton  
18 Rouge is going to have to be the place that you get the  
19 extra help from. Other than that, you are going to have to  
20 rely on local resources.

21 MR. IRVING: You have some response time  
22 considerations, too, for Capitol Transportation Corporation.  
23 Their buses are also used to make runs, and you are going to  
24 have to wait until their bus completes a run before you can  
25 send it up to West Feliciana Parish, too. You know, the

1 response time from Capitol Transportation Corporation would  
2 probably be two hours to get to St. Francisville, too.

3 MR. McNEILL: Do the Capitol Transportation buses  
4 have any kind of radio equipment in them?

5 MR. WALKER: I cannot answer that. I do not know.

6 MR. McNEILL: We will have to look into that,  
7 Judge, and see what we can do.

8 MR. IRVING: In the case of the Capitol  
9 Transportation Corporation buses, too, you are talking about  
10 them being used all the time. They may have a few in  
11 reserve, but most of their buses are used all the time, or  
12 until very late hours of the night.

13 JUDGE COTTER: All right. Thank you, Mr. Walker.  
14 Anything further on Contention 10?

15 MS. WATKINS: Well, on Contention 10 I want to say  
16 that we have a newspaper article and a report from an East  
17 Baton Rouge Parish School Board meeting wherein it is cited  
18 that a certain number of school buses on the road in Baton  
19 Rouge break down every day. It is a tremendous  
20 inconvenience to the parent or the children on the bus for  
21 the children to find phones and find parents to get them  
22 to and from school on the days the buses break down. But it  
23 happens with a certain predictability for a certain number of  
24 buses every day.

25 And again, in an emergency situation I don't know

1 how we would identify buses of less quality.

2 MR. McNEILL: I think all you would have to do  
3 there is take your percentage of breakdowns and add a  
4 factor of that amount or something approaching that amount,  
5 and hope that you got the right combination.

6 JUDGE COTTER: All right. Contention 11.

7 MR. IRVING: Contention 11 deals with a particular  
8 state agency which is in the Office of Hospitals and the  
9 role of the Emergency Medical Services Program.

10 As we appreciate it, the EMS program here is a  
11 simple licensing body and doesn't have the staff or  
12 facilities to actually provide EMS service.

13 My understanding is that the state has looked at  
14 that and is going to amend the plan to make it clear that  
15 that agency is being looked to only as a clearinghouse and  
16 not to provide any services.

17 MR. McNEILL: That is correct, Your Honor. In the  
18 plan there are three delegations of responsibility to this  
19 Bureau of Emergency Medical Services. And I think the  
20 totality of them was intended to be, as Mr. Irving says, a  
21 clearinghouse of matching a need with a resource, because  
22 this is the board that certifies people to drive emergency  
23 vehicles, paramedics and things like this. But once they  
24 have issued the certificates, these people work for other  
25 agencies, fire departments, police departments, private



1 ambulance services, and the like.

2 So that in an emergency we would want these people  
3 to be able to tell us where we can get an ambulance, where  
4 we can this a this, that or the other thing, and this, in  
5 fact, they are geared to do and this, in fact, they have  
6 apparently done in other civil defense drills and things  
7 like this.

8 It is my feeling that perhaps we can change the  
9 language to clarify this point and address this contention,  
10 and we propose to do so.

11 JUDGE COTTER: And you expect that would take care  
12 of your concern?

13 MR. IRVING: It may well take care of our concern.

14 JUDGE COTTER: Contention 12.

15 MR. IRVING: Okay. This deals with the legal  
16 authority of the East Baton Rouge Parish Metropolitan  
17 Council.

18 Under the state law, the major -- there was a  
19 section that was quoted a while ago which is being submitted  
20 to the board -- the mayor of Baton Rouge is the chief  
21 executive official, does have some authority. But we do not  
22 believe that the metropolitan council has the authority to  
23 take the actions that are delineated for that agency,  
24 particularly with regard to changing exposure levels for  
25 workers which in many cases are going to be workers that do

1 not even work for that agency.

2 In this state, for instance, the sheriff controls  
3 all of his employees and the metropolitan council has no  
4 control over them at all. And to that extent, those parish  
5 workers are not subject to their jurisdiction and they  
6 can't do it.

7 The school board would be in the same situation in  
8 this state. School boards are a separate entity unto  
9 themselves. It is not governed by the metropolitan council.

10 MR. McNEILL: What he says about the school board  
11 and the sheriff's office is, of course, true. How that  
12 affects the metropolitan council's authority to carry out  
13 their responsibilities is something that we are going to  
14 have to review.

15 I am going to talk it over with the parish  
16 attorney and get his thoughts on it, see if -- in our  
17 discussions in May a question was raised as to whether or not  
18 there might be some problems with union contracts and things  
19 like this when it comes to ordering workers into areas.

20 But one point that was brought up also was that  
21 when you are talking about ordering workers to go into some  
22 place where it is hazardous, I don't know if it is really  
23 that kind of thing in real life. I think it is more a  
24 question of, you say look, there is a great hazard if you go  
25 in there, if you go in there this may well happen to you, but

1 there is a child in there that is going to die if somebody  
2 doesn't go get them, and then somebody makes a choice to go  
3 in there or not to go in there.

4 I don't think it is a question of you ordering  
5 somebody to put themselves in that kind of additional  
6 hazard.

7 But in any event, it is something that we need to  
8 look into and by the time that we come out with the other  
9 amendments, if we feel, in fact, that amendments are  
10 necessary in this area, we will address that by way of  
11 amending the plan.

12 MF. IRVING: I think the matter that is of  
13 particular concern is the sixth item down there, through the  
14 advice of LNEED, authorizing emergency workers to incur  
15 exposures in excess of the general public PAG's, and I just  
16 do not appreciate that the metropolitan council has the  
17 authority to do that. They don't have the expertise to do  
18 that.

