

ORIGINAL
UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

GULF STATES UTILITIES COMPANY
(RIVER BEND 1 AND 2)

PREHEARING CONFERENCE

DOCKET NO:

50-458-0L
50-459-0L

LOCATION: BATON ROUGE, LA

PAGES: 265 - 318

DATE: TUESDAY, OCTOBER 9, 1984

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NATIONWIDE COVERAGE

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3

4 In the Matter of)
)
5 GULF STATES UTILITIES COMPANY) Docket Nos. 50-458-CL
)
6 (River Bend 1 and 2)) 50-459-OL
)
7 Prehearing Conference)

8
9 Room 905
10 Governmental Center
11 222 St. Louis Street
12 Baton Rouge, Louisiana
13 Tuesday, October 9, 1984

14 The hearing in the above-entitled matter
15 was convened at 2:00 p.m.
16

17 BEFORE:

18 JUDGE B. PAUL COTTER, JR.,
19 Chairman, Atomic Safety and Licensing Board

20 JUDGE GUSTAVE A. LINENBERGER

21 Member, Atomic Safety and Licensing Board

22 JUDGE RICHARD F. COLE,

23 Member, Atomic Safety and Licensing Board
24
25

1 APPEARANCES:

2 On Behalf of Applicants:

3 MARK J. WETTERHAHN, ESQ.

4 JESSICA LAVERTY, ESQ.

5 Conner & Wetterhahn, P.C.

6 1747 Pennsylvania Avenue, N.W.

7 Washington, D.C. 20006

8 On Behalf of the NRC Regulatory Staff:

9 LEE SCOTT DEWEY, ESQ.

10 EDWARD WEINKAM, ESQ.

11 Office of the Executive Legal Director

12 U. S. Nuclear Regulatory Commission

13 Washington, D.C. 20555

14 On Behalf of the State of Louisiana:

15 J. DAVID McNIEL, ESQ.

16 State of Louisiana

17 Attorney General's Office

18 Baton Rouge, Louisiana

19 On Behalf of the Joint Intervenors:

20 MR. STEPHEN IRVING

21 MR. JAMES PIERCE

22

23

24

25

C O N T E N T SBOUND-IN DOCUMENTS

<u>DESCRIPTION</u>	<u>PAGE</u>
Old River Control Structure Settlement	273
Emergency Planning Contentions Settlement	277
Asiatic Clam Contention Settlement	290

LIMITED APPEARANCESSTATEMENT OF:

Mrs. George Williams	298
John C. Courtney	299
Stephen Irving	302
D'A Quilla	306
Bea Hayes	308
Rebecca Young	308
John Travis	312
Clifford Wilcox	313
Dale Plauche	313
Russel Daniel	314
Murphy A. Dreher	315
Dr. Fred Wrighton	316

- - -

P R O C E E D I N G S

-1-1

1
2 JUDGE COTTER: I guess we will call this
3 Prehearing Conference to order. For the record
4 this is a Prehearing Conference before the Atomic
5 Safety and Licensing Board of the Nuclear Regulatory
6 Commission in an administrative proceeding entitled
7 In the Matter of Gulf States Utilities Company and
8 Cajun Electric Power Cooperative, which is NRC
9 Docket No. 50-458 and continues, I guess, also to be
10 50-459.

11 This proceeding concerns the application
12 for a facility operating license which would
13 authorize Applicants to possess, use, and operate River
14 Bend Station Units 1 and 2 for two boiling water nuclear
15 reactors located some 24 miles northeast of Baton Rouge,
16 Louisiana.

17 Each of the reactors is designed to
18 operate at a core power level of 2,894 megawatts
19 thermal with a equivalent net electrical output of
20 approximately 936 megawatts.

21 Construction of the facility was authorized
22 on March 25, 1977.

23 I won't review the procedural history
24 up to this point other than to note that petitions
25 to intervene have been received, and that there are at

-2
1 this stage of the proceeding two safety contentions
2 which have been admitted and have not yet been received
3 and there are also a number of emergency planning
4 contentions which have been admitted but not yet
5 been resolved.

6 The three administrative judges that
7 comprise this Board are Gustave A. Linenberger, who
8 is a physicist, seated to my right. And Dr. Richard F.
9 Cole, an environmental scientist and engineer, to my
10 left. I am B. Paul Cotter, Jr., and I am trained
11 in the law and administrative proceedings and
12 serve as Chairman of this Board.

13 I think at this point perhaps we ought
14 to have the entry of appearance by counsel.

15 Would you begin, Mr. Wetterhahn, please.

16 MR. WETTERHAHN: Good afternoon.

17 My name is Mark Wetterhahn from
18 Conner & Wetterhahn. With me is Jessica Laverty
19 representing Gulf States Utilities Company, the
20 Applicant in this matter.

21 MR. DEWEY: My name is Lee Dewey, and
22 I am the attorney for the NRC Staff. With me on
23 my left is Mr. Edward Weinkam, who is head project
24 manager of River Bend Station.

25 MR. McNIEL: J. David McNiel, III.

1 Louisiana Department of Justice.

2 MR. IRVING: Steve Irving for the
3 Louisiana Consumers League.

4 MR. PIERCE: James Pierce for Louisianians
5 for Safe Energy.

6 JUDGE COTTER: Thank you, ladies and
7 gentlemen.

8 Perhaps the first order of business
9 we ought to take up -- and I leave this open to your
10 best judgment -- but the status of Unit 2 still
11 remains somewhat up in the air. Is that correct?

12 MR. WETTERHAHN: Let me explain the
13 status as I understand it.

14 Applicant submitted on July 2, 1984,
15 motion for withdrawal of application for Unit 2.
16 There were no responses to that motion or objections
17 to that motion, and I believe it is still pending
18 before this Licensing Board.

19 JUDGE COTTER: Is my memory faulty? I
20 thought perhaps there was a response by the Staff.

21 Is that not correct, Mr. Dewey -- under
22 the motion to withdraw the application for Unit 2?

23 MR. DEWEY: No, sir, we filed our response.

24 MR. WETTERHAHN: But there were no
25 objections though?

1 MR. DEWEY: No, we did not object.

2 JUDGE COTTER: So that simply pends a
3 ruling by the Board.

4 Perhaps we ought to next move to the
5 emergency planning contentions. Is that appropriate?

6 MR. WETTERHAHN: Yes, sir.

7 MR. PIERCE: May it please the Board,
8 we met extensively this morning and in connection
9 with that have worked out a settlement of the
10 emergency planning -- I'm sorry, I'm getting ahead of
11 myself. We previously worked out a settlement with
12 the emergency planning contentions. A copy of the
13 settlement, I think, has been filed with the Board
14 and with all parties, and enclosed in that we had
15 a motion to withdraw the contentions, which would
16 be dispositive of them unless the Board has decided
17 otherwise.

