

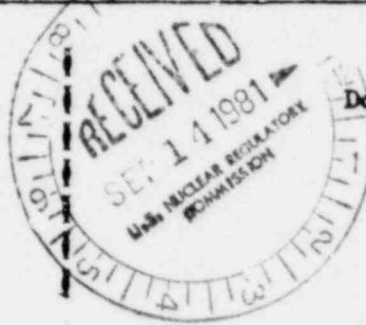
9/8/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

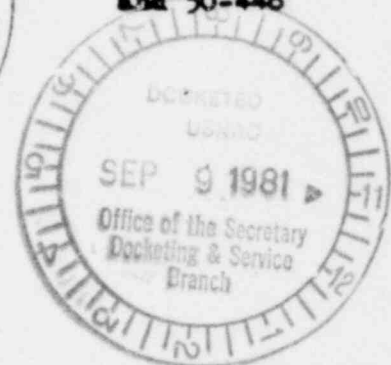
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNITS #1 AND #2 (CPSES)



Docket Nos. 50-445  
and 50-446



CASE'S SUPPLEMENTARY ANSWERS  
TO APPLICANTS AND TO NRC STAFF,  
REGARDING CONTENTION 22

On 8/18/81, CASE filed its Supplementary Answers: (1) To Applicants Regarding Contention 22; (2) To NRC Staff regarding Contention 22; and (3) To NRC Staff in Response to Staff's 3/4/81 Motion to Compel Responsive Answers to Certain Staff Interrogatories to Intervenor CASE of January 19, 1981 (Staff's First Set to CASE).

CASE now finds that there needs to be a correction in certain portions of those Supplementary Answers, regarding matters which do not affect the substantive part of CASE's answers, but which CASE believes should nonetheless be clarified.

On 8/7/81 CASE spoke by telephone with Bob Free, Administrator, Emergency Response and Investigating Branch, Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health, Austin, the person in charge of developing the Texas Emergency Plan in regard to the Comanche Peak nuclear plant. This telephone conversation was discussed in CASE's 8/18/81 Answers on pages 16 (beginning with bottom paragraph) and 17. As stated in our 8/18/81

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Answers:

"During that conversation, Mr. Free indicated that:

- "1. His department and other State agencies are in the process of preparing major portions of the Texas Emergency Plan;
- "2. There are several State agencies involved, all of which must prepare their portions of the plan and submit them for inclusion and incorporation into the total Texas Plan;
- "3. The Texas Plan is not just for fixed nuclear facilities but for all emergencies in the State of Texas;
- "4. His department is shooting for a January 1982 date for submission of the Plan to FEMA for comment;
- "5. They hope to have comments by FEMA by March 1982;
- "6. They are tentatively planning for an exercise sometime in August or September 1982, and possibly for a follow-up exercise before fuel loading at the Comanche Peak plant; and
- "7. Mr. Free agreed with CASE that consideration of CASE's contention regarding emergency planning for the Comanche Peak plant, presently scheduled by the Board for 12/2/81 evidentiary hearings, is premature considering the amount of work still remaining to be done on the Texas State Emergency Plan."

On August 8, 1981, CASE wrote Mr. Free confirming our telephone conversation of 8/7/81. In that letter, we repeated the above seven statements (minus the emphasis, which was added for the benefit of the parties in this proceeding to call attention to the more pertinent portions of the statements), and stated "I wanted to get this confirmation to you right away, so that you will know exactly what I will be sending to the Board regarding our contention."

We began work on our 8/18/81 Supplementary Answers, and since some ten days had passed since we mailed our 8/8/81 letter to Mr. Free by the time we filed our 8/18/81 Answers without our having received any further word from Mr. Free,

we included the information based on our detailed notes of our 8/7/81 telephone conversation. The information contained in our 8/18/81 Supplementary Answers was (and still is) correct according to our notes of the conversation.

However, we received a letter from Mr. Free dated August 26, 1981, on 9/4/81, in which he stated:

"I received your letter summarizing our recent conversation and accept paragraphs 1 through 6 as written. Paragraph 7 does not accurately convey my thoughts about the hearings scheduled on December 2, 1981. This Agency is not in a position to judge if the Atomic Safety and Licensing Board hearings, requested by your group, are premature. The contention by CASE that the State and Local Emergency Plans are inadequate is, however, premature inasmuch as these plans are currently being developed to support the nuclear facility at Glen Rose when nuclear fuel is allowed onsite by the Nuclear Regulatory Commission."

Copies of CASE's 8/8/81 letter to Mr. Free and of his 8/26/81 response are contained as CASE's Attachments A and B to this pleading.

