September 30, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 50-309-OLA
MAINE YANKEE ATOMIC POWER COMPANY	)	(Spent Fuel Compaction)
(Maine Yankee Atomic Power Station)	)	

STATE OF MAINE RESPONSE TO REPLIES BY APPLICANT AND NRC STAFF TO STATE OF MAINE ADDITIONAL CONTENTIONS

On July 20, 1982 the Atomic Safety and Licensing Board ("Board") issued its order setting a schedule for further proceedings in its consideration of an application by Maine Yankee Atomic Power Company ("Maine Yankee") to expand the capacity of its spent fuel pool by means of reracking, pin compaction and use of the cask laydown area. In its order the Board required the State to file by September 30, 1982 its response to the replies made by the licensee and the NRC staff to the State's August 30, 1982 contentions (State's "Additional Contentions"). The State's response is as follows:

INTRODUCTION

Once again the licensee and NRC staff, in their respective replies dated September 15, 1982, have attempted to put every conceivable roadblock in the way of the State's request to have this Board examine an application by a utility to expand its spent fuel storage capacity, inter alia, in a manner never before approved by the NRC.[1/] Before addressing the individual response by the applicant and the staff, several general observations are in order.

The State's initial general comment about the replies filed by both the applicant and the NRC staff is that they misunderstand - or misconstrue - the fundamental rules set forth by the NRC, in both regulation and precedent, regarding the admissibility of contentions. The ruling to be made by this Board on October 25, 1982 is one limited solely to whether

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1/ The applicant has consistently tried to minimize the unique aspects of its proposal by claiming that pin compaction is not new technology. See, e.g., Applicant's Response to the Amended Contentions of the State of Maine, October 13, 1981, p. 9, fn. 5; and Applicant's Reply to Additional Contentions of the State of Maine, September 15, 1982, p. 11, fn. 1, where the applicant claims "pin compaction is nothing more than the removing and inserting of spent fuel pins from and into fuel assemblies, operations that have often been performed at various other reactors." Such a statement is incredibly cavalier, especially given reports such as the 6-volume study conducted by NAC and cited by the State at p. 5 of its August 30, 1982 filing of Additional Contentions. Also such a statement is misleading to the extent the applicant is attempting to imply that the NRC has permitted expansion of spent fuel storage capacity by the means now proposed by Maine Yankee.

the state's contentions are admissible pursuant to 10 CFR § 2.714(b); what is required of the State is to "... list ... the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity."

As the NRC has stated in a long line of cases, from Mississippi Power and Light Company (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423 (1973) through Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542 (1980), the State needs only to state a reason or reasons (the "basis") that a contention should receive additional consideration. What the applicant and the NRC staff apparently wish the Board to do is to examine the substantive merits of the issues raised by the State's contentions, thereby imposing upon the State an obligation which "arises only after the petitioner has become a party." Allens Creek, supra, 11 NRC 542, 548.

> "At the risk of undue repetition, we stress again that, in passing upon the question as to whether an intervention petition should be granted, it is not the function of the licensing board to reach the merits of any contention contained therein." Grand Gulf, supra, 6 AEC 423, 426 (emphasis added).2/

2/ The State's understanding of the requirements which must be met for contentions to be admitted is more fully set forth at pp. 3-10 of its January 19, 1982 filing, State of Maine Response to Objections to its Amended Contentions Filed by Licensee and NRC Staff. The State's view has not since changed.

The second general comment the State wishes to make concerns the replies filed by the applicant and the NRC staff which claim the State has failed to show a nexus between the SER or EIA and the proferred contention. The staff and the applicant are bothered that substantive portions of many of the State's additional contentions have been raised before.[3/] What the staff and the applicant ignore is that each contention specifically addresses information contained in the SER or EIA (or, in the case of, e.g., Contention 13 dealing with unresolved generic safety issues, information which is required to be a part of the SER or EIA and which is conspicuously absent).

