

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY
REGULATORY & SERVICE
BOARD

In the Matter of:

THE DETROIT EDISON COMPANY
(Enrico Fermi Atomic Power
Plant, Unit 2)

Docket No. 50-³241
(Operating License)

CITIZENS FOR EMPLOYMENT AND ENERGY

EXCEPTIONS TO INITIAL DECISION

The Citizens for Employment and Energy hereby appeal the Initial Decision of the Atomic Safety and Licensing Board issued October 29, 1982, and take the following exceptions to that decision pursuant to 10 CFR 2.762:

1. CEE takes exception to the ASLB's finding that the allegations in Contention 4(a), concerning the physical security at the plant site during construction, are not supported by the evidence (Initial Decision, p. 6, paragraph 11).
2. CEE takes exception to the ASLB's finding that none of the allegations in Contention 4(a) were linked to the present condition of the reactor (Initial Decision, pp. 6-7, paragraph 11).
3. CEE takes exception to the ASLB's finding that none of the additional allegations presented under Contention 4(b), concerning the quality

assurance program, form an adequate basis for a present concern about the safety of Fermi 2 (Initial Decision, p. 13, paragraph 20).

4. CEE takes exception to the ASLB's finding that the testimony shows no factual basis exists for any of the additional allegations concerning Contention 4(b) (Initial Decision, p. 13, paragraph 20).
5. CEE takes exception to the ASLB's finding that the testimony by Applicants and NRC staff shows that the Applicants' inspection program was adequate during the early stages of construction (Initial Decision, p. 14, paragraph 21).
6. CEE takes exception to the ASLB's finding that Contention 4(b) is without merit (Initial Decision, p. 14, paragraph 21).
7. CEE takes exception to the ASLB's finding that there is no basis in fact for the allegation that required permanent quality assurance records have been lost, or destroyed by fire (Initial Decision, p. 17, paragraph 26).
8. CEE takes exception to the ASLB's finding that Contention 4(c) is without merit (Initial Decision, p. 17, paragraph 26).
9. CEE takes exception to the ASLB's finding that there is no credible evidence that the Parsons

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Company was dismissed for reasons related to quality assurance or quality control (Initial Decision, p. 20, paragraph 29).

10. CEE takes exception to the ASLB's finding that Contention 4(d) is without merit (Initial Decision, p. 20, paragraph 29).
11. CEE takes exception to the ASLB's finding that the testimony by the Applicants and the NRC staff shows that Edison has satisfactorily repaired cracks in the base of the reactor building and that the cracks do not amount to flaws in the construction of Fermi 2 (Initial Decision, p. 22, paragraph 35).
12. CEE takes exception to the ASLB's finding that the evidence does not support CEE's allegation of a construction flaw in the base of the reactor building (Initial Decision, p. 22, paragraph 35).
13. CEE takes exception to the ASLB's finding that the testimony of the Applicants and the NRC staff shows that Edison satisfactorily repaired the cracks in the structural steel surrounding the drywell (Initial Decision, p. 23, paragraph 39).
14. CEE takes exception to the ASLB's finding that there is no credible evidence to support CEE's

allegations concerning cracks in the base of the reactor building or cracks in the structural steel surrounding the drywell (Initial Decision, p. 24, paragraph 40).

15. CEE takes exception to the ASLB's finding that Contention 4(e) is without merit (Initial Decision, p. 24, paragraph 40).
16. CEE takes exception to the ASLB's finding that the testimony of Applicants and staff on evacuation time in the Stony Point area is reasonable and convincing (Initial Decision, p. 29, paragraph 48).
17. CEE takes exception to the ASLB's finding that the entire population of Stony Point could be evacuated along Pointe Aux Peaux Road within 1-1/2 to 2-1/2 hours (Initial Decision, p. 30, paragraph 48).
18. CEE takes exception to the ASLB's finding that such evacuation times are acceptable (Initial Decision, p. 30, paragraph 48).
19. CEE takes exception to the ASLB's finding that the matters raised by Ms. Madsen and by CEE (including but not limited to: handicapped persons transportation, notification of the hearing impaired, Edison's authority to start the siren, and the Governor's response time)

do not fall under Contention 8 - whether there is a feasible escape route from Stony Point (Initial Decision, p. 30, paragraph 50).

