

TERA

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of the Application of)	
Public Service Company of Oklahoma,)	
Associated Electric Cooperative, Inc.)	
and)	
Western Farmers Electric Cooperative)	Docket Nos.
)	STN 50-556
(Black Fox Units 1 and 2))	STN 50-557

MOTION TO REOPEN DISCOVERY AND TO PRODUCE DOCUMENTS

The Intervenors respectfully move this Board to reopen discovery and order production of documents relevant to Task Action Plan-1 (TAP), due to the late filing by the Nuclear Regulatory Commission Staff (Staff) of the TAP Supplement. Intervenors received this Supplement shortly after it was filed on September 25, 1978. Due to the fact that Intervenors' experts live in California and had other commitments, it was not possible to analyze the Supplement and prepare questions concerning it prior to the start of the hearings on October 10, 1978.

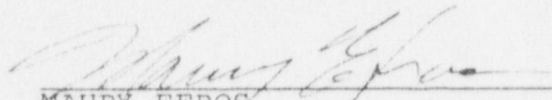
While the allotted time for discovery has expired, this Supplement was filed after the discovery period, and it does raise new issues which should be answered in the context of the TAP. Clearly, Intervenors were not responsible for the late submission of this Supplement, and a delay, if any, in preparing to resolve unanswered questions now raised can not be attributed to Intervenors. The Atomic Safety and Licensing Appeal

Board in In the Matter of Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-444, (1977), foresaw the problem that confronts this Board in the instant case. In River Bend, at p. 29, footnote 28, the Appeal Board, referring to late filing of an SER, held, " . . . once it has been submitted, the licensing board may be confronted with the necessity to provide time for additional discovery or the preparation of rebuttal evidence."

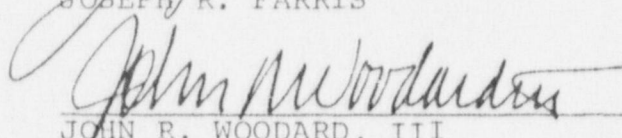
Intervenors maintain that after review of the TAP Supplement, they have discovered unresolved and unanswered questions regarding that TAP and that discovery is needed in that regard, whereafter Intervenors can utilize the discovered information to elicit testimony helpful to the Board in compiling a sound record for its decision. Attached to this Motion is a list of Interrogatories Intervenors wish to propound to the Staff. In Boston Edison Co. (Pilgrim 2), 1 NRC 579, 582, (1975), the Appeal Board noted, " . . . it has been uniformly recognized that the discovery rules are to be accorded a broad and liberal treatment so that the parties may obtain the fullest possible knowledge of the issues and facts before trial, and that the inquiries are limited only by the requirement that they be reasonably relevant to a sensible investigation." Intervenors believe their Motion falls squarely within this directive.

Accordingly, in anticipation of the Board's granting this Motion, Intervenors submit as an attachment, a list of Interrogatories calling for answers and specific documents from the Staff. Intervenors move this Board to order the Staff to answer these questions and produce the documents requested.

Respectfully submitted,


MAURY EFROS


JOSEPH R. FARRIS


JOHN R. WOODARD, III

November 3, 1978

Counsel for the Intervenors
GREEN, FELDMAN, HALL & WOODARD
816 Enterprise Building
Tulsa, Oklahoma 74103
(918) 583-7129

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of the Application of)
Public Service Company of Oklahoma,)
Associated Electric Cooperative, Inc.)
)
and)
Western Farmers Electric Cooperative) Docket Nos.
) STN 50-556
(Black Fox Units 1 and 2)) STN 50-557

CERTIFICATE OF SERVICE

I, Joseph R. Farris, one of the attorneys for Citizens Action for Safe Energy (C.A.S.E.), certify that copies of Motion to Reopen Discovery and to Produce Documents have been served in the above captioned matter on the following by United States mail, postage prepaid, this 3rd day of November, 1978.

