

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC  
82 DEC -8 P2:20

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
James P. Gleason, Chairman  
Glenn O. Bright  
Dr. Jerry R. Kline

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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In the Matter of  
UNION ELECTRIC COMPANY  
(Callaway Plant, Unit 1)

Docket No. STI: 50-483  
ASLE No. 81-449-01 OL  
December 7, 1982

MEMORANDUM AND ORDER  
(Specification of Contentions)

Pursuant to the Board's Order, Intervenor John G. Reed submitted a final particularization of emergency planning contentions on October 1, 1982. The Applicant and Staff submitted objections to several of the twenty (20) contentions. On considering the responses, we set forth our decision herein:

1. With respect to contentions numbered 1, 2, 4, 5, 6, 8, 9 and 10, Intervenor has submitted bases with the required specificity and those contentions are admitted to the proceeding. Applicant and Staff do not object to their admission.

2. The Staff objects to that part of contention 3 that alleges a full-time, professional emergency management director, with administrative support, is essential to the conduct of emergency planning responsibilities of Montgomery, Gasconade and Osage Counties. Sections

of those counties are within Applicant's emergency planning zone (EPZ) and Intervenor alleges, operate with unpaid volunteer emergency management directors. Such directors, according to the Intervenor, would be inadequate to prepare and implement the County's local emergency responsibilities. The Staff argues, we believe prematurely, that no basis has been supplied by Intervenor since there was no reason to assume a volunteer would not be available to manage the responsibilities of that position. Commission regulations on emergency plans set forth a standard that response organizations have staff to initially respond and augment their functions on a continuing basis. See 10 CFR 50.47(b)(1). Whether, under the particular circumstances affecting this facility, an adequate plan requires a full time (and presumably paid) director with staff on a County level is a question that cannot be answered at this stage of the pleadings. Intervenor has specified a sufficient basis to have this issue and the other unobjected to parts of contention 3 admitted to the proceeding.

3. The Staff objects to the admission of contention 7 wherein it is alleged that pre-sited decontamination facilities need to be established or identified for the benefit and use of contaminated emergency workers or evacuees. The Staff argues there is no requirement for pre-siting such facilities. However the question, we take it, is whether such facilities are required to meet the emergency planning standards of the Commission's regulations. In this respect, the Intervenor's contention implicitly stating that they are is specific enough to be admitted to the proceeding. See 10 CFR 50.47(b)(8)(10)(11).

4. Both the Applicant and Staff object to the admission of contention 11. The contention challenges the reentry/recovery provisions of local governments' response plans on the basis that they are not specific. Intervenor cites a number of additional actions that must be undertaken to make the plans specific as allegedly required by 10 CFR 50.47(b)(13). These include providing a time frame for exposure for radiation levels; establishing a basic ground contamination level reading and a reentry time frame; including specifically 10 CFR, Part 20 guidelines in County Standard Operating Procedures (SOP) to provide local officials with knowledge when recovery can begin; specification of a standard of acceptable radioactive contamination for areas in which reentry is intended; specifying decontamination procedures to enable the area involved to be returned to its pre-emergency condition and finally providing location sources for equipment for reentry/recovery personnel. The Board finds no basis in the regulations or guidance for most of these allegations. Accordingly, the following subparts lack an adequate basis: A(1)(2); B(1)(3); C; D; E, and F. However, before deciding on the admissibility of contention B(2), which calls for including 10 CFR, Part 20 standards in SOP's, the Board requests a brief response from all parties on the applicability of Part 20 standards to reentry/recovery activities.

5. The Applicant and Staff object to contention 12 which contends that local government response plans should not be approved without an adequate source of funding to enable those jurisdictions to carry out their emergency responsibilities. Intervenor alleges that local

governments do not have this funding available to them now and argues that without it, the plans are incapable of being developed or implemented to meet the criteria of the Commission's regulations and criteria on emergency planning.

All parties in the instant proceeding - Intervenor, Staff and Applicant - agree on a fundamental fact concerning this contention, namely, that there is not available, through NRC resources or requirements, a funding mechanism to provide State or local government financial assistance to implement their emergency response functions and plans. In approving the emergency planning rule, the Commission in its Statement of Considerations made evident that the NRC was not involved in any direct funding of State or local governments for emergency preparedness. And it specifically indicated that requiring a utility to contribute to such expenses was beyond the scope of the rule. See 45 Fed. Reg. 55402, 55408 (August 19, 1980). Accordingly, the Board denies the admission of this contention. The NRC's responsibility, as reflected in its regulations, is to condition the grant of an operating license to a finding that emergency preparedness provides a reasonable assurance that adequate protective measures will be taken in a radiological emergency. 10 CFR 50.47(a)(1). It could ultimately prove to be the case, that limited financial resources make it impossible for State or the local governments involved to develop and implement emergency response plans to an extent that such a finding could not be made. In that event, a license will not be issued. All the Board says here however - germane to the

issue of the contention - is that funding for emergency planning purposes is not now within the jurisdiction of the Board.

6. The Staff objects to the admission of a part of contention 13 and also contention 14. Since they highlight the same subject matter - the exclusion of standing operating procedures (SOP)'s and response plans of five municipalities in emergency planning - we treat the contentions together here. Intervenor claims that the local government officials involved have statutory responsibility involving the health and safety of the residents of the municipalities and accordingly should not be excluded from emergency planning. The Staff response is that the Intervenor has not demonstrated the need for involving the municipalities or their resources in emergency planning. This may be the case, but in the Board's view, he has demonstrated an adequate basis for having these contentions admitted. The Intervenor is entitled to show in a contested proceeding why these governmental entities, which are within the EPZ, should not be excluded from the provisions of 10 CFR 50.47(b)(1) or of NUREG-0654, Rev.1, II.A.

7. The Staff objects to that part of contention 15 that calls for the supplying of lists of bus drivers and other personnel who it is expected will be performing various emergency duties during a radiological accident. The Intervenor foundation for this request is that it will simplify training requirements and provide detailed information on

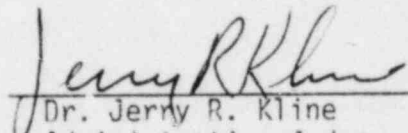
transportation capabilities. The Board concludes that while the balance of this contention is admissible, the part (Section B) referred to above is not. There is no requirement in the regulations for the listing, by name, of the individuals referred to nor does NUREG-0654, II.C.4 command it.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

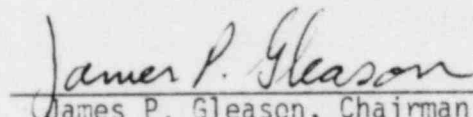
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Glenn O. Bright\*  
Administrative Judge



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Dr. Jerry R. Kline  
Administrative Judge



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James P. Gleason, Chairman  
Administrative Judge

\*Judge Bright was not present for affixing his signature to this Order but concurs with it.

Bethesda, Maryland  
December 7, 1982