The staff cites Duke Power Company, et al. (Catawba Nuclear Station, Units 1 and 2) ALAB-687, Slip op. (August 19, 1982) as support for its proposition that "the only basis upon which a new contention may be admitted at this late date is if, but for the issuance of either the SER or EIA, the State could not have

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3/ Both the NRC Staff and the applicant seem upset that the State is somehow "improperly" using this filing as an attempt to cure "defects" in previously submitted and rejected contentions. Obviously the State denies such an allegation. But such an argument, especially by the staff, raises an interesting question: are intervenors not supposed to try to cure "defects" in previously submitted contentions? The purpose of the board, to protect the public health and safety, can best be served by encouraging formalistic "defects" be cured in order for the board to address the substantive concerns raised by intervenors.

proferred the contetion earlier." Staff reply, p. 2. Such a reading turns the Catawba decision on its head. What the Appeals Board held in Catawba is that

> a contention cannot be rejected as untimely if it (1) is wholly dependent upon the content of a particular document; (2) could not therefore be advanced with any degree of specificity (if at all) in advance of the public availability of that document and (3) is tendered with the requisite degree of promptness once the document come into existence and is accessible for public examination. Catawba, slip op. at 16.

The Catawba decision is correctly applied to, e.g., State Contention 6, because it depended on the existence of the EIA. However it is not fair to say that the decision in Catawba requires rejection of a State contention on the "but for" test advanced by staff, especially in light of the wording of the Board order of July 20, 1982.

The State has interpreted the language of the Board order of July 20, 1982 in its literal meaning: contentions "on SER and EIA issues" are contentions which can reasonably be tied to the SER and EIA. It requires a massive interpretive leap to construe such Board language to mean that "but for" the SER or EIA the contention could not have been raised. At no point was such an interpretation alluded to by the staff or applicant.

The schedule proposed by the applicant,[4] the State's response,[5] the staff response,[6] and the Board order of July 20, 1982 refer only to "contentions due on SER and EIA issues." Such language should be accorded its literal meaning.

However, even if such an interpretation might be adopted by this board, the State rquests that any contentions the board construes under the rubric of "late-filed" be admitted because a balancing of the five factors set out at 10 CFR § 2.714(a) favor granting the State's request. Briefly addressing each of the five factors, the State submits that: (1) the SER and EIA, together with the incident reports and supplemental license applications submitted by Maine Yankee, did not exist when the State first filed contentions and (obviously) could not be used by the State until the latest filing; (2) the state's interest cannot be protected by any other means than a full, meaningful participation in the licensing process; (3) the State's participation will assist in developing a sound record, and in fact has already so contributed; (4) the State's interest, representing the citizens of the State, cannot be represented

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4/ Applicant's Motion for Proposed Schedule for Further Proceedings, May 17, 1982.

5/ State of Maine's Response to Applicant's Motion for Proposed Schedule for Further Proceedings, June 1, 1982.

6/ Letter from NRC Counsel to all parties regarding adoption of proposed schedule for further proceedings, May 20, 1981.

by any other party to the proceeding; and (5) the State's participation will not delay the ongoing proceedings, especially given that discovery has not yet begun and the admissibility of contentions is still being addressed by the board. It should be pointed out that at no point does the staff or the applicant address in what may the State may have failed any of the five factors for late filing as set forth at 10 CFR § 2.714(a)(1).

The State will now address the staff and applicant replies seriatum.[7/]

COMMENTS REGARDING SPECIFIC CONTENTIONS

CONTENTION No. 6 - NEED FOR PREPARATION OF AN EIS

The NRC staff agrees that the State's contention is acceptable, and should be admitted, except that it claims

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7/ The State of Maine filed its Additional Contentions on August 30, 1981. Rather than reproduce each contention and its basis under the appropriate heading, and thus add 38 pages to this Response, we respectfully request that the State's Additional Contentions be reviewed in conjunction with the State's responses to the replies filed by the licensee and the NRC staff. In the current filing the State will use a summary headnote as a guide.

the fourth reason for requiring the preparation of an EIS[8/] should not be examined.[9/] As to the first concern, the State reiterates the argument set forth at pp. 6-9 of its Additional Contentions that the board is not prohibited from considering such effects and that the facts of this case, which are far different than those which existed in Potomac Alliance v. Nuclear Regulatory Commission, No. 80-1862 (D.C. Cir. July 20, 1982) and Minnesota v. NRC, 602 F.2d 412 (D.C. Cir. 1979), compel such consideration by this board. As noted in our Additional Contentions, unlike the facts in the Potomac Alliance and Minnesota cases, deciding at this stage of the proceeding to consider the effects of storing spent fuel at Maine Yankee after the expiration of the operating license will not force Maine Yankee to shut down.