19 The best that could ever be hoped would be for them  
20 to rubber stamp what LNEED recommended to them.

21 MR. McNEILL: I think that is what it is saying.  
22 LNEED is going to say we feel that under these circumstances  
23 this could be exceeded. That is what I read into it.

24 MR. IRVING: But they have got no authority to do  
25 that, particularly as to workers that don;t work for them.

1 MR. McNEILL: Well, again, we are going to  
2 investigate that and I will be back in touch with Mr. Irving  
3 and Ms. Watkins.

4 JUDGE COTTER: All right. I think it is the  
5 Board's feeling that we do not -- we are sympathetic to the  
6 joint intervenors' concerns which arise out of the  
7 incompleteness of the documents involved, and we do not,  
8 in general, sense a tone of unreasonable requests or  
9 attitudes on their part.

10 It also appears to us that the state, particularly  
11 in the person of Mr. McNeill, are more than willing to  
12 address the joint intervenors' concerns. And while there  
13 may be a question as to which of these particular  
14 contentions may or may not be admissible in our proceedings  
15 as a matter of law or regulation, as the case may be, it  
16 seems to us that it would be more beneficial and that we could  
17 better focus on whether in fact there are going to be  
18 contentions for litigation if we defer ruling on them until  
19 after the FEMA has completed its comments on the plan and  
20 there has been some further completion of additional  
21 documents that are needed and some further discussions among  
22 the parties.

23 At the same time, we don't want to leave this open-  
24 ended. If, in fact, there are matters to litigate, then  
25 they should be litigated.

1           So, what we would propose at this point is that  
2 the parties, who have already agreed to series of  
3 discussions and meetings, most particularly and imminently  
4 the question of whether the authority of the state agency  
5 can or should be amended in this session of the legislature,  
6 that some period of time be allowed for the parties to  
7 complete those discussions and complete the documents after  
8 FEMA has furnished their comments.

9           And my present instinct, off the top of my head,  
10 is to require a report, a joint report from the parties by  
11 mid August on the contentions which have been discussed  
12 this morning in their current state of affairs, and that  
13 after receipt of that report the Board would plan on ruling  
14 on any contentions which had not been resolved at that  
15 point.

16           Any comments on that?

17           MR. IRVING: The only comment I would have is  
18 there is some possibility that the resolution or proposed  
19 resolution of some of our contentions, like the school bus  
20 contention, are going to give rise to new contentions about  
21 the method of resolution.

22           For instance, I think my inclination right now is  
23 that if the solution to the contention about running two  
24 loads of the school buses in West Feliciana Parish is to go  
25 to East Baton Rouge Parish with a commitment of 30 buses

1 from East Baton Rouge Parish, without looking at the data I  
2 have a suspicion that we would want to raise a contention  
3 about whether that can work.

4 JUDGE COTTER: I think that is understandable and  
5 I am inclined to defer until that time -- I am not inclined  
6 to take action on matters -- and if at that time it seems  
7 appropriate for the intervenors either to seek to amend  
8 their contention or offer a new contention, then we would  
9 face the question about whether that contention was subject  
10 to the late filing requirements or whether it was a part of  
11 the general contention which is presently being presented,  
12 that sort of question.

13 But I see no point in addressing that at this time.

14 MR. McNEILL: Judge, another point there. If we  
15 get the FEMA comments by, let's say, the first week in July,  
16 something along this line, our estimates are that we can  
17 have our final amendments probably done in 60 days. Perhaps  
18 sooner, but the thing is I do want to reserve our ability to  
19 perhaps conduct one or more public hearings on the amendments  
20 to get public comment before we submit it, if we deem that  
21 is necessary.

22 So, about all we can do by August, I would think,  
23 would be to give you what we have at that time. We may not  
24 have the final amendments prepared by that time. But again,  
25 we are speculating because we don't know exactly when FEMA

1 is going to get their comments to us, and their comments may  
2 be such that we don't require the full amount of time.

3 JUDGE COTTER: Mr. Conner?

4 MR. CONNER: Mr. Chairman, I would approach the  
5 problem from the other direction. It seems to me that there  
6 is a likelihood that almost all, if not all of these  
7 contentions will go away in the eyes of the intervenors, as  
8 they have already done in mine. But I truly believe that  
9 most of these will go away, because the state is making  
10 every effort to accommodate their wishes.

11 On the other hand, I don't think that the NRC  
12 proceedings should wait until public meetings that have  
13 nothing to do with this hearing are held. Whatever the  
14 state has to do, so be it, but it should not interfere, I  
15 don't think, with going forward with the NRC things.

16 So, I would propose, as I say, approaching from the  
17 opposite direction. Everybody here is current on the state  
18 of thinking. The state has promised to make the implementing  
19 procedure information available to the intervenors so that  
20 that type of information will be available to them.

21 What I am saying is, there is no particular need  
22 for discovery since the whole thing is essentially now an  
23 open book. Accordingly, I go back to my schedule idea of  
24 trying to resolve, if any, remaining contentions relating to  
25 the emergency plan more or less after the litigation on

1 Contentions 1 and 2, which I would envision as being  
2 somewhere in late October under the present schedule.

3 That would allow us to get this sort of thing  
4 behind us so that there would be no chance of interfering  
5 with fuel loading, which in our view will still take place  
6 in April of 1985.

7 So, that is, of course, the way we would prefer  
8 to approach the problem.

9 MR. McNEILL: Well, once again we are speculating  
10 as to when fuel loading is going to take place, because the  
11 NRC staff has a year different time frame. I, quite frankly,  
12 don't know.

