

DOCKETED
USNRC

July 14, 1982

'02 JUL 19 10:51

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
UNION ELECTRIC COMPANY) Docket No. STN 50-483 OL
)
(Callaway Plant, Unit 1))

APPLICANT'S RESPONSE TO FINAL
PARTICULARIZATION OF REED'S
CONTENTIONS 1, 2, AND 3

On June 29, 1982, intervenor John G. Reed filed a further specification of his offsite emergency planning contentions entitled, "Final Particularization of Reed's Contentions 1, 2, and 3," ("Petition"). Pursuant to 10 C.F.R. § 2.714(c), Applicant Union Electric Company herein submits its response to Mr. Reed's proposed particularized contentions. This response, of course, is not a defense to the merits of Mr. Reed's allegations, but rather Applicant's position on whether the proposed contentions meet the legal standards for admitting contentions which then will be determined on the merits by this Board.

At the outset, Applicant sets forth its understanding of the admissibility standards applicable to the contentions proposed by Mr. Reed for litigation in the Callaway Plant operating license proceeding. These NRC standards serve as the benchmark for Applicant's responses to Mr. Reed's particularized contentions.

A. Requirements for Contentions

A threshold requirement for an admissible contention is that it address a matter which is within the scope of the issues set forth in the Commission's Notice of Opportunity for Hearing in this proceeding. See Northern Indiana Public Service Company (Bailly Generating Station, Nuclear 1), ALAB-619, 12 N.R.C. 558, 565 (1981); Portland General Electric Company, et al. (Trojan Nuclear Plant), ALAB-534, 9 N.R.C. 287, 289-290, n.6 (1979); Public Service Company of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 N.R.C. 167, 170-171 (1976).

In addition, the Commission's Rules of Practice, at 10 C.F.R. § 2.714(b), require that the supplemental petition for leave to intervene ". . . must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity." There are several purposes which underlie the Commission's standard in section 2.714(b):

A purpose of the basis-for-contention requirement in Section 2.714 is to help assure at the pleading stage that the hearing process is not improperly invoked. For example, a licensing proceeding before this agency is plainly not the proper forum for an attack on applicable requirements or for challenges to the basic structure of the Commission's regulatory process. Another purpose is to help assure that other parties are sufficiently put on notice so that they will know at least generally what they will have to defend against or oppose. Still another purpose is to assure that the proposed issues are proper for adjudication in the particular proceeding. In the final analysis, there must ultimately be strict observance of the requirements governing intervention, in order that the adjudicatory process is invoked only by those persons who have real interests at stake and who seek resolution of concrete issues.

Philadelphia Electric Company, et al. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 A.E.C. 13, 20-21 (1974) (footnotes omitted).

The notice aspect of the basis requirement is a natural outgrowth of fundamental notions of fairness applied to the party with the burden of proof. As the Atomic Safety and Licensing Appeal Board has observed:

The applicant is entitled to a fair chance to defend. It is therefore entitled to be told at the outset, with clarity and precision, what arguments are being advanced and what relief is being asked So is the Board below. It should not be necessary to speculate about what a pleading is supposed to mean.

Kansas Gas and Electric Company, et al. (Wolf Creek Generating Station, Unit No. 1), ALAB-279, 1 N.R.C. 559, 576 (1975) (emphasis supplied; footnote omitted). Moreover, the Licensing

Board is entitled to adequate notice of an intervenor's specific contentions to enable it to guard against the obstructionism of its processes. As noted by the Supreme Court in upholding the Commission's requirements for a threshold showing of materiality for environmental contentions:

. . . [I]t is incumbent upon intervenors who wish to participate to structure their participation so that it is meaningful, so that it alerts the agency to the intervenors' position and contention. . . . Indeed, administrative proceedings should not be a game or forum to engage in unjustified obstructionism by making cryptic and obscure reference to matters that "ought to be" considered. . . .

Vermont Yankee Nuclear Power Corporation v. Natural Resources Defense Council, 435 U.S. 519, 553-554 (1978).

Yet, important as the notice aspect of the standard is, the requirement for bases with reasonable specificity goes beyond the "notice pleading" allowed in the federal courts, which has been found to be insufficient for NRC licensing proceedings. See Wolf Creek, supra, ALAB-279, 1 N.R.C. at 575, n.32 (1975). On the other hand, the regulation does not require the petition to detail the evidence which will be offered in support of each contention. Peach Bottom, supra, ALAB-216, 8 A.E.C. 13, 20 (1974).^{1/} In short, the standard

^{1/} See also Missouri Power and Light Company (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 A.E.C. 423, 426 (1973); Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 N.R.C. 542, 548-549 (1980).

falls somewhere in between, and "[t]he degree of specificity with which the basis for a contention must be alleged initially involves the exercise of judgment on a case-by-case basis."

Id.

There are several practical elements which should play a particularly important role, however, in the Board's judgmental exercise of applying the "bases with reasonable specificity" standard to Mr. Reed's proposed contentions beyond the question of whether the contentions provide clear and precise notice of the issues on which Applicant may bear the burden of proof. First, the contention should refer to and address relevant documentation available to Mr. Reed. This applies with special force to the Callaway Offsite Emergency Response Plan ("Offsite Plan"), the standard operating procedures for Callaway County and the City of Fulton, and for Osage, Gasconade and Montgomery Counties, and the State of Missouri Nuclear Accident Plan ("State Plan").^{2/} It may also include applicable NRC Staff regulatory guides and other published reports. Second, there should be either a reasonably logical and technically credible explanation, or a plausible and referenced authority for the factual assertions in the contention. Mr. Reed's personal opinion alone is not adequate for this purpose.

^{2/} Cf. Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2), LBP-81-24, 14 N.R.C. 175, 181-184 (1981).

Finally, before responding to Mr. Reed's amplified contentions, Applicant would like to point out that the numerous subcontentions contained within the rubric of proposed Contention 1 are simply enumerations of and elaborations on the list of emergency planning standards set forth in 10 C.F.R. § 50.47. Mr. Reed has challenged offsite planning at Callaway on the basis of each of these standards, often not even referring to any basis whatsoever to support his claim. Similarly, in proposed Contention 3, Mr. Reed has tracked through the long list of criteria contained in NUREG-0654 Rev. 1 (Nov. 1980), Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants ("NUREG-0654"), and made contentions out of almost all of these criteria, again, frequently without any asserted basis to support the allegation.

At the time of the special prehearing conference in this proceeding, in March, 1981, Applicant did not object to the general nature of Mr. Reed's contentions because emergency plans for the Callaway Plant were not yet available. Tr. 36. It was therefore agreed by the parties, and established by the Board, that Mr. Reed's contentions would be admitted with the understanding and requirement that they would be further specified once the onsite and offsite emergency plans were made available for Mr. Reed's review. See Special Prehearing

Conference Order, April 21, 1981, at 5-7. Those plans, and detailed implementing operating procedures, have been available to Mr. Reed now for many months. Further, the NRC Staff and Applicant have diligently attempted to work informally with Mr. Reed to discern what his specific contentions are. See Applicant's Motion, and Answer to Reed Motion, to Establish Schedule for Conduct of Hearing on Emergency Planning Issues, May 21, 1982.

Nevertheless, the Board and the parties now are faced with proposed contentions by Mr. Reed which reflect almost no use of the information in the plans and procedures. These vague allegations -- which simply parrot regulatory criteria and reach negative opinions on each -- could have been written over a year ago and without any emergency plans. The contentions would have been wholly inadequate then, and they are especially so now. Given the time and information available to Mr. Reed, Applicant strongly urges that the Board carefully and stringently apply the standards of 10 C.F.R. § 2.714(b), so that the public hearing process is not frivolously and needlessly invoked in this case.