8/ exploring the environmental effects of storing fuel at Maine Yankee after the expiration of the operating license.

9/ The staff also wishes to place the "burden in showing an EIS should have been prepared" on the State, citing The Township of Lower Alloways Creek v. Nuclear Regulatory Commission, No. 81-2335, Slip op. at 19-20 (3rd Cir., August 27, 1982). However that case stands for the proposition that "the burden is on a petitioner to establish that a particular decision not to require an EIS constitutes a violation of NEPA." Township, supra at 28-29. However, whether the initial burden in this administrative proceeding is on the State, as the staff wishes it to be, or whether it is on the staff pursuant to the Rules of Practice (see 10 CFR § 2.732) is immaterial as a practical matter. Unlike the passive role apparently adopted by petitioner in the Township case, the State in the Maine Yankee case intends to participate fully in the development of the factual record and to affirmatively put forward its case.

The applicant objects to the admission of Contention 6 because "it lacks basis." Applicant's Reply, p. 6. Such a position completely ignores the plain language of 10 CFR § 51.52(d). The central thrust of the applicant's argument is that it disagrees with the State's contention on the merits. For the applicant to thus argue that the State's contention is not admissible is simply wrong as a matter of law. Grand Gulf, supra; Allens Creek, supra. Other arguments by the applicant completely fail to address the contention and the basis statement as proferred by the State.[10/]

The applicant will be afforded the opportunity to disagree with the State's position on the merits, either on a motion for summary disposition or at the hearing. However it may not use its disagreement at this point to claim the contention is inadmissible.[11/] As the Court ruled in Township, supra, whether

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10/ For example, the applicant characterizes one of the State's arguments as calling for an EIS "anytime anything new is done." Applicant's Reply, p. 11. Such an argument quite simply is never made by the State. The applicant also has difficulty in figuring out how thermal shock might occur after shutdown and removal of fuel (Applicant's Reply, p. 13), ignoring that the results of thermal shock could be discovered after the fuel is removed. Such arguments by the applicant are gross distortions of the State's basis statement.

11/ A close reading of the applicant's reply reveals quite clearly that, contrary to its concern that the contention lacks a "basis," the applicant understands the State's arguments quite well and disagrees with them on the merits.

the staff needs an EIS is a matter of proof that is to be decided on a case-by-case basis. Slip op. at 31.

CONTENTION No. 7 - LOSS OF COOLANT ACCIDENT

Both the applicant and the staff object to the contention because it does not depend wholly on the issuance of the SER and because it is not "specific." Applicant's Reply, p. 16; Staff Reply, pp. 5-6.

How the State's contentions suffers a lack of specificity is incomprehensible. Such a position can be taken only with a lack of regard to the Rules of Practice, 10 CFR § 2.714(b), and NRC precedent. Not only are the parties "on notice about its content," the parties understand the exact matter being raised - they just disagree on the merits. Such disagreement cannot be the basis for rejection of a contention. Grand Gulf, supra, Allens Creek, supra.[12/] The contention should be admitted.

12/ The fact that the contention was raised previously is irrelevant. The contention was properly submitted pursuant to the Board's July 20, 1982 Order. The connection with the SER is explained in State's Additional Contentions, pp. 10-12.

CONTENTION No. 8 - USE OF THE CASK LAYDOWN AREA

The staff and the applicant object to the admission of this contention because it is not derived from the SER. Applicant's Reply, pp. 16-17; Staff Reply, pp. 6-7. However, as the State pointed out, "the proposed use of the cask laydown area received scant attention in the SER." State's Additional Contentions, p. 13. The absence of information which should appear in the SER is certainly a sufficient basis for a contention "based on SER issues." Otherwise stated, if the staff wished to avoid an issue, it could do so by simply ignoring its responsibility of addressing the issue in the SER. Such actions should not and could not be tolerated by this Board. The State has clearly provided the basis for its contention: the contention should be admitted.