13 But my main concern is that I don't care when they  
14 load fuel, I want to have a plan that works. And as far as  
15 public hearings not having anything to do with these  
16 proceedings, I take serious exception to that.

17 The people who live in this area are impacted by  
18 this plant, and I think they have a right to be heard, they  
19 have a right to know what is going on, and I think they have  
20 everything to do with this.

21 But in any event, we are going to do our best to  
22 proceed expeditiously on making the amendments and commenting  
23 on the FEMA proposals.

24 JUDGE COTTER: Now that Mr. Conner has raised the  
25 question, what is the staff's estimate of fuel loading? You



1 say April of '85?

2 MR. CONNER: The last I heard it was April of '86.

3 MR. DEWEY: April of '86 is correct.

4 JUDGE COTTER: Is that a recent change?

5 MR. DEWEY: The caseload forecast panel came up  
6 with that date.

7 MR. McNEILL: That was just a couple of months  
8 ago, wasn't it?

9 MR. IRVING: That figure has been the position of  
10 the NRC staff, at least informally, for probably a year or  
11 more.

12 MR. WEINKAM: Ed Weinkam, project manager. The  
13 caseload forecast panel was held in December of this year,  
14 of '83, excuse me, and the forecast panel summary was  
15 published in mid April that said April, 1986.

16 But I would like to clarify, though, that the  
17 staff still works the licensing proceeding towards the  
18 applicant's date as published in the schedule of April, '85.

19 MR. CONNER: The forecast panel letter which was  
20 served on the Board and parties was dated April 16, 1984,  
21 but it did relate, as Mr. Weinkam correctly pointed out, to  
22 the review in December.

23 I would also note that the staff's estimate in,  
24 say, the Limerick case has managed to drop about two months  
25 every two months for the last six months. So, the staff

1 does recognize the speed with which some plan can be  
2 completed by adding additional people and so forth.

3 I am not quarreling with their judgment. I am  
4 simply saying we believe that fuel loading will occur on  
5 April of '85.

6 MR. IRVING: I think you can appreciate, though,  
7 that the state and the intervenors don't want to be jammed  
8 with an artificial fuel loading date in an effort to  
9 expedite the hearing.

10 MR. CONNER: The fuel loading date is no more  
11 artificial than the contentions.

12 MR. DEWEY: If the staff might make a short  
13 comment on this problem, we are somewhat troubled by the idea  
14 of waiting until August and then discovering that there has  
15 not been material progress with respect to resolving and  
16 having proposed legislation in place by the state which  
17 would clear up these contentions.

18 In other words ---

19 JUDGE COTTER: The state has committed to  
20 determine whether they can resolve the proposed legislation  
21 question today or tomorrow.

22 MR. McNEILL: Well, by the end of this week, if we  
23 haven't given the green light to the representative who is  
24 handling the bill, I think we can safely forget about it for  
25 this session, which means for this year. So, we are going to

1 have to make a decision today or tomorrow as to whether or  
2 not we feel that the legislation is going to go forward.

3 It may turn in August, if we made the judgment not  
4 to go forward with the legislation, or if we went forward  
5 with this legislation, that some other legislation might be  
6 needed. I can't predict that.

7 MR. DEWEY: Well, if, in fact, you all did have  
8 the legislation proposed and it looked like this is what  
9 you were going to go forward with, then I think there would  
10 be a good chance that these contentions could be resolved  
11 that way.

12 If, however, there are any loose ends, then it  
13 could just continue and continue and we wouldn't be ---

14 MR. McNEILL: Well, the legislation at best only  
15 addressed one of the contentions.

16 MR. DEWEY: Then the plan changes would address  
17 the others?

18 MR. McNEILL: Yes. Legislation is only involved  
19 in one of these contentions.

20 MR. DEWEY: Well, let's wait and see, but I hope  
21 we really go forward with this and get everything as firmly  
22 committed as we can as soon as possible.

23 MR. McNEILL: I think we are all talking about  
24 doing exactly that. The only thing, I don't want to get in  
25 a position of being kind of pushed into taking a position on

1 something for time constraints rather than because it is the  
2 right thing to do. I want to do the right thing, and then  
3 do that as expeditiously as possible and hope that that  
4 meets it.

5 JUDGE COTTER: I am not sure I see the relationship  
6 between your need to conduct your public hearings and when  
7 you arrive at the completion of discussions with the joint  
8 intervenors.

9 MR. McNEILL: Well, what I am talking about, Your  
10 honor, is this, that once we get a package that we think we  
11 can live with, and presumably the intervenors will have had  
12 some input in that particular part of it, I personally would  
13 like to see us conduct one or more public hearings.

14 JUDGE COTTER: I am not disagreeing with that.  
15 That sounds like an excellent idea.

16 MR. McNEILL: And I am not saying that this ---

17 JUDGE COTTER: But I don't see the relationship  
18 between that and ---

19 MR. McNEILL: Well, I am not saying that it has to  
20 take a long time. But the thing is, suppose at the public  
21 hearing there is public comment that would lead us to  
22 believe that we would benefit by making further changes? I  
23 would like to make those changes before we ship it off to  
24 FEMA.

25 I would like to ship FEMA a package that is as

1 nearly complete as we can make it within a reasonable time.  
2 I am not talking about dragging this thing out. When I say  
3 a public hearing, I am not talking about something -- I am  
4 talking about setting a date, having a hearing, letting the  
5 public comment and taking maybe a week to digest those  
6 comments and then putting the final touches on it.

7 JUDGE COTTER: But you are making the public  
8 hearing, if I understand you correctly, hostage to a final  
9 decision on your relationship with the joint intervenors,  
10 are you not? Or contingent would be a better word.