B. Reed's Contention No. 1

Mr. Reed's first proposed contention concerns the sufficiency of the arrangements between Applicant and local governments, agencies and organizations, in accordance with the

standards set forth in 10 C.F.R. § 50.47(b). Mr. Reed's particularization begins with a general discussion about the importance of voluntary cooperation by local governments in obtaining adequate offsite emergency plans for the Callaway Plant. Petition at 1-3. Following this introductory statement are a series of allegations by Mr. Reed. Many of these allegations are the same as subsequent contentions. Where Mr. Reed is redundant, Applicant so indicates. Because no litigable allegations are contained in Mr. Reed's introductory discussion of proposed Contention 1 (paragraphs 1 to 3), Applicant will not address the views expressed by Mr. Reed therein. All of Mr. Reed's allegations within Contention 1 follow numbered paragraph 4, on page 3 of his Petition. For convenience, Applicant will refer to the allegations without reference to paragraph 4. Thus, Mr. Reed's first particularization of Contention 1 is proposed Contention 1(a)(1).

Proposed Contention 1(a)(1) concerns the alleged need for "letters of agreement with each local agency or organization indicating an acceptance of a response roll [sic] in the proposed RERP or SOP." Petition at 3. This contention, which is duplicative of proposed Contention 3(5) on page 17, lacks an adequate basis and specificity. It is unclear what specific organizations Mr. Reed believes should have letters of agreement with the local governments, which letters should be included in the offsite plans. In addition, no authority or

rationale is provided for the need to have letters of agreement between local governments and all organizations which may respond during an emergency. The focus of NUREG-0654 is on "principal response organization[s]." NUREG-0654 at 31. Appendix C to Applicant's onsite Radiological Emergency Response Plan ("RERP") meets this requirement by providing letters of agreement between Applicant and organizations such as the county sheriff's office, Callaway hospital and ambulance service. Other letters of agreement are contained in the State Plan, such as commitment letters from the Missouri Division of Health, the Department of Agriculture and other involved agencies. Mr. Reed fails to even mention these agreements in his Contention 1(a)(1). Accordingly, the Board should not admit this contention.

Contention 1(a)(2) asserts that all individuals assigned responsibilities in the proposed RERPs and SOPs must formally indicate their acceptance of such responsibility. Petition at 4. Applicant objects to this contention, which is not supported by any regulatory requirement or practical argument. (Applicant notes that this contention, along with Contention 1(a)(1), is the same as Contention 3(7) on page 17 of Mr. Reed's petition.) The acceptance of responsibility by various organizations for emergency-related activities in the event of an accident at the Callaway Plant when that activity is uniquely or especially within that organization's expertise

or capability is no less real because of the absence of written agreements by individuals within that organization to fulfill the job in which they are trained or otherwise expert. Moreover, an individual's agreement to respond does not guarantee that the individual will do so. Also, the numerous personnel in these organizations change over time; hence, such agreements would continuously be out of date. In sum, in Applicant's view, the law does not mandate such individual agreements, Mr. Reed proffers no rationale in support of them, and all practical considerations mitigate against them. Accordingly, Mr. Reed's Contention 1(a)(2), which is not supported by any basis, should be rejected by the Board.

Contention 1(a)(3) states that not all local organizations have staff to initiate and maintain a response on a continual basis. Petition at 4. This contention, which is essentially the same as Contention 3(6) on page 17 of Mr. Reed's Petition, is unreasonably vague and, hence, unacceptable. While Mr. Reed asserts as a basis that "[p]ersonnel staffing is inadequate in many departments and agencies or organizations under normal conditions," he does not elaborate on this assertion or otherwise indicate what organizations he believes require additional staffing in order to fulfill the emergency-related activities assigned to them by the offsite emergency plan or procedures. No reference whatsoever is made by Mr. Reed to the standard operating procedures ("SOPs") for the four counties in

the EPZ and the City of Fulton. For example, the Callaway County/Fulton SOPs have detailed lists of agencies and individuals who may be called upon in an emergency, with alternate individuals or organizations frequently provided. See Callaway County/Fulton SOPs, Procedures #1 (Direction and Control), #2 (Emergency Operations Center (EOC) Operation), #9 (Transportation), #11 (Traffic Control), #13 (Medical/Public Health). Mr. Reed does not even address these procedures in his contention. The contention therefore fails to meet the basis with reasonable specificity requirement of 10 C.F.R. § 2.714(b), and should be rejected by the Board.

Proposed Contention 1(b)(1), see Petition at 4, asserts, "No interface exists between onsite and all local governments due to inadequate communications facilities and/or formal agreements."^{3/} No basis whatsoever is provided for this ambiguous assertion, which initially appears to challenge the adequacy of the Callaway Plant emergency communications facilities, but then suggests that it is the absence of formal communications agreements which Mr. Reed is objecting to here. Mr. Reed does not even allude to, much less address Chapter 7 of the RERP, entitled "Emergency Facilities and Equipment,"

^{3/} Applicant again assumes that the general assertion preceding this allegation is introductory only, particularly since it is otherwise entirely repetitive with the subsection (1) that follows it.

which discusses in detail the various communication links between the site and facilities and personnel offsite. Neither does Mr. Reed address the discussion of emergency communications contained in the Offsite Plan. See Offsite Plan, § 5, "Emergency Communications."

Proposed Contentions 1(c)(1) and (2) concern the emergency classification system established for radiological emergencies at the Callaway Plant. (This contention is similar to proposed Contention 3(8), discussed infra.) Mr. Reed asserts that the SOPs do not include specific actions to be taken by emergency personnel, including duties to be performed and where to report. Petition at 4-5. This vague contention, which is similar to proposed Contention 3(8), is wholly inconsistent with the Offsite Plan, the State Plan and the SOPs available to Mr. Reed. The Offsite Plan includes a discussion of the emergency classification system at the Callaway Plant, see Offsite Plan at § 3.0, which is further elaborated on in the SOPs, Procedure No. 4. Mr. Reed gives no indication of what is lacking in the Offsite Plan or SOPs which he believes ought to have been included therein. Similarly, Appendix 2 to the State Plan is entitled "Emergency Classification System," and includes a detailed discussion of the system applicable to the Callaway Plant. There is also a State appendix on Notification, see State Plan at Appendix 3, which is referred to in the State Plan in the context of the emergency

organization alerting sequence. See State Plan at 12. In summary, in the absence of any asserted facts, or even the suggestion as to the actions which are not specified in these plans but should be, Mr. Reed's contention fails to meet the basis with reasonable specificity requirement of 10 C.F.R. § 2.714(b).

Proposed Contentions 1(d)(1) and (2) challenge the SOPs for their alleged failure to include specific actions which personnel must take in response to an emergency. Petition at 4-5. This general allegation is not supported by the SOPs themselves, which clearly provide not only notification procedures in the event one of the four classifications of incidents is declared by Applicant, but also include a list of actions which should be taken by each local jurisdiction in such circumstances, see, e.g., Callaway/Fulton SOPs, #1, and specific procedures for various aspects of emergency operations, such as the transportation procedure (#9), law enforcement and security responsibilities and activities (Procedure #10), and a traffic control procedure (#11). Mr. Reed does not identify any specific problems he has with the specific delineation of responsibilities and functions set forth in the local SOPs. It is insufficient under 10 C.F.R. § 2.714(b) for Mr. Reed to simply aver that the SOPs are, in his personal opinion, inadequate. Consequently, this contention should be rejected by the Board.

Contention 1(e), which is divided into two subparts, concerns the adequacy of the offsite notification procedures and communications equipment for purposes of marshalling emergency personnel. Petition at 5. Mr. Reed refers to the ability to contact the county administrative judges, the sheriff's deputies, some fire personnel, police officers, and "other emergency response workers, to include school bus drivers." Proposed Contention 1(e) is similar to proposed Contention 3(9). See Petition at 17. Applicant does not believe this contention meets the basis with reasonable specificity requirement of 10 C.F.R. § 2.714(b).

