

it was not justified upon balancing the factors governing nontimely petitions set forth in 10 C.F.R. §2.714(a). ^{4/}

The Board's Order admitted FUA as an intervenor along with ten of its contentions. (See Attachment "A"). The Board did not admit the balance of the proposed contentions. The Staff agrees with the rejection of this latter category of contentions for the reasons given in the Board's Order and the Staff's April 13, 1981 pleading on the matter. The Staff does not intend to discuss these proposed issues further. The Staff does not agree with the admission of the ten accepted contentions for the reasons given below.

DISCUSSION

The Board divided the late petition into two groups of contentions and applied the five factors contained in 10 C.F.R. §2.714 to each such group. The Board placed contentions 1, 2 and 27 (which it denominated "management competence" issues) and contentions 7 through 13 (which it denominated "emergency planning" issues) into one group and placed the balance of the contentions into the other. The Board found that the late introduction of the first group of contentions was justified under

^{4/} These factors are:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

10 C.F.R. §2.714 while the second group was not. The Staff does not believe that a consideration of the five factors weighs in favor of the admission of the 10 new FUA contentions.

The first factor in 10 C.F.R. §2.714(a) is whether there is good cause for the filing delay. The Staff agrees with the Board's finding that Petitioner had not established good cause in general for its late petition. The Staff disagrees, however, with the Board's finding that, under the circumstances of this case, Petitioner's reliance upon post-TMI requirements provided good cause for late intervention with regard to corporate management and emergency planning contentions. Order at 6-7. In principle, significant regulatory developments can, under appropriate circumstances, provide good cause for late intervention. However, such circumstances do not obtain here.

The vast majority of the regulatory documents cited in support of these contentions were issued in 1970.^{5/} As the Board noted, one licensing board found that then recent changes in emergency planning criteria provided good cause for the acceptance of a late petition. Order at 5 citing Cincinnati Gas and Electric Co. (William H. Zimmer Nuclear Station), LBP-80-14, 11 NRC 570 (April, 1980). Whatever the merits of granting late intervention on emergency planning grounds in April, 1980, there is no merit to such a ruling in April, 1981. The Board seems to acknowledge this to a degree. It observes that, while good cause might have been present to raise management competence and

^{5/} See, e.g., NUREG-0731 (September, 1980) and NUREG-0694 (May 1980) (Contention 1); NUREG-0660 (May, 1980) and NUREG-0737 (October, 1980) (Contention 27); NUREG-0694 (January, 1980) (Contentions 7 and 13).

emergency planning issues in 1980, petitioner did not file its petition until March, 1981. Order at 6. The Board notes that this additional delay in filing was apparently influenced by FUA's reliance on the existing intervenor to handle these matters. Quite apart from the dissimilarity in issues raised by FUA and those admitted on behalf of the Intervenor, the Board properly concluded that such reliance is legally insufficient to constitute good cause for such delay. Id. Nonetheless, the Board inexplicably concludes that "[h]ad that added delay in filing disadvantaged any parties other than petitioner itself (by circumscribing its prehearing activities), or delayed the proceedings, we might find a lack of good cause." Id. at 6-7.

The Board, however, concluded that it would not delay the proceeding and found the factor to be of almost no weight. In fact, as discussed more fully below in connection with consideration of the fifth factor, not only has the scope of the proceeding been substantially broadened but the proceeding inevitably will be delayed, either at the prehearing, hearing, or post-hearing stages. The late admission of the new contentions certainly operates as a hardship on both the Applicant and Staff which have strived diligently to conduct this proceeding as expeditiously as possible. From the standpoint of the Staff, its efforts in that regard may be rendered unsuccessful given the substantial litigative burden the Board's action places on already strained Staff resources. This added litigative burden is one which the Board completely ignores. The resources of an agency staff cannot be effectively managed and prioritized if the scope of a proceeding can be substantially expanded at virtually the last minute. Whatever legitimate interests FUA may

have had in this proceeding, they were lost by virtue of its failure to protect them in a timely manner. Petitioner, not the other parties, should bear the responsibility for that.

