

GILLESPIE & JONES

Attorneys at Law

114 Ridgelake Drive
Metairie, Louisiana 70001

(MAILING ADDRESS: P. O. Box 9216, Metairie, Louisiana 70055-9216)

GEORGE L. GILLESPIE, JR.
LYMAN L. JONES, JR.

TELEPHONE:
(504) 835-6458

April 23, 1982

Notary in Office

The Honorable Sheldon J. Wolfe
Administrative Law Judge
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D. C. 20555

RE: Conference Calls
March 17, 1982 and
March 18, 1982

Dear Judge Wolfe:

This letter is written as per your directions at the outset of the above-referenced conference calls, at which I was assigned the task of acting as reporter for those calls. This report is furnished with the concurrence of Messrs. Blake and Turk, after having given them the opportunity to comment upon the inputs contained herein.

On March 17, 1982, Mr. Turk commenced the conference call by reporting on the conversations which counsel for the respective parties had conducted relative to exhibits and witnesses. Mr. Blake noted that there were substantial differences with respect to the admissibility of proposed Joint Intervenor exhibits; and that accordingly, Joint Intervenors would file briefs asserting their position, on March 17, 1982, to be express mailed to opposing parties. Responses from Applicant and NRC Staff would be due on March 23, 1982.

The conference then addressed the questions of witnesses and scheduling problems which had arisen. It was agreed between the parties that Applicant would proceed first, presenting their witnesses as a panel; and by agreement between the parties, Staff would present their two witnesses, namely Drs. Branagan and Goldman, as a panel. This change in the usual order was necessitated because of Dr. Goldman's schedule; however, all parties agreed to allowing the change in scheduling to take place. The undersigned reported, with respect to Joint Intervenor witnesses, that based upon the schedule agreed to for Applicant and Staff witnesses, that he was able to present Dr. Velma Campbell on Friday, March 26; and that thereafter, Dr. H. M. Pandit was available for March 29. Due to scheduling problems, Dr. Carl Johnson would not be available until April 1; but there was a possibility that Dr. Irwin Bross would decide to make an appearance. In this case, his availability for March 30 and 31 would occupy the time between Dr. Pandit's appearance and Dr. Johnson's appearance. Mr. Turk stated that Dr. Goldman's scheduling availability had been made known several weeks prior to this time.

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Chairman Wolfe then stated that, up until March 12, there had been no occasion of serious disagreements between the parties; and now there were extremely serious disagreements between the parties in all areas. He further stated that the Board was willing to do one of three things: first, to conduct a pre-hearing conference and then begin the hearings; second, to hold a pre-hearing conference and if Joint Intervenors were not prepared to go forward, to recess the hearings pending availability of Joint Intervenor witnesses; and third, to cancel the entire proceeding and reschedule it.

The undersigned advised that, in his view, cancellation would not be the appropriate remedy; since all the parties had expended considerable time and effort in preparation for hearings commencing on March 24.

Judge Wolfe indicated that the Board would be willing to set Dr. Johnson's testimony over to the May 3 session; since he advised that the Board would be available for a hearing commencing on May 3. Mr. Blake objected to the lateness of Dr. Johnson's appearance; inasmuch as Applicant's expert witness, Dr. Leonard Hamilton, would not be available either in late April or in early May. Mr. Blake also stated very strongly that he objected to having to wait two days for Dr. Johnson to appear, particularly in view of the fact that Dr. Johnson had advised the undersigned that he had inadvertently made the commitments which caused him to be unavailable until April 11.

At this point, Mr. Turk advised that he was disturbed by the uncertainty of availability of Joint Intervenors' witnesses, which made preparation for cross-examination difficult.

Chairman Wolfe then advised that with respect to questions concerning exhibits, he was prepared to rule on the question of admissibility; and that it might save time if he were to rule immediately.

Mr. Blake advised that he wanted to continue with the briefs and also wanted the opportunity to address the Board on the question. Mr. Turk indicated he had no strong preference to either means of procedure. Mr. Jones stated that he concurred with Mr. Blake's view. All counsel stated that they agreed that no prejudice would result from waiting until the Board's ruling in the following week.

Chairman Wolfe advised on the question of availability of witnesses the Board's position was flexible; however, Mr. Blake's objection to a two-day hiatus in the hearing was well-taken and that Joint Intervenors might well lose the testimony of Dr. Johnson if he was not available by March 30, 1982.

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The undersigned then advised that he had scheduled a call for the following morning to Dr. Irwin Bross, whose outcome, if successful, would alleviate the two day hiatus. Thereupon, it was agreed that the conference call would be terminated and replaced at 11:30 a.m. Eastern standard time the next morning.