Sheldon J. Wolfe, Esq.
Atomic Safety and Licensing Board Panel
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
Atomic Safety and Licensing Board Panel
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Paul W. Purdom
Director, Environmental Studies Group
Drexel University
32nd and Chestnut Streets
Philadelphia, Pennsylvania 19104

L. Dow Davis, Esq.
Office of the Executive Legal Director
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Andrew T. Dalton, Esq.
Attorney at Law
1437 South Main Street
Room 302
Tulsa, Oklahoma 74119

Mrs. Ilene Younghein
3900 Cashion Place
Oklahoma City, Oklahoma 73112

Mrs. Carrie Dickerson
Citizens Action for Safe Energy, Inc.
P. O. Box 924
Claremore, Oklahoma 74104

Josepa Gallo, Esq.
Isham, Lincoln & Beale
1050 17th Street, N.W.
Washington, D.C. 20036

Michael I. Miller, Esq.
Isham, Lincoln & Beale
One First National Plaza, Suite 4200
Chicago, Ill. 60603

Paul M. Murphy, Esq.
Isham, Lincoln & Beale
One First National Plaza, Suite 4200
Chicago, Ill. 60603

Mr. Maynard Human
General Manager
Western Farmers Electric Cooperative
P. O. Box 429
Anadarko, Oklahoma 73005

Mr. Gerald F. Diddle
Associated Electric Cooperative, Inc.
P. O. Box 754
Springfield, Missouri 65801

Mr. Lawrence Burrell
Rt. 1, Box 197
Fairview, Oklahoma 73737

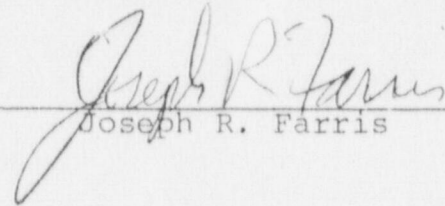
Dr. M. J. Robinson
Black & Veatch
P. O. Box 8405
Kansas City, Missouri 64114

Secretary (Orig. and 3)
Attn: Chief, Docketing & Service Section
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Vaughn L. Conrad
Public Service Company of Oklahoma
P. O. Box 201
Tulsa, Oklahoma 74102

Mr. T. N. Ewing
Public Service Company of Oklahoma
P. O. Box 201
Tulsa, Oklahoma 74102

DATED: November 3, 1978.



Joseph R. Farris

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

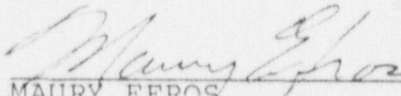
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

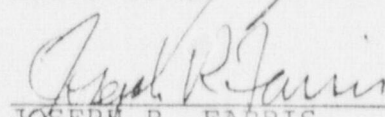
In the Matter of the Application of)
Public Service Company of Oklahoma,)
Associated Electric Cooperative, Inc.)
and)
Western Farmers Electric Cooperative) Docket Nos.
) STN 50-556
(Black Fox Units 1 and 2)) STN 50-557

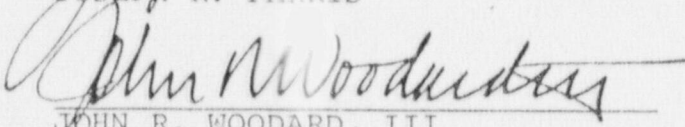
REQUEST FOR FINDING PURSUANT TO 10 CFR §2.720(h)(2)(ii)

This set of Interrogatories to the Staff is based on the Task Action Plan-1 Supplement (Supplement) filed September 25, 1978. This Supplement raises certain questions fundamental to a determination of the safety aspects this plan is designed to achieve. Since the Staff formulated this plan, only the Staff can answer these questions. Therefore, Intervenors request that those members of the Staff who had any input or did any work on either TAP-1 or its Supplement, answer these Interrogatories.

Respectfully submitted,


MAURY EFROS


JOSEPH R. FARRIS


JOHN R. WOODARD, III

November 3, 1978

Counsel for Citizens Action
for Safe Energy
GREEN, FELDMAN, HALL & WOODARD
816 Enterprise Building
Tulsa, Oklahoma 74103
(918) 583-7129

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of the Application of)
Public Service Company of Oklahoma,)
Associated Electric Cooperative, Inc.)
and)
Western Farmers Electric Cooperative) Docket Nos.
) STN 50-556
(Black Fox Units 1 and 2)) STN 50-557

CITIZENS ACTION FOR SAFE ENERGY INTERROGATORIES TO THE
NUCLEAR REGULATORY COMMISSION STAFF REGARDING
TASK ACTION PLAN-1

Pursuant to 10 CFR §§2.740(b) and 2.720(h)(2)(ii), the Intervenors, Citizens Action for Safe Energy, request that the attached Interrogatories be answered fully, in writing, and under oath by those members of the Nuclear Regulatory Commission Staff who had any input or otherwise worked on Task Action Plan-1. At the conclusion of each Interrogatory, whether or not he or she has verified his or her answer, that persons name and title should be set forth.