The Callaway County, Fulton and other county SOPs expressly designate three alternates each of whom, in the absence of the presiding county judge and a more senior alternate(s), will assume management control over emergency activities in that jurisdiction. See, e.g., Callaway County/Fulton SOPs at 1-3. Thus, at most, the Offsite Plan and procedures assume that one out of four individuals can be located by phone (see SOP #7 for each jurisdiction) once the Callaway County/Fulton Emergency Communications Center dispatcher has been notified by Applicant of an unusual event, an alert, a site or a general emergency at the Callaway Plant. Mr. Reed offers no reason why this redundancy in personnel is insufficient and hence, why special communications equipment would be necessary.

Similarly, with respect to traditional emergency personnel, such as sheriff's deputies, fire fighters and police officers, Mr. Reed does not elaborate why the traditional means utilized to mobilize these individuals during other emergencies, e.g., existing radio communications to hospitals, ambulances, fire departments, etc. (see SOP #7 for each jurisdiction at Attachment 6-1), is insufficient. With respect to bus drivers, Mr. Reed does not explain why telephones are not an adequate means of notifying bus drivers that they are needed. While Mr. Reed focuses particularly on notification of bus drivers while they are on route to and from school, Mr. Reed does not explain why, in such circumstances, the siren notification system would not constitute a sufficient means of communication in the event evacuation is anticipated. See SOP #5 regarding use of siren system in the event of a general emergency and, in some circumstances, in the event of a site emergency. Finally, Mr. Reed's reference to "other emergency response workers" is impermissibly vague.

In summary, Applicant believes that Mr. Reed must support his bald assertions of inadequacies in the communications system with some asserted facts. He has failed to do so. Nor does Mr. Reed indicate how the local plans and procedures fail to meet the NUREG-0654 requirement that each organization shall establish procedures for alerting, notifying, and mobilizing emergency response personnel. See NUREG-0654, Planning

Standards E, F. Consequently, proposed Contention 1(e) should not be accepted by the Board.

Proposed Contention 1(f) includes litigable contentions. It also includes unacceptably vague assertions which Applicant believes should be deleted from the contentions. Mr. Reed's first general assertion that "[i]nadequate communications facilities exist at all local governmental levels to communicate effectively between all EOCs and emergency personnel in the field," is vague. See Petition at 5. It is unclear what problem Mr. Reed foresees here, or why emergency personnel cannot be notified, mobilized, and directed. Presumably, Mr. Reed is referring to notification while individuals "in the field" are pursuing assigned tasks. However, in the absence of any specified concerns or bases for those concerns, this general assertion fails to meet the basis with reasonable specificity requirement of 10 C.F.R. § 2.714(b). Applicant does not object, however, to Mr. Reed's specification in proposed Contention 1(f)(1)(a) concerning the adequacy of the Sheriff's radio net for the transmission of emergency traffic.

Similarly, the second sub-part to proposed Contention 1(f), see Petition at 6, begins with a general indictment of communications networks and equipment which is unacceptably vague. Mr. Reed does go on, however, to complain about perceived inadequacies (dead spots and a potential for net overload) in law enforcement and fire response equipment.

Applicant does not object to this portion of proposed Contention 1(f)(2).

In summary, Applicant does not object to portions of proposed Contention 1(f), which can be restated as follows:

1(f). Inadequate communications facilities exist in that (i) reliance on the Sheriff's radio net constitutes an overload to the system and interferes with the radio net's primary mission; and (ii) reliance on existing law enforcement or fire response nets is inadequate due to the short range of such equipment, dead spots in area coverage, and a potential for net overload.

Proposed Contention 1(g) states: "Formal informational links do not exist between Applicant and all local governments impacted by the 10 mile EPZ. No letters of agreement have been signed by media personnel to perform public informational duties with or without fees for such services." Petition at 6. Applicant objects to this contention. The meaning of the first sentence of the contention is unclear. Mr. Reed appears to be challenging the adequacy of communication links between Applicant and the local governments. However, he utterly fails to address the notification procedure set forth in the SOPs. See SOP #4. Mr. Reed's second assertion is completely unrelated to the first allegation. Here, Mr. Reed maintains that formal letters of agreement must be signed by media personnel in order to ensure that they notify the public if it becomes necessary to do so. No basis whatsoever is provided for this position, which assumes that the media will be both

uninterested in the emergency status of the Callaway Plant and that, regardless of their interest, they will not perform the vital public function of alerting the public in the event of an emergency, a function which the FCC mandates all radio and television stations to perform as a part of the Emergency Broadcast System. These assumptions are unreasonable and without any foundation. In fact, they are contrary to the assumptions underlying the requirement in 10 C.F.R.

§ 50.47(b)(7) and NUREG-0654. For Section 50.47(b)(7) requires the licensee to designate principal points of contact with the news media, which assumes media interest; similarly, NUREG-0654, criterion G.3.b states that the licensee shall provide space at the EOF for news media, viz., that the media will be extremely anxious to publish reports about the status of the Callaway Plant in the event of a radiological emergency. In summary, lacking any basis, proposed Contention 1(g) should not be admitted by the Board.

In proposed Contention 1(h)(1), Mr. Reed states, "Local governments do not have Emergency Operating Centers (EOCs), nor the equipment for the creation of such facility." Petition at 6. This contention is unacceptably vague, and has no basis to support it. In fact, the SOPs for each of the four counties in the EPZ describe the county EOC from which the county (or county and city, in the case of Callaway County and Fulton) will perform emergency-related direction and control

activities. See SOP #1 (Direction and Control), SOP #2 (EOC). The Board should reject proposed Contention 1(h)(1).

Proposed Contention 1(h)(2) states that emergency response personnel do not have radiation protection equipment, communications equipment, nor is such available to them for use at the outset of a radiological accident. Petition at 6. Mr. Reed's assertion regarding communications equipment flies in the face of the SOPs, which includes in them a procedure on communications. See SOP #7. Applicant does not object to the second half of this contention, concerning the availability of radiation protection equipment, which is identical to proposed Contention 1(i)(2) at the bottom of page 6 of Mr. Reed's Petition concerning the availability of protective equipment for fire-fighters, law enforcement officers and other emergency workers who man roadblocks or monitor evacuees leaving a contaminated or suspected contaminated area. Thus, Applicant proposes that Contention 1(h)(2) be rejected, with proposed Contention 1(i)(2) substituting for that portion of Contention 1(h)(2) to which Applicant does not object.

Proposed Contention 1(i) is made up of a series of separate subcontentions. The first subcontention, 1(i)(1), challenges the ability of the State or local levels of government to monitor (detect or measure) alpha emissions or the presence of radioiodines. Petition at 6. No basis is provided for this contention. The State Plan, Annex A, Attachment A2B,

includes a list of 23 radiation detection instruments. While the State Plan indicates that the Division of Health does not have instruments which measure concentrations of radioiodine in air, this is because commercially available instruments for making such measurements are currently under evaluation by federal agencies. The Plan goes on to state, however, that if the State lacks such instrumentation, the U.S. Department of Energy will perform this monitoring function in the event of an emergency. Mr. Reed does not even reference the State Plan's discussion of radiation detection equipment, much less challenge the sufficiency of the State's monitoring program. (No rationale is provided by Mr. Reed as to why the local governments need have such equipment. The Offsite Plan (page 1-6) indicates that the Bureau of Radiological Health will radiologically assess the incident and provide advice to the County/City of actual or potential hazardous effects.)

Applicant does not object to the second subcontention, 1(i)(2). As previously indicated, Applicant believes this allegation should be substituted for proposed Contention 1(h)(2).

