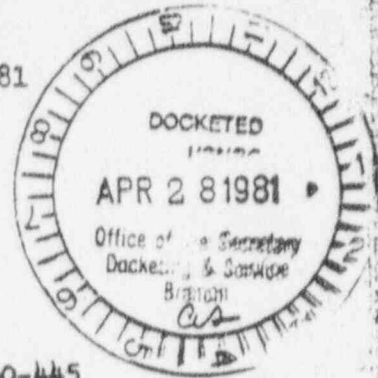


RELATED CORRESPONDENCE

4/24/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



Docket Nos. 50-445  
and 50-446

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNITS #1 AND #2 (CPSES)

CASE'S ANSWERS TO NRC STAFF'S SECOND SET  
OF INTERROGATORIES TO, AND REQUEST FOR THE  
PRODUCTION OF DOCUMENTS FROM, INTERVENOR CASE



COMES NOW CASE (Citizens Association for Sound Energy), hereinafter referred to  
as CASE, Intervenor herein, and files this, its Answers to NRC Staff's Second Set  
of Interrogatories to, and Request for the production of documents from, Intervenor  
CASE,<sup>1</sup> dated 3/26/81 and received by CASE on 3/30/81.

ANSWERS

Contention 24:

C24-6. (a)

Those set forth in 10 CFR 51.20, including, but not limited to the following:

Health effects of the uranium fuel cycle; health effects of low-level  
radiation from routine and unplanned emissions from the facility; health  
effects of possible accidents at the facility, from the least harmful to  
the worst possible; models used to calculate low-level radiation doses;

<sup>1</sup> On April 10, 1981, in telephone conversations with Marjorie Ulman Rothschild  
and Valentine Deale, it was agreed that the NRC Staff has no objection to an  
extension of time of filing this response until April 24, 1981 (instead of  
April 14, 1981), and CASE was granted such extension.

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calculation of number of expected cancers from operation of CPSES; uranium supply; water use; evacuation and emergency procedures; unresolved generic safety issues; decommissioning; transportation of low- and high-level wastes; storage of low-level and high-level wastes; capacity factors; discharge of effluents into water; transmission lines; herbicide usage; selection of site; population concentrations; meteorological considerations; hydrology - watershed; realistic assessment of expected performance of plant compared to design rating; endangered species; construction costs; total costs of plant; operating costs; reliability; power generating costs; external project costs; marine environmental impacts; archeological aspects; economic effects of the uranium fuel cycle; economic effects of health effects of low-level radiation from routine and unplanned emissions from the facility; alternative sources of energy comparisons between different possibilities; costs of overcapacity; land use; taxation basis of the land after plant is shut down; energy conservation; excess capacity; terrestrial ecology; aquatic ecology; air pollution; regional historic, scenic, cultural, and natural features; right-of-way disruptions; visual impacts; chemical and biocide waste; sanitary and other waste; gaseous effluents; noise pollution; surface water; ground water; possibility of accidents from aircraft; thermal effluent; environmental effects of possible accidents at the facility, from the least harmful to the worst possible; economic effect of accidents on the surrounding area; economic effect of accidents on ratepayers who are paying for the plant; release of radioactive waste to watershed; side effects of transportation of spent fuel; analysis of who will pay for the cost of nuclear waste and nuclear fuel accidents in transit to or from the plant; security costs; effects of security as regards loss of civil liberties and loss of privacy; cost and effects of external flooding; need for power; risk comparison between operating CPSES and not operating it; adequacy of site geology; seismic considerations; effect on health of workers exposed to radiation; financial cost of health effects to workers exposed to radiation; increased fuel costs; analysis of need for CPSES, by year, for its 40-year life as compared to what alternatives will be available during that time; inflationary impacts on costs of all aspects of CPSES; inflationary impacts on the Dallas/Fort Worth metroplex area of the increase in costs of electricity due to the construction and including of construction work in progress in the rate base for CPSES, as well as such inflationary impacts due to the cost over-runs experienced at CPSES; socioeconomic impact of the plant upon local communities, including large influx of workers and families on a temporary basis requiring building of more schools, increased police protection, etc. and effect of leaving remaining residents to continue to pay for costs of such increased facilities when transient workers move on; operating costs of CPSES; power generating costs of CPSES.