The Board considered the second factor, whether other means are available to protect petitioner's interest, and the fourth factor, the extent to which the petitioner's interest will be represented by existing parties, together and correctly notes that these factors are normally accorded lesser weight than the other factors. Order at 11. However, the Staff does not necessarily agree that they weigh in favor of late intervention. While this proceeding is the best forum to litigate concerns regarding radiological health and safety, Petitioner's interest could be protected by permitting member(s) to make limited appearance statement(s) pursuant to 10 C.F.R. § 2.715(a). See, Tennessee Valley Authority (Brown Ferry Units 1 and 2), ALAB-341, 4 NRC 95, 96 (1976). Petitioner is also free to furnish financial, technical or legal assistance to the Intervenor. Virginia Electric Power Company (North Anna, Units 1 and 2), ALAB-209, 2 NRC 395, 399 (1975). In addition, Petitioner does have other means, outside of the adjudicatory process, to bring its concerns to the NRC. The NRC Staff, for example, has yet to complete its review of emergency planning considerations.^{6/} Further, quite apart from the vigor with which Intervenor prosecutes his case on emergency planning, the

^{6/} In this regard, the NRC Staff held a local public meeting on emergency planning in July, 1980. A public meeting was held under the auspices of the state and Federal Emergency Management Agency (FEMA) on April 30, 1981, an emergency exercise was conducted at the plant on May 1, 1981 and a followup public meeting held under the auspices of the State, Applicant, NRC, and FEMA on May 2, 1981 to review the exercise.

Staff has the statutory duty, which it intends to faithfully discharge, to protect the health and safety of the public.

The Board finds the third factor, the extent to which petitioner can assist in developing a sound record, to weigh most heavily in favor of admitting FUA on the designated contentions. The Staff disagrees. The Board cites FUA's participation in rate-making proceedings and familiarity with local emergency planning developments. With regard to the former, management capability considerations for rate-making purposes differ appreciably from those relevant to nuclear licensing proceedings. Petitioner's adjudication of this issue may well constitute only a rehearsal of the extensive examination conducted by FUA and the counsel who appeared on its behalf at the prehearing conference before the State Public Service Commission. Petitioner possesses no expertise in the area of nuclear operations or management and apparently has no witnesses in this area.

In the area of emergency planning, FUA is apparently comprised of members with a layman's knowledge of local population, transportation and topography. Petition at 15. While such information is undoubtedly useful, it can be imparted outside of the hearing process to the NRC Staff or other agencies and instrumentalities with emergency planning responsibilities ^{7/} or in the proceeding through limited appearance statements. Petitioner does not appear to possess any expertise or intend to offer expert testimony on emergency planning in general, on the health affects of radiation (contention 8), the relationship between

^{7/} See n. 6 supra.

an environmental impact statement and emergency planning requirements (contention 10), the emergency risk from the transportation of irradiated fuel (contention 12), or the necessity for placing certain number of thermoluminescent dosimeters around the site (contention 13). Thus, there is no basis to conclude that Petitioner's participation on many of the emergency planning contentions will further the development of a sound record.

The final factor, the extent to which Petitioner's participation will broaden the issues or delay the proceeding, weighs heavily against the Petitioner. The Board's consideration of this factor is fatally flawed. The hearing in this matter is approximately six weeks away and the date for filing testimony approximately two weeks away. All parties have acknowledged the compressed nature of the schedule. The introduction of a new party and new contentions at this juncture, in contravention of 10 C.F.R. §2.714, will inevitably broaden the issues and unduly delay the hearing, post-hearing, and post-decisional process.

With regard to broadening the issues, the Board concluded that "in view of the fact that the corporate management and emergency planning issues had already been admitted to the proceeding (by board question or intervenor contention), we see no broadening of issues..." Order at 8. It is self-evident by comparing the Board question on management competence ^{8/} and the new contentions on that subject ^{9/} that this issue

^{8/} This question was posed to the Applicant by the Board at the November 28, 1980 prehearing conference in the nature of a request to make a senior corporate officer with line responsibility for operations available to "develop a feeling for management attitudes" within the Applicant's organization. Tr. 322.

^{9/} See Contentions 1, 2 and 27. Attachment A.

has been greatly broadened. The same is true in comparing Intervenor Bursey's emergency planning contention 10/ with new FUA contentions 7 through 13. 11/ In both instances, additional Staff and FEMA witnesses and testimony will be necessary.

