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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

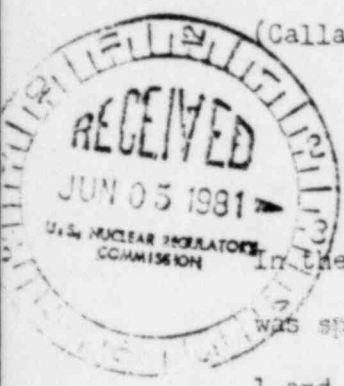
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

UNION ELECTRIC COMPANY

(Callaway Plant, Unit 1)

Docket No. STN 50-483 OL



FURTHER PARTICULARIZATION OF
REED'S CONTENTION 1 AND CONTENTION 3

In the Special Prehearing Conference Order, dated 21 April 1981, it was specified that Mr. Reed should further particularize Contention 1 and required that Contention 3 should be made more specific. The undersigned will, within the parameters of available information which may be changed at this or some future time, provide further particularization or specificity to said Contentions.

DISCUSSION

Mr. Reed's Contention Number 1 states, "Applicant has not made sufficient arrangements with local governments, nor local agencies and organizations to meet the requirements of 10 CFR, Part 50, Section 50.47(b)". Such contention is still valid and is based upon the following facts:

1. Appendix C of the Callaway Plant Radiological Emergency Response Plan (RERP) contains letters of agreement with the Callaway County Sheriff's Office, dated 18 July 1979; the Callaway Memorial Hospital, dated 22 August 1979; and the Callaway County Ambulance District, dated 29 August 1979. All of these documents are over one year old and in one case the local signatory is no longer in office and can not make binding agreements. Other deficiencies exist in these letters as indicated below:

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- a. The Sheriff's letter, of 18 July 1979, makes mention of a previous letter dated 11 October 1978, which apparently sets forth some aid to the plant. This letter is not a part of the U.E. RERP. A statement in the final paragraph of the Sheriff's July 18 letter reads, "...final authority for all actions on the site shall rest with plant management". This is an abrogation of office and is contrary to the oath of office taken by elected officials upon receipt of their commissions. Whether or not the Sheriff is knowledgeable of radiation dangers, he must retain full authority for law enforcement activities within Callaway County. It appears obvious to Mr. Reed that this letter of agreement is based upon scant information and an over-eagerness on the part of Sheriff to "cooperate" with Union Electric.
- b. The letter from the Callaway Memorial Hospital, of 22 August 1979, simply expresses a willingness to provide emergency or non-emergency care to U.E. employees. There is no agreement to accept or treat radiologically contaminated injured individuals as is required by 10 CFR, Section 50.47(b)(12).
- c. The letter signed by the Callaway County Ambulance District is not valid because of a change in the chairmanship of the District and failure of the Applicant to renew this agreement. The letter was prepared by Union Electric and was signed by an individual who has no concept of radiation dangers, nor does the Applicant indicate a potential hazard in the transportation and/or treatment of radiologically contaminated injured persons. The letter states that U.E.

will provide training for ambulance personnel, but after more than twenty-one (21) months since the signing of this letter, no training has been provided to the ambulance personnel concerning the hazards of radiation, except for that provided by the Callaway County-Fulton Emergency Management Agency.

- d. No letter of agreement is filed from the Callaway County-Fulton Emergency Management Agency which is the primary county/city organization responsible for all emergency response activities of local agencies in the City of Fulton or the unincorporated portions of Callaway County. No valid reason can be given for this lack of contact with said county agency, but the fact that the Director of this county agency has had first hand experience in protective actions in radiation fields and is a qualified radiological defense instructor (Missouri State qualified) tends to indicate that Applicant does not want to deal with individuals at the local level of government who have knowledge that may interfere with their obtaining needed agreements and an operating license.
- e. No letters of agreement are filed in the U.E. RERP which indicate that members of the hospital or the ambulance crews have volunteered to accept radiation dose levels which are specified in Chapter 6, 6.5.1.2 a and b or the PAG's indicated in Appendix D. Neither are their letters indicating that members of the Sheriff's Department have volunteered to expose themselves to radiation dose levels

specified above.