Each question is to be answered in six (6) parts, as follows. For each answer provide: (1) the direct answer to the question; (2) identify all documents and studies and the particular parts thereof, relied upon by the Staff, now or in the past, which serve as the basis for the answer; (3) identify all documents and studies, and the particular parts thereof, examined, but not relied upon by the Staff, which pertain to the

subject matter in question; (4) identify by name, title and affiliation, each Staff employee or consultant that has the expert knowledge required to support the answer to the question; and (5) explain whether the Staff is presently engaged in or intends to engage in any further research or work which may effect the Staff's answer. Identify such research or work; and (6) if requested, provide the documents so requested.

INTERROGATORY NO. 1:

Please provide any and all calculations, evaluations, and estimate of risk, both individual and cumulative, of the problems and issues dealt with in the TAP-1.

INTERROGATORY NO. 2:

Please provide all calculations, evaluations, and estimates of individual and cumulative, of the problems and issues dealt with in the NUREG-0410.

INTERROGATORY NO. 3:

Please provide latest plans and schedules for completion of all items in TAP-1.

INTERROGATORY NO. 4:

Please provide latest plans and schedules for completion of all items in NUREG-0410.

INTERROGATORY NO. 5:

Please provide latest plans and schedules for completion of all items in NUREG-0471.

INTERROGATORY NO. 6:

Please provide any and all documents describing specific criteria for establishing the categories of importance of generic items.

INTERROGATORY NO. 7:

Please provide any and all documents describing the specific evaluation of each generic item and the reasons, both qualitative and quantitative, for placing each in its relative category of importance and its number within the category.

INTERROGATORY NO. 8:

Please provide any and all minority views regarding the importance of each generic item and its relative position within the category.

INTERROGATORY NO. 9:

Describe and explain any views of the absolute or relative importance of the TAP-1 items other than those expressed in TAP-1. These should include, but are not limited to, views of the ACRS, NRC Staff, ACRS

consultants, NRC consultants, NRC commissioners, and others.

INTERROGATORY NO. 10:

Does TAP-1 testimony by Aycock, et al., describe all generic items impacting Black Fox Station?

INTERROGATORY NO. 11:

List any generic items which may pertain to Black Fox but are not included in the Aycock, et al., testimony.

INTERROGATORY NO. 12:

Which safety-related items of the GE Nuclear Reactor Study (the so-called "Reed Report") apply to Black Fox?

INTERROGATORY NO. 13:

Referring to the answer or answers to Interrogatory 12, provide a description of each of the items and identify the corresponding item number given to each Reed Report safety-related item in TAP-1.

INTERROGATORY NO. 14:

Relating to the answer or answers to Interrogatory 12, provide a description of each of the items and identify the corresponding item number given to each Reed Report safety-related item in NUREG-0410.

INTERROGATORY NO. 15:

Referring to the answer or answers to Interrogatory 12, provide a description of each of the items and identify the corresponding item number given to each Reed Report safety-related item in NUREG-0471.

INTERROGATORY NO. 16:

Please provide any and all documents related to the risk and importance of the "Reed Report" 27 safety-related items as mentioned in the letter from Dr. Matson (NRC) to Dr. Sherwood (GE), dated July 10, 1978.

INTERROGATORY NO. 17:

Please describe the reasoning which led to precluding the "Reed Report" items from TAP-1. Were all the Commissioners aware of this decision?

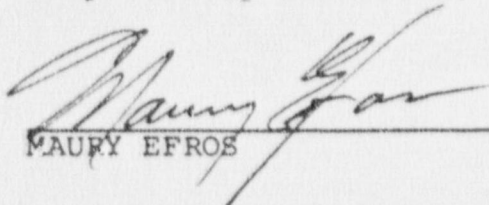
INTERROGATORY NO. 18:

Why was TAP-A-2 deleted from the TAP-1 testimony and Attachments?

INTERROGATORY NO. 19:

Please provide an up-to-date version of TAP-A-2.

Respectfully submitted,


MAURY EFROS

Joseph R. Farris

JOSEPH R. FARRIS

John R. Woodard, III

JOHN R. WOODARD, III

November 3, 1978

Counsel for Citizens Action
for Safe Energy
GREEN, FELDMAN, HALL & WOODARD
816 Enterprise Building
Tulsa, Oklahoma 74103
(918) 583-7129