18 JUDGE COTTER: So there is nothing
19 further to do in that connection other than a Board
20 approval of that action or agreement by the parties or
21 among the parties?

22 MR. PIERCE: That is correct.

23 JUDGE COTTER: Are there any other
24 comments about the emergency planning issue that
25 anyone wants to make at this time?

1 All right. Then let's move on to the
2 remaining safety issues, the first of which is
3 the Old River control structure.

4 MR. IRVING: In connection with the
5 Old River control structure contention, there has
6 again been a meeting last week and we worked out a
7 settlement on the Old River control structure
8 contention. It has just been completely executed
9 by all the parties this morning, and I only have one
10 copy, and I'll either file it at this time or mail it in
11 and file all the appropriate copies at the Board's
12 pleasure.

13 MR. WETTERHAHN: I have a suggestion.

14 Perhaps we can bind the three
15 settlements in the transcript of the proceeding
16 so they become part of the record.

17 JUDGE COTTER: I think that's a good idea.

18 MR. IRVING: Okay. In that case, I
19 would offer these settlements be filed into the
20 record.

21 (Document handed to judges.)

22 JUDGE COTTER: Thank you, Mr. Irving.
23 Would the court reporter please bind
24 this into the record at this point.

25 (The document referred to follows:)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Gulf States Utilities Company,)	Docket Nos. 50-458
<u>et al,</u>)	50-459
)	
(River Bend Station, Units 1)	
and 2))	

JOINT INTERVENORS AND STATE OF LOUISIANA'S
MOTION TO WITHDRAW CONTENTION 2 RELATED TO THE
FAILURE OF THE OLD RIVER CONTROL STRUCTURE

The Atomic Safety and Licensing Board in this proceeding has admitted Contention 2 related to the effect of a failure of the Old River Control Structure on the subsequent operation of the River Bend Station as an issue in this proceeding¹ to Joint Intervenors, Louisiana Consumer's League, Inc., Louisianians for Safe Energy, Inc. and Gretchen Reinike Rothschild, and the State of Louisiana acting through its Attorney General. After discussions among the parties, review of the proposed testimony of the parties, and in consideration of the agreement of Gulf States Utilities Company to monitor the River Bend Station intake water for conductivity on a monthly basis and to


1 Atomic Safety and Licensing Board Memorandum of August 26, 1983 and Order dated October 7, 1983.

-2-


establish procedures to receive information on a quarterly basis from the Corps of Engineers on the location of the salt wedge in the Mississippi River, the concerns raised by this contention have been resolved.

Based on these actions, Joint Intervenors and State of Louisiana hereby immediately withdraw Contention 2. The other parties to this proceeding have no objection to this motion.

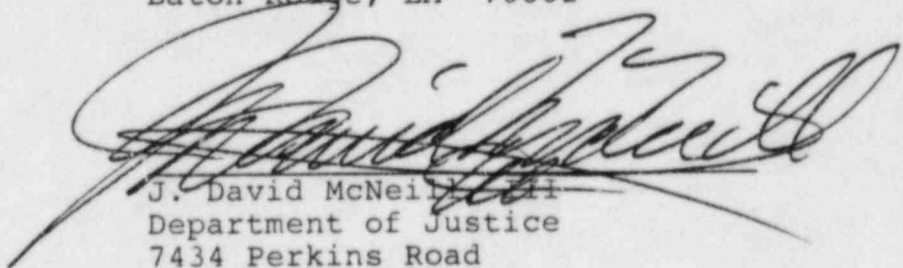
Respectfully submitted,



Stephen M. Irving
Attorney at Law
355 Napoleon Street
Baton Rouge, LA 70802



James W. Pierce
Attorney at Law
728 Europe Street
Baton Rouge, LA 70802



J. David McNeill
Department of Justice
7434 Perkins Road
Baton Rouge, LA 70808

1 MR. WETTERHAHN: For the record, I have
2 a copy of the Joint Intervenors' Motion to Withdraw
3 the Emergency Planning Contentions, which we just
4 discussed. I would offer that into the record.

5 Just note that my copy has a date of
6 October 5, '84, in the upper right-hand corner, which is
7 our received date. It is not part of the official
8 document other than that it is the settlement
9 agreement as agreed upon by the parties.

10 JUDGE COTTER: Mr. McNiel.

11 MR. McNIEL: Your Honor, is the Board
12 going to send copies of this to everybody, since as
13 Mr. Irving indicated, in other words, we don't have
14 copies of all this.

15 JUDGE COTTER: So we will also bind
16 into the record a copy of a document entitled Joint
17 Intervenors' Motion to Withdraw Emergency Planning
18 Contentions, which is signed by Messrs. Irving and Pierce.
19 And is there a particular effective date that you all
20 had in mind for this other than the October 5 date
21 which is stamped in the upper right-hand corner?

22 MR. WETTERHAHN: The date of service
23 is fine, although I don't believe that the effective
24 date is critical.

25 JUDGE COTTER: All right. Well, the date

1-7 1 of service on this is the 28th of September, 1984,
2 so we will consider this document effective as of
3 that date.

4 (The document referred to follows:)
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UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GULF STATES UTILITIES CO.,
 ET AL

DOCKET NOS. 50-458;
 50-459

(River Bend Station, Units 1 & 2)

JOINT INTERVENORS' MOTION
TO WITHDRAW EMERGENCY PLANNING CONTENTIONS


Joint Intervenors, Louisiana Consumer's League, Inc., Louisianians for Safe Energy, Inc., and Gretchen Reinike Rothschild, have proposed twelve emergency planning contentions for admission to the River Bend operating license proceeding. After discussions among the parties and with the responsible emergency planning officials in the State of Louisiana, these contentions have been resolved by the enactment of legislation (State of Louisiana Acts 1984, No. 825), and by revisions which are to be made to the Louisiana Peacetime Radiological Response Plan ("Plan"). Plan revisions, which have been agreed to by the Louisiana Nuclear Energy Division, Louisiana Department of Environmental Quality, which is responsible for fixed nuclear facility emergency

Letter to the Atomic Safety and Licensing Board from Linda L. ...
 ... March 9, 1984.