The conference call of March 18, 1982 commenced as scheduled. Chairman Wolfe advised that a May 3 resumption of the hearings was acceptable to the Board and that Chairman Wolfe and Dr. Jordan would be available through May 14. Dr. Forman would be available for the week commencing May 3; however, his availability for the week of May 10 was questionable. Chairman Wolfe advised that if Dr. Forman was unavailable, he and Dr. Jordan would proceed in accordance with the Board's quorum rule.

The undersigned then advised all parties and Chairman Wolfe that Dr. Irwin Bross had agreed to make an appearance commencing March 30, and that Dr. Bross's anticipated two days of cross-examination would fill out the schedule for the week commencing March 29 through April 1. Mr. Blake stated that he had no problem with this schedule as now confirmed. Mr. Turk noted that this was the first time that Intervenor had advised of Dr. Bross's availability and that he wished to register his lack of enthusiasm for having to prepare cross-examination for Dr. Bross on such short notice; nevertheless, the Staff made no formal objection to Dr. Bross's appearance.

Chairman Wolfe stated that the Board would proceed to hear the witnesses as per the originally agreed upon schedule, commencing sometime during the day of March 24, at the conclusion of the preliminary conference. Counsel for the parties agreed that a realistic estimate of the time for examination of Dr. Johnson would be one day.

Mr. Blake stated that he may use rebuttal testimony and that it might be necessary to use part of the May 3 hearing time; however, his rebuttal would be brief. Counsel for Joint Intervenor stated that, for that purpose, there would be no objection to such testimony, either by Applicant or Staff. Mr. Blake stated that he had no problems concerning the timing of the Joint Intervenor's witness appearances and made no objection to admitting the testimony of those witnesses. Mr. Turk also advised that he had no objection to the schedule as proposed.

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Mr. Turk then advised as to the availability of hotel rooms for the May session, stating that he had reserved 14 rooms for Staff and the Board; however, he would change these reservations to commence May 3. Chairman Wolfe then stated that the next session would be scheduled for the time period May 3 through May 14; and he proposed a conference at the conclusion of the March 23 hearings to determine the availability of witnesses.

Mr. Blake stated that testimony of the witnesses dealing with emergency planning issues would be sent out on April 20 for delivery on April 21, by expedited service, and that written rebuttal testimony, if any, would also be served on April 21.

It was agreed that if there was any problem in obtaining agreement concerning exhibits to be introduced in the second hearing sessions, the parties would confer with the Board prior to April 20, 1982.

There being no further matters for discussion by counsel, the conference call was thereupon terminated.

This report is submitted, having first discussed its contents with counsel for the NRC Staff and Applicant, and with both parties availing themselves of the opportunity to make such corrections or editorial changes as they deemed appropriate.

Respectfully submitted,

GILLESPIE & JONES

LYMAN L. JONES, JR.

LLJJr/sr

cc: See attached service list.

Dictated April 5, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

In the Matter of

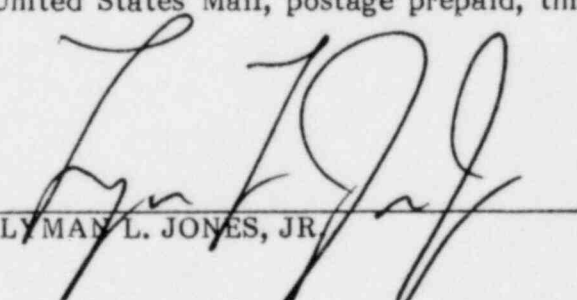
LOUISIANA POWER & LIGHT COMPANY

Docket No. 50-382

(Waterford Steam Electric Station
Unit 3)

CERTIFICATE OF SERVICE

The undersigned, as counsel for Joint Intervenors, Oystershell Alliance, Inc. and Save Our Wetlands, Inc., herewith certifies that copies of Counsel's memorandum, in re conference calls of March 17 and 18, 1982, are hereby served on all individuals or entities appearing on the attached Service List, by first class United States Mail, postage prepaid, this 23rd day of April, 1982.



LYMAN L. JONES, JR.

SERVICE LIST

Sheldon J. Wolfe, Esquire
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D. C. 20555

Dr. Harry Foreman
Box 395, Mayo
University of Minnesota
Minneapolis, Minnesota 55455

Dr. Walter H. Jordan
881 West Outer Drive
Oak Ridge, Tennessee 37830

Chairman, Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

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

Sherwin E. Turk, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

George F. Trowbridge, Esquire and
E. Blake, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N. W.
Washington, D. C. 20036