



October 12, 1978

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos. 50-266
	)	50-301
WISCONSIN ELECTRIC POWER)	
COMPANY	)	Amendment to License
	)	Nos. DPR-24 and DPR-27
(Point Beach Nuclear Plant,	)	(Increase Spent Fuel
Units 1 and 2)	)	Storage Capacity)

APPLICANT'S OBJECTIONS TO CERTAIN OF
INTERVENOR'S INTERROGATORIES

On September 27, 1978, Lakeshore Citizens for Safe Energy (Intervenor) propounded a set of interrogatories to Applicant numbered according to Intervenor's contentions in the proceeding. Applicant objects to the following interrogatories for the reasons stated below:

1. Applicant objects to all interrogatories relating to Contention 4. The Board's ruling as to the allowability of Contention 4, relating to Applicant's anti-sabotage and security plans, has been deferred by the Board based upon stipulation between Intervenor and the Staff at the Special Prehearing Conference on August 17, 1978. The Staff and Intervenor agreed on the

7810230326 G

record that the Staff would review the Point Beach security plan and indicate in writing whether in its judgment the proposed increase in spent fuel storage capacity could reasonably affect the security plan. It was further agreed that the Intervenor would accept the Staff's conclusion regarding the effect of the amendment on the Point Beach security plan and that the contention would not be admissible if the Staff concluded the security plan was not affected. On September 27, 1978, the Staff filed with the Board such a written statement in the form of an affidavit by Mr. John S. Berggren together with a motion to dismiss Contention 4.

2. Applicant objects to all of the interrogatories pertaining to Contention 9 on the ground that the interrogatories are not related to the incremental impacts of expanded fuel storage or the need to revise or update Applicant's medical or health care plan due to such incremental impacts. They are therefore outside the scope of Contention 9 and of this proceeding.

Contention 9 presents only one issue, i.e. whether

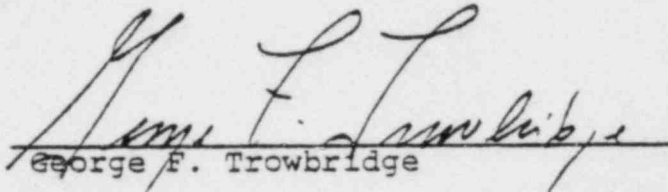
Applicant needs to update or revise its medical and health care plan "due to more dense and increased storage of spent fuel." The contention is not a proper basis for general inquiries into Applicant's medical and health care plan as it relates to operation of the present Point Beach facility. Applicant is prepared to stipulate at the hearing that no updating or revision of the medical and health care plan has been done, and that none is contemplated, due to its proposal to expand the spent fuel storage capacity at Point Beach. Applicant will rest its response to this contention on a showing that the incremental radiological impacts associated with the expanded storage program are not such as to warrant medical or health care planning.

3. Applicant objects to all interrogatories pertaining to Contention 10, relating to Applicant's emergency plans, on the ground that this contention has been disallowed by the Board. By its order of September 1, 1978, the Board rejected Contention 10 on

the ground that the contention as phrased was ambiguous if not unintelligible. The Board granted Intervenor 15 days from the date of the order to refile an amended contention, but no such amended contention has been refiled by Intervenor.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


George F. Trowbridge

Dated:
October 12, 1978

October 12, 1978

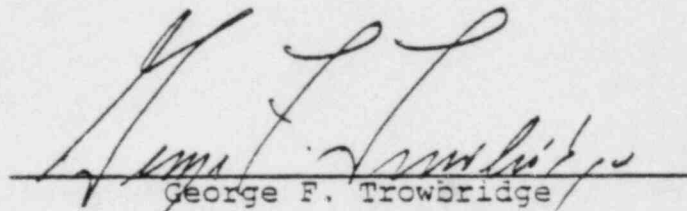
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos. 50-266
	)	50-301
WISCONSIN ELECTRIC POWER)	
COMPANY	)	Amendment to License
	)	Nos. DPR-24 and DPR-27
(Point Beach Nuclear Plant,	)	(Increase Spent Fuel
Units 1 and 2)	)	Storage Capacity)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Objections to Certain of Intervenor's Interrogatories," dated October 12, 1978, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 12th day of October, 1978.


George F. Trowbridge

Dated: October 12, 1978

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos. 50-266
	)	50-301
WISCONSIN ELECTRIC POWER)	
COMPANY	)	Amendment to License Nos.
	)	DPR-24 and DPR-27
(Point Beach Nuclear Plant,	)	(Increase Spent Fuel
Units 1 and 2)	)	Storage Capacity)

SERVICE LIST

Marshall E. Miller, Esq.
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Emmeth A. Luebke
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Paul W. Purdom
245 Gulph Hills Road
Radnor, Pennsylvania 19087

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Bruce A. Berson, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Ms. Mary Lou Jacobi
Vice Chairperson
Lakeshore Citizens for
Safe Energy
932 N. 5th Street
Manitowoc, Wisconsin 54220

Patrick W. Walsh, Esq.
Assistant Attorney General
The State of Wisconsin
Department of Justice
114 East, State Capitol
Madison, Wisconsin 53702