- f. No letters of agreement are filed from local governments indicating they will or have the capability to participate in annual drills or exercises as is prescribed in Chapter 8, 8.1.2 nor are letters of agreement from ambulance and/or medical treatment facilities, doctors or rescue personnel that they will or have the capability to participate as is specified in Chapter 8, 8.1.2.

2. Chapter 5 of the U.E. RERP, 5.4, specifies, "Callaway County is the lead county designated as the primary communications and control point for coordination of emergency operations during an off-site nuclear incident." Yet U.E. circumvents Callaway County and goes directly to the Disaster Planning and Operations Office (DPOO):

- a. "Recommended protective actions will be given to the DPOO based on projected dose to the population at risk (at 5-7).
- b. "Off-site protective actions are the responsibility of the principal state agency (DPOO)." (at 6-11)
- c. "All areas outside of Union Electric's property are the responsibility of the DPOO." (at 6-14)

3. The above deficiencies are noted in the U.E. RERP and indicate a lack of meaningful arrangements with local government(s) in the indicated areas.

4. Petitioner's Reply to NRC Staff Response, dated 10 November 1980, Pertaining to Contention Number One in Amended Petition of John G. Reed, served on 06 March 1981 to all parties has not been changed or altered by Applicant's RERP and Mr. Reed herewith

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reaffirms specific actions that have not, to date, been undertaken by Applicant which would, in Mr. Reed's view, constitute "sufficient arrangements . . . to meet the requirements of 10 CFR 50.47(b).." Listed below, under respective sub-paragraph numbers of Section 50.47(b), are situations as currently exist relating to "standards" and a general statement of what is necessary to rectify the condition as viewed by the undersigned:

- a. See sub-paragraph (1). No primary responsibilities for radiological emergency response have been assigned by local governments or accepted by local agencies, local governmental organizations lack sufficient staff and equipment to augment an initial response to a radiological emergency on a continuous basis. Applicant should provide funding, technical support and such other aid as is needed.
- b. See sub-paragraph (2). No interface exists among onsite and all local governmental offsite support and response agencies. Applicant should establish formal liaisons with local governmental agencies.
- c. See sub-paragraph (3). All local response assistance in the eight governmental entities impacted by the 10 mile EPZ have not been identified, nor has arrangement for the effective use of such assistance been made. Local officials are unaware of the existence of Applicant's near-site E.O.F. (Emergency Operations Facility) or how interface will be arranged between U.E. personnel and local governments if and when local government attains the ability to fully

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respond to a nuclear accident at the Callaway Plant. The Applicant needs to establish a liaison with all local governments.

- d. See sub-paragraph (4). Local response plans still do not exist. Missouri State DPCO planners have been augmented by Union Electric employees (see attached news item) and are attempting to prepare such plans. No local government, to the knowledge of the undersigned, has agreed to accept any plan developed by the DPCO, or have agreed to expend local funds to pay any expense involved in the preparation, exercising or implementation of such a plan if and when an accident occurs at the Callaway Plant. Funding support at the local levels of government will resolve this matter.
- e. See sub-paragraph (5). Procedures have not been established between Applicant and all local governments for notification in emergencies. No system for message authentication exists, nor have secure communications facilities been installed. Applicant funding, cooperation and assistance with all local governments is required.
- f. See sub-paragraph (6). No means exist for prompt, secure, communications between licensee and all local governments (except dial telephone service which is provided by several companies and affords some dialing delay). The establishment of secure primary, secondary and tertiary, fail-safe, means of communication between plant and local governments will resolve this situation. Such a system will require funding from the Applicant.