Apart from broadening the issues, the introduction of a new party and new contentions will inevitably delay some aspect of the proceeding and, in all likelihood, the issuance of any eventual operating license. The Staff is in the process of ascertaining the availability of additional witnesses to address the new contentions. Their availability is uncertain at this time. Even assuming there are witnesses available, it is uncertain whether they will be capable of generating the necessary additional testimony within the prescribed time period (namely, by May 28). People will have to be diverted from other assignments and people involved in this proceeding to a certain extent will have to become more heavily involved now. A number of Staff members in this latter category are also responsible for completing the Staff work on the Final Environmental Statement and second supplement to the Staff Safety Evaluation Report which must also be completed this month. It is entirely possible that these assignments will be adversely impacted.

The Staff believes that certain of the emergency planning contentions are arguably inadmissible on the grounds that they exceed the scope of the Commission's emergency planning requirements in 10

10/ His contention 8 states that "[t]he Applicant has made inadequate preparations for the implementation of his emergency plan in those areas where the assistance and cooperation of state and local agencies are required."

11/ See Attachment A.

C.F.R. §50.47 which, as relevant to contention 10, relate to emergencies at fixed nuclear reactor sites, and, as relevant to contention 12, establish general limits on the size of the Emergency Planning Zones. Had the new contentions been timely raised, these and the other contentions could also have been clarified and simplified through discovery and the specifics underlying the contentions ascertained. It is equally possible that certain contentions would have been amenable to summary disposition, either in whole or in part, and unnecessary litigation thus avoided. The parties have now been deprived of this opportunity. The Board's supposition that these issues are not susceptible to summary disposition is unfounded. See Order at 9.

One genuine effect of the Board's Order is to "shore-up" the existing intervenor, who, as the Board aptly noted, has been less than diligent in presenting his case. The late petition acknowledges this ^{12/} and the Board admits FUA in part with this in mind. ^{13/} This should not be a function of the Board in this proceeding. Almost four years since the inception of this case, the entry of a "fresh" litigant in opposition to the license is fundamentally unfair to the other litigants and establishes an undesirable precedent for future cases. As the Appeal Board in Virginia Electric & Power Company (North Anna Station, Units 1 and 2), ALAB-289, 2 NRC 395, 400 (1975) concluded, even if, as here, a petitioner is required to take the proceeding as it finds it "experience teaches that the admission of a new party just before a hearing starts, is bound to confuse or complicate matters." The Appeal Board further stated that:

^{12/} Petition at 6-7.

^{13/} Order at 6-7.

[D]elay can otherwise be avoided only if the parties adverse to the [petitioner] forego important procedural rights, including the right to discovery....It is scarcely equitable to give the [petitioner] credit for not causing delay when that result could be achieved only because the circumstances would coerce other parties into waiving substantial rights.

Id. Here, as in North Anna, an appeal was inevitable whichever way the Board ruled. Therefore, like North Anna, Petitioner's procrastination "made it inevitable that its entitlement to intervene could not be finally resolved until just before the hearing began, if then. Simple fairness to all parties in these proceedings mandates that such practices not be condoned." Id.

Since Petitioner sat idly by as a spectator, and did not pursue its rights in a timely manner, such procrastination should not be allowed. It operates as a hardship on the parties and disrupts an orderly administrative process. At a time of concerted Commission and administrative efforts to reduce the backlog of near-term operating licenses, such as Sumner, and to expedite the licensing process, in general, the Board's action below is a major step in the wrong direction.

CONCLUSION

In light of the above, the Staff submits that the Board's order granting FUA's late intervention petition should be reversed and the petition denied in its entirety.

Respectfully submitted,



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Counsel for NRC Staff

Dated at Bethesda, Maryland
this 11th day of May, 1981.

Contention 1

The overall corporate management of the Applicant is insufficiently experienced in the operations of a nuclear power facility and is generally deficient in management abilities essential to the safe operation of a nuclear power facility or properly to respond under accident conditions.