In addition, all items listed as costs in Applicants' cost/benefit analysis not mentioned in the preceding list. .

CASE believes the only benefit to be derived from CPSES is that it will produce electricity when it's in operation; even so, we do not believe that that electricity will be needed, economical, or safe.

CASE does not believe that it is proper to include as a benefit the increased employment and tax revenues, as Applicants have done in the ER, page 11.0-3, Amendment 1, September 1980, section 11.1.2 **INDIRECT BENEFITS:** "Employment opportunities and the disposable income generated (both by temporary and by permanent employees) constitute a significant indirect benefit of CPSES. Increases in the local tax base and tax revenues that will be derived by Somervell and Hood Counties are also recognized as an important indirect benefits of the project." Increased employment and tax revenues cannot be included on the benefit side in striking the ultimate NEPA cost-benefit balance for a particular plant (Vermont Yankee Nuclear Power Corp., Vermont Yankee Station, ALAB-179, 7 AEC 159, 177 (1974)). Further, we believe that increased local employment and wage incomes, increased local business activity, increased tax revenues will be offset by the loss of local employment and wage incomes (thus creating unemployment with its attendant costs), decreased local business activity (some businesses, especially bars and taverns, may have to go out of business entirely with resulting unemployment, possibly moving from the area of income-producing and tax-producing businesses; other businesses will suffer decreases in income), and increased tax revenues will be offset by increased costs for building new schools for transient workers' families, police protection, increased jail facilities (present <sup>Glen Rose</sup> facilities were not even sufficient to contain those individuals who engaged in civil disobedience by going over the fence in the past, and such activities may increase in the future), increased fire protection, etc., when the transient workers leave the area.

CASE also does not believe it is proper at this time to include as a benefit "expanded community services and public facilities (such as development of Squaw Creek Reservoir)" unless and until Applicants finalize arrangements with the State of Texas regarding this matter. (See letter of June 10, 1980 from David J. Preister, Assistant Attorney General, Environmental Protection Division, Texas Attorney General's Office, letter of July 3, 1980, from Billy R. Clements, Vice-President, TUGCO, and CASE's 7/14/80 Supplement to Item 1. (CASE Contention 1) of CASE Motion for Reconsideration of Certain CASE Contentions...last paragraph of page 3 through page 5.) At the present time, such arrangements have not been made and there is no indication as to when they will be made.

With regard to the ecological surveys which have been performed in the region of CPSES during the past several years regarding the mammal, invertebrate, reptilian, avian, and floral communities of the CPSES area, CASE believes that the disruption of the daily lives of animals and birds, the removal of part of their natural habitat, the destruction of some floral areas forever, more than outweigh any alleged benefits of such ecological surveys.



C24-6.(b)(continued):

With regard to Applicants' statements in 8.1.2.5 Improvement to Area Facilities (page 8.1-18 of ER), CASE hardly sees how upgrading of Farm Roads 201 and 51, which was necessitated by "an extensive volume of vehicle traffic to and from the CPSES plant site" "during the early phases of project construction" which "resulted in significant wear to local roadways," can be counted as a "benefit" without recognizing a corresponding and offsetting "cost." Further, we do not see the creation of the Squaw Creek Reservoir as a great enhancement to the sport and recreational opportunities for area residents when admittedly "there are other recreational reservoirs located within a short commuting distance from the CPSES;" recognition must also be given to the negative benefit of loss of privacy, increased traffic, and increased air pollution to those on the route to and from the Reservoir.

With regard to Applicants' statements in 8.1.2.6 Public Education (page 8.1-18 of the ER), CASE believes that the "local information office... established in Glen Rose to provide area residents with details pertaining to the CPSES project in particular, and to nuclear issues in general" is primarily a public relations effort to make the plant more acceptable to the residents, to promote the use of nuclear energy as a power source, and should more properly be called propaganda rather than public education.