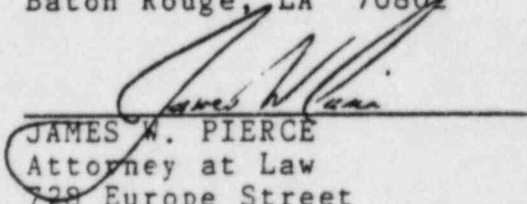
planning within the State of Louisiana, will be incorporated into the plan at an appropriate future time. Attached to this motion is a copy of these changes to be made to the plan. All of the concerns raised by our emergency planning contentions have now been resolved.

Based on these actions, Joint Intervenors hereby immediately withdraw all of their proposed emergency planning contentions. The other parties and participants to this proceeding have no objection to this motion.

Respectfully submitted,



STEPHEN M. IRVING
Attorney at Law
355 Napoleon Street
Baton Rouge, LA 70802



JAMES W. PIERCE
Attorney at Law
728 Europe Street
Baton Rouge, LA 70802

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

GULF STATES UTILITIES CO.,
 ET AL

DOCKET NOS. 50-458;
 50-459

(River Bend Station, Units 1 & 2)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing "Joint Intervenors' Motion to Withdraw Emergency Planning Contentions" in the above captioned proceeding, have been served on the following, by deposit in the U.S. Mail, first class, postage prepaid, correctly addressed, to the last known address on this 28th day of September, 1984.

Dr. Richard Cole
 Administrative Judge
 Atomic Safety & Licensing
 Board Panel
 U.S. NRC
 Washington, D.C. 20555

B. Paul Cotter, Jr., Chairman
 Administrative Judge
 Atomic Safety & Licensing Board
 Panel
 U.S. NRC
 Washington, D.C. 20555

Mr. Gustave A. Linenberger
 Administrative Judge
 Atomic Safety & Licensing Board
 Panel
 U.S. NRC
 Washington, D.C. 20555

William J. Guste, Jr.
 Attorney General
 State of Louisiana
 234 Loyola Ave., 7th Floor
 New Orleans, LA 70112

Troy E. Conner, Jr.
 Mark J. Wetterhahn
 Conner & Wetterhahn
 1747 Pennsylvania Ave. NW
 Suite 1050
 Washington, DC 20006

James E. Booker
 G.S.U.
 P. O. Box 2951
 Beaumont, TX 77701

Ian Douglas Lindsey, Esq.
David McNeil, Esq.
Staff Attorney
La. Dept. of Justice
7434 Perkins Rd., Suite C
Baton Rouge, LA 70808


Gretchen R. Rotschild
Louisianians for Safe Engery, Inc.
1659 Glenmore
Baton Rouge, LA 70808

H. Anne Plettinger
712 Carol Marie Dr.
Baton Rouge, LA 70806

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

Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

William F. Patterson, Esq.
Lee Dewey, Esq.
Counsel for NRC Staff
U.S. NRC
Washington, D.C. 20555



STEPHEN M. IRVING

CONTENTION NO. 3

RESPONSIBILITIES OF STATE AGENCIES IMPROPERLY ASSIGNED

Response: It is recognized, due to legislation which took effect after the plan was submitted, that the plan will have to be updated to reflect the reorganization of state government agencies.

Action Taken: The Department of Public Safety and Department of Corrections have been consolidated. The responsibilities of these agencies will be combined in the LPRRP under the heading of the "Department of Public Safety and Corrections."

The responsibilities of the old Office of Environmental Affairs in the Department of Natural Resources are assigned to the new Department of Environmental Quality. The only remaining responsibility of the Department of Natural Resources is the allocation of emergency fuel supplies. All responsibilities of the Department of Environmental Quality are under the direct control of the Department of Secretary or designee. These changes will be made where appropriate.

Under "Authority" (page 1), The Louisiana Environmental Affairs Act is renamed The Louisiana Environmental Quality Act in both the State Plan and the general plan of Attachment 3. These changes will be made.

CONTENTION NO. 5

JUDICIAL SYSTEM ESSENTIAL

Response: The question as to whether or not an evacuation order could be enforced without an injunction has been resolved through legislation (Act 825 of 1984).

Action Taken: The following paragraph will be included in the LPRRP on page 11, under "Assumptions" as No. 4, and in the General Plan portion of Attachment 3 on page 5, under "Concept of Operation" as No. 15:

In the event of an evacuation order issued pursuant to any declaration of disaster emergency, an injunction may be obtained, as necessary, to enforce such evacuation order, all in accordance with La. R.S. 30:1105.1.

CONTENTION NO. 12

EAST BATON ROUGE METROPOLITAN COUNCIL

Response: It is recognized that deputies of the Sheriff's Office, as well as employees of the school board, are not under the authority of the Metropolitan Council.

Action Taken: The statement: "Through the advice of LNED, authorizing emergency workers to incur exposures in excess of general public PAG's", will be deleted from each Enclosure (pages I-4, II-4, III-4, IV-4, V-4).

The following change will be included in the General Plan portion of Attachment 3 (page 17, #4):

The RBP (Police Jury or Mayor) Presidents, Sheriffs and Superintendents of Schools will be responsible for authorizing their emergency workers to incur exposures in excess of the EPA "General Public Protective Action Guides." Authorization will be considered after consultation with LNED.

NOTE: RBP means River Bend Parishes

CONTENTION NO. 9

STATE DEPARTMENT OF COMMERCE

Response: The Department of Commerce does not have the primary responsibility of notification but is viewed as a back-up for that purpose, as necessary.

Action Taken: The responsibility of the Department of Commerce, given on page 18, will conclude with the words "as needed", to be added.

CONTENTION NO. 8

STATE DEPARTMENT OF AGRICULTURE

Response: The responsibilities of the State Department of Agriculture need to be reworded in the LPRRP to clearly delineate its role.

