

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

7/20/82  
DOCKETED  
USNRC

82 JUL 29 P142

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

JOHN REED'S OBJECTION TO NRC STAFF AND APPLICANT  
RESPONSES TO HIS FINAL PARTICULARIZATION OF CONTENTIONS  
AND REQUEST FOR PRE-HEARING CONFERENCE

On 14 July 1982, the Applicant submitted its response to the final particularization of Mr. Reed's contentions. On 23 July 1982, the Staff submitted its response to those contentions.

The main thrust of such responses was that certain sub-contentions should be rejected because of a lack of basis to support such contention or a failure by Mr. Reed fill a criteria of specificity.

Mr. Reed objects to both Applicant and Staff responses and he, respectfully, requests that the Presiding Judge of the Board set a date in the immediate future for a pre-hearing conference so that Mr. Reed may orally respond to Applicant and Staff responses, identified above, and their interrogatories to Mr. Reed's contentions.

DISCUSSION

Mr. Reed objects to Applicant and Staff's use of off-site plans and standard operating procedures of Montgomery, Gasconade, Osage and Callaway counties and those of Fulton or other towns which may be incorporated in county documents as a basis for defending Applicant and Staff's stand that Mr. Reed's contentions lack basis.

Neither Applicant nor Staff has ever produced anything but hear-say that corroborates their claim that such plans and standard operating procedures (plans and SOPs) are in truth the plans and SOPs of Montgomery,

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Gasconade, Osage and Callaway counties or of Fulton and other towns.

Mr. Reed received the "State Plan" from a duly recognized agency of the government of the State of Missouri and accepts this document as a true copy of the State plan. Mr. Reed's copy of the Applicant's On-Site Plan was received from an employee of the Applicant; this plan is, also, accepted as a valid plan.

The copies of plans and SOPs identified as being those of Montgomery, Gasconade, Osage and Callaway counties, etc. were received from Applicant, not the local governments concerned. Plans and SOPs, so received, must be validated by some evidence or testimony before they can be used in trial to defend a position or make a point of issue. Without such validation, the documents have no standing in law and should not be used to reject any contention prior to trial.

Mr. Reed is the supervisor of planning for Montgomery and Gasconade counties (see Court Orders attached) and as such can testify that the plans and SOPs identified as belonging to Montgomery and Gasconade counties have not been incorporated into the named counties emergency plans and, in addition, such plans and SOPs are currently being rejected by the two named counties.

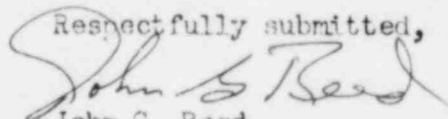
The rejection of contentions because of a failure to meet specificity guidelines presents a delima in which the Board must decide whether to use the fine letter of the law to reject a valid, but ill-defined, contention and thereby place the public health and safety at possible jeopardy or grant the writer of such contention an opportunity to redefine said contention so that it meets the Boards standards for litigation. It is respectfully requested, by the undersigned, that the Board grant Mr. Reed an opportunity to meet with the Board and parties and orally resolve the

issues raised in the above responses and, also, answer Applicant and Staff interrogatories to such contentions. If Mr. Reed cannot present valid basis for each contention offered, he will, at that time, withdraw such contention. Such pre-hearing conference will not delay the schedule as previously set by the Board, and the use of a pre-hearing conference for this purpose is established in 10 CFR, Part 2, 2.752(a)(1) and is supported at 46FR58279, 12/1/81, Expediting the NRC Hearing Process.

SUMMARY

Mr. Reed objects to Applicant and Staff use of invalid documents to support their statements that Mr. Reed's contentions lack basis. He objects to Applicant and Staff suggestion that said contentions be rejected because of lack of specificity when such specificity standards as the Board may require can be met if Mr. Reed is given an opportunity for oral presentation of the facts. For this reason, Mr. Reed, respectfully, asks the Board set a date in the immediate future, prior to 16 August 1982, if possible, for a pre-hearing conference so that the undersigned may redefine and clarify his contentions and resolve issues in Applicant and Staff's responses and respond to interrogatories from Applicant and Staff.

Dated this 25th day  
of July 1982 at  
Kingdom City, MO.

Respectfully submitted,  
  
John G. Reed  
Citizen of the United States  
of America

RFD #1  
Kingdom City, Missouri  
tel: (314) 642-2769

CERTIFIED COPY OF ORDER

STATE OF MISSOURI  
County of Montgomery

February Adj. Term, 19 82

In the Montgomery County Court of said County, on the 25th day of February 19 82, the following, among other proceedings, were had, viz:

The Montgomery County Court hereby appoints Johnny G. Reed as their official representative in all matters concerned with the preparation of any and all emergency response plans involving nuclear power plants which have impact on the citizens of Montgomery County.

Mr. Reed is authorized to supervise the preparation of such plans, as described above, and to indulge in such negotiation as may be required to resolve questions or problems which may arise; however, the results of such negotiations will only be approved or finalized by the County Court of Montgomery County.

It is the intent of this appointment to provide to the citizens of Montgomery County the greatest degree of protection available in the event of a nuclear disaster at a nuclear power plant.

Mr. Reed will serve the Court without salary, but may be reimbursed for valid and administrative expenses; i.e., postage, official travel, etc. Such expenses to be submitted monthly and approved by the Court as it deems appropriate.

This appointment is without term and may be revoked by the Court at any time with two (2) weeks notice.

STATE OF MISSOURI  
County of Montgomery } ss. Willard Leverett Clerk  
Montgomery County Court, in and for said County, hereby certify the above and foregoing to be a true copy of the proceedings of our said Montgomery County Court, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at office in Montgomery City, Missouri this the 25th day of February 19 82

Willard Leverett  
Clerk Montgomery County Court

By \_\_\_\_\_ D C

CERTIFIED COPY OF ORDER

STATE OF MISSOURI,
County of Gasconade } ss. February Term, 19 82
In the Gasconade County Court of said County, on the 1st
day of March 19 82 , the following, among other proceedings, were had, viz:

The Gasconade County Court hereby appoints Johnny G. Reed as their official representative in all matters concerned with the preparation of any and all emergency response plans involving nuclear power plants which have impact on the citizens of Gasconade County.

Mr. Reed is authorized to supervise the preparation of such plans, as described above, and to indulge in such negotiation as may be required to resolve questions or problems which may arise; however, the results of such negotiations will only be approved or finalized by the County Court of Gasconade County.

It is the intent of this appointment to provide to the citizens of Gasconade County the greatest degree of protection available in the event of a nuclear disaster at a nuclear power plant.

Mr. Reed will serve the Court without salary, but may be reimbursed for valid and administrative expenses; i.e., postage, official travel, etc. Such expenses to be submitted monthly and approved by the Court as it deems appropriate.

This appointment is without term and may be revoked by the Court at any time with two (2) weeks notice.

STATE OF MISSOURI,
County of Gasconade } ss. I, Don Williams, Clerk
of the County Court, in and for said County, hereby certify the above and foregoing to be a true copy of the proceedings of our said County Court, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at office in Hermann, Missouri this the 1st day of March 19 82

Don Williams
Clerk Gasconade County Court.
By: Phil Strosser D.C.



