

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In Re

THE DETROIT EDISON COMPANY, et al.

(Enrico Fermi Atomic Power Plant,
Unit 2)

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Docket No. 50-341

ANSWER OF INTERVENOR CEE
IN SUPPORT OF COUNTY OF MONROE'S
PETITION FOR LEAVE TO INTERVENE
AND TO REOPEN AND SUPPLEMENT RECORD

Now comes intervenor Citizens for Employment and Energy ("CEE") and requests that the ASLB grant the Petition of the County of Monroe ("County") for Leave to Intervene and to Reopen and Supplement Record ("Petition"), filed on August 27, 1982, and that the ASLB grant CEE further relief as is more fully stated below. As grounds therefor, CEE states:

1. That the County has a right to intervene in this proceeding, pursuant to 10 CFR §§2.714 and 2.715, for the reasons set forth in its Petition.

2. That the Contentions stated in the County's Petition raise serious questions about whether "the state of offsite emergency planning provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency," a precondition to the issuance of an operating license pursuant to 10 CFR §50.47.

3. That the facts upon which the County's Contentions are based were not reasonably available to the present parties to this proceeding prior to the County's participation in efforts to develop its emergency planning capability and the County's subsequent filing of its Petition.

4. That through CEE's Contentions numbered 9 and 10 in its original Petition to Intervene, filed Oct. 9, 1978, and its Contentions numbered 8 and 9 in its Amended Petition to Intervene, filed Dec. 4, 1978 ("Amended Contentions"), CEE has previously

issues parallel to those raised by the County's

Contentions, including the inadequacy of emergency planning for cities and towns beyond the immediate area of the proposed nuclear facility (Amended Contention 8) and the unavailability of adequate treatment for the victims of radiological accidents (Amended Contention 9).

5. That in its Prehearing Conference Order Ruling Upon Intervention Petitions of Jan. 2, 1979 ("Prehearing Order"), rejecting CEE's Amended Contention 8 in major part, the ASLB relied primarily on the limited scope of then-applicable federal regulations, which have since been superseded by comprehensive regulations requiring an extensive offsite emergency planning effort, 10 CFR §50.47.

6. That in light of the changes in relevant federal regulations and the County's detailing of the inadequacies of offsite emergency planning in its Contentions, it is appropriate for the ASLB to reopen this proceeding now to consider a full range of issues regarding the adequacy of offsite emergency planning that are raised by the County's Contentions and by CEE's Amended Contention 8.

7. That in its Prehearing Order rejecting CEE's Contention 9, the ASLB stated that its rejection was subject to reconsideration if it were supplemented with specific examples of deficiencies in radiological treatment facilities (Prehearing Order at 14, 26).

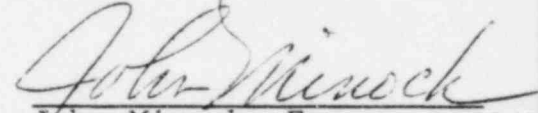
8. That in light of the details provided by the County in its Contentions numbered 17, 18, 20 and 22, it is appropriate for the ASLB to reopen this proceeding now to consider all the issues raised by the above County Contentions and by CEE Amended Contention 9

WHEREFORE, intervenor CEE prays:

- A. That the County's Petition for Leave to Intervene be granted.
- B. That each of the Contentions stated by the County in its Petition be accepted.
- C. That the record in this proceeding be reopened and supplemented as requested by the County.
- D. That CEE be permitted to present evidence and argument on the issues raised by the County's Contentions.

E. That CEE Amended Contentions 8 and 9 be accepted in this proceeding, or, alternatively, that the ASLB permit a full exploration of the issues raised in said Contentions.

Respectfully submitted,



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DATED: September 6, 1982