There may be some value under the Public Education section regarding the archeological survey of the CPSES area which was conducted in 1972. However, the statement by Applicants that "The great majority of this historical data would have been lost beyond recovery had it not been for this detailed survey" is undocumented and perhaps undocumentable. Further, one of the reasons for this survey was that Applicants uncovered dinosaur tracks which would have perhaps been lost forever due to actions by Applicants had they not cut out the track and moved it elsewhere to preserve it.

Applicants state in 8.1.3 Summary of Benefits (page 8.1-19, September 1980 Amendment to ER), that "A summary description of the benefits of the CPSES project is presented in Table 8.1-21, and in Section 11.1." However, although Amendment page 8-iv indicates that there are new tables added, Tables 8.1-21 and 8.1-22, CASE has never received Table 8.1-22.

C24-6. (c): 10 CFR 51.20(b) and 51.21.

C24-6. (d): See that Applicants answer all questions by Intervenor and the NRC Staff fully and completely and that all guidance and requirements of NRC regulations are complied with by Applicants and that all issues raised by Intervenor or the NRC Staff are adequately considered and resolved before Applicants are granted an operating license or allowed to load fuel; respond fully and completely to interrogatories and requests for documents by CASE; pursue with vigor any problem areas or inadequacies indicated by Staff or Intervenor's questions and contentions and seeing to it that such problems and inadequacies are dealt with fully and remedied; assure that adequate documentation on the part of Applicants is required and provided for any and all allegations made by said Applicants; seeing to it that such documentation is presented to the NRC, the Intervenor, and the public through

C24-6.(d)(continued):

these operating license proceedings before Applicants are issued an operating license or allowed to load fuel. CASE expects the Applicants to be required to comply fully with all federal regulations and guidance before an operating license is granted and before Applicants are allowed to load fuel; and we believe that the NRC Staff has the responsibility to see that this is done and an overriding responsibility to assure that the public health and safety will be protected.

C24-6. (e). Whether or not, after all the costs and benefits have been adequately considered, the benefits outweigh the costs, should be the determining factor. Based on 10 CFR 51.20(b) and 51.21, CASE believes that a realistic and in-depth assessment of the actual costs directly related to CPSES must be considered in the cost/benefit analysis which Applicants are required to provide in the ER. All costs and benefits must be considered; thus, all are of significance and importance. CASE would recommend that the primary consideration be given to those items which have the greatest impact and the most long-lived impact. Thus, we would rank them in importance:

- (1) Costs in terms of health and dollars of storage and/or disposal of radioactive wastes;
- (2) Costs in terms of health and dollars of a worst-case accident at CPSES, especially with regards radioactivity released;
- (3) Costs in terms of health and dollars of the nuclear fuel cycle;
- (4) The numerous items which have or may have some bearing or relation to the above items (1) through (3), such as unresolved safety issues, decommissioning, transportation of spent fuel and low-level wastes, discharge of effluents into water, population concentrations, meteorological considerations, hydrology - watershed, groundwater, surface water, air pollution, etc.
- (5) All other costs.

C24-6. (f). (a) 10 CFR 51.20(b) and 51.21; Applicants' Environmental Report (ER); and the rule of reason.  
(b) Same as (a) above.  
(c) See answer to C24-6.(c). preceding.  
(d) 10 CFR, including but not limited to 50.57.  
(e) 10 CFR 51.20(b) and 51.21; and the rule of reason.

C24-7. We assume that the emphases indicated in your characterization of CASE's answer to C24-3 is meant to be your own rather than an accurate representation of CASE's answer's emphases (i.e., that you simply were underscoring costs to emphasize that portion of our answer that you wished to discuss in your question). We mention this only because the change of emphasis changes the meaning somewhat of our answer.

(a) 10 CFR 51.20(b) and 51.21.

(b) See answer to C24-6(d) preceding.

24-7. (c) By "accurate" we mean in exact or careful conformity to truth, or to some standard, especially as the result of care; exact; fidelity to fact or truth attained by the exercise of care; correct; free from fault or error as judged by some standard; specifically in regard to this contention, we further mean without errors of omission or deliberate avoidance of dealing with all costs associated with CPSES.

(d) See answer to C24-6(a) preceding.

(e) (a) See answer (a) preceding.

(b) See answer C24-6(f)(d) preceding.

(c) Webster's dictionary; the rule of reason.