11 MR. McNEILL: I don't know that I said that. To  
12 me, it is all ---

13 JUDGE COTTER: Then that public hearing is  
14 irrelevant to the resolution of the questions between you  
15 and the intervenors.

16 MR. McNEILL: No. As far as what we are talking  
17 about, but the thing is the public hearing may or may not  
18 produce anything of value as far as another beneficial  
19 change in the plan or a better way of doing ---

20 JUDGE COTTER: I am sure it would, but that has  
21 nothing to do with what we have in front of us here. I am  
22 sure it would produce things of value and I would think it  
23 would be a good thing for the state to hold public hearings.

24 MR. McNEILL: What I am trying to say is, let us  
25 suppose that we have all our problems worked out, we have

1 amendments to the plan ready to go. If I submit that and  
2 then we have a public hearing and I have something else that  
3 comes up, I have got to submit another amendment.

4 I would like to do it all in one package and I  
5 don't think it would involve any undue delay, if any delay  
6 at all.

7 MR. CONNER: Mr. Chairman, the way this is  
8 developing, you hit the nail right on the head by -- it  
9 seems to me that Mr. McNeill has almost trapped himself  
10 into a situation where if the intervenors yell loud enough  
11 he will try to get legislation through at this very late  
12 date in the legislature.

13 MR. McNEILL: I object to that very stringently,  
14 sir.

15 MR. CONNER: Well, let me finish my point and  
16 perhaps you will see what I am saying.

17 That the legislature, as I understand it, was  
18 supposed to have adjourned at the end of this month and is  
19 apparently, from what I learned this morning, going to have  
20 two weeks extra, and presumably it would be very difficult.

21 But if I were an intervenor, not necessarily one  
22 of the present ones, I would try to block the legislation  
23 from going through because then that would block the plan.

24 JUDGE COTTER: Mr. Conner, this isn't contributing  
25 to this at all.

1 MR. CONNER: I just want to point out the time  
2 schedule.

3 JUDGE COTTER: You are speculating.

4 MR. CONNER: All right, I guess I can't.

5 JUDGE COTTER: Mr. Cassidy, do you have  
6 something?

7 MR. CASSIDY: While we are on the subject of  
8 scheduling, as I indicated to Mr. McNeill earlier today on  
9 the issue of FEMA review, whenever we do get a final or a  
10 next generation revision of the plan based on the FEMA  
11 comments that are going to be provided to the state and the  
12 issues that we have discussed here this morning, in order for  
13 us to do a complete review of this and prepare testimony for  
14 the hearing, we are looking at about a 90 day time sequence  
15 there so that we can get the revised plans to the regional  
16 assistance committees, which as the Board probably knows is  
17 made up of members within the region of seven federal  
18 agencies, including NRC regional office staff, to have them  
19 review it, to complete that review and to prepare the  
20 interim finding, which I expect that the staff will  
21 probably ask of us at that time and to prepare testimony.

22 We are looking at a -- to do an adequate job, we  
23 are looking at a 90 day window. And I just wanted to get  
24 that on the record, because there have been some circumstances  
25 where we have been forced to review plans that have had

1 substantial revision -- this plan may or may not have  
2 substantial revisions, and I am not sure at this point. But  
3 I wanted to get that on the record now so we know what we are  
4 talking about in terms of what FEMA's needs are to do a  
5 complete review of the plan prior to going to hearing, so  
6 that that can be considered.

7 MR. PIERCE: I am a little unclear. The 90 day  
8 window begins when?

9 MR. CASSIDY: When we would receive a revised  
10 plan from the state.

11 MR. PIERCE: Okay.

12 JUDGE COTTER: I am inclined to allow as much time  
13 as possible to resolve questions that do not require  
14 litigation. By the same token, I am not going to leave it  
15 open-ended.

16 So, I would propose that the state and the joint  
17 intervenors, joined by whatever parties wish to participate,  
18 file a report with the Board on or before September 12,  
19 1984, which report will identify all contentions which had  
20 been resolved by any agreement or changes to the plan and  
21 will specifically identify any contentions which have not  
22 been resolved at that point.

23 And the Board, upon receipt of that report, will  
24 issue its decision on the admissibility of any contentions  
25 which have not been resolved on or before September 21, 1984.



1           And it seems to me implicit in the time period  
2 which is allowed between now and September 12 is an  
3 exchange of information which should satisfy any discovery  
4 needs that the parties have, and so consequently, with  
5 respect to any contentions which are not resolved and are  
6 admitted in the September 21 ruling we will plan, without  
7 pinning down a date at this point, to have pretrial  
8 testimony exhibits and proposed findings of fact and  
9 conclusions of law filed by early November at the latest,  
10 possibly earlier, and that we would hold a final prehearing  
11 conference and commence hearing by December 4 at the latest.

12           This schedule that I have just laid out is based  
13 on the fact that I believe both the staff and the applicants  
14 have indicated that they will not be filing summary  
15 disposition motions in connection with emergency planning  
16 issues.

17           So, we do not ---

18           MR. DEWEY: Your Honor, I believe that the staff  
19 and the applicant said they weren't going to file summary  
20 disposition motions with respect to the two safety  
21 contentions.

22           JUDGE COTTER: I am sorry. I thought you did it  
23 in connection with both. Well, all right, maybe you didn't,  
24 but the applicant said that they were not going to file  
25 summary disposition contentions in connection with emergency

1 planning. Is that correct, Mr. Conner?

2 MR. CONNER: Yes, sir, that is the position we have  
3 taken, although that was in relation to the existing  
4 contentions, and I wouldn't want that to preclude us on  
5 something that might come up later, if it did.