Action Taken: The responsibilities of the Department of Agriculture will be changed as follows (page 17):

- a. Serve as liaison between the State and the USDA during an accident.
- b. same (no change)
- c. Assist LNER in collection of soil, crops and other agricultural samples, as necessary, and transport such samples to LNER for laboratory analysis.

CONTENTION NO. 7

EAST BATON ROUGE PARISH PUBLIC TRANSPORTATION

Response: A letter of agreement between the Capital Transportation Corporation and East Baton Rouge Parish Office of Civil Defense was obtained December 5, 1983.

Action Taken: Capital Transportation Corporation will be included in the Enclosure I, for East Baton Rouge Parish, in the "Organization and Responsibilities" section as follows:

Capital Transportation Corporation

The Capital Transportation Corporation, under the direction of the Manager is responsible for:

- . Providing transportation support for evacuation of the general public as requested.
- . Serving as shuttle service from reception centers to shelters for those needing transportation.

Additional Comment:

The East Baton Rouge Parish School Board, through a letter of agreement, has committed to supply 30 buses upon request from the East Baton Rouge Parish Office of Civil Defense. The School Board has also indicated that 100 of their buses are radio-equipped, which would facilitate notification in an emergency. This information, in addition to the inclusion of the Capital Transportation Corporation, has satisfied the concern as to whether adequate transportation resources have been identified to support an evacuation.

CONTENTION NO. 6

USE OF SCHOOL LUNCH PROGRAM FOOD FOR EVACUEES

Response: The surplus food for evacuees has been misidentified as the School Lunch Program food stock.

Action Taken: Under the Department of Education's responsibilities, letter 'b', page 18, will now read:

Provide for the use of the USDA Surplus Commodities Program food stock for mass feeding of evacuees at schools designated as shelters for an accident.

1-8 1 JUDGE COTTER: That leaves the question
2 of the Asiatic clams contention.

3 MR. IRVING: We have also concluded
4 a settlement of the Asiatic clam contention and
5 have done so this morning, and I think it needs to
6 be passed around to be executed by the parties.

7 MR. IRVING: With the Board's pleasure,
8 we would also make a copy of the clam settlement
9 part of the record.

10 MR. WETTERHAHN: I have unsigned copies
11 for the parties.

12 JUDGE COTTER: Could we see that, please?

13 MR. IRVING: Sure.

14 (Document handed to Judge Cotter.)

15 JUDGE COTTER: All right. We will bind
16 into the record a document which is entitled Joint
17 Intervenors' and State of Louisiana's Motion to
18 Withdraw Contention 1 related to the Asiatic Clam,
19 which has been signed by Stephen M. Irving and
20 James W. Pierce and J. David McNeil, III, for the
21 Attorney General, Department of Justice of
22 Louisiana.

23 I do not see a date on this document
24 so we will make it effective, October 10, 1984.

25 If you would please bind that into the

1 record.

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(The document referred to follows:)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Gulf States Utilities Company,)	Docket Nos. 50-458
<u>et al.</u>)	50-459
)	
(River Bend Station, Units 1)	
and 2))	

JOINT INTERVENORS AND STATE OF LOUISIANA'S
MOTION TO WITHDRAW CONTENTION 1 RELATED TO THE
ASIATIC CLAM

The Atomic Safety and Licensing Board in this proceeding has admitted Contention 1 related to the effect of the Asiatic clam on the operation of the River Bend Station as an issue in this proceeding to Joint Intervenors, Louisiana Consumer's League, Inc., Louisianians for Safe Energy, Inc. and Gretchen Reinike Rothschild, and the State of Louisiana acting through its Attorney General. The parties and participants have resolved this issue after discussions among the parties, review of the proposed testimony of the parties and in consideration of the agreement of Gulf States Utilities Company to take the following actions:

1. Gulf States Utilities Company will provide, on a quarterly basis, to a person designated by the Joint Intervenors and to a person designated by the State of Louisiana information concerning Asiatic clam infestation, fouling and monitoring at

the River Bend Station, together with a summary of this information and copies of the Company's reports to the State of Louisiana on NPDES chlorine discharges. Underlying data will be made available upon the request of the Joint Intervenors and/or the State of Louisiana.

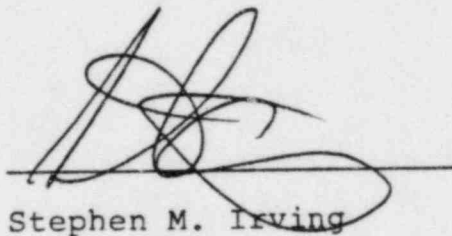
2. Gulf States Utilities Company's Nuclear Review Board will be specifically ordered to receive reports on an as needed basis from Joint Intervenors and/or the State of Louisiana concerning Asiatic clams at River Bend Station. The Nuclear Review Board shall be specifically obligated to render a timely response to Joint Intervenors and the State of Louisiana concerning any such report on Asiatic clams. Gulf States Utilities Company's Nuclear Review Board shall be specifically obligated to transmit both the report and its response to the Chief Executive Officer of Gulf States Utilities Company. In the event that there is any reportable incident to the U.S. Nuclear Regulatory Commission concerning Asiatic clams at River Bend Station, Gulf States Utilities Company will also provide this written report to the persons designated by the Joint Intervenors and the State of Louisiana at the same time it is transmitted to the NRC.

3. Every three years, Joint Intervenors, the State of Louisiana, and Gulf States Utilities Company shall review the continued need for the receipt of the information provided in Paragraph 1 above. The provision of such information shall be terminated upon the

concurrence of all parties provided that Joint Intervenors and/or the State of Louisiana may request resumption of transmission of the information listed in Paragraph 1 above. Thereafter, if requested by Joint Intervenors and/or the State of Louisiana, Gulf States Utilities Company will provide a summary of its experience with Asiatic clams at River Bend Station since termination of transmission of information and will resume provision of information from that point.

Based on these actions, Joint Intervenors and State of Louisiana hereby immediately withdraw Contention 1. The other parties to this proceeding have no objection to this motion.

Respectfully submitted,

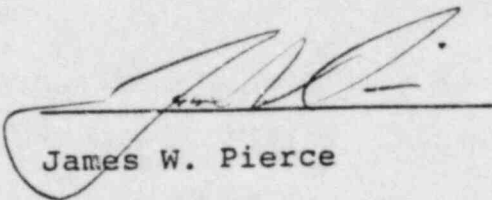
A handwritten signature in black ink, appearing to read "Stephen M. Irving", is written over a horizontal line. The signature is stylized and somewhat cursive.

