

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
KANSAS GAS AND ELECTRIC COMPANY &	)	Docket No. 50-482 OL
KANSAS CITY POWER & LIGHT COMPANY	)	
	)	(ASLBP No. 81-453-03)
(Wolf Creek Generating Station,	)	
Unit No. 1)	)	

NRC STAFF RESPONSE TO APPLICANT'S OBJECTIONS TO  
INTERVENORS'S PROPOSED ISSUES AND MOTION FOR ADOPTION

I. INTRODUCTION

On May 3, 1983, the Applicant in this proceeding filed objections to certain proposed issues submitted by the Intervenor in a "Proposed Stipulation of Contentions," and moved for adoption of Intervenor's interrogatory responses, as modified by the Applicant to reflect Applicant's specific objections. The background information leading up to the present filings is adequately recited by the Applicant and does not require reiteration at this time. The Staff will respond to the Applicant's objections and make whatever comments and recommendations it deems advisable in an effort to resolve the present impasse.

II. DISCUSSION

On April 27, 1983, the Board Chairman and all the parties participated in a conference call which had been arranged to discuss

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this very matter of providing a sharpening of the issues under the contention relating to emergency planning admitted in this proceeding by the Board. The Intervenors, on April 7, 1983, had submitted "Amended and Supplemental Answers to Applicant's Interrogatories" and "Proposed Stipulation of Contentions." In its objections to the proposed issues the Applicant raises some six specific objections to the proposed issues.

1- Intervenors' expansion of the original contention to cover protective actions other than evacuation. The Staff is in agreement with the Applicant that the proposed contention 5 relating to sheltering and radioprotective drugs as a protective action is expansive of the original contention and should not be allowed at this late date without the "good cause" requirement of 10 C.F.R. § 2.714.

2- Intervenors do contemplate the entire evacuation of Coffey County in some of their responses. The Applicant is correct in attempting to limit the scope of our inquiry to the plume EPZ as contemplated by the Commission's regulations in 10 C.F.R. § 50.47.

3- The Applicant objects to what it considers lack of specificity relative to Intervenors' concerns about responses to an emergency. The Staff is of the opinion that the Intervenors' concerns about emergency workers' reliability and the two concerns such as failure to follow prescribed evacuation routes and picking up children at school are specific enough to litigate. An expansion to other, yet unnamed concerns should not be permitted.

4- The Applicant opposes Intervenors' attempt to include, as an issue, the alleged deficiency in the plans for not contemplating vast radiological injuries and "not providing for quick and adequate

evacuation and treatment for that number of injuries." The proposed contention states "also, hospital facilities for that number of injuries." The Staff agrees with the Applicant that the Commission in its latest San Onofre decision (CLI-83-10 (April 4, 1983)) expressly limits the scope of injury relative to the nature of provisions offsite emergency plans need include for treatment of contaminated injured and radiation injured persons. The Commission did, however, indicate that "facilities with which prior arrangements are made or which have the capability to treat contaminated injured individuals should be identified with respect to individuals who may be exposed to dangerous levels of radiation . . . ." In addition the Commission stated that "emergency plans should, however, identify those local or regional medical facilities which have the capabilities to provide appropriate medical treatment for radiation exposure." Thus, it is clear that discussion of these topics is very limited but not barred.

5- The Staff agrees with the Applicant that the proposed contention 14 relative to the evacuation and confirmation of evacuation taking "too long" is an unacceptable contention. The Staff is of the opinion that the underlying assumption of the time estimates so that decisionmakers will have an appropriate basis for determining whether evacuation can be carried out successfully in advance of potential radiation exposure under the circumstances presented at that time can be tested in a licensing proceeding.

The Appeal Board has recently stated that "the Commission's emergency planning requirements do not prescribe specific time limits governing the evacuation of plume EPZs. The matter of time within which

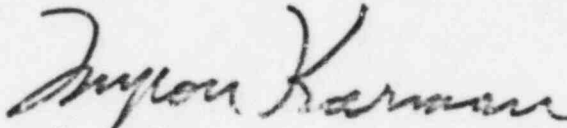
evacuation can be accomplished is left to be determined on a case-by-case basis upon consideration of all relevant conditions prevailing in a specific locality." Cincinnati Gas & Electric Company et al. (Wm. H. Zimmer Nuclear Power Station, Unit No. 1), ALAB-727, May 2, 1983.

6- The Staff agrees with the Applicant's analysis of the State's commitments relative to exercises and drills.

### III. CONCLUSION

With respect to the Alternative Evacuation Plan submitted by the Applicant, it is the opinion of the Staff that the issues related to evacuation, as contemplated by the Intervenors, would best be served in this hearing by acceptance by the Board of the Intervenors' responses to Interrogatory EP-17 as modified to reflect the Staff's position on the Applicants' objections to the proposed stipulation.

Respectfully submitted,



Myron Karman  
Deputy Assistant Chief  
Hearing Counsel

Dated at Bethesda, Maryland  
this 13th day of May, 1983

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO APPLICANT'S OBJECTIONS TO INTERVENOR'S PROPOSED ISSUES AND MOTION FOR ADOPTION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by (\*) through deposit in the Nuclear Regulatory Commission's internal mail system, or (\*\*) hand delivery, this 13th day of May, 1983:

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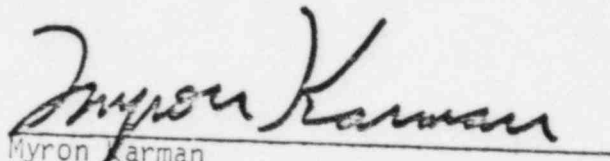
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