The third subcontention, 1(i)(3), states, correctly, that no pre-sited decontamination centers are identified or established for evacuees or emergency workers. Petition at 7. (This contention is the same as proposed Contention 1(j)(4), on page 8 of Mr. Reed's Petition.) The State Plan provides that

monitoring and decontamination stations will be established as required at locations recommended by the Bureau of Radiological Health. State Plan at 14. As a practical matter, the location of such a station would depend on the location of the need for decontamination. Mr. Reed offers no rationale for pre-siting such a station, and Applicant is aware of no such requirement. NUREG-0654 requires that action levels for determining the need for decontamination be specified, and that the means for decontamination be established. NUREG-0654 (Rev. 1) at 67. However, there is no requirement for pre-siting decontamination centers. Lacking any basis, this proposed contention should be rejected.

Proposed Contentions 1(i)(4) and (5) challenge the practicability of utilizing Applicant's onsite facilities for evaluating offsite personnel exposures to radiation. Mr. Reed is referring, here, to the whole body counters and bioassay evaluation capabilities of Applicant. Applicant does not object to this contention. (This concern is repeated by Mr. Reed in proposed Contentions 1(l)(3) and (4). See also proposed Contention 3(37).)

Proposed Contention 1(j) begins with two general statements about the inadequacy of protective actions for the plume and the ingestion exposure pathways. Petition at 7. Applicant objects to the admissibility of these general, unsubstantiated assertions. Following these statements, Mr. Reed makes several specific complaints.

Mr. Reed finds inconsistent the State Plan's preference for evacuation, rather than the use of potassium iodide (KI) by the public, when evacuation is considered secondary to in-place shelter as a protective measure. This is Mr. Reed's proposed Contention 1(j)(1). Applicant does not believe that this confusion on the part of Mr. Reed constitutes a contention. Rather, it is consistent with the State's view that for low projected doses, taking shelter is the first action considered. State Plan at B5. In such circumstances, no consideration would ever be given to using KI, since it is not necessary. If projected doses are high, however, i.e., whole body 5 rem and above, thyroid 25 rem and above, mandatory evacuation is established as the guidance for protective action, not shelter. It is in such circumstances that the use of KI might otherwise be contemplated. Applicant accordingly objects to proposed Contention 1(j)(1), which does not raise an issue of fact or law.

Applicant also objects to proposed Contention 1(j)(2), which challenges the State Plan's reference to the use of a folded man's handkerchief for respiratory protection. Petition at 7. Mr. Reed states that this recommendation is not in accordance with Part 20 of the NRC's regulations or with Regulatory Guide 8.15. The State's reference to the use of a handkerchief has nothing to do with the regulatory criteria referred to by Mr. Reed. In a draft Emergency Broadcast

Announcement, see State Plan at C21, the recommendation is made that citizens not go outside without using respiratory protection devices. However, it is advised, if they must do so, that they can "devise a quick, effective respiratory device by folding a man's cotton handkerchief to eight layers and placing it over the mouth and nose." Of course, this is not the same degree of protection as would be provided by the equipment which Part 20 of the regulations requires a licensee to certify. See 10 C.F.R. § 20.103 as amended, 47 Fed. Reg. 16164 (April 15, 1982) to reflect guidance of Regulatory Guide 8.15. Nevertheless, it is certainly not inconsistent with Part 20 or any other regulatory criteria for individuals to be advised to use a handkerchief to minimize inhalation of radiation. See, e.g., NUREG/CR-2272, "Expedient Methods of Respiratory Protection" (Nov. 1981); SECY-82-77 (February 19, 1982), enclosure D, abstract entitled, "On the Efficacy of Ad Hoc Respiratory Protection During a Radiological Emergency"; NUREG-0654, criterion E.7. Because Contention 1(j)(2) is based on a faulty application of the regulations to a page of the State Plan, and in view of the well-founded basis for the handkerchief recommendation contained in the State Plan, this contention should not be accepted by the Board.

Proposed Contention 1(j)(3) does not contain any assertions, although it suggests that Mr. Reed favors the use of KI for individuals residing within the plume exposure pathway EPZ.

Petition at 7-8. Applicant does not object to this contention. See also Applicant's response to proposed Contention 3(29), infra.

Finally, proposed Contention 1(j)(4) is the same as Mr. Reed's proposed Contention 1(i)(3), to which Applicant previously objected.

Proposed Contention 1(k)(1), Petition at 8, is identical to proposed Contention 1(i)(1) to which Applicant has previously objected. See also proposed Contention 3(21).

Applicant objects to proposed Contentions 1(1)(1) and (2), which concern the need for agreements with local ambulance districts and ambulance districts located outside the local area to transport radiologically contaminated individuals. Petition at 8. The equipment used by local ambulance districts is owned by the local counties; hence, the counties are automatically entitled and authorized to use such equipment. With respect to ambulance districts located outside the local area, the Offsite Plan does not rely on such equipment, and Mr. Reed does not proffer any rationale why the mutual aid agreements which are in effect between the districts would not apply if such equipment were ever needed. Lacking sufficient basis, proposed Contentions 1(1)(1) and 1(1)(2) should not be admitted.

Proposed Contentions 1(1)(3) and (4) repeat the concern raised in proposed Contentions 1(i)(4) and (5) (to which

Applicant has not objected), and should therefore be rejected as redundant.

Mr. Reed's proposed Contention 1(m) should also be rejected by the Board. Here, Mr. Reed challenges the adequacy of planning with respect to recovery, reentry and decontamination after an emergency. Petition at 9. See also proposed Contention 3(39), Petition at 20. In Mr. Reed's view, detailed, step-by-step procedures are necessary. Mr. Reed refers to 10 C.F.R. § 50.47(b)(13). That regulation requires that a "general plan" for recovery and reentry be developed. Mr. Reed does not even refer to, much less critique, the discussion of recovery in (i) the Offsite Plan, which includes a section (12) on Reentry and Recovery; (ii) the SOPs, which include a procedure on Reentry/Recovery; (iii) the State Plan, which includes a discussion of the allocation of responsibilities among state and local agencies during the recovery period; or (iv) the State Plan Standing Operating Procedures, which summarize the State Emergency Management Agency's functions^{4/} and the Bureau of Radiological Health's recovery responsibilities. Nor does Mr. Reed address the discussion of decontamination contained in Annex D, Radiological Monitoring and Decontamination Support, of the State Plan. In summary,

^{4/} The State Plan refers to the State Emergency Management Agency, which is currently called the Disaster Planning and Operations Office ("DPCO"), although the name of the agency is expected to change in August, 1982.

extensive discussion of the activities required and the allocation of responsibilities coincident with reentry, recovery and decontamination is contained in the applicable offsite radiological emergency plans and procedures. In view of Mr. Reed's failure to point to any specific inadequacies in these discussions, his contention should not be admitted.

Proposed Contention 1(n) states: "No local authority or organization has agreed to participate in either drills or exercises." Petition at 9. This contention should be rejected for lack of basis. Mr. Reed does not even suggest that the local authorities and organizations will not so participate. Rather, because the local plans are not finally "signed off," the commitment to conduct drills and exercises has not yet been made in writing. However, Section 13 of the Offsite Plan covers the exercises and drills required by 10 C.F.R. § 50.47(b)(14). Mr. Reed has not challenged the adequacy of this part of the plan; consequently, Contention 1(n) is hollow and should not be accepted by the Board.