6 JUDGE COTTER: I don't want to leave it open-ended.

7 MR. CONNER: All right. Then we will not.

8 JUDGE COTTER: All right.

9 MR. CONNER: It is usually quicker to do it by  
10 hearings anyway.

11 MR. McNEILL: Now, for the record, we didn't file  
12 anything, but the state does not plan on filing any motions  
13 for summary disposition in regard to emergency planning.

14 JUDGE COTTER: Where does that leave you,  
15 Mr. Dewey?

16 MR. DEWEY: Well, sir, for the sake of the  
17 schedule you are setting forth, we will also agree not to  
18 file summary disposition on the emergency planning.

19 JUDGE COTTER: Thank you.

20 That leaves the question of the schedule for the  
21 two safety issues left in the case, and in that instance I  
22 believe I am correct that both the staff and the applicant  
23 have agreed that they would not file summary disposition  
24 motions. And it seems to me those are two relatively clean  
25 discrete issues and we may as well hear them and decide them.

1           We had tentatively set a schedule that began  
2           September 17 after a Board ruling on any summary disposition  
3           motions that were filed. Since that time will not be needed,  
4           I would propose that we adjust the subsequent dates of  
5           September 17 for filing testimony and premarked exhibits,  
6           and have those materials filed August 1, with an eye to  
7           completing a final prehearing conference on August 21 and  
8           commencing a hearing, which was variously estimated to last  
9           three to six days, on August 22.

10           Does anybody have any problem with that?

11           MR. CONNER: Did you say file the evidence  
12           exhibits and so forth by August 1?

13           JUDGE COTTER: Yes.

14           MR. CONNER: The only problem we have there is  
15           that the full ACRS meeting is on July 17th and we might  
16           have a -- oh, July 12th. I don't think it is a problem, but  
17           it would only be the availability of the technical  
18           personnel at that time. No, we can make that. That is  
19           fine.

20           MR. IRVING: I don't think either one of us brought  
21           our calendars because we didn't know this was going to come  
22           up, but I am pretty sure that I have conflicts during the  
23           last week in August. My trial calendar is normally booked  
24           up in advance of that.

25           JUDGE COTTER: All right. Mr. Pierce?

1 MR. PIERCE: Well, I would just say that I have  
2 the dates we had initially tentatively proposed on my  
3 calendar but not these, and I know that I will serious  
4 problems participating for the August 1st deadline, I am  
5 sure, because of what is on my July calendar.

6 MR. McNEILL: Of course, on August 1st with the  
7 prefiling of documents, you are not leaving me much breathing  
8 room between trying to get the amended plan submitted on  
9 the emergency planning and then shifting gears on this other  
10 thing. If I have to, I will do it, but it doesn't leave me  
11 a whole lot of breathing space.

12 MR. DEWEY: For the staff, Mr. Weinkam checked  
13 with our reviewers before we left on this trip and because  
14 of commitments on other cases it doesn't appear that we  
15 could have our testimony ready by this time. We are very  
16 heavily loaded in other cases.

17 JUDGE COTTER: There are only two issues here. One  
18 of them is the plans and the other is the old river control  
19 study.

20 MR. DEWEY: Yes, but the individual reviewers are  
21 working on, for example, Limerick, and he has got hearings  
22 on Limerick, and it is a very -- it would be very difficult.

23 Mr. Weinkam will explain a few other conflicts.

24 MR. WEINKAM: I have approximately three reviewers  
25 involved in these and they are tied up fairly heavily in

1 safety reviews for other projects, Nine Mile, Hope Creek,  
2 and also the staff has been setting their schedule based  
3 upon their previously scheduled date of October. I realize  
4 that the licensing panel, we have been working towards the  
5 October, '84 hearing.

6 MR. DEWEY: Your Honor, that schedule that we have  
7 been working towards, that is for the last several years and  
8 everybody on the staff set their workload based upon going  
9 to hearing at that time.

10 MS WATKINS: It seems to me that we pushed the  
11 emergency response plans with our thinking that we were  
12 going to have the safety hearing as scheduled.

13 JUDGE COTTER: Trying to leave more time between  
14 the two.

15 MR. IRVING: It could be by the time that that  
16 comes up they will have amended their fuel loading date to  
17 a more appropriate date and we won't have a problem at all.

18 JUDGE COTTER: I am not concerned with their fuel  
19 loading date. I am concerned with dragging things out and  
20 they are already ready to go, and basically these two safety  
21 issues are ready to go. So, we are just sitting on our  
22 hands.

23 MR. McNEILL: Well, maybe the issues are sitting  
24 on their hands, but like I say all of us here apparently have  
25 other commitments in this connection.

1 JUDGE COTTER: Well, if you don't feel that you can  
2 meet those schedules, then we will just stay with the same  
3 schedule that we had established.

4 MR. McNEILL: I would appreciate that.

5 MR. CONNER: Mr. Chairman, could we then have the  
6 right to withdraw our position on summary disposition,  
7 because these truly are discrete issues relating to rather  
8 specific technical areas, and the Corps of Engineers'  
9 testimony is going to be the primary one on the old river  
10 control structure, and we might be able by this tactic to  
11 eliminate the issues entirely, because I don't see how there  
12 is a genuine issue of fact, actually.

13 JUDGE COTTER: You mean by summary disposition  
14 motions?

15 MR. CONNER: Yes. I mean given the fact that  
16 this time will be lost, we could do that, and the one issue  
17 depends almost entirely on the position of the Corps of  
18 Engineers, which is well documented, but I am not quite  
19 sure what one would say in opposition to it.

20 The Asiatic clam thing is similarly, as you have  
21 already pointed out, a very discrete issue which, as far as  
22 I know, whoever works on that for the staff is not working  
23 on a similar issue in the other cases that Mr. Weinkam  
24 mentioned, because I happen to be in all three of them. But

25

1 this presumably would be some particular expert.