CONTENTION No. 9 - CONSIDERATION OF STORAGE OF SPENT FUEL FOLLOWING EXPIRATION OF OPERATING LICENSE

The staff and the applicant object to the admission of this contention because the contention is not wholly dependent upon the availability of the EIA and SER, applicant's reply, p. 17, and because the Commission has provided guidance against the admission of the contention, Staff Reply, pp. 7-8. As pointed out earlier, the board did not require submissions "based on

the EIA and SER" to depend solely on the availability of such documents. Additionally, recent case law has provided sufficient basis for this board to admit such a contention, despite previous non-binding guidance by the Commission.

As noted in the State's Additional Contentions at pp. 14-17, recent case law provided by Potomac Alliance, supra, lends practically conclusive weight to the proposition that the contention must be admitted at this stage of the proceeding. The State has raised its concern pursuant to the Atomic Energy Act and parties are on notice as to what matter the State wishes to litigate. Grand Gulf, supra; Allens Creek, supra. The contention should be admitted.

CONTENTION No. 10 - CONSIDERATION OF ALTERNATIVES

Although both the applicant and the staff generally object to the admission of State Contention No. 10, neither response addresses the specific citations[13/] put forth by the State at p. 19 of its Additional Contentions.

That the staff and the applicant are trying to block the legitimate concerns of the State is made clear by their

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13/ CEQ Regulations (40 CFR § 1508.9); sections 102(2)(C) and 102(2)(E) of NEPA; NRC Rules (10 CFR § 51.52) and NRC precedent.

argument that this Board is precluded from considering the two alternatives proposed by the State. Alternatives must be considered by this Board. See State Additional Contentions pp. 18-23; City of New York v. United States Department of Transportation, 539 F.Supp. 1237, 1276-77 (S.D. N.Y. 1982) (citing cases).[14/] In City of New York, supra, the Court lays to rest any argument by the applicant and the staff that alternatives should not be considered, even if this Board should subsequently rule, on the merits, that an EIS need not be prepared in this case:

> The Second Circuit has held that the duty to "study, develop, and describe" alternatives pursuant to § 4332(2)(E) applies, at a minimum, when "the objective of a major federal [action] can be achieved in one of two or more ways that will have differing impacts on the environment." Trinity Episcopal School Corp. v. Romney, supra, 523 F.2d at 93. The minimal legislative history available supports this broad reading, in that NEPA's sponsors appear to have intended that agencies "know what options and alternatives are available" before they act in developing resources or managing the enviroment. 115 Cong. Rec. 3700 (1969)

14/ In the City of New York, supra, the Court overturned a finding by the U.S. Department of Transportation that transportation of nuclear waste through the City of New York would produce no significant environmental effects because, inter alia, the U.S. D.O.T. had failed to explore alternatives to highway transportation. City of New York was cited with approval in Township, supra, a case previously cited by the staff.

(Senator Jackson); see generally Jordan, Alternatives Under NEPA; Toward An Accommodation, 3 Ecol.L.Q. 705, 710-12 (1973).
City of New York, supra, 539 F.Supp. 1237, 1277.

The State has proposed consideration of two specific alternatives, neither of which has been considered by the staff in the EIA or by the applicant in any of its amendment applications or supporting documents. Both alternatives provide reasonable, ascertainable ways to avoid the risks inherent in the Maine Yankee proposal. See City of New York, supra, 539 F.Supp. 1237, 1278.

Although the applicant says that "we are given no specific reasons as to why further inquiry is merited as to any or all of (the two alternatives proposed by the State) in this case," neither the applicant nor the staff addresses the CEQ Regulations, §§ 102(2)(C) and 102(2)(E) of the National Environmental Policy Act of 1969, NRC Regulations (specifically, 10 CFR § 51.52) and the case law cited by the

State. A rejection of this contention signals an impossible threshold for the admissibility of contentions. The purpose of the Atomic Energy Act, as implemented by 10 CFR Part 2, is not to exclude contentions but to fully address those issues for which intervenors have presented a reasonable basis for concern. The contention should be admitted.