- g. See sub-paragraph (7). Formal informational links still do not exist between the Applicant and all local governmental entities. Public information and training should be directed from the local levels of government in order to increase the credibility of news releases and training information. Funding, cooperation and technical support is needed from Applicant by all impacted local governments to resolve this issue.
- h. See sub-paragraph (8). Insufficient governmental off-site facilities, equipment and personnel staff exist to support an initial commitment to a radiological emergency on a sustained basis. Funding and material aid by Applicant to all local governments will resolve this problem.
- i. See sub-paragraph (9). No methods, systems or equipment exist for detection, monitoring and assessing the potential harm or hazardous effects to persons or property of radioactive gas, aerosol liquid, or particulate matter released into the environment from the Callaway Plant at local levels of government. Hand-held Civil Defense equipment is available to all local governmental agencies which can detect beta particles and measure gamma rays. No alpha particle detection or measuring capability exists, nor does an iodine detection or measuring capability exist. An independent capability to monitor and verify data or information supplied by the Licensee or the State of Missouri is deemed critical by the Director of the Callaway County-Fulton Emergency Management Agency. Applicant funding is required to resolve this issue.

- j. See sub-paragraph (10). State Protective Action Guides have been developed but no local official or agency has accepted the responsibility for the expenses involved in taking actions involved in the their use. Funding by Applicant may resolve this issue.
- k. See sub-paragraph (11). No means for controlling radiological exposure of off-site emergency workers have been established, nor have personnel identified in the U.E. RERP or the State of Missouri Nuclear Accident Plan as emergency workers agreed to expose themselves to any level of nuclear radiation which may result directly or indirectly from the Callaway Plant's operation. Direct liaison between all parties and funding by the Applicant may resolve this matter.
- l. See sub-paragraph (12). Arrangements with local medical and ambulance facilities and/or doctors, nurses and other medical personnel appear inadequate to guarantee proper care or treatment of radiologically contaminated persons (see sub-paragraphs b, c, and e, above and attached letters). Applicant may resolve these deficiencies through cooperation with and funding of local governments and agencies concerned.
- m. See sub-paragraph (13). Applicant responsibility only.
- n. See sub-paragraph (14). The ability of local governments to adequately participate in full-scale exercises and/or drills is non-existent at this time. Only after all of the above standards have been met by local governments will this situation change. Funding by Applicant to local governments may resolve this issue.

- o. See sub-paragraph (15). Radiological emergency response training is not currently scheduled to be conducted by the State of Missouri DPOO, due to a lack of funding for the fiscal year of 1981 and possibly 1982 (per conversation with DPOO personnel on 27 May 1981). Qualified, volunteer instructors are available in Callaway County and are actively engaged in radiological defense programs of instruction. Periods of instruction are dependent upon free time of said instructors and, as such, are not adequate to perform the training needed to bring all local response personnel up to the degree of proficiency needed to be able to respond to an exercise or drill as is anticipated to be scheduled in the near future so that Union Electric Company can obtain its license. Applicant funding of local training or establishment of a full-time training force by Applicant may solve this deficiency.
- p. See sub-paragraph (16). On 26 January 1980, DPOO representatives made a trip to all governmental jurisdictions requesting they be permitted to prepare a "free" local governmental RERP. Some of these local governmental officials agreed to permit this planning, but specified that they would not automatically accept or pay any costs involved in the preparation or implementation of activities included in such a plan. As of this date, no such plan exists. A list of potential local resources was obtained by DPOO from Callaway County and Fulton officials, but while items of equipment listed on the lists are in Callaway County, no authority for their use has been obtained from the owners

nor have provisions been established to pay for the costs of operating such equipment, etc. Applicant funding may aid in resolving the problems inherent in acceptance of radiological emergency response plans by local governments in rural areas.

Note: NRC, FEMA, and the State of Missouri DPOO have first-hand knowledge of the difficulty in trying to meet specified time limits as established by licensing goals, when faced by increased workloads, reduced staff and lack of funds. Each local government and agency is faced with the same problem. The Applicant has recognized this fact by its contracting with the NUS Corporation of Rockville, Maryland so that assistance would be available to DPOO in performing local planning (see attached news clipping). Failure of Applicant to recognize this same problems exists at the local levels of government will have an adverse effect on the timely licensing of the Callaway Plant.