2 JUDGE COTTER: I don't have any strong feeling  
3 about that, Mr. Conner, except that the fact that an issue  
4 is discrete doesn't necessarily lend itself to its being  
5 an issue that can be resolved by summary disposition.

6 MR. CONNER: That is true.

7 JUDGE COTTER: I have a feeling that -- my  
8 instinct without the details of either of those two safety  
9 issues is it might be a waste to time to be filing summary  
10 disposition motions.

11 MR. CONNER: I would simply like leave to explore  
12 it is all I am saying.

13 JUDGE COTTER: Ms. Watkins?

14 MS. WATKINS: Well, the same thing, we have to  
15 respond to it, of course, and it is no secret, in this  
16 proceeding and every other proceeding the difference in  
17 resources between the two parties is enormous in responding  
18 to things like summary judgment motions when it is easier  
19 and sometimes more timely to resolve those issues in a  
20 hearing.

21 JUDGE COTTER: I understand and I sympathize, but  
22 that is simply a fact of the process.

23 MR. CONNER: Mr. Chairman, we will know more about  
24 it when we get the responses of the intervenors to our  
25 discovery requests and possibly depose any witnesses they

1 identify. So, that may help the thinking.

2 JUDGE COTTER: Well, let's leave the status quo,  
3 and if you feel a great need to file a summary disposition  
4 motion in those two things, we would listen to a request  
5 concerning it. But my instinct is not to spend the time on  
6 it.

7 JUDGE LINENBERGER: Mr. Chairman, while we are  
8 generally ruminating about and agonizing over our schedules,  
9 let me make an observation and then ask a question.

10 The staff's safety evaluation report issued in  
11 May, at least the printed version, flagged quite a number of  
12 items that are being left for later resolution in succeeding  
13 supplements with respect to certain health and safety  
14 considerations.

15 Is the staff in a position at this time to give  
16 the Board a ballpark figure, a date as to when these -- a  
17 supplement or supplements will be forthcoming to resolve  
18 these various things?

19 MR. WEINKAM: Mr. Linenberger, we are scheduled to  
20 issue our first supplement in August following the ACRS full  
21 committee meeting, and that should deal with some of the  
22 18 open issues identified and 64 confirmatory issues.

23 The staff is in substantial agreement with the  
24 applicant on all issues that are identified as confirmatory  
25 or open at this time.



1           However, there are some time delays involved in  
2 getting some of the analyses in to close out these issues.  
3 I can think of three or four right off the bat which may not  
4 be submitted until the January-February time frame. For  
5 instance, a loss of coolant analysis for ECCS performance and  
6 things like that.

7           So, they would most probably be closed out in  
8 the supplement prior to licensing, the prelicensing  
9 supplement.

10           I have no supplement schedule to be published  
11 definitively after the August 1st supplement, but we will  
12 undoubtedly issue at least one other beyond that.

13           JUDGE LINENBERGER: Thank you.

14           MR. WEINKAM: If I may bring up one other point  
15 also, we have informed the Board that the draft environmental  
16 statement was scheduled to be published on June 26th. I hate  
17 to say now, but it looks like that will be delayed 17 days  
18 until July 13th.

19           And the FES also will be delayed from September  
20 28th until October 15th.

21           JUDGE COTTER: How firm are those dates?

22           MR. WEINKAM: I feel fairly confident.

23           JUDGE COTTER: Fairly confident?

24           MR. WEINKAM: Yes, sir.

25           JUDGE LINENBERGER: The State of Louisiana -- I

1 will jump to another loose end here -- recently raised a  
2 question with respect to their lack of receipt of a certain  
3 Board notification that the state felt is relevant to the  
4 River Bend proceeding.

5 Does the staff know anything about this or have  
6 some comment to make about it? It is of interest to the  
7 Board. I don't know whether Mr. McNeill was going to bring  
8 it up or not, but the Board is interested.

9 MR. DEWEY: Yes, sir.

10 JUDGE LINENBERGER: By the way, the Board does  
11 have that notification, and even though it was not addressed  
12 to River Bend boards, it deals with a matter relevant to  
13 BWR's, it deals with a matter potentially relevant to BWR/6/s,  
14 which I think River Bend is, and so, therefore, as I said,  
15 this board does have an interest.

16 MR. DEWEY: Yes, sir. I believe this problem  
17 springs from a misunderstanding with respect to what a  
18 Board notification is supposed to be.

19 Board notifications are for the purpose of letting  
20 the licensing boards know about new information that had to  
21 do with contentions in cases or matters which the board should  
22 be aware of prior to the licensing.

23 The usual method of letting the board know about  
24 this type of information is to put them in our SER's and our  
25 FES's, or even in the testimony of witnesses who are going to

1 appear before the boards at hearings.

2 Based upon this information, it would therefore be  
3 unnecessary to send a formal board notification to the  
4 boards and the staff never does this.

5 The NRR qualification for board notifications is  
6 that they will only be sent with respect to matters that  
7 we have become aware of at least 30 days before the hearing  
8 begins. In other words, if it is going to be after 30 days --  
9 if it is before that time we don't bother to send out formal  
10 board notifications.

11 The reason why the board notification was sent  
12 out in the present matter you are talking about is because  
13 it applied to several other units.

14 Does that answer your question?

15 JUDGE LINENBERGER: I am not sure whether it does  
16 or not. I will ask Mr. McNeill to say whether that answers  
17 his question.

18 MR. McNEILL: It really doesn't, Judge, in that  
19 my question basically is this: When you have got a matter  
20 that deals with a plant similar to the one under  
21 consideration, why don't the parties to that licensing  
22 proceeding get notification and, of course, the board that  
23 is handling the licensing proceeding get notification of it  
24 so we can consider whether or not that matter is something  
25 which ought to be addressed in the licensing proceeding we

1 are involved in?