CONTENTION No. 11 - LACK OF CURRENT NEED

The staff and applicant argue that the contention should not be admitted because it is not wholly dependent on the SER or EIA and because there is no regulatory requirement that "the licensee show an immediate or any need for an amendment." Staff Reply, pp. 8-9; Applicant's Reply, p. 19. However, neither the staff nor the applicant appear to challenge the finding in Minnesota v. NRC, supra, 602 F.2d at 419 that "the complex and vexing question of the disposal of nuclear wastes is a matter . . . characterized by continuing evolution of the state of pertinent knowledge." See also Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-277, 1 NRC 539 (1975). Indeed, that the NRC should act only upon the most up-to-date knowledge seems to be a principle that is both obvious and unassailable. It is also a

principle inherent in the role of protecting the public health and safety. 42 U.S.C. § 2133(d). No matter what view the staff, applicant or board may now hold with regard to the merits of State Contention No. 11, the State has met its burden under 10 CFR § 2.714(b) and the contention should be admitted.

CONTENTION No. 12 - FAILURE TO SPECIFY PROCEDURES

Both the staff and the applicant object to the admission of this contention because "there is no basis." Staff Response, pp. 9-10; Applicant's Reply, p. 20. The responses by both the staff and the applicant are incredible. Neither actually addresses the State's contention that the applicant must spell out its implementing procedures. Indeed both admit the substance of the State's contention: such procedures have not yet been specified. The staff states "implementing procedures will be examined [but only] after this amendment has been authorized." Staff Reply, pp. 9-10. In other words, no public participation in an adjudicatory setting will be allowed, according to the staff position. Such a position is in clear violation of the Atomic Energy Act.

The applicant in its argument quotes one sentence from the Board order of July 20, 1982 to argue that procedures need not

be submitted. However, what the applicant fails to provide is the remaining portion of the paragraph contained in the April 12, 1982 board order which followed the sentence quoted by the applicant. The full paragraph is as follows:

> The board agrees that there is no requirement that such procedures be submitted now and, therefore, rejects this contention. However, the board expects that the staff will have an opportunity to review these procedures before they are implemented by the licensee. If at some later time when the licensee has developed specific procedures, (the State of Maine) wishes to submit contentions directed to their adequacy, the board will evaluate such contentions at that time. Board Order. April 12, 1982, p. 6 and p. 21 (emphasis added).

The failure of the applicant to date to specify the operating procedures it intends to use to implement its amendment request[15/] gives serious rise to a question whether the applicant truly intends to carry out its pin compaction proposal, as opposed to it reracking proposal. At best, such failure to specify procedures will serve only to delay these proceedings unnecessarily. The Board Order of April 12, 1982 gave clear direction to the applicant that the board expects the applicant to develop specific procedures and

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15/ The information which needs to be submitted is outlined by the State in its Additional Contentions at pp. 25-26.

that intervenors will be provided with the opportunity to put forth contentions based on those procedures. Such failure by the applicant, together with the standards provided in 10 CFR § 2.714(b) and NRC precedent, conclusively support the State's position that its contention is admissible at this time.

CONTENTION No. 13 - GENERIC UNRESOLVED SAFETY ISSUES

Both the NRC staff and the applicant object to the admission of this contention because "no nexus has been shown between this previously-raised contention and the issuance of the SER and EIA." Staff Reply, pp. 10-11; Applicant's Reply, pp. 20-21. However, neither the staff nor the applicant spends any time addressing the argument put forth in the basis statement of the State's contention that NRC precedent requires consideration of generic unresolved safety issues by the staff. The Appeals Board has made it crystal clear that generic unresolved safety issues must be addressed by the staff and that the proper place to address such issue is in the SER.[16/] The exact situation faced by the State of Maine was addressed by the Licensing Board in Commonwealth Edison

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16/ See State's Additional Contentions, pp. 28-32, and cases cited therein.

Company (Byron, Nuclear Power Station, Units 1 and 2), LBP-80-30, 12 NRC 683 (1980). There the Board ruled, after a thorough review of the previous Appeals Board decisions, that the intervenor:

> is entitled to put in issue by its pleadings the adequacy of the staff's treatment of unresolved generic safety issues in relation to the . . . facility. The specificity and nexus contemplated by River Bend, supra, cannot be expected until the staff's SER has been filed.

For the applicant to object to the State's failure to provide a nexus between the SER and generic unresolved safety issues puts the State in a catch twenty-two situation which, but for the seriousness of this proceeding, would be humorous. The staff has been directed by the Appeals Board to address generic unresolved safety issues in the SER; it has failed to carry out its responsibility. The staff criticizes the State for failing to show a nexus between its contention and material which the staff was to put in the SER but didn't. The contention is clearly admissible.