Because of the above conditions and an apparent reluctance on the part of the Applicant to resolve these issues, Mr. Reed amends his Contention Number 1 to include all of the above specifications in compliance with the Special Prehearing Conference Order, dated 21 April 1981. Mr. Reed, at this time notifies Counsel for the Applicant that there may be information contained herein that may be deemed to modify or expand his response to Applicants interrogatories and requests of documents (Set No. 1) which has been served to all parties under separate cover. Testimony of local witnesses or potential witnesses will be used to establish facts as have been presented herein.

Mr. Reed's Contention Number 3 was required to be made more specific. Pending receipt of a decision from the NRC, to the contrary, the following information is added to said contention in an effort to meet the conditions of the order, identified above. The contention reads:

"There has not been an adequate definition of the allocation of responsibilities for offsite emergency planning between state and local organizations, as provided in NUREG-0654."

In discussions with DPOC planners and agents of the Applicant, there has been a difference of definition of Part II. Planning Standards and Evaluation Criteria of NUREG-0654. DPOC planners and U.S. agents expressed a concept that as long as a function was performed by the applicant (licensee) and the State, that no further requirement for response was required. The fact that Local (local government) was indicated as having the same function was only an indication that should State not fulfill the function, it could be handled by local government (if the information contained, above, is challenged by Counsel for the Applicant, the undersigned will call the individuals concerned as witnesses at the hearing and use their testimony to substantiate this claim). In a differing opinion, Mr. Reed claims that when a function is indicated in both State and Local columns, it is a requirement for a dual capability to exist. The only problem to resolve in this instance is who or which of the organizations will have primary responsibility to perform. This view is substantiated in NUREG-0654, Appendix 5 (at 5-2); however, in an attempt to obtain further clarification and a final decision on this controversy, Mr. Reed has submitted the problem to the NRC for resolution (see attached letter). Mr. Reed will withhold further specifications on

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this contention, with the approval of the Board, pending receipt of a final ruling by the NRC. Mr. Reed, at this time, gives notice to the Applicant that the specifications added to his Contention Number 3, above, may be deemed to modify or expand his response to Applicant's Interrogatories and Requests for Documents (Set No. 1) which have been served to all parties under separate cover. Additionally, Mr. Reed gives notice to Applicant that irrespective of discovery deadlines, he makes available to the Applicant any and all information and/or material in his possession on an ongoing basis. It is requested that Applicant merely make timely requests for such information needed and defer from amassing a large number of interrogatories and requests and submitting them on the last day of a discovery period. Such actions gives the appearance of use of judicial gymnastics intended to place an opposing party in a position of disadvantage by having to respond to an inordinate number of inquiries in the shortest time possible according to established schedules. Applicant is advised that continuation of such activities, even inadvertently, can result in counter-actions being taken by the undersigned. Mr. Reed vehemently opposes any use of procedural tactics by any parties involved in this matter to gain any supposed advantage. The issues are too important to be the subject of legalistic horse-play. Mr. Reed asks the Board to take due notice of such tactics if they reoccur in future interrogatories, regardless of the permissibility of such activities under existing rules.

SUMMARY

Pursuant to the provisions of Special Prehearing Conference Order, dated 21 April 1981, Mr. Reed has framed as accurate a description of the

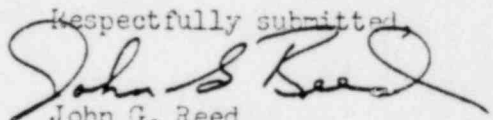
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circumstances, situations and conditions as currently exist in support of his Contentions 1 and 3. While it is agreed that possible future actions by any of the parties concerned may alter or completely change the status of any or all of the above specifications and particularizations; the undersigned reserves the right to amend, modify or otherwise change existing contentions in whole or part to conform to future circumstances. Also, Mr. Reed may form and submit new contentions if situations are created or occur whereby existing contentions do not provide adequate coverage.

Referenced letters and assorted material identified herein have been provided to parties earlier under separate cover, or are attached hereto and identified as follows:

- Callaway Sheriff's letter, 18 July 1979 - Attachment 1
- Callaway Memorial Hospital letter, 22 Aug. 1979 - Attachment 2
- Callaway County Ambulance District letter, 29 August 1979 - Attachment 3
- Referenced attached news item, 15 May 1981, Attachment 4

Dated at Kingdom City,
Missouri on this 01st
day of June 1981.