(d) See answer C24-6(f)(a) preceding.

C24-8. (a) We have not made a detailed analysis of these costs; however, we believe all costs associated with the safe decommissioning of CPSES must be considered.

CASE had previously been operating on the assumption that the information contained in Applicants' ER (OLS), pages 5.8-1 through 5.8-3 (Section 5.8) was applicable; however, in their September 1980 Amendment 1 to the ER, Applicants have changed their choice of decommissioning to specify that they are going for immediate dismantlement, rather than a slower dismantling after a number of years, and the cost projections of Applicants have risen from \$18.4 million in 1981 dollars to \$100 million in 1980 dollars. CASE is still evaluating these changes and will be supplementing our responses later regarding this contention.

Generally, we believe the costs estimated are too low, that Applicants don't know what they're getting into with this method of dismantling, that they don't know the costs involved, the potential legal problems, how this is going to be paid for and who's going to pay for it, how they're going to physically dismantle the plant, how they're going to protect their workers from radiation while dismantling the plant, etc.

(b) By "safe" in regard to decommissioning, we mean done in a manner so as not to contaminate the workers at the plant with radioactivity with resultant cancers, genetic effects and injury, so as not to contaminate the surrounding areas with radioactivity which could render such areas uninhabitable for years, so as not to subject workers or members of the public to the threat of danger, harm or loss, from radioactivity or from accidents, so as not to damage or harm the flora and fauna, animal life, birds, water, air, or archeological aspects of the area.

10 CFR

(c)(a) 51.20(b) and 51.21; Applicants' ER (OLS), Sections 5.8 and 8.2.1.3.

C24-8.(c)(b) Webster's dictionary; 10 CFR 50.57; the rule of reason.

C24-9. (a) As stated in our previous response, CASE has not made a detailed analysis. See also answer to C24-5, pages 35-37, of our 4/6/81 Supplement to CASE's Answers to NRC Staff's First Set of Interrogatories to, and Requests for the Production of Documents from, Intervenor CASE.

(b) Any workers who might be affected by an accident with regard to the onsite storage of spent fuel. See also answer (a) above.

(c) Spent fuel. See also answer (a) above.

(d) See answer (a) above. Generally, of lesser magnitude than occurred at Three Mile Island.

(e) See answer (a) above. Generally, of the magnitude of or greater than the magnitude of those which occurred at Three Mile Island, up to and including a complete meltdown of spent fuel.

(f) The rule of reason; see also answer (a) above.

C24-10. 10 CFR 51.20(b) and 51.21; the rule of reason.

#### Contention 25.

C25-8. CASE objects to this question as being self-evident. Your question C25-2 was: "State specifically the requirements in 10 CFR Part 50, Appendix C which you contend have not been met because of what you contend to be Applicants' lack of financial qualifications to operate the proposed facility." (Emphasis added.) The quotations are from -- guess what -- 10 CFR Part 50, Appendix C! The elimination of unnecessary questions such as this on the part of the NRC Staff would help speed up the licensing process considerably for all parties and the Licensing Board -- if that were the true intent of the proposed NRC rule changes to expedite the hearing process.

C25-9. <sup>(a)</sup> Supply documentation to prove that they are financially sound and healthy, that they will be around and still in business by the time CPSES is to be decommissioned and will have funds available to pay for such decommissioning, that they have met all requirements of the Atomic Energy Act, as amended, and 10 CFR 50, Appendix C and have accurately demonstrated that they have true financial integrity, stability, and qualifications to operate CPSES. Answer all questions by Intervenor and the NRC Staff fully and completely,<sup>2</sup> and supply all requested pertinent documentation requested by Intervenor and the NRC Staff.

10 CFR 50.57  
(a)(4),

<sup>2</sup> Applicants have not answered CASE's questions fully and completely; we currently have a Motion to Compel complete answers before the Board in this regard.