CONTENTION No. 14 - QUALITY ASSURANCE PROGRAM

Although such a contention has been admitted in a myriad of other proceedings, both the staff and the applicant object to

the admission of this contention in this proceeding. Not only has the State tied the quality assurance contention to the SER (State's Additional Contentions, p. 35), but it has identified specific concerns that the NRC has articulated with the operation of the Maine Yankee plant.

The applicant's argument that the State's only forum for raising a quality assurance contention is pursuant to 10 CFR § 2.206 is incorrect, as is the authority cited by the applicant.[17/]

The State has cited in its Additional Contentions sufficient information for the staff to understand the State's concern that Maine Yankee has "a poor compliance record with 10 CFR Part 50, Appendix B." Staff reply, p. 11. The staff also

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17/ Consumers Power Co. (Midland Plant, Units 1 & 2), ALAB-674, 15 NRC ____, CCH, Nuclear Reg. Rep. Par. 30, 678 (May 5, 1982). Applicant's Reply, p. 22. That case involved an argument by intervenors that construction should stop at the Midland plant pending resolution of the potential effects of an electromagnetic pulse (EMP) ostensibly generated from the high altitude detonation of a nuclear weapon. Although the Licensing Board found that such a contention was not relevant to the soils matters which were presently in front of the Licensing Board, the Appeals Board ruled that the intervenors had requested "a remedy that the board is not authorized to grant - i.e., stopping the construction already underway at Midland and effectively suspending the previously-issued construction permit, pending resolution of the EMP issue." CCH, Nuclear Reg. Rep., Par. 30, 678.01. The remedy asked by the State is the admission of a contention, an action the board is clearly authorized to take.

agrees that the applicant must comply with Appendix B. Staff reply, p. 11. The State has cited portions of the SER which indicate that what Maine Yankee proposes will be affected by Maine Yankee's existing QA program. The staff and the applicant are clearly on notice about what the State wishes to litigate. The contention is admissible; objections on the merits can be dealt with at a later stage of this proceeding.

CONTENTION No. 15 - SAFETY UNDER NORMAL AND POSTULATED ACCIDENT CONDITIONS

Both the staff and the applicant object to the admission of this contention as being vague and lacking specificity. However, the contention, and the basis for the contention, as submitted by the State in its Additional Contentions at pp. 6-37, is significantly different than the previously-filed Contention 13. The applicant and staff responses are restatements of objections they had to previously filed Contention 13; they simply fail to respond to the arguments put forth by the State in Contention 15 that the applicant has totally failed to address cask handling accidents or to provide any reasonable basis for concluding that fuel handling accidents have adequately considered the applicant's proposal of pin compaction. Additionally, the State has provided the nexus with the SER, a proposition addressed neither by the staff nor the applicant and one with which there can hardly be

disagreement. The contention is specific, it puts the parties on notice as to what the State intends to litigate, and it provides a regultory basis for the contention.[18/]

It is interesting to note here that the confusion which surrounds the staff's objections to this contention as "vague and lacking specificity" in light of the staff's reply at p. 12, fn. 20 where the staff claims that "SMP admitted Contention 7 already addresses the State's concern." If the State's Contention were truly "vague and lacki. · specificity," how could the staff know that SMP's contention addresses the State's concern? The staff's suggestion that the State could "co-sponsor" SMP Contention 7 conclusively answers in the affirmative the question of whether State Contention 15 should be admitted. Whether the board wishes one party or another to be the "lead" is a matter which can be addressed subsequently. The contention should be admitted.

18/ Applicant's assertion that GDC 61 "does not come into play in a fuel pool capacity expansion case that does not involve physical expansion of the pool," Applicant's Reply at p. 23, flies in the face of the literal language of GDC 61. 10 CFR, Part 50, App. B, Criterion 61 In any event, the applicant will be afforded the opportunity to make such arguments later, on the merits, after the contention is admitted.

CONCLUSION

Each of the States' contentions complies with the Board Order of July 20, 1982, the NRC rules (10 CFR § 2.714(b) and NRC precedent. Each contention should be admitted by this board.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 30, 1982 he made service of the within document by mailing a copy thereof, postage prepaid, to:

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