2 MR. DEWEY: Well, I would like to say something  
3 and maybe Mr. Weinkam would like to say something. This is  
4 because this information will be supplied to you in the SER,  
5 for example, so you will have that information. And that is  
6 why the staff doesn't do this with respect to any units.

7 Mr. Weinkam, do you have something you want to add  
8 with respect to this?

9 MR. WEINKAM: Board notifications are for relevant  
10 information that comes to the staff's attention while or  
11 just prior to the beginning of a hearing proceeding. It is  
12 my responsibility, as the project manager, to address any  
13 board notifications, including the one Mr. McNeill has  
14 brought up, in evidentiary documentation, whether it is the  
15 SER or supplements to it or the FES.

16 And I might bring to your attention the fact that  
17 you have brought up one particular issue and I right now  
18 feel I have my arms around 36 such board notifications which  
19 may be applicable to River Bend that I can bring to your  
20 attention.

21 Transamerica Delaval diesel generators, that is  
22 another thing. Some board notifications are just to bring  
23 to light some specific information to the board which does  
24 not necessarily have to be dealt with, but just to  
25 enlighten the board on a particular issue.

1 A safety issue per se or an environmental issue,  
2 it will be addressed in some evidentiary documentation.

3 MR. DEWEY: In other words, all this information  
4 will come before the Board and all the parties, but it is not  
5 going to be done with what is called a "board notification".  
6 It will be put in the SER or the FES or other information.

7 Now, for the edification of the parties, I will  
8 send you all a copy of the NRR board notification procedures  
9 and how exactly this is set up and how the parties are made  
10 aware of it. It is basically what I have talked about, but  
11 it goes into a lot more detail. And this will probably  
12 answer your question.

13 If you have any further questions, then let us  
14 know.

15 MR. IRVING: Since we are trying to expedite this  
16 proceeding, it wouldn't hurt to go ahead and send us the  
17 board notification so we would have it before the get the  
18 EIS some months down the road.

19 MR. DEWEY: This is just not the policy. You are  
20 going to be receiving them as soon as it becomes available  
21 to do so.

22 MR. McNEILL: Of course, some of the board  
23 notifications I have been receiving, such as you mentioned  
24 the Transamerica diesel valve problem. I don't know whether  
25 we have gotten them all, but I have been getting some.

1 MR. DEWEY: You got them from Waterford, because  
2 that was already past the hearing stage. You didn't get it  
3 for this.

4 MR. McNEILL: You may be right there. You may  
5 be right, it may be the Waterford proceeding.

6 But my point is I should have gotten them for  
7 the River Bend, you know, if they deal with River Bend  
8 equipment.

9 MR. DEWEY: Well, this will be information that  
10 you will receive in the SER. If you have problems with it  
11 and want to bring a contention or bring it out, then at that  
12 time when the SER comes out you will have an opportunity to  
13 do something about it. This will all be in the SER, all  
14 these board notification items will be. The items that we  
15 just mentioned, the board notification items now will all be  
16 put in the SER.

17 MR. McNEILL: That is right, but the thing is, it  
18 is important enough to send the notification to someone,  
19 therefore why am I not an important enough someone to send  
20 it to so I can have advance notice? I represent the people  
21 of this state and their safety and health and we are doing  
22 something here that is admittedly extremely hazardous -- that  
23 is why we take all these precautions -- why can't I get a  
24 copy of that piece of paper as soon as it is available?

25 MR. WEINKAM: Maybe I could make a recommendation.

1 We do have a coordinator in the Division of Licensing for  
2 board notifications. It might be more prudent for me to  
3 have him respond in writing to Mr. McNeill and address his  
4 concerns that you have addressed to the NRC, and since we  
5 will respond to it, it will be available for all parties.

6 MR. MCNEILL: Thank you. I would appreciate that.

7 JUDGE COTTER: When?

8 MR. WEINKAM: I will see the gentleman about it  
9 tomorrow, and you are aware of the bureaucratic processes,  
10 but I will expedite that as much as I can.

11 MR. DEWEY: We will also send the NRR  
12 procedural letter that contains this information.

13 MR. CONNER: May I make what I hope is a helpful  
14 suggestion?

15 JUDGE COTTER: Yes, sir.

16 MR. CONNER: I don't have an idea whether this  
17 particular document or type of these documents are in the  
18 public document room file at LSU, but there is a lot of  
19 information there that Mr. McNeill might find helpful. But  
20 whether the IEB's are in there or not, I simply don't know.

21 MR. DEWEY: I don't believe the board  
22 notifications are sent to the public document room in  
23 Baton Rouge.

24 MR. WEINKAM: It doesn't meet the criteria for  
25 board notifications as defined by the NRR office letter.

1 MR. IRVING: Does the applicant receive the  
2 board notifications like that?

3 MR. WEINKAM: Not through this proceeding.

4 MR. IRVING: Well, do they get them from some  
5 other proceeding?

6 MR. WEINKAM: They may if they are parties -- I  
7 can't answer that.

8 MR. DEWEY: Well, if it is a problem, if it is a  
9 safety problem that has been brought up, obviously the  
10 staff reviewer who is responsible for that portion of the  
11 plant would advise the applicant, look, there is a problem  
12 we are having in a certain area, and he is going to have  
13 it.

14 MR. McNEILL: That is the point, everybody knows  
15 except us, the intervenors and the state, and I would like  
16 to be in on the know. I would like to be enlightened on  
17 these things, if you don't mind.