Stephen M. Irving

Attorney at Law

355 Napoleon Street

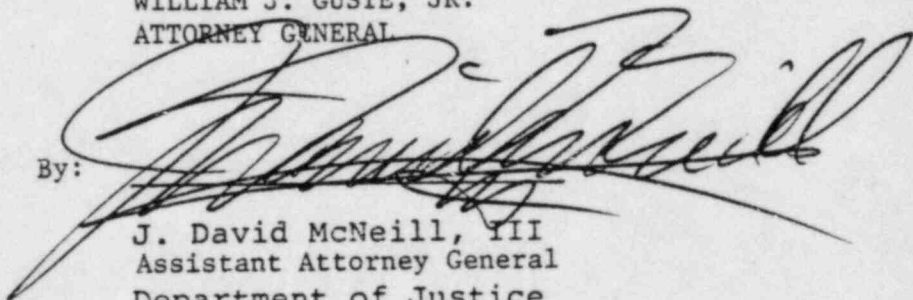
Baton Rouge, LA 70802



James W. Pierce
Attorney at Law
728 Europe Street
Baton Rouge, LA 70802

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

By:



J. David McNeill, III
Assistant Attorney General
Department of Justice
7434 Perkins Road
Baton Rouge, LA 70808

1 MR. IRVING: October 9, Judge.

2 JUDGE COTTER: October 9.

3 I have nothing further on my agenda.

4 Is there anything further on the part
5 of the parties?

6 MR. WETTERHAHN: Applicant has nothing.

7 JUDGE COLE: That would be a record.

8 MR. DEWEY: Your Honor, I do believe
9 that it had to do with the River Bend Plant
10 that you suggested that the Board be allowed to
11 have a site visit. And I have talked to the
12 Applicant about that, and I understand that he has
13 arranged for a site visit for the Board and any parties
14 that desire to go.

15 JUDGE COTTER: We would be pleased to
16 do that. Do you know when?

17 MR. WETTERHAHN: At the Board's pleasure,
18 perhaps we could suggest tomorrow morning at a time
19 convenient.

20 JUDGE COTTER: Is that agreeable with
21 everyone?

22 MR. McNIEL: Yes, sir.

23 JUDGE COTTER: A definite time?

24 MR. DEWEY: 9:00 a.m.

25 MR. WETTERHAHN: 9 o'clock.

1 MR. McNIEL: Where could we meet?

2 MR. WETTERHAHN: We could make those
3 arrangements off the record.

4 JUDGE COTTER: Is there anything further
5 from the State?

6 MR. McNIEL: No, Your Honor.

7 JUDGE COTTER: Mr. Irving?

8 MR. IRVING: No, Your Honor.

9 JUDGE COTTER: Mr. Pierce?

10 MR. PIERCE: No.

11 MR. WETTERHAHN: I do want to take this
12 opportunity to thank the other parties' participation
13 in the State of Louisiana and the NRC Staff to take
14 the time and effort to set down and discuss these
15 issues and reach an agreement which was acceptable
16 to all.

17 JUDGE LINENBERGER: Mr. Wetterhahn,
18 for planning purposes, how much time should we allow
19 for a site visit?

20 MR. WETTERHAHN: Approximately two to
21 three hours at the most, depending on what the Board
22 wishes to see aside from the power block.

23 JUDGE LINENBERGER: Portal to portal?

24 MR. WETTERHAHN: That is from the start-
25 ing point of St. Francisville. To get there is another

1 30 to 40 minutes from here.

2 JUDGE COTTER: It is extremely apparent
3 to me, and I know to my fellow Board members, that
4 a great deal of work went into this conclusion of
5 this proceeding, and it's the kind of, I think,
6 exemplary legal work that -- while it doesn't give
7 us a great deal to do, it's the kind of thing that
8 we particularly appreciate, because I think it
9 takes good lawyers to negotiate good agreements and
10 to see the virtues of negotiation.

11 So I particularly want to thank
12 Mr. McNeil, who I know has gone above and beyond the
13 call in working with the state legislature and
14 with various state organizations.

15 The Staff and Mr. Dewey, I know, have
16 given a great deal of support to this, and I find
17 in the Intervenors superb exercise of thoughtful
18 consideration and good judgment, and we are
19 particularly appreciative of that.

20 So if there is nothing further --

21 MR. DEWEY: Sir, I was just informed
22 that there are a couple of people that wish to make
23 limited appearance statements.

24 JUDGE COTTER: We would be pleased to hear
25 them at this time.

1 MR. WETTERHAHN: In the meantime, I
2 believe there may be other people who wish to make
3 a limited appearance, who probably will appear near
4 3:00 o'clock.

5 JUDGE COTTER: All right. We will
6 take -- for purposes of this prehearing conference,
7 we will consider that record closed. And we will
8 turn to take prehearing -- I'm sorry -- limited
9 appearance statements now, and we will take statements
10 from whoever is present now and wishes to give them,
11 and then we will return here at 3:00 o'clock in the
12 event there are additional people who wish to give
13 limited appearance statements.

14 As you all know, under the rules of
15 the Commission, limited appearance statements are
16 not evidence but they are an encouraged part of
17 public participation, and the Board is always
18 interested in hearing from those who live at or near
19 the area of the plant which is under consideration.

20 I have a couple of forms here that
21 could be used if the limited appearers wanted to
22 enter a limited appearance.

23 A VOICE: I think Miss Williams over here
24 would like to make an appearance.

25 JUDGE COTTER: The standard procedure

1 is that limited appearance statements should be no
2 longer than five minutes in length; however, you are
3 more than welcome to supplement that with any written
4 material directed to the Board.

5 JUDGE COTTER: It appears that we
6 have two people who are ready to make a limited
7 appearance at this time.

8 Mrs. Williams, would you like to step
9 to the microphone, please.

10 STATEMENT

11 OF

12 MRS. GEORGE WILLIAMS

13 I am Mrs. George Williams, and I serve
14 as the Energy Chairman for the Louisiana Federation
15 of Women's Clubs.

16 We are interested in good sources of
17 economical energy, and we are in favor -- we go on
18 record of being in favor of nuclear energy as a
19 good, clean source of energy for this state.