Proposed Contention 1(o) asserts that no program for radiological training exists outside of general guidance in Missouri and Applicant's emergency plans, nor have local emergency workers been trained in response procedures. Petition at 9. This contention, along with proposed Contention 3(46), which is essentially the same as Contention 1(o), fails to meet the basis with reasonable specificity requirements of

10 C.F.R. § 2.714(b). Mr. Reed's assertion here does no more than restate the training requirement in 10 C.F.R. § 50.47(b), without any reference whatsoever to the discussion of training provided in the Callaway onsite plan (the RERP), the State Plan, the Offsite Plan or the local SOPs. For example, the RERP includes a description of the training program which will be conducted onsite; the training which will be given to offsite groups, such as rescue and ambulance services and doctors that may participate in onsite emergency activities; the initial training and plant familiarization for personnel assigned to Applicant's offsite emergency organization; and, the public education and information program. See RERP § 8.1.1. The State Plan includes the State of Missouri's commitment to conduct training courses for persons and agencies that may be involved with an emergency at Callaway, along with the drills and/or exercises required by NUREG-0654. State Plan at 31. Attached to the State Plan is a Training Program description and outline which delineates the nuclear incident emergency response training activities to be carried out under the State Plan, the agencies affected, and the training program objectives. See State plan, Annex E. The numerous topics covered in the training program fall within the broad subject areas of (i) general background material on ionizing radiation and radiation detection and monitoring; (ii) procedures for receiving, handling and caring for a nuclear incident victim;

and (iii) specific areas of training for emergency response agencies, such as law enforcement agencies, fire departments and ambulance and rescue squads. See State Plan, Attachment 1 to Annex E, Training Program Outline. The Offsite Plan includes a section (§ 14.0) on the subject of radiological emergency response training, which outlines the scope of training which will be conducted, who will be trained, the frequency of training, and the delineation of responsibility for such training. The local SOPs have a corresponding procedure on training which goes into more detail on the subjects identified in the Offsite Plan. See SOP #15. Mr. Reed does not identify any of these planned training activities or discuss what he perceives to be the problem(s) with the planned training effort. In the absence of any basis for his complaint, Mr. Reed's training contention is inadequate and, accordingly, should not be accepted by the Board.

In proposed Contention 1(p), Mr. Reed states: "Local planners do not exist at all local governmental levels, nor are responsibilities for local emergency plan development, review and distribution established. No planners are trained at the local level of government, nor is a training program for such planners in existence [sic]." Petition at 9. Applicant objects to this contention. First of all, Mr. Reed has misstated the requirement of 10 C.F.R. § 50.47(b)(16), to which he refers in this contention. That regulation simply requires

that "[r]esponsibilities for plan development and review and for distribution of emergency plans are established, and planners are properly trained." 10 C.F.R. § 50.47(b)(16). The allocation of responsibility for plan development and review has been very clearly defined for the Callaway Plant, with the result that the State and local plans are now in the final stages of drafting prior to signature and forwarding to FEMA for review. There is no requirement for local planners at all local government levels, contrary to Mr. Reed's unsupported assertion Contention 1(p). The plans also clearly provide for review and update. See Offsite Plan at 1-8; RERP at § 8.2; State Plan at 14, "Debriefing of Emergency Workers." Finally, with regard to the training of local planners, the State Plan commits to such training. See State Plan, Annex E at E4. Moreover, the present Callaway County/Fulton Emergency Preparedness Coordinator, Mr. Walter M. Clark, is the former deputy director of the Missouri Disaster Planning and Operations Office, with roughly twenty years of experience in the field of emergency planning. In sum, Mr. Reed has not provided any specification or basis to support his claim that the Callaway emergency plans fail to meet the criteria of 10 C.F.R. § 50.47(b)(1). The contention should therefore be rejected.

Finally, at the close of Mr. Reed's proposed Contention 1, Mr. Reed has a paragraph five which refers to Applicant being

"emeshed" in the local planning process and, therefore, unable to disclaim any responsibilities for the alleged inadequacies in the offsite plans previously indicated by Mr. Reed. These extraneous statements do not constitute a contention and, accordingly, Applicant will not address the substance of Mr. Reed's comments. Applicant does request that paragraph 5 not be admitted for adjudication as a part of particularized Contention 1.

B. Reed's Contention No. 2

Mr. Reed has not elaborated on his proposed Contention 2, which states that funding of local government to meet radiological safety response capability has not been adequately addressed by NRC, FEMA, or other Federal Agency. Petition at 11. Applicant believes that the Board should reject this contention at this time.

Proposed Contention 2 is outside the scope of this operating license proceeding. Applicant originally did not object to this contention because it appeared to address the issue of whether the local radiological emergency response plans will be capable of being implemented. See Applicant's Response to the Contentions Proposed by Intervenor John G. Reed, March 20, 1981, at 7-8. In this regard, Applicant distinguished this contention (formerly identified as Contention 4) from another Reed contention (Contention 2),

which raised the funding issue. Id. at 4-6. Applicant objected to the latter contention as a challenge to the Commission's regulations. Id. Mr. Reed subsequently dropped the funding contention; hence, the Board did not have to rule on the matter. See Special Prehearing Conference Order, April 21, 1981, at 6.

At this juncture, Mr. Reed has elaborated on his concern in proposed Contention 2 through the discussion he provides in his Petition at 11-13. Based on this discussion, it is clear that Mr. Reed does not seek to litigate specific ways in which he believes the plan cannot be implemented. Rather, the economic/political issue of who should pay for emergency planning efforts is the subject of proposed Contention 2. This is precisely the subject to which Applicant objected in its original response to Mr. Reed's proposed Contention 2. As we stated at that time, the issue of funding is not the subject of the Commission's regulations on emergency planning, nor is it mentioned in NUREG-0654's numerous criteria. Id. at 5. The general proposition that the offsite plans cannot be adequate without "full funding," Petition at 13, clearly goes beyond the Commission's regulations. As the Licensing Board stated in the TMI-1 restart proceeding:

[T]he matter of funding for emergency response, whether it be funding for the state, the counties or municipalities, appears to be a matter beyond the scope and the reach of the NRC's emergency planning regulations. Those regulations are directed toward assuring that

adequate emergency preparedness provisions are in place and maintained, regardless of the source of funds required to provide adequate emergency preparedness. In its Statement of Consideration accompanying the new emergency planning rules, the Commission expressed its view that the question as to whether the NRC should or could require a utility to contribute to the expenses incurred by state and local governments in upgrading and maintaining their emergency planning and preparedness is beyond the scope of the new emergency planning rules. 45 Fed. Reg. 55402, 55408 (August 19, 1980).

Metropolitan Edison Company (Three Mile Island Nuclear Station Unit No. 1), LBP-81-59, 14 N.R.C. 1211, 1700 (1981). Applicant therefore believes Mr. Reed's proposed Contention 2 should now be rejected by the Board.

C. Reed's Contention No. 3

Mr. Reed's proposed Contention 3, which is essentially an enumeration of most of the NUREG-0654 radiological emergency planning criteria, begins with a discussion of Mr. Reed's interpretation of NUREG-0654. Petition at 13-16. Applicant will not address this generic interpretation, which we treat as Mr. Reed's introduction to the contentions which follow it. Also, Applicant notes that Mr. Reed's recitation of the 10 C.F.R. § 50.47(b) requirements in his proposed Contention 1 overlaps significantly with his proposed contention 3 allegations, which refer to NUREG-0654 criteria. This is not surprising, given the fact that Section 50.47(b) expressly notes that the standards contained therein are addressed by

specific criteria in NUREG-0654. 10 C.F.R. § 50.47(b), n.l. Finally, in these particularizations, without any factual support, Mr. Reed often simply refers to criteria in NUREG-0654 which are plainly met in the plans. (Sometimes the criterion is not even described, but simply referred to by letter designation.) Where this is the case, Applicant has simply referred to the applicable portion(s) of the applicable plan(s).

Proposed Contention 3(1) states, "Not all local or private sector response agencies have been identified as required in criteria A,1.a. Failure to include fire protection districts in all counties, ambulance companies, etc. will be verified by absence of such in plans and testimony of individuals in such agencies." Petition at 16. Because of the vagueness of this contention, Applicant is not clear what Mr. Reed seeks to litigate, here -- a sufficient ground, in and of itself, for rejecting the contention. However, if Mr. Reed is asserting that fire protection and ambulance services on which Applicant and the counties intend to rely in the event of a radiological emergency have not been identified, Applicant believes that the contention should be rejected for lack of basis, given the details on these aspects of emergency planning which are provided in the offsite plan and the SOPs. Specifically, Attachment 11-4 of the Offsite Plan lists information about the specific local ambulance services. See also SOP #13,

Attachment 6.3. The appropriate fire department for each jurisdiction has been identified in SOP #12 (Fire/Rescue), in which it states that the fire department will be notified of a fire in the usual manner.