18 Excuse me, Your Honor.

19 MR. DEWEY: Well, we will respond to your question,  
20 the person who does deal with the board notification  
21 procedures will respond to this question. I think it is  
22 fairly simple, though, that you are going to get the  
23 information in the SER.

24 JUDGE COTTER: The SER is out.

25 MR. DEWEY: Well, the supplement to it.



1 MR. IRVING: And in December when we get the  
2 supplement to it and it suggests a half a dozen new  
3 contentions that we file, it takes another year to resolve,  
4 then somebody is going to be screaming in here about us  
5 delaying the proceeding.

6 JUDGE COTTER: Well, I am a little ambivalent on  
7 this. There is a certain amount of information in board  
8 notifications that really is not relevant to proceedings  
9 and would simply clutter your file. I am inclined to wait  
10 until we have the copy of the procedures served on all the  
11 parties and the Board and hear from the board notification  
12 coordinator that Mr. Weinkam is going to have write to  
13 Mr. McNeill. And you will be sure to have him copy the  
14 Board?

15 MR. WEINKAM: Yes, sir.

16 MR. McNEILL: But we have internal proceedings  
17 for making sure my files don't get cluttered, Your Honor.  
18 That won't be a burden at all.

19 JUDGE COTTER: I will keep that in mind.

20 MR. IRVING: You know, we could make a Freedom of  
21 Information Act request for all such notifications  
22 transmitted to Gulf States and do it once a week, you know,  
23 from now to the next two years and get it anyway.

24 JUDGE COTTER: I suspect that since the staff has  
25 a policy that encourages that sort of thing, they probably

1 would accede to that procedure. But let's wait and see if  
2 we can find some better way of doing it.

3 MR. McNEILL: Excuse me, but I didn't get the date  
4 that you set for the hearing on the emergency plan  
5 contentions.

6 JUDGE COTTER: On or before December 4. I will  
7 issue a short order after this. I am not going to summarize  
8 everything we have done because I believe that would be  
9 redundant. But as far as any scheduling is concerned, I  
10 will memorialize that in an order.

11 I will also include in that order a description of  
12 what the Board expects in terms of proposed findings of fact  
13 and conclusions of law prior to hearing.

14 (Board conferring)

15 JUDGE LINENBERGER: Sorry about all the loose ends  
16 here, but another one concerns the applicant's FSAR and the  
17 operating license phase environmental report.

18 The Board has received what I will describe as  
19 several bundles of paper relating to these two reports with  
20 detailed instructions of what to do with them. I think that  
21 those instructions of what to do with them are not going to  
22 be very effectively implemented, and I think it will save  
23 the Board and all parties a considerable amount of time if  
24 we can get from the applicant properly bound and updated  
25 information.

1           For example, the applicant's on-site emergency  
2 plan comes at amendment something to the FSAR, and the bundles  
3 of paper that exist, to try to find where that should be  
4 inserted and what pages go in and what pages come out is  
5 almost impossible to find amongst all the other bundles of  
6 paper.

7           If things come to us in a proper notebook that  
8 is up to date, it will save us time and in the long run it  
9 will save you time.

10           MR. CONNER: I couldn't agree with you more,  
11 because, you know, we try to follow the staff's procedures  
12 on this and it is awfully unwieldy.

13           But will the Board want -- we will be glad to do  
14 it either way, offer the complete FSAR and EROL updated as  
15 Exhibit 1, if the Board would find that helpful, or we will  
16 offer only those sections applying to particular contentions  
17 and segregate them out, if you prefer it that way.

18           But let us know which way you want it, and we will  
19 do it.

20           JUDGE LINENBERGER: The complete set and I don't  
21 care whether you call it Exhibit 1 or not. That is something  
22 you may want to determine at a later time. But we would like  
23 to have a complete set of those two documents, up to date  
24 set, within the next two to four weeks, let's say, and not  
25 wait until time to identify them as exhibits.

1 MR. CONNER: Just a second.

2 (Counsel conferring)

3 MR. CONNER: Mr. Linenberger, I have just been  
4 informed that a major revision to the emergency plan will  
5 come out in August and we could wait and then give you an  
6 updated set as of that date, or do one right now. But there  
7 will be, of course, more revisions right up to and including  
8 final licensing.

9 So, whatever your pleasure is, we will accommodate  
10 it.

11 JUDGE LINENBERGER: If you could bring us up to  
12 date -- up to date meaning as of 1 July -- I think we can  
13 cope with revisions beyond that. But what we have now is  
14 extremely difficult to use.

15 MR. CONNER: All right. One set?

16 JUDGE LINENBERGER: One set. Thank you.

17 JUDGE COTTER: The only other matter that I have  
18 with respect to scheduling is that it does not now appear  
19 necessary to hold any kind of a prehearing conference on  
20 July 12, which we had tentatively scheduled as a final  
21 prehearing conference.

22 I will, as I have said, republish the present  
23 schedule for the safety hearings in an order probably issued  
24 in mid July and the schedule that we have discussed today  
25 for emergency planning, and hopefully I can incorporate any

1 developments that Mr. McNeill has to report in result of  
2 this week's efforts.

3 That is all I had on my agenda. Is there anything  
4 else that needs to be covered?

5 (No response.)

6 Nothing further? I thank you all very much for  
7 your attention and cooperation.

8 We are adjourned.

9 (Whereupon, at 1:10 p.m., the hearing was  
10 adjourned.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
Atomic Safety and Licensing Board

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in the matter of: Gulf States Utilities Co., et al.  
(River Bend Station, Units 1 & 2)

Date of Proceeding: Tuesday, June 19, 1984

Docket Number: 50-458 and 50-459

Place of Proceeding: Baton Rouge, Louisiana

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

Marilynn M. Nations

Official Reporter (Typed)

*Marilynn M. Nations*  
Official Reporter (Signature)