Respectfully submitted,

John G. Reed
Citizen of the United States
of America

RFD #1
Kingdom City, MO. 65262

(314) 642-2769

Callaway County Sheriff's Office

VOLLIE C. "TED" SALMONS JR. SHERIFF

CALLAWAY COUNTY MISSOURI 65251



PHONES
AREA CODE 314
642-7291
642-7262

CHIEF DEPUTY
HARRY LEE
DEPUTIES
HOWARD BARNES
CHARLES SINDEN
KEITH O'NEAL
CURTIS BRYANT

July 18, 1979

Mr. Wesley T. Whaley
Manager of Security, Code 1330
Union Electric Company
P.O. Box 149
St. Louis, Mo. 63166

Dear Mr. Whaley:

In addition to the information set forth in my letter of October 11, 1978, I wish to furnish the following:

There is one County under the jurisdiction of the department with a total manpower force of eight. The Callaway Nuclear Power Plant is within our jurisdiction and due to mileage limitations officers do not patrol this vicinity daily.

Each officer is equipped with a 357 or .45 caliber revolvers, eighteen rounds of ammunition, one cannister of mace, a billy and a nightstick. There are marked sheriff's patrol vehicles assigned to the district in which Callaway Nuclear Power Plant is located. Additional equipment such as shotgun and tear gas are located at the sheriff's office. Each patrol vehicle is equipped with a shotgun and a radio for constant communication.

Available to us are emergency services, Bomb Squad, Arson Squad, etc. We maintain a constant updated mobilization procedure to handle any emergencies and/or disasters and have available sufficient diverse vehicles to implement such procedures.

We are in constant contact with your site through radio and land line and will respond to a call for assistance from an established list of authorized plant personnel. The response time of two units in the surrounding area of the plant would be approximately twenty minutes. Within a hour eight to ten police personnel could be at the site with total mobilization taking approximately two to four hours. Total mobilization would include additional assistance from other LLEA with whom we have assistance commitments, such as the Missouri State Highway Patrol, Fulton Police Department and surrounding County Sheriff's Departments.

Response equipment and response routes will vary according to type of

Mr. Wesley T. Whaley

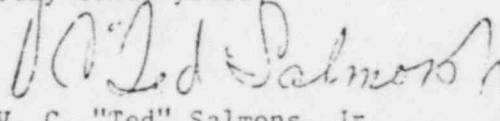
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July 18, 1979

incident at the site.

It is to be noted that all action taken within the site will be coordinated with plant management and/or security personnel. Furthermore, due to the dangers of radiation and/or the release of radioactive materials, the final authority for all actions on the site shall rest with plant management. It is also understood that an on-going orientation session will be held to familiarize Callaway Sheriff's personnel and all other response agencies with your site.

Very truly yours,

A handwritten signature in dark ink, appearing to read "V. C. 'Ted' Salmons, Jr.", written in a cursive style.

V. C. "Ted" Salmons, Jr.
Sheriff, Callaway County, Missouri

CALLAWAY MEMORIAL HOSPITAL

828 JEFFERSON STREET
FULTON, MISSOURI 65251
TELEPHONE 314-642-3376

August 22, 1979

Mr. D. F. Schnell
Manager-Nuclear Engineering
Union Electric Company
P.O. Box 149
St. Louis, Missouri 63166

Dear Mr. Schnell:

Callaway County Memorial Hospital Board of Trustees and the Staff have discussed and expressed their willingness to provide health services for Union Electric employees, for either emergency or non-emergency care.

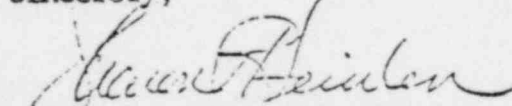
The Callaway County Memorial Hospital offers Emergency Room service twenty-four hours a day, with a doctor on call around the clock. We have a 4-bed Intensive Care Unit. Also, our X-ray and Laboratory departments have 24-hour coverage.

The Callaway County Ambulance Service is based at the hospital, with 24-hour coverage.