20 As an individual, I also serve as a
21 House Corporation President for a large sorority
22 on the LSU campus, and our current bills are running
23 anywhere from \$1,500 to \$2,000 a month.

24 We realize that this is a big expense,
25 and we are concerned about it, and in the future we

1 want to be assured that we will have economical
2 energy. And we feel that nuclear energy will be
3 an important source of important energy in this area.

4 Thank you.

5 JUDGE COTTER: Thank you very much,
6 Mrs. Williams.

7 John C. Courtney.

8 Mr. Courtney.

9 STATEMENT

10 OF

11 JOHN C. COURTNEY

12 My name is John C. Courtney. I am
13 a resident of the East Baton Rouge Parish. I own
14 property in East Feliciana Parish about five miles
15 from the River Bend Station. I'm a Gulf State
16 ratepayer like most everybody here at the hearings
17 today. Also I'm a registered professional engineer
18 with about 20 years of experience in nuclear energy.

19 About a week ago, Governor Edwards
20 reported on the state of the State of Louisiana,
21 and much longer ago, last summer the '84 Legislature of
22 the State passed some new taxes. Both of these events
23 signaled some very marked changes for our state.

24 In the past, our wealth had been dependent
25 upon oil and gas. We are not only a producer of energy;

1 we are also a copious user of energy.

2 The licensing procedures toward putting
3 the River Bend Station on line are part of these
4 changes. We simply have to move from our past
5 dependence on the expendable petrochemical fluids
6 to the solid fields like coal and also the nuclear
7 energy, the use of uranium.

8 So I'm delighted to see these hearings
9 proceeding so rapidly today, because I realize
10 any delay results in higher electric bills that will
11 be borne ultimately by the ratepayer.

12 As nuclear joins coal as a source of
13 energy for Louisiana, this marks some changes that
14 we will have to live with within the state.

15 We are still exporting our oil and
16 natural gas and we are importing a large amount of
17 coal, and the cost of importation of coal from
18 Wyoming and Montana coal fields is a cost that is
19 pretty much dependent upon the cost of oil and gas.

20 While we are very happy to see the gas
21 bubble and the oil glut, they are certainly helping to
22 keep our rates down. However, we look forward with
23 even more anticipation to the operation of coal
24 burners and the operation of River Bend Station and
25 other nuclear efficient plants to stabilize our

1 energy costs over the next 30 to 40 year time period.

2 Also, the development of coal and
3 nuclear power helps the United States as a whole
4 maintain a higher degree of national security making
5 us less dependent upon foreign sources of oil.

6 Finally, I'd like to offer some
7 congratulations to Gulf States management for the
8 rapid pace of construction that they have been able
9 to maintain at River Bend.

10 Also, I congratulate the Nuclear
11 Regulatory Commission and the state regulatory
12 agencies for trying to protect the interests of the
13 citizens while maintaining a reasonable attitude
14 toward the issues of health and safety. So I look
15 forward to a timely licensing of the plant, and I
16 certainly support the development of nuclear efficient
17 power in Louisiana.

18 Thank you very much.

19 JUDGE COTTER: Thank you very much,
20 Mr. Courtney.

21 If there is nothing further at this
22 juncture, we will recess until 3:00 o'clock.

23 MR. IRVING: I think we can make
24 limited appearance statements, too, can't we?

25 JUDGE COTTER: Certainly.

1 MR. IRVING: On behalf of the Intervenors,
2 of course, we have made a lot of effort in this
3 case, and we have settled our contentions that we
4 raised primarily because of the difficulty in finding
5 a way to cope with specific issues. We are kind
6 of in the position of the blind man trying to
7 describe an elephant when it comes to raising issues,
8 safety issues with nuclear plants, and particularly
9 this one.

10 I think the safety concerns of this plant
11 are more of an overall and a broad nature, but
12 when you get down to making contentions, of course,
13 you wind up with specific things like clams, or like
14 emergency plans, and you can deal with each one of
15 those on an individual basis, but that does not
16 provide to us -- and I think many of both our members
17 and also many of the people of East Baton Rouge Parish --
18 total confidence in the safety of the plant.

19 We are very aware of this being the
20 first of the new generation of boiling water reactors.
21 We are aware of the BWR-6 and the history of its
22 development and the problems that have been associated
23 with it. And we are very concerned both from a
24 safety and economic standpoint about that history
25 and about whether Gulf States can make a go of this

1 plant.

2 We are particularly concerned about
3 the economic size of Gulf States relative to the size
4 of the project that they have undertaken, and were
5 it allowed, I can promise you one contention that
6 would be litigated would be whether or not a
7 company the size of Gulf States can safely undertake
8 a project of this magnitude and complete it in
9 complete safety without cutting corners because of
10 just the magnitude of the project.

11 At the same time, we don't want to be
12 a part of increasing that economic burden over what
13 it's already going to be. And we think the primary
14 problem that River Bend is going to experience is
15 going to be an economic one to the people of this
16 area.

17 Our best guess on the cost of River Bend
18 right now is about four and a half billion dollars.
19 It may be a little bit more than that. Our best
20 guess of completion date is probably at least a year
21 later than what Gulf States has put on it. And we
22 don't believe that this proceeding would make one
23 iota of difference one way or the other in the
24 cost of the plant or when it's going to be completed,
25 because I think that date is written in stone right now

1 and the factors are the cost and difficulty of
2 financing, and the length of time it takes to build
3 a project like that.

4 At four and a half billion dollars and
5 coming on line in late 1986 or early 1987, River Bend
6 is not an economical, viable proposition. Now, I
7 would point to the Board the fact that the economic
8 mix of the State of Louisiana is changing. The heavy
9 energy-intensive petrochemical industry is moving
10 away, and as it does so, the load factor for the
11 Gulf States system is going to decrease, and it's
12 going to make a plant such as River Bend, which must
13 operate continuously to achieve its economic advantages,
14 less and less economically attractive.

15 Over the 30-year life span of this
16 plant, if it indeed did last that long, which we doubt,
17 we suggest that there will be many, many years that it
18 will offer no economic advantage, and, in fact,
19 will probably be an economic albatross to the people
20 in the industry of this area.