Mr. Reed also appears to be suggesting in proposed Contention 3(1) that "all" potentially involved organizations must be identified in each plan. However, this suggestion is inconsistent with Appendix 5 to NUREG-0654, to which criteria A.1.a. expressly refers. See NUREG-0654 at 31. Appendix 5 clearly indicates that only the State and local agencies or organizations with a principal or lead role in emergency planning and preparedness need be identified in the plan. As Appendix 5 explains, "[i]t is not possible to totally specify each class or type of organization that may be involved in the total emergency planning and preparedness scheme." NUREG-0654, Appendix 5 at 5-2. In view of its vagueness and the absence of any supporting basis, proposed Contention 3(1) should not be accepted by the Board.

Proposed Contention 3(2) states:

Concepts of operations and relations to the total effort is not specified as required in A.1.b. [of NUREG-0654] for each organization or sub-organization. The failure of hospitals, ambulance districts, fire departments, bus companies, trucking companies and law enforcement agencies to indicate how they will function will be verified by the absence of such specification in plans and by individual testimony as required.

Petition at 16. Applicant objects to proposed Contention 3(2), which misinterprets the requirements of NUREG-0654.

NUREG-0654 does require that organizations and suborganizations with an operational role specify their concept of operations, and its relationship to the total effort. See NUREG-0654 at 31. However, at issue, here, is the level of detail of specification which is necessary. The Offsite Plan includes a discussion of concept of operations, in which the onsite, state and local areas of responsibility are discussed. County Plan at 1-5 to 1-8; see also State Plan, Section III, Concept of Operations. Primary and secondary responsibility assignments are set forth in the SOPs, see SOP #1, Attachment 6.1. Various procedures exist which cover how different functional entities will operate during a radiological emergency at Callaway Plant, e.g., SOP #6 lists available ambulance and other transportation resources, including trucks, and the procedure describes how transportation will be mobilized, if necessary. SOP #13 governs medical/public health functions. Law enforcement is covered in SOP #10. Insofar as any agencies are expected to function in any way other than their normal capacity, this function is carefully delineated in the plan or the procedures. For example, the procedure on firefighting indicates that if radioactive material is present, specified procedures must be followed. SOP #12 at 12-4 and 12-2 to 12-3. Contention 3(2) does not challenge any of these

facts. Instead, Mr. Reed asserts that there must be an extreme degree of planning which is not mandated by NUREG-0654 or by the Commission's regulations. NUREG-0654 states only that adequate planning exists if agencies or organizations with primary responsibilities for emergency response have been assigned, the responsibilities of those organizations have been established, and staff is available to accomplish the assigned responsibilities. See NUREG-0654, Planning Standard A at 31. Contention 3(2) does not challenge any of these planning requirements. It therefore lacks the requisite basis and should not be accepted.

Proposed Contention 3(3) is supported by no basis and, accordingly, should be rejected. It is insufficient for Mr. Reed simply to opine that the Callaway plans fail to meet criterion A.1.c. of NUREG-0654. (Applicant notes that the criticism here, regarding the designation of individuals in charge, addresses criterion A.1.d.) The emergency procedures clearly designate the individuals in charge of various aspects of the emergency response effort. See, SOP #1 regarding direction and control; SOP #2, Attachment 6.3, roster of Emergency Operations Center Staff. Onsite direction and control is described in the RERP at §5.2.1. Direction and control of the state response activities is delineated in the State Plan. State Plan at 12. In view of these specifications, Mr. Reed's contention, which is without any

supporting citations or discussion, fails to meet the basis with reasonable specificity requirement of 10 C.F.R.

§ 2.714(b).

Proposed Contention 3(4) states that not all authorities for inclusion of incorporated cities, towns or villages in county response activities is contained in the local plans. Petition at 16. Applicant does not disagree and, in fact, intends to include in the Offsite Plan agreements with the incorporated towns within the EPZ. Mr. Reed's proposed contention is therefore moot.

Applicant objects to proposed Contention 3(5), see Petition at 17, for the reasons stated in response to proposed Contention 1(a)(1), with which it overlaps. Mr. Reed gives no indication whatsoever of what agreements he believes are necessary and why, and at the same time he ignores the letters of agreement included in the State and local plans. The contention should therefore be rejected.

Applicant objects to proposed Contention 3(6), see Petition at 17, for the reasons stated in response to the similar proposed Contention 1(a)(3).

Applicant objects to proposed Contention 3(7), see Petition at 17, for the reasons stated in response to the similar proposed Contention 1(a)(2).

Applicant objects to proposed Contention 3(8), which states that criterion D.4 of NUREG-0654 has not been met in the

local plan and procedures. This position does not take account of the discussion in the Offsite Plan of the Emergency Classification System used by Applicant, the State and the counties, and the specification of local offsite actions which follow from declaration of each classification of accident at the Callaway Plant. Callaway Offsite Plan, § 3.0. Mr. Reed also ignores the applicable implementing procedures for effectuating various actions called for in the local plan as a result of certain emergency classifications. See, e.g., SCP #8 (Evacuation/Sheltering).

Proposed Contention 3(9) is the same as proposed Contention 1(a)(2), and, consequently, Applicant's previous objection applies.

Proposed Contention 3(10) concerns the adequacy of instructions to the public regarding effective respiratory protection. Applicant disagrees with Mr. Reed's assertion that "[n]o written messages contain instructions with regard to specific actions to be taken by occupants of affected areas as regards effective respiratory protection." Petition at 17. To the contrary, the SCPs will include notification forms to the public, see SCP #4, Attachments 6.1 and 6.2; SCP #5, Attachments 6.6, which reflect the degree of seriousness of the incident at the plant and the recommended action, e.g., taking shelter and minimizing air intake into the building, or evacuating. Similarly, the State Plan, Annex C, includes a

series of sample and draft news and information releases, and Emergency Broadcast System releases which provide information on respiratory protection. In view of the inclusion of this information in the applicable plans, and the absence of any specific information which Mr. Reed believes is missing therefrom, Mr. Reed's proposed Contention 3(10) should be rejected.

Proposed Contention 3(11) concerns the alleged absence of communications facilities between local EOCs and emergency response field teams. This contention is the same as proposed Contention 1(f)(1), to which Applicant has previously responded.

Proposed Contention 3(12), concerning provisions in the local RERPs for alerting/activating emergency response personnel, is very similar to proposed Contention 1(e), to which Applicant objected, although proposed Contention 3(12) is even more general than proposed Contention 1(e). As Applicant has previously stated, in Applicant's view, the bald restatement of regulatory or other criteria, such as the criteria of NUREG-0654, without any supporting reference to the facts of the case, particularly when extensive emergency planning documents have been prepared for the Callaway Plant and environs, completely fails to meet the basis with reasonable specificity requirements of 10 C.F.R. § 2.714(b). Accordingly, proposed Contention 3(12) should not be accepted by the Board.

Proposed Contention 3(13) states, without basis, that "No coordinated communications for fixed and mobile medical support exists in all local governments as required in F.2." Petition at 18. The local plans indicate that radio communications are available among various groups and agencies, including the mutual aid frequency (MHZ) 155.475. SOP #7, Attachment 6.1. Mr. Reed does not indicate why this means of communication is insufficient. Lacking any basis, the contention should not be accepted by the Board.