(a)

C25-9/(continued):

From Applicants' answers to CASE's questions regarding this contention, it is obvious that they intend to respond only to the NRC Staff's questions and requests and to stonewall on any questions from CASE. This position by Applicants is clearly contrary to NRC regulations, specifically 2.740(b)(1) and 10 CFR Part 50, Appendix C. (See CASE's 3/17/81 Motion to Compel and to Require Supplementation of Responses to CASE's Fourth Set of Interrogatories to Applicants, pages 2 through 13 for further details regarding this contention.) Applicants' self-proclaimed statement that they have provided the financial information to enable the NRC to make the findings required by 10 CFR 50.57(a)(4) regarding the Applicants' financial qualifications is not sufficient to prove that Applicants are financially healthy. Other pertinent evidence and information must also be considered (see particularly last paragraph of page 6 continued on page 7 of CASE's above-referenced 3/17/81 Motion to Compel).

10 CFR Part 50, Appendix C, only states that "...it will ordinarily be sufficient to show at the time of filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first 5 years of operation plus the estimated costs of permanent shut-down and maintenance of the facility in safe condition." (Emphasis added.) Clearly, these operating license proceedings are not ordinary -- Applicants are being challenged, based on sworn testimony of three of the six Applicants themselves, regarding their financial qualifications, in addition to being challenged (in Contention 24(a)) regarding their cost estimates of decommissioning CPSES. Applicants must go beyond the narrow boundaries they have attempted to impose in order to prove their financial qualifications to operate CPSES.

It is impossible for CASE to reconcile the financially sound condition the Applicants claim in the operating license hearings with the deteriorating, unsound financial condition which lacks financial integrity claimed by the Texas Utilities companies in rate hearings. Having heard the sad songs of impending doom and financial disaster of the Texas Utilities companies for the past seven years as an Intervenor in DP&L rate hearings, CASE believes it is absolutely essential to make the Applicants prove conclusively that they are indeed financially healthy and can in fact do the things referenced in paragraph one of this answer, and that such proof be provided before Applicants are allowed to load fuel and before an operating license is issued.

- (b) See that those things referenced in (a) above are done. Respond fully and completely to interrogatories and requests for documents from CASE; pursue with vigor any problem areas or inadequacies indicated by Staff or Intervenor's questions and contention and see to it that such problems and inadequacies are dealt with fully and remedied; make sure that adequate documentation on the part of Applicants is required and provided for any and all allegations made by said Applicants; see to it that such documentation is presented to the NRC, the Intervenor, and



C25-9. (b)(continued):

the public through these operating license proceedings before Applicants are allowed to load fuel or are issued an operating license.

CASE expects the Applicants to be required to comply fully with all federal regulations and guidance before an operating license is granted and before Applicants are allowed to load fuel; and we believe that the NRC Staff has the responsibility to see that this is done and an overriding responsibility to assure that the public health and safety will be protected.

C25-10.(a) 10 CFR 2.740, 2.740b and 2.741(d).

(b) By "prove" we mean to establish or ascertain by argument, documentation or other evidence, to demonstrate or show, to ascertain or establish the genuineness or validity of, to verify. See C25-9(a) preceding for more specifics as to how this applies to CPSES and this contention.

(c) See answers C25-9(a) and C25-10(b) preceding.

(d) By "financial integrity" we mean having the ability to pay one's obligations on a timely basis, to pay a reasonable return to one's investors, to borrow money at a reasonable rate, to maintain a good credit rating, and to maintain flexibility within one's dealings in the financial community and in obtaining capital; in the context of this contention, "one's" would equal "Applicants'."

CASE sought to ascertain this very specific information regarding each of the Applicants in its Fourth Set of Interrogatories to Applicants, Questions 3, 4, 5, 6, 7, and 8. Applicants' apparent inability or refusal to answer Question 3 with a simple "yes" or "no" and the evasive, incomplete answers which were given to Questions 3 through 8 were a major reason for the necessity of filing CASE's 3/17/81 Motion to Compel and to Require Supplementation of Responses to CASE's Fourth Set of Interrogatories to Applicants. The manner in which these very specific, simple, and important questions were answered adds further credibility to CASE's contention. Please read CASE's 3/17/81 Motion to Compel referenced above in its entirety, with particular attention to pages 5 through 8.