21 I think if a cost benefit analysis were
22 truly done today that this plant would not pass
23 economic muster. Of course, we recognize also that
24 under the current scheme of regulations that the
25 Board and the Intervenors are not at this juncture

1 able to require or submit an economic analysis. An
2 economic analysis certainly becomes very difficult
3 when you're in excess of a billion dollars invested
4 in a plant, and it may well not be an economical,
5 viable proposition.

6 I hope history proves us wrong, but I
7 think that you'll see before this decade is over,
8 perhaps a little longer, that we're all very, very
9 sorry that this plant got completed and that
10 more money was spent on it. I hope we're wrong.

11 Thank you.

12 JUDGE COTTER: Is there anyone else
13 who wishes to make a statement at this time?

14 We will recess until 3:00 o'clock.

15 (Recess taken at 2:35 p.m., and
16 reconvened at 3:00 p.m.)

17 JUDGE COTTER: We are reconvened to
18 hear any statements from persons who want to make
19 limited appearances at this time.

20 Just to repeat what I stated earlier,
21 the normal practice in connection with limited
22 appearance statements is that they be limited to
23 five minutes' time. Under the rules of the Nuclear
24 Regulatory Commission, they are not evidence, but they
25 are matters that are always of interest to the Board

1 and may raise matters that the Board would wish to
2 take note of.

3 Is there anyone present now who wishes
4 to make a limited appearance statement?

5 Yes, sir?

6 Would you step over and identify yourself
7 for the record.

8 STATEMENT

9 OF

10 D'A QUILLA

11 Thank you, sir.

12 I'm D'A Quilla, mayor of the
13 town of St. Francisville.

14 JUDGE COTTER: Could you spell it for
15 the record, please.

16 MR. D'A QUILLA: D-apostrophe-A
17 Q-u-i-l-l-a.

18 JUDGE COTTER: Thank you.

19 MR. D'A QUILLA: We are probably the
20 closest municipality to River Bend, and I just wanted
21 to come down on behalf of River Bend and say we're
22 glad to have them in our community. I've been
23 involved with them -- I've been on the council for
24 13 years, so I've been involved with River Bend since
25 it was initiated. And it is my personal feeling,

1 and I think for most of the people of the town of
2 St. Francisville, it is being built in a very safe
3 and cautious manner. They are good neighbors. We
4 have no problem with the city or the parish. They
5 cooperate with us in any way possible, and we just
6 have a real good relationship with them. We're glad
7 to have them. And the type of personnel they're
8 bringing into our community, we're glad to have
9 these kind of people, too.

10 Thank you.

11 JUDGE COTTER: Thank you, Mr. D'A Quilla.

12 JUDGE LINENBERGER: One question, sir.

13 MR. D'A QUILLA: Yes, sir.

14 JUDGE LINENBERGER: Excuse me, but it
15 would be worth having it recorded. Are you speaking
16 for yourself or for the Town Council?

17 MR. D'A QUILLA: I'm speaking for
18 myself on behalf of the Town Council.

19 JUDGE LINENBERGER: Thank you, sir.

20 MR. D'A QUILLA: Okay.

21 JUDGE COTTER: Is there anyone else
22 who would like to make a limited appearance statement?

23 Yes, ma'am. Step forward, please.
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25STATEMENTOFBEA HAYES

My name is Bea Hayes, and I am representing the Louisiana Voice of Energy. We're an organization that's formed -- we are made up of citizens who are concerned about the energy issues affecting Louisiana and our nation. Our purpose is to educate each other and the public about energy needs. And in representing our group, I speak for them in saying that we are in support of the nuclear power plant and the nuclear power industry.

We feel that it is very important for the future of our nation and the future of Louisiana and the energy demands that will be made on the consumers. So we are in support of River Bend.

JUDGE COTTER: Thank you, Mrs. Hayes.

STATEMENTOFREBECCA YOUNG

Hi. My name is Rebecca Young, Y-o-u-n-g. I'm a sixth-grade teacher, science teacher, in a middle school in the East Baton Rouge Parish Public Schools.

I teach an energy unit each spring as part

1 of the science curriculum.

2 As a result of teaching this unit, I
3 have needed to become familiar with all of our
4 energy sources and how they are used to produce
5 electricity for the consumer.

6 As a result of my investigations and
7 study in preparation for teaching my class, I am
8 firmly convinced that the use of nuclear power is
9 a wise choice and vital to secure our energy future
10 for our nation.

11 . Some of the information we look at in
12 our unit includes a study of the availability,
13 the efficiency, the advantages and disadvantages of
14 many fuel sources. We consider conservation very
15 important, and we learn methods of conservation.

16 We look at sources of energy we are not
17 using at full capacity, such as solar and wind and many
18 others that are still in experimental stages.

19 We begin to consider the energy problem
20 as a serious threat to our nation's security and
21 standard of living. A concept that is stressed is
22 that the production of electricity for all of us to
23 use is not just the responsibility of the utility
24 company, but it's also a responsibility of each and
25 every consumer.

3-6

1 Nuclear power has a good energy record.
2 It does not add carbon dioxide to our atmosphere as
3 do coal plants.

4 I might mention that one of the things
5 that we talk about in the classroom is the study
6 that's going on in the space shuttle in orbit right
7 now in relation to the amount of carbon dioxide
8 in the atmosphere.

9 Nuclear power reduces the requirements
10 for foreign oil imported in our country. Gulf States
11 has previously published how much oil River Bend
12 will save.

13 Uranium is an available resource. We
14 have the technology available to use nuclear power for
15 electricity production.

16 Many other sources are not technically
17 advanced enough for the production of electricity.

18 As a private citizen and a consumer of
19 electricity, I support the licensing and operation of
20 River Bend Nuclear Power Plant in St. Francisville. The
21 operation of River Bend will provide some rate
22 relief to customers over its 40-year operation, and it
23 will provide our measure of independence from foreign
24 oil in a safe, reliable and economical manner.

25 Thank you.

3-7 1 JUDGE COTTER: Thank you, Ms. Young.

2 Sorry you couldn't bring your sixth-grade
3 class to the hearing.

4 MS. YOUNG: Me, too. They would have
5 loved to have come.

6 JUDGE COTTER: Is there anyone else who
7 would like to make a limited appearance at this time?

8 I think since we probably announced
9 that statements would be taken between 3:30 and
10 5:00 that, in the interest of keeping the faith,
11 we will continue to keep ourselves available here
12 until 5:00 o'clock. And so, at this point why don't
13 we take a half-hour recess and see whether anyone else
14 arrives who may wish to make a statement.