Our 8/10/81 Supplementary Answers also referenced telephone conversations which CASE had with FEMA on 8/10/81 and 8/13/81 (pages 17 and 18). CASE's detailed notes of those conversations indicate that the information in this regard contained in our 8/18/81 Supplementary Answers was (and still is) correct. However, we believe a portion of that information needs to be further clarified also.

On page 21 of CASE's 8/18/81 Supplementary Answers, in answer to Staff's Question G-4(a) and Applicants' Question 2-2, we included as items we plan to employ or rely upon in presenting our case in these proceedings:

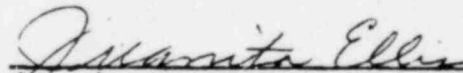
"Documentation of CASE's 8/7/81 telephone conversation with Bob Free, Branch Administrator of Emergency Response and Incident Investigation, Radiation Control Board, Texas Department of Health, Austin, Texas. At this time, it is not clear what the precise format of such documentation

will be; we will promptly update our response as appropriate. See pages 16 and 17 of this pleading.

"Documentation of CASE's 8/10/81 and 8/13/81 telephone conversations with the Plans and Preparedness Office of FEMA. At this time, it is not clear what the precise format of such documentation will be; we will promptly update our response as appropriate. See pages 17 and 18 of this pleading."

CASE did not intend to imply support of CASE's contention by either the State or FEMA in our 3/18/81 Supplementary Answers. The only portion of the statements by the State's Mr. Free or FEMA's Ms. Nixon on which we plan to rely (and the only portions which we believe to be pertinent to our contention) are the portions regarding the actual status of the Texas Emergency Plan. Mr. Free's 8/26/81 letter indicating his acceptance of CASE's items 1 through 6 as stated in our 8/8/81 letter to Mr. Free constitutes partial documentation as referenced in CASE's 8/18/81 Supplementary Answers to Staff's G-4(a) and Applicants' 2-2.

Respectfully submitted,



(Mrs.) Juanita Ellis, President  
CASE (Citizens Association for Sound Energy)  
1426 S. Polk  
Dallas, Texas 75224

214/946-9446

214/941-1211, work, usually Tuesdays and  
Fridays only

# CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

1426 S. Polk  
Dallas, Texas

CASE ATTACHMENT A

Page 1 of 2

5224

214/946-9446

August 8, 1981

Mr. Bob Free  
Branch Administrator of Emergency Response  
and Incident Investigation  
Radiation Control Board  
Texas Department of Health  
1100 W. 49th St.  
Austin, Texas 78756

Dear Mr. Free:

Subject: State of Texas Emergency Plan

To confirm our telephone conversation yesterday, it is our understanding that:

1. You and other State agencies are in the process of preparing major portions of the Texas Emergency Plan;
2. There are several State agencies involved, all of which must prepare their portions of the plan and submit them for inclusion and incorporation into the total Texas Plan;
3. The Texas Plan is not just for fixed nuclear facilities but for all emergencies in the State of Texas;
4. You are shooting for a January 1982 date for submission of the Plan to FEMA for comment;
5. You hope to have comments by FEMA by March 1982;
6. You are tentatively planning for an exercise sometime in August or September 1982, and possibly for a follow-up exercise before fuel loading at the Comanche Peak nuclear power plant;
7. You agree with us that consideration of CASE's contention regarding emergency planning for the Comanche Peak plant, presently scheduled by the Atomic Safety and Licensing Board of the U. S. Nuclear Regulatory Commission for December 2, 1981, evidentiary hearings, is premature at this time considering the amount of work still remaining to be done on the Texas State Emergency Plan.

I wanted to get this confirmation to you right away, so that you will know exactly what I will be sending to the Board regarding our contention. However, we have



now received the attached July 23, 1981, letter from the Assistant Director of Licensing, Nuclear Regulatory Commission, to the utility regarding their emergency plan. Since the NRC has asked some 18 pages of questions (attached to the original of the July 23 letter) and requested that the utility respond within 30 days of receipt of the letter, we thought it might be well to wait and see the utility's answers before filing anything else with the Board. We should be getting this information around the end of August.

If you'd like to have the questions and answers, I'm sure Mr. Tedesco with the NRC would be happy to see that you get copies of them. The answers are likely to be incorporated into revised pages of the utility's Emergency Plan for Comanche Peak, and the revised pages alone might not make too much sense to you. So if you ask the NRC for this information, it would be well to ask for the entire utility Emergency Plan for Comanche Peak and that you be added to their mailing list to receive all future revisions to it, if you're not already receiving such information.

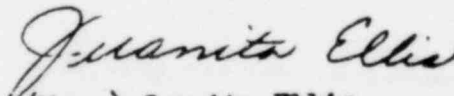