Proposed Contention 3(14) states, "No EOF exists at all local governments as required in H.3." Petition at 18. (Mr. Reed is referring here to local EOCs, not the EOF.) Callaway County/Fulton, and Gasconade, Osage and Montgomery Counties each have SOPs to effectuate the emergency response activities in the Callaway EPZ. Each of the four SOPs describe the local EOC. If Mr. Reed believes that other local governments ought to have an EOC, he has not indicated which governments or why. The contention therefore lacks any basis, and should be rejected by the Board.

Proposed Contention 3(15) refers to the alleged absence of radiological monitoring equipment. Applicant relies here on its objection to proposed Contention 1(i)(1), which is the same contention as proposed Contention 3(15).

Proposed Contention 3(16) states: "No reserve equipment is provided as required in H.10." Petition at 18. No basis

whatsoever is provided to support this assertion. Moreover, the portion of NUREG-0654 to which Mr. Reed refers concerns the requirement that organizations inspect, inventory and operationally check emergency equipment and have sufficient reserve equipment to do so. This concern has nothing to do with Mr. Reed's originally proposed Contention 3, which Mr. Reed's Petition was intended to further particularize. Proposed Contention 3 concerned allocation of responsibilities for offsite emergency planning between state and local organizations. See Petition at 13. Moreover, Section 8.3 of the Callaway RERP implements the maintenance and inventory requirement of NUREG-0654, criteria H.10, as does the State plan in Annex D at D4-D5. In summary, since there is no basis whatsoever for Mr. Reed's proposed Contention 3(15), which is not a particularization of his previously filed contention, the contention must be rejected.

Proposed Contention 3(17) states that the plans do not meet criterion H.11 of NUREG-0654, which requires plans to include as an appendix identification of emergency kits by general category (protective equipment, radiological monitoring equipment, communications equipment and emergency supplies). No basis is provided to support the contention. The State Plan includes, as an attachment to Annex A, identification of the radiation detection instruments, protective equipment and supplies available to the Bureau of Radiological Health, the

State organization responsible for offsite monitoring. See State Plan at 15 and A2B.1. Other radiation survey instruments available to the State are also referred to in Annex D of the State Plan at D4 and D5.1. Communications equipment available to the counties is identified in SOP #7. Law enforcement equipment is identified in SOP #10. Wrecking equipment will be addressed in Attachment 6.3 to SOP #11. Emergency equipment and supplies are listed in Attachment 6.2 of SOP #14. In the absence of a specific complaint by Mr. Reed concerning the identification of emergency kits, and in view of the data appended to the plans, proposed Contention 3(17) should be rejected.

Proposed Contention 3(18) states: "No central point for receipt and analysis of all field monitor data and sample media exists at local government levels as required in H,12." Petition at 18. Mr. Reed is incorrect. See RERP, § 7.1.4; State Plan, Annex A, BRH 10. Because the contention lacks any basis, it should be rejected.

Proposed Contention 3(19) asserts that there are no local resources or capability for local field monitoring within the PEP, as specified in criterion I.7. Petition at 18. Mr. Reed is correct. However, there is no requirement for such local capability; rather, the Bureau of Radiological Health will be responsible for field monitoring within the PEP. See State Plan at 11, 15. The contention should therefore be rejected.

Proposed Contention 3(20) contends that there is no state or local capability to provide methods, equipment and expertise to make rapid assessments of radiological hazards, including activation, notification means, ~~and~~ team composition, transport, communication, monitor equipment and estimated deployment times, as required by NUREG-0654, criterion I.8. Petition at 18. With respect to local capability, Mr. Reed incorrectly assumes in this proposed contention that there need be such capability. At Callaway, these functions will be carried out by State agencies. See State Plan, Annex A, Division of Health, Bureau of Radiological Health Nuclear Facility Accident - Emergency Plans and Procedures at BRH 2-11 and DP5; State Plan, Annex D (Radiological Monitoring and Decontamination Support). In the absence of any specified disagreement with the manner in which these functions will be carried out by the State, or the ability of the State to conduct the activities to which it is committed in the State Plan, proposed Contention 3(20) should not be admitted by the Board.

Proposed Contention 3(21) is the same as proposed Contentions 1(i)(1) and 1(k)(1), to which Applicant has previously objected.

Proposed Contention 3(22) states: "No separate procedures are published (none referenced in State RERP) by the State of Missouri to meet the requirements of I,10." Petition at 19.

Mr. Reed is incorrect. See State Plan, Annex B, B12-B16. Mr. Reed fails even to refer to, much less discuss, this portion of the State Plan. Proposed Contention 3(22) should therefore be rejected.

Proposed Contention 3(23) asserts that there are no provisions in the State or local plans to comply with NUREG-0654 criterion J.2. While this is true, it is irrelevant, because this requirement concerns the need for provisions for evacuation routes and transportation for onsite individuals to suitable offsite locations -- a function within the scope of Applicant's emergency response responsibilities, not the State or local plans, since it concerns individuals located onsite during an emergency. Thus, the next draft of the RERP will provide for two different routes (primary and alternate) from the site to the EOF, as indicated in Applicant's September 28, 1981 submittal (ULNRC-520) to the NRC Staff. Mr. Reed's proposed Contention 3(23) thus raises a question which the Applicant's plan will fully address. Accordingly, the contention should be rejected.

Proposed Contention 3(24) challenges the State and local RERPS for their failure to indicate how or where an individual arriving on site during an emergency will receive protective clothing and respiratory/thyroid protection. Petition at 19, citing NUREG-0654, criteria J.6.a, b, and c. This is an unacceptable contention because it maintains that the State and

local governments must perform a function which is strictly within the control and delegated responsibility of the Applicant, and which is covered in the Applicant's Plan. See RERP, § 6.4.2.

Proposed Contention 3(25) states: "No formal means (mechanisms) are indicated for prompt, direct recommendation of protective actions to all local governments as required in J,7. No command communication net exists in RERPs." Petition at 19. Mr. Reed is incorrect. See RERP at § 5.4; see also SOP #4. The contention should accordingly be rejected for lack of basis.

Proposed Contention 3(26) concerns protective measures at the local level regarding human and animal foods. Petition at 19, referencing NUREG-0654, criterion J.9. While Mr. Reed is correct, this is because there is no need for such protective measures to be taken at the local level (nor does Mr. Reed proffer any rationale for such a requirement). In Missouri, this function is a responsibility of the State, as indicated in the State Plan. See State Plan at Annex A, AGR 3. Proposed Contention 3(26) should therefore be rejected.

Proposed Contention 3(27) refers to the absence of preselected radiation sample or monitor points, and relocation centers or shelter areas in the State and local plans. Petition at 19. Applicant does not object to proposed Contention 3(27), see Petition at 19, with respect to the State

Plan. However, Applicant does object to the allegation with respect to the local plan which need not address radiation sample and monitor points. (Applicant notes that this issue is also addressed in Applicant's plan. See RERP, Figure 7.5.) Moreover, contrary to Mr. Reed's assertion, shelter or relocation areas have been preselected, and maps are included in the Offsite Plan. See Offsite Plan, Figures 9-6 to 9-9. In summary, Applicant does not object to the following proposed Contention 3(27):

The State Plan does not indicate pre-selected radiation sample or monitor points, relocation centers or shelter areas as required by J.10.a of NUREG-0654.

Proposed Contention 3(28) states that the local RERPs do not include protection for persons of impaired mobility as required by criterion J.10.d of NUREG-0654. Mr. Reed is incorrect. The Transportation Procedure, SOP #9, discusses the evacuation of individuals who are handicapped, as does the Offsite Plan in its discussion of protective responses. Offsite Plan, § 9.0. Mr. Reed utterly fails to explain why these provisions are inadequate. In the absence of any basis, proposed Contention 3(28) should be rejected.

Applicant does not object to proposed Contention 3(29) regarding KI.

Applicant does object to proposed Contention 3(30), concerning the identification of potential impediments.