15 We will recess until ten of 4:00.

16 (Recess taken at 3:15 p.m., and
17 reconvened at 3:50 p.m.)

4-1 18 JUDGE COTTER: If everyone would come to
a 19 order.

20 And now we have a number of additional
21 limited appearance statements.

22 Who now would like to make a limited
23 appearance statement?

24 We lack a courtroom clerk, so you'll
25 have to identify yourself, if you would.

1 Do I understand correctly that there
2 is no one in the room who wants to make a limited
3 appearance statement?

4 STATEMENT

5 OF

6 REPRESENTATIVE JOHN TRAVIS

7 MR. TRAVIS: Representative John Travis.

8 JUDGE COTTER: Mr. Travis, would you step
9 forward to the microphone, please, and identify yourself
10 for the record.

11 MR. TRAVIS: I'd like to go on record as
12 saying that I represent the two parishes where
13 this nuclear power plant is being built.

14 As you all know, the coming future has a
15 bigger demand on electricity and we're going to have
16 to go to something. But I have to stand here and testify
17 that Gulf States Utilities has did everything they
18 could to educate the people in that area, take every
19 precaution they could to see that this power plant is
20 built to perform the way it's designed to do. And
21 I'd like for you to know that I support it.

22 JUDGE COLE: Could we get your name
23 for the record, sir?

24 MR. TRAVIS: Representative John Travis.

25 JUDGE COTTER: Thank you, sir.

1 nuclear plant in St. Francisville. We feel like
2 this new industrial base in our parish has added
3 a great deal to our economy. As evidence, when I
4 came to the bank four years ago we were a \$19 million
5 bank with approximately \$17 million in
6 deposits and \$9 million in loans.

7 Presently we are approaching \$34 million
8 in total assets, with loans of \$21 million. And I'd
9 like to say that this money primarily has been used
10 for construction loans, home loans, and consumer
11 loans in West Feliciana Parish. And we are thankful
12 Gulf States is there, and we want to do everything
13 we can to help them.

14 Thank you.

15 JUDGE COTTER: Thank you, sir.

16 STATEMENT

17 OF

18 RUSSEL DANIEL

19 I'm Russel Daniel, Exxon distributor
20 in St. Francisville.

21 I went to the Commonwealth Edison
22 Plant in Dresden, Illinois, about 15 years and it had
23 been on line about 14 years then. It helped their
24 economy, and I'm sure with the engineering technology
25 and what-not has improved since they built that one,

1 and I think they're building River Bend right and
2 I'm comfortable with it.

3 I also went to a plant in Russellville,
4 Arkansas, and it helped the economy of that community.
5 The bank doubled in size and the real estate values
6 appreciated, and I think it's a good thing, and
7 I'd like to go on record as supporting it.

8 Thank you.

9 JUDGE COTTER: Thank you, sir.

10 STATEMENT

11 OF

12 MURPHY A. DREHER

13 My name is Murphy A. Dreher, Jr. I'm
14 the Chairman of the West Feliciana Parish Planning
15 Commission for the past ten years.

16 JUDGE COTTER: Spell your name, sir.

17 MR. DREHER: D-r-e-h-e-r. Murphy A., Jr.

18 I have served of Chairman of the
19 Parish Planning Commission since 1974. I also live
20 directly across the highway from the River Bend
21 Nuclear Facility.

22 It's been a good neighbor thus far, and I
23 have no reason to anticipate it being otherwise.
24 I've had the opportunity to meet a lot of the men
25 and people who've come in with Stone & Webster, the

1 general contractor. I've found them to be the
2 highest quality personnel who are building the plant.

3 We all go on record as being in favor
4 of Gulf States and River Bend.

5 Thank you.

6 JUDGE COTTER: Thank you, Mr. Dreher.

7 Is there anyone else who would like
8 to make a limited appearance statement?

9 If not, we will recess until 4:15.

10 (Recess taken)

11 STATEMENT

12 OF

13 DR. FRED WRIGHTON

14 My name is Dr. Fred Wrighton. I live --

15 JUDGE COTTER: Spell your name, please.

16 DR. WRIGHTON: W-r-i-g-h-t-o-n.

17 I live in Baton Rouge. I've lived in
18 Baton Rouge since 1975. My occupation is an
19 economist. I've been an economist since 1967, I guess.

20 In the last eight years, my main
21 research area has been energy economics, and I
22 currently teach in the petroleum engineering department
23 as an adjunct professor at LSU.

24 I'm speaking only for my own personal
25 opinion today. From my own knowledge of power

1 conditions in the United States and in this region,
2 I feel like the River Bend facility and nuclear power
3 ultimately is going to be beneficial to me personally
4 in the future.

5 I understand without any question
6 that more than likely present costs may exceed what
7 my current costs are, but I feel like for my
8 children and in my future that with the diversification
9 of power generation across a number of fuels
10 is extremely important for reliability, and I think
11 it's important for my family and my children in
12 the future.

13 Thank you.

14 JUDGE COTTER: Is there anyone else
15 who would like to make a limited appearance statement?

16 (No response.)

17 JUDGE COTTER: Then we will adjourn
18 until 4:45.

19 (Recess taken at 4:15 p.m. and
20 reconvened at 4:45 p.m.)

21 JUDGE COTTER: Is there anyone present
22 who wishes to make a limited appearance statement?

23 (No response.)

24 JUDGE COTTER: We will go off the record
25 for a moment, until either someone wishes to make a

1 limited appearance and presents themselves, or
2 until 5:00 o'clock, whichever comes first.
3 And if no one appears, then the recess will become a
4 permanent closure with that word.

5 (Recess)

6 (Whereupon, at 5:00 p.m., the hearing
7 was concluded.)
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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the
UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: GULF STATES UTILITIES COMPANY (RIVER BEND 1 and 2)
PREHEARING CONFERENCE

DOCKET NO.: 50-458-OL & 50-459-OL
PLACE: BATON ROUGE, LA
DATE: TUESDAY, OCTOBER 9, 1984

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

(Sigt) *Mary L. Bagby*
(TYPED) Mary L. Bagby

Official Reporter

Reporter's Affiliation