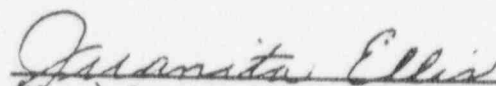
It concerns CASE very much to realize that we have not yet received the answers to our 2/17/81 Fourth Set of Interrogatories to Applicants; although we have now received an answer from Applicants to our Motion to Compel which we filed on 3/17/81, we have not yet received any ruling from the Board on our Motion to Compel; we assume that should the Board rule favorably on our Motion, it will still be some little time before Applicants supplement their answers. We are not bringing this up to complain about the Board's being slow in answering. To the contrary, we believe that the time taken with the process has been very

C25-10.(d)(continued):

reasonable and necessary and preserves the rights of all parties. We are concerned because this points up the totally inadequate, unreasonable procedures which have been suggested under the timetable proposed in the March 18, 1981 FEDERAL REGISTER, pages 17216 through 17218 "Proposed rule change: Expediting the NRC Hearing Process." We would hope that the NRC Staff would join CASE and other concerned organizations and individuals in opposing these proposed rule changes which throw all semblance of fairness and due process completely out the window and which, if enacted, would reduce this hearing process to an utter and complete farce.

- (e) The Atomic Energy Act, as amended, 10 CFR 50.57(a)(4), 10 CFR 50, Appendix C, 10 CFR 2.740, 2.740b and 2.741(d), when taken cumulatively and, CASE believes, in the context in which they were intended. See CASE's 3/17/81 Motion to Compel and to Require Supplementation of Responses to CASE's Fourth Set of Interrogatories to Applicants, especially pages 5 through 8 (Questions 3 through 8) and pages 10 through 13 (Comments regarding Contention 25). See also answers C25-9(a) and (b) preceding.
- (f)(a) See C25-10(a) preceding.
- (b) Webster's dictionary; the rule of reason.
- (c) The Atomic Energy Act, as amended, 10 CFR 50.57(a)(4), and 10 CFR 50, Appendix C.
- (d) The Atomic Energy Act, as amended, 10 CFR 50.57(a)(4), and 10 CFR 50, Appendix C, 10 CFR 2.740, 2.740b and 2.741(d).
- (e) See C25-10(e) above.

Respectfully submitted,



(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk  
Dallas, Texas 75224  
214/946-9446  
214/941-1211, work, part-time, usually  
Tuesdays and Fridays

4/24/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNITS #1 AND #2 (CPSES)

Docket Nos. 50-445  
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of  
CASE's Answers to NRC Staff's Second Set of Interrogatories to, and Request  
for the Production of Documents from, Intervenor CASE  
have been sent to the names listed below by First Class Mail this 24th day  
of April, 1981. \* = with Certificate of Mailing receipt.

\*Valentine B. Deale, Esq., Chairman  
Atomic Safety and Licensing Board  
1001 Connecticut Avenue, N. W.  
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Dr. Forrest J. Remick, Member  
Atomic Safety and Licensing Board  
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Dr. Richard Cole, Member  
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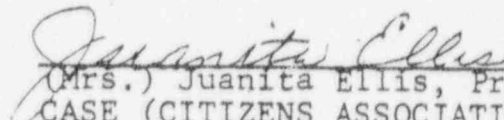
Mr. Richard Fouke  
1668-B Carter Drive  
Arlington, TX 76010

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

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

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

Arch C. McColl, III, Esq.  
701 Commerce Street, Suite 302  
Dallas, TX 75202

  
(Mrs.) Juanita Ellis, President  
CASE (CITIZENS ASSOCIATION FOR  
SOUND ENERGY)

STATE OF TEXAS )

Juanita Ellis, being duly sworn, deposes and says:

That she is President of CASE (Citizens Association for Sound Energy),  
and knows the contents of the foregoing  
CASE's Answers to NRC Staff's Second Set of Interrogatories to, and Request for  
the Production of Documents from, Intervenor CASE

and that the same is true of her own knowledge and belief.

Juanita Ellis  
Juanita Ellis

SWORN TO and Subscribed  
before me on this 24th day  
of April, 1981.

Paul H. Jones  
Notary Public

My Commission Expires: 12/31/84

(SEAL)

The original of this page is being mailed under separate cover, First Class Mail,  
to the Secretary, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555,  
Attention: Chief, Docketing and Service Section, on this 24th day of April,  
1981.