At some later date perhaps we could have a discussion regarding any special services needed by your company's employees.

Please feel free to call or drop by for any other information needed.

Sincerely,



Sharon R. Heinlen
Chief Executive Officer

SRH/mef

UNION ELECTRIC COMPANY
1901 GRATIOT STREET - ST. LOUIS

August 29, 1979

MAILING ADDRESS:
P. O. BOX 149
ST. LOUIS, MO. 63166

Callaway County Ambulance Service
828 Jefferson Street
Fulton, Missouri 65251

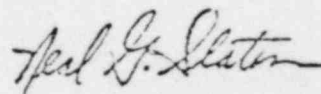
Gentlemen:

This letter will serve to confirm the agreement between Callaway County Ambulance Service and Union Electric Company concerning the transportation of personnel from the Callaway Plant.

Callaway County Ambulance Service agrees to transport patients from Callaway Plant, including those who may have been exposed to radiation or who may have injuries complicated by radioactive contamination, to Callaway Memorial Hospital or elsewhere, as directed by Union Electric. Union Electric agrees to be responsible for Payment of all customary fees and charges. In addition, Union Electric will provide appropriate training for ambulance personnel, and agrees to be responsible for any decontamination which might be required as a result of providing the above services.

Please signify your agreement by executing the acceptance and returning to me.

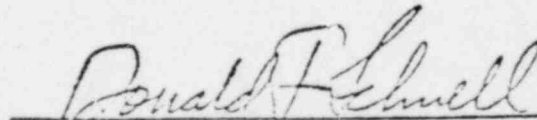
Very truly yours,



Neal G. Slaten
Nuclear Environmental Engineer

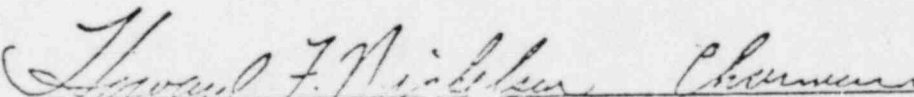
NCS/sla

Approved



Donald F. Schnell
Manager-Nuclear Engineering, Union Electric Company

Approved



Harold F. Nielsen, Chairman
Callaway County Ambulance Service



Firm selected to help write nuclear plan

FS6-101-15M0781

ST. LOUIS — Union Electric Co. has signed a letter of intent with a private health physics consulting firm to help state and mid-Missouri officials in developing the emergency response plan for the 10-mile radius of the Callaway County nuclear power plant.

The NUS Corporation of Rockville, Md., was selected by UE to work with the State Disaster Planning and Operations Office as well as officials from the four counties in the 10-mile plant radius — Callaway, Gasconade, Montgomery and Osage.

"We are pleased that NUS has agreed to assist the counties in preparing the emergency plan," said John Bryan, vice-president-nuclear, in announcing the selection.

"With much training in health physics and experience in developing

local plans in other parts of the country, they can provide a very important and professional service to the county courts. We can assure the residents of mid-Missouri that no plan will be submitted without the approval of all the counties involved," he said.

The NUS officials who will be working with county officials in preparing the local plan are Ernest Murri, health physics supervisor; Charles A. Crowe, senior health physicist; and Gary C. Beatty, staff health physicist.

During the first week of May, Crowe and Beatty visited the four county courts and office of the Fulton mayor to discuss mutual planning expectations, UE said. Detailed planning is expected to begin next month.

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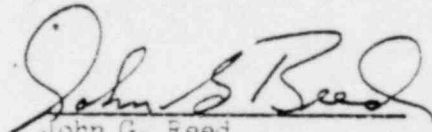
UNION ELECTRIC COMPANY)

(Callaway Plant, Unit 1))

Docket No STN 50-483

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing
"Further Particularization of Reed's Contention
1 and Contention 3"
were served this 12 day of June, 1981 by
deposit in the U.S. mail, first class postage
prepaid, to the parties named on the attached
Service List.



John G. Reed
Citizen of the United States
of America

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

UNION ELECTRIC COMPANY)

(Callaway Plant, Unit 1))

) Docket No STN 50-483
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