20. CEE takes exception to the ASLB's finding that the need to drive toward the reactor does not make Pointe Aux Peaux Road infeasible as an evacuation route (Initial Decision, p. 33, paragraph 53).
21. CEE takes exception to the ASLB's finding that it is likely that most of the residents would have left Stony Point before a release occurred (Initial Decision, p. 35, paragraph 55).
22. CEE takes exception to the ASLB's finding that the use of Pointe Aux Peaux Road as an evacuation route creates only a negligible increase in the total risk to residents of Stony Point (Initial Decision, p. 36, paragraph 56).
23. CEE takes exception to the ASLB's finding that the increase in risk does not justify building a road leading away from Stony Point toward the West (Initial Decision, p. 36, paragraph 56).
24. CEE takes exception to the ASLB's finding that the testimony by the Applicants and the Staff establishes that vehicles departing Stony Point during an evacuation can be accommodated by Pointe Aux Peaux Road and that the feasibility

of this road as an evacuation route is not impaired by the necessity of evacuation toward the reactor (Initial Decision, p. 36, paragraph 57).

25. CEE takes exception to the ASLB's finding that if Monroe County were or should have been aware earlier, then the County's stated reasons for failure to file on time cannot be accepted (Initial Decision, p. 39, paragraph 61).
26. CEE takes exception to the ASLB's finding that there was not "good cause" for Monroe County's delay in interviewing (Initial Decision, p. 42, paragraph 67).
27. CEE takes exception to the ASLB's finding that the County has made no showing as to why review by FEMA or the NRC staff would not be adequate to protect the County's interest (Initial Decision, p. 45, paragraph 73).
28. CEE takes exception to the ASLB's finding that the County offered no factual support for its assertion that it would assist in developing a sound record to allow intervention (Initial Decision, p. 46, paragraph 74).
29. CEE takes exception to the ASLB's finding that elementary fairness requires that CEE be estopped from raising issues important to the

safety of Monroe County residents (Initial Decision, p. 50, paragraph 81).

30. CEE takes exception to the ASLB's finding that CEE has failed to show that there is new and significant information, which if available to the Board and parties would materially affect the decision (Initial Decision, p. 50, paragraph 82).
31. CEE takes exception to the ASLB's finding that none of the allegations of Contention 4 are supported by evidence of record (Initial Decision, p. 51, paragraph 85).
32. CEE takes exception to the ASLB's finding that every matter raised in Contention 4 has been satisfactorily resolved (Initial Decision, p. 51, paragraph 85).
33. CEE takes exception to the ASLB's finding that the evidence of record shows that Pointe Aux Peaux Road is feasible for evacuating persons from Stony Point (Initial Decision, p. 51, paragraph 86).
34. CEE takes exception to the ASLB's finding that with respect to matters alleged by Contentions 4 and 8, there is reasonable assurance that this facility can be operated without endangering the health and safety of the public, and that the

facility has been constructed and will be operated in accordance with the Commission's regulations. (Initial Decision, p. 52, paragraph 87).

Respectfully submitted:

A handwritten signature in cursive script that reads "John R. Minock". The signature is written in dark ink and is positioned above a horizontal line.

John R. Minock
Attorney for CEE
305 Mapleridge
Ann Arbor, MI 48103

Dated: November 8, 1982.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
UNIT

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In the Matter of)
)
DETROIT EDISON)
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(Enrico Fermi Atomic Power Plant,)
Unit 2))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Docket No. 50-341

CERTIFICATE OF SERVICE

I, John R. Minock, attorney for intervenor Citizens for Employment and Energy in the above captioned matter, hereby certify that I have served the following persons with CEE's EXCEPTIONS TO INITIAL DECISION and CONSENT TO SUBSTITUTION OF COUNSEL by depositing them in the United States mail, first class, postage prepaid, addressed as follows:

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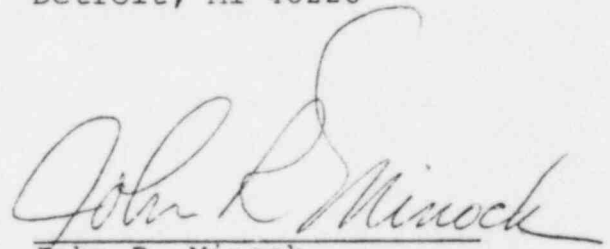
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