Petition at 19. This issue has been addressed in the Offsite Plan. Offsite Plan, § 9.0. Accordingly, the contention should be rejected for lack of basis.

Proposed Contention 3(31) states that there are no time estimates in the State and local plans. Although this is correct, the RERP includes as Appendix I the time estimate study required by NUREG-0654. The concern expressed in Mr. Reed's proposed Contention 3(31) is therefore fully satisfied and the contention should not be admitted.

Proposed Contention 3(32) states: "State RERP does not set out methods of protection of public from ingestion of rad-contaminated foods, or criteria for deciding whether dairy animals shall be put on stored feed, detection of contamination, estimating dose consequences of uncontrolled ingestion or imposing protective measures, etc. per J,11." Petition at 19-20. Mr. Reed is incorrect. See State Plan at Annex B, B6-B11. The contention should therefore be rejected for lack of basis.

Similarly, Mr. Reed overlooks portions of the State and Offsite Plan in charging in proposed Contention 3(33) that these plans fail to meet criterion J.12 of NUREG-0654. Petition at 20. This criterion is addressed in § 9.0 of the Offsite Plan and Annex A, FS4 and FS5 of the State Plan.

In proposed Contention 3(34), Mr. Reed alleges that criteria K.3.a and b concerning dose assessment have not been

met. Petition at 20. Mr. Reed is incorrect. Local government is not required to have this capability since the State will perform this function, see Offsite Plan at § 10.0, and the subject is covered in the State Plan. See State Plan, Annex A at BRH-5 and Annex D at D4. The contention should accordingly be rejected.

The same principle applies with respect to proposed Contention 3(35), concerning a local decision chain for authorizing radiological exposures in excess of EPA PAGs. This issue is addressed in the Offsite Plan, § 10.0.

Proposed Contention 3(36) is the same as Mr. Reed's proposed Contention 1(m)(1), to which Applicant previously objected.

Proposed Contention 3(37) is virtually the same as Mr. Reed's proposed Contentions 1(i)(4) and (5), to which Applicant has not previously objected. Applicant does not object to proposed Contention 3(37) for the same reason, although Applicant believes no basis is provided by Mr. Reed to support his bald assertion.

Proposed Contention 3(38) concerns arrangements for the transportation of victims of radiological accidents to medical support facilities. Applicant objects to this contention, the subject of which is covered in Section 11.0 of the Offsite Plan, as lacking in basis.

Proposed Contention 3(39) is the same as proposed Contention 1(m). Applicant relies here on its previous objection.

Proposed Contention 3(40) misstates, in part, the requirement of criterion M.3 of NUREG-0654. Insofar as this requirement is concerned, the State Plan does include in it the means of informing the members of response organizations that recovery is to be initiated. See State Plan at 13 and Appendix 5 regarding communications. Accordingly, Proposed Contention 3(40) should be rejected.

Proposed Contention 3(41) challenges the State and local plans for not providing methods of estimating total population exposures to radiation as required by NUREG-0654, criterion M.4. Petition at 21. Applicant objects to this contention. The local plans need not cover this subject, and the State Plan does address the issue. See State Plan, Annex B, B2. See also RERP, § 7.3, concerning Applicant's assessment capability.

Proposed Contention 3(42) states that there are no agreements by the local response organizations to participate in exercises or drills. Petition at 21. This assertion is meaningless and lacks any basis. The local plans commit to the conduct of local exercises and drills. Hence, once the plans are signed, this commitment will have been made. There is no need for a separate agreement.

Proposed Contention 3(43) states: "No local RERP has a description of how exercises/drills will be carried out as required in N,3." This is incorrect. See SOP #16. The contention should therefore be rejected.

Proposed Contention 3(44) similarly lacks any basis whatsoever. Here, Mr. Reed states: "No local RERP identifies an official observer by name or title as specified in N,4." Petition at 21. The NUREG-0654 criterion to which Mr. Reed refers does not require that an observer be identified by name. Furthermore, both the State Plan and the Offsite Plan fulfill this observer requirement. See State Plan at 31; Offsite Plan at § 13.0. In the absence of any basis to support it, proposed Contention 3(44) should be rejected.

Proposed Contention 3(45) also ignores the substance of the Offsite Plan. This contention states: "No local means for evaluation of observer/participant comments exists in RERPs as required in N,5." This is simply not true. See Offsite Plan at § 13.

Proposed Contention 3(46) concerns training in accordance with the requirements of NUREG-0654, criteria 0.1.a and b, and 0.4 and 5. Petition at 21. This contention is very much like Mr. Reed's proposed Contention 1(o), to which Applicant has previously objected. Applicant refers the Board to that objection.

Proposed Contention 3(47) states: "No local RERP provides for compliance with planning criteria as required in P.; P.1., 6., 7., and 10." Petition at 21. Mr. Reed again has utterly ignored the materials available to him in making this assertion, which is not supported by any references whatsoever to the emergency plans which thoroughly discuss these subjects. It is simply insufficient for Mr. Reed to allegedly "particularize" his contentions by simply reciting the NUREG-0654 criteria, particularly where those criteria have plainly been met in the draft emergency plans available to Mr. Reed. Thus, the training of planners which is required by criterion P.1 of NUREG-0654 is covered in the Offsite Plan at Section 1.0. The list of supporting plans and their sources, criterion P.6, is located in the same section of the Offsite Plan. The implementing procedures to the Offsite Plan are the SOPs, which are Appendix 2 to the Offsite Plan, as required by criterion P.7. The quarterly updating of phone numbers specified in criterion P.10 is in Section 1.0 of the Offsite Plan. In summary, this contention is wholly frivolous and without basis, and should be rejected by the Board.

Proposed Contention 3(48) avers the need for local remote interrogation of meteorological data and effluent transport and diffusion estimates. Petition at 21. Applicant believes Mr. Reed has misinterpreted the reference on which he relies, Appendix 2 at 2-4 of NUREG-0654. There need not be such a

local capability. Rather, remote interrogation of meteorological data and effluent transport and diffusion estimates can be within Applicant's responsibility and control. At Callaway, this capability exists in the EOF. See RERP, § 7.3. Mr. Reed's contention should therefore be rejected.

Proposed Contention 3(49) states, in effect, that the siren system is not physically in place. Petition at 21. Applicant does not disagree with Mr. Reed's assertion; however, Applicant considers it irrelevant. It is not necessary that the siren system be in place now. Moreover, Applicant intends to fully satisfy the Commission's requirements concerning operation of the siren system. Mr. Reed has asserted no facts to the contrary. The contention should accordingly be rejected as lacking in basis.

Proposed Contention 3(50) asserts that there is no lead local government agency which has been approved by each local government. Petition at 21-22. Mr. Reed's point appears to be that because approval of the Offsite Plan and accompanying procedures has not yet occurred, there is a viable issue in controversy. Applicant disagrees. The question is whether the plans as drafted will meet the NRC's regulatory requirements so that, once signed, they will be satisfactory. Mr. Reed has not proffered in this contention any reason why the content of the plans is unacceptable or incapable of being implemented. The contention lacks basis and should therefore be rejected.

Finally, Mr. Reed concludes with various assertions concerning Applicant and others to which Applicant will not respond herein. Applicant does request, however, that none of this rhetoric become included as part of any Reed contentions which the Board might accept. Applicant notes, for the Board's information, that Applicant has not objected to the following proposed contentions: 1(f) (as restated); 1(i)(2); 1(i)(4); 1(i)(5); 1(j)(3); 3(27) (as to State Plan only); 3(29); and 3(37).

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By: Thomas A. Baxter
Thomas A. Baxter, P.C. ~~1982~~
Deborah B. Bauser

Counsel for Applicant

1800 M Street, N.W.
Washington, D.C. 20036

Tel: (202) 822-1000

Dated: July 14, 1982