BASIS FOR CONTENTION 1

The accident and response to that accident by the operators of Three Mile Island, Unit 2, amply demonstrated that the management abilities of the utility are crucial to safe normal operations and to proper response to accident conditions.

The Applicant is the first utility to come before a Licensing Board for an Operating License since TMI-2 which does not have experience in the operation of a large nuclear power plant. This Applicant's only nuclear experience was over 15 years ago with the 17 MW CVTR which it operated in consortium with others.

In response to Staff concerns about organizational structure, the Applicant has undertaken significant steps to restructure corporate organization to consolidate corporate nuclear responsibilities under one senior corporate executive, the Vice President and Group Executive for Nuclear Operations.

The incumbent in that position, Thomas C. Nichols, is a long-time employee of the Applicant with extensive fossil plant experience. However, he has no training, background, or experience in nuclear operations and is not qualified "to assure a continual understanding of plant

conditions and safety considerations" (NUREG 0694, "TMI-Related Requirements for New Operating Licenses," I.B.1.2). Under cross-examination in proceedings before the South Carolina Public Service Commission (Docket Nos. 79-196-E and 79-196-G), Nichols demonstrated a serious lack of understanding of technical issues relating to nuclear power operation. He lacks the detailed knowledge and experience required to make informed decisions critical to the health and safety of the general public.

Examination of the resumes of nuclear operations personnel in the FSAR reveal serious deficiencies in the education, qualifications, and experience of management and operations personnel when compared to the Guidance Positions set forth in NUREG 0731 ("Guidelines for Utility Management Structure and Technical Resources"). Plant Manager Ollie S. Bradham does not hold either a bachelor's degree or an SRO license. Maintenance Supervisor Steve Smith does not possess the bachelor's degree called for there. The examples are numerous (see T.C. Nichols, "Comparison of Management/Technical Resources to Regulatory Guidance," report to NRC Staff, January 31, 1981). In comparing the education and experience of his staff to regulatory guidance, Nichols argues that the guidance for the Training Manager is met because Training Manager B.T. Estes, Jr., and his deputy Al Sanders, if taken together, meet the regulatory guidance.

Other persons with eminent qualifications hold positions for which those qualifications are irrelevant or insufficient. Mark Whitaker, Group Manager for Licensing and Nuclear Engineering, has held a number of responsible posts with the Applicant. He is a lawyer and an M.B.A.,

as well as a trained Electrical Engineer. However, he lacks the background in nuclear engineering and nuclear operations adequately to supervise the corporate Nuclear Engineering function. Likewise Emergency Coordinator, Ken Beale has extensive experience in Health Physics. However, he has neither experience nor training in emergency planning.

At a number of critical positions, the Applicant has appointed experienced and qualified assistants to a number of these unqualified managers. That is laudable, but leaves the responsibility for decisions to men not qualified "to assure a continual understanding of plant conditions and safety considerations."

Examination of the management and technical resources of the Applicant should extend beyond the scope of NUREG 0731 into the upper echelons of corporate management. Examination of senior corporate officials would reveal that they lack the experience and understanding of nuclear operations required to oversee and be involved in the normal or accident-condition operation of the Summer plant. No Operating License should be granted until responsible corporate management and operations positions are filled by qualified individuals.

Hearings in other proceedings involving the Applicant (SCPSC Docket Nos. 79-196-E, 79-196-G, and 76-645-E) have raised serious questions about the general management of the Applicant. Evidence presented in those hearings suggests that the Licensing Board should have little faith in corporate procedural manuals as establishing effective administrative controls.

The Board has indicated its desire to have senior corporate of-

officials available during the Operating License hearings. Petitioner would offer to build a record on these issues through cross-examination of those witnesses as well as through discovery of recent studies of the Applicant's corporate operations referenced in other proceedings or which Petitioner is informed and believes to exist.

Contention 2

The Applicant lacks sufficient "hands on" experience among its reactor operator staff to safely run the Virgil C. Summer Nuclear Station, Unit 1, and no Operating License should be granted until adequate "hands on" experience is had by the Applicant's reactor operations staff.

BASIS FOR CONTENTION 2

During a July 8-10 visit by Staff members, Staff expressed major concern to the Applicant that "There appeared to be insufficient hands-on operating experience with large pressurized water reactors in the operating organization (see SER at 22-13,14).

Examination of the resumes of Reactor Operators, Senior Reactor Operators, and Shift Supervisors reveals a dearth of experience on large operating PWRs. A number of the SRO's total nuclear power plant experience has been spent in training at the Virgil C. Summer Nuclear Station, Unit 1, with some additional simulator time.

Contention 7

The Emergency Response Plans of the Applicants, the surrounding counties, and the State of South Carolina do not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and do not conform to the requirements of NUREG 0654, Rev. 1, in that:

a) (II.B.1.) The Applicants plan does not meet the minimum staffing requirements as set forth in Table B-1.

b) (II.B.9.) The Applicants's plan includes agreements with local organizations which fail to delineate the authority, responsibilities, and limits on their actions.

c) (II.E.1.) The Applicants have failed to demonstrate the ability to notify local Emergency Preparedness officials, as distinguished from communications centers, within 15 minutes.

d) (II.G.1.) The Applicants have not adequately planned for the distribution of informational materials.

e) (II.J.8 and Appendix 4.) The Applicant has not developed realistic estimates of evacuation times and has not employed the methodology set forth in Appendix 4.

f) (II.J.10.c.) The Applicants have failed to provide adequate means for protecting those whose lack of mobility is impaired by lack of vehicles.

g) (II.J.10.e.) No plans have been made for the distribution and use of radioprotective drugs, such as Potassium Iodide, as a Protective Response for the general public.

h) (II.J.10.h.) Relocation centers are not located at least 5 miles from the Plume Exposure Pathway EPZ, e.g., Winnsboro High School is a scant 2-3 miles from the EPZ. All of the relocation centers in Fairfield County are within 10 miles of the EPZ.

i) (II.J.10.) Table 6.2 in Applicant's Plan suggests that sheltering is the only Protective Action contemplated for the general public.

j) ((II.J.10.M.) The plans do not set forth the bases for the choice of recommended Protective Actions from the plume exposure pathway during emergency conditions.

k) (II.L.1.) Hospital and medical services for the general public are not provided for.

l) (II.L.2.) On-site emergency first aid capability is inadequate.

m) (II.G.3.b.) The News Media Center is not located at the Applicant's Emergency Operations Facility.

n) (II.H.2.) The Interim Emergency Operations facility does not comply with the requirements of NUREG 0696, Rev. 1.

n) (Appendix 2.) The Applicant's meteorological monitoring equipment does not meet the requirements of Appendix 2. It lacks a viable back-up system with emergency power and is not seismically qualified.

o) (Appendix 3.B.2.) The Applicant has failed to demonstrate that its siren system will meet the requirements of Appendix 3, that the tests conducted by the Applicant on audibility were sufficient, and that the siren system to be installed has a high level of reliability including under seismic conditions which might occasion a radiological

emergency.

p) (Appendix 4.) The Applicant has failed to comply with the requirements of Appendix 4 for determining and describing evacuation times, has failed to establish the acceptability of criteria used to establish evacuation times, and has failed to demonstrate the capability of Applicant and State and local governments to assure timely evacuation under accident conditions.

q) Applicant's and local plans demonstrate a lack of cooperation in their development and planned implementation.

r) The Plume Exposure Pathway EPZ boundaries established in local plans are not based upon reasonable criteria which have been explicitly stated and demonstrated.

s) The failure to base Plume Exposure Pathway EPZs on rational and scientifically defensible bases which give reasonable assurance that the health and safety of the general public will be protected exposes students at Kelly Miller Elementary School and Greenbrier Head Start Center in Fairfield County to unwarranted risks to their health and safety.

t) And in other ways the Radiological Emergency Response Plans of the Applicant, the State of South Carolina, and the surrounding counties fail to comply with the requirements set forth therein.

BASIS FOR CONTENTION 7

Petitioner and its members possess unique knowledge of the people, roads, traffic patterns, and topography of Fairfield County and nearby communities and would assist the Licensing Board to build a record on the adequacy of emergency planning for the region.

In addition to bases offered in the statement of the contention, Petitioner would show that: (bases are listed by sub-contention letter)

a) Applicant's Table B-1 sets forth that Applicant would be unable to provide back-up support for several functions within the required thirty minutes. That the Chemistry/Radiochemistry function would not be staffed at all times.

d) Applicant plans only to mail informational materials to every postal holder. Many mail addresses in the area serve several households, so that a single "Occupant" mailing to each postal box would not reach every household. Posting of informational materials in local businesses will not sufficiently supplement inadequate mailings. Additional distribution methods should be required.

k) Arrangements for medical services at the Pinner Clinic in Parr, South Carolina, and Richland Memorial Hospital in Columbia, South Carolina, apparently apply only to employees of the Applicant and not to the general public.

l) Applicant's plan calls for only one person qualified in first aid techniques on each shift. Injury to that person or accident conditions requiring first attention to accident control duties could nullify that capability.

n) The Interim Emergency Operations Facility is located on-site. The facility is a temporary office structure which is not engineered for the design life of the plant, does not provide a protection factor equal to or greater than 5, and lacks adequate ventilation protection as required in NUREG 0696, Rev. 1, Table 2.

q) For example. All persons in Fairfield County are expected to evacuate to Winnsboro High School. Under typical wind conditions, that would be the least appropriate response for the majority of persons in the EPZ in Fairfield County. Those in the southern part of the County would be safer evacuating towards the Richland County facility. Those in the northern part of the EPZ would more wisely evacuate to the Newberry County center. No such coordination exists, however.

s) Young persons are especially susceptible to radiation injury. However, the Plume Exposure Pathway EPZ, which extends to nearly 12 miles just north of Kelly Miller School in Fairfield County, swings in to miss including that school in the EPZ by, quite literally, "shouting distance". Kelly Miller is an all-black elementary school. The Greenbrier Head Start Center is located nearby and also within view of the EPZ but not included in it.

t) Final plans have not been available to Petitioners from the four counties and the State of South Carolina.

Contention 8

Public Information Materials distributed by the Applicant relative to radiological emergency response planning are inaccurate, intentionally deceptive regarding the potential health effects of radiation, and present evacuation routes which could result in persons unwittingly evacuating through the plume.

BASIS FOR CONTENTION 8

The brochure entitled "V.C. Summer Emergency Information," which the Applicant says will be mailed to every household in the Plume Exposure Pathway, includes the following untruthful and inaccurate information:

- a) that the secondary water system in the steam line is "uncontaminated" and "pollution-free";
- b) that radiation health effects can only be detected at levels of 25,000 millirems and above.

These statements and additional verbiage in the brochure are designed to give residents a false sense of security. By failing to accurately describe the genuine health hazards, which are recognized by the body of the scientific community, the Applicant may lead residents to believe that accidents with long-term health consequences are not sufficiently important to warrant evacuation.

Further, the evacuation routes laid out in the brochure are irrational and could result in individuals unwittingly evacuating through the plume. A resident of Southwest Fairfield County (Zones C-1 and C-2) is directed to drive towards Winnsboro, which is the direction the prevailing winds could be expected to carry the plume.

Contention 9

The State of South Carolina and the counties surrounding the Summer station do not have the capability for implementing protective measures based upon protective action guides and other criteria as they apply to residents of the Plume Exposure Pathway who do not own or have access at all times to private vehicles.

BASIS FOR CONTENTION 9

The area within the Plume Exposure Pathway is predominantly rural and no public transportation system exists. Many of the residents of the area are old, sick, or poor and do not have transportation or are without transportation during significant periods of the day. Existing plans in Fairfield County, for example, call for the use of a) school busses when school is not in session, b) vans from the Council on Aging and Community Action Program, or c) city busses brought in from Columbia.

School busses in South Carolina are driven by high school students. If school were not in session, the drivers would not be available. The number of vans is limited and inadequate. The city busses from Columbia could not arrive in time, are unsuited to many of our country roads, and would be driven by drivers unfamiliar with the many nooks and crannies of the county.

Moreover, no door-to-door survey to identify the need has been undertaken. Newspaper ads were placed in the Winnsboro papers asking people who needed transportation to call the Emergency Preparedness Director's office. A good many people in rural Fairfield County do not read. Few

people in western Fairfield County read the Winnsboro papers. Many people in the area do not have telephone, and for many it is a long-distance telephone call to Winnsboro. Not surprisingly, the ads drew no response.

Contention 10

Radiological Emergency Response plans of the Applicant, the State of South Carolina, and the surrounding communities have been formulated without reference to the Draft Environmental Statement, Supplement (NUREG 0534, Supplement) and thus fail to address appropriate protective measures needed to provide radiological protection to all residents in the vicinity of the Summer station who might be threatened with injury or death from an accident greater than a design basis accident.

BASIS FOR CONTENTION 10

During testimony before the ACRS Subcommittee on Electric Power (February 26, 1981), Emergency Coordinator Ken Beale conceded that no reference had been made to the Draft ES in preparing the emergency plans. The first ES which evaluates the environmental impacts of a so-called Class 9 accident, this Supplement should have served as the cornerstone of emergency planning. Instead, it was ignored.

Contention 11

The Applicant and the surrounding counties do not possess the experience and technical ability adequately to plan for emergency preparedness, to prepare for a radiological emergency, or the capability for implementing protective measures based upon protective action guides and other criteria as required under NUREG 0654, Rev. 1, at II.J.9.

BASIS FOR CONTENTION 11

The capability to plan and carry out protective measures in the event of a radiological emergency presumes the personnel with experience and training in emergency planning and an understanding of the characteristics of radiological effluents and their potential health effects.

The Applicant and the governments of the surrounding counties lack that capability.

Corporate Emergency Coordinator, Ken Beale, of the Applicant, has training and experience as a Health Physicist. His resume reveals neither training nor experience which would qualify him for his current position and responsibilities. His assistant, Site Emergency Coordinator, is totally lacking in any qualifications for a role in emergency planning or any training beyond a brief practicum on nuclear power generation at an elementary level.

Fairfield County Director of Emergency Preparedness admits that he knows nothing about nuclear power or the health effects of radiation.

Contention 12

The Applicant and the surrounding communities lack Radiological Emergency Response plans which would permit quick and adequate response to an accident involving the transportation of radioactive wastes, especially irradiated fuel assemblies. Without such plans, the health and safety of the general public cannot be reasonably assured. The Applicant should not be granted a license to operate the Summer plant until such plans are developed.

BASIS FOR CONTENTION 12

The counties surrounding the Summer station do not have plans for responding to emergencies involving radioactive materials other than at fixed sites. Operation of the Summer plant would require transshipment of low-level wastes and, perhaps at some future date, irradiated fuel assemblies (FSAR 3.8-1 and 2).

The counties lack the ability to respond to an accident involving such materials. No operating license should be granted the Applicant which could result in the movement of such materials until the affected counties are prepared to deal with potential accidents.

Contention 13

The NRC and the Applicant have failed to comply with the requirement of NUREG 0694 (III.D.2.4) that 50 thermoluminescent dosimeters be placed around the site in coordination with the State and the Applicant. The Staff should be required to demonstrate that those TLDs are capable of accurately reading Co⁶⁰. By themselves, the TLDs are not adequate to providing emergency operations personnel with the information required to competently make the decisions required to reasonably assure the health and safety of the general public under accident conditions. Real-time monitors capable of reading gamma radiation levels should be required at the sites where TLDs are currently planned.

BASIS FOR CONTENTION 13

According to the SER (NUREG 0717) at 22-99, the NRC will only place 40 TLDs.

Under accident conditions, TLDs do not provide information quickly enough to adequately assist appropriate decision-making. Only real-time monitors tied into the Applicant's DAMS system with monitors placed at many locations and not just within 1,000 m. of the plant can provide those necessary inputs.

Contention 27

The Applicant lacks the technical and management resources to fulfill the post-TMI requirements set forth in NUREG 0660, NUREG 0694, and NUREG 0737.

BASIS FOR CONTENTION 27

The Applicant is a small utility, new to the nuclear field. Its management lacks experience in nuclear operations and its operators do not have sufficient "hands on" experience to safely run a plant.

The new requirements of post-TMI regulation have raised the skill and resources level required for operation of a nuclear facility beyond the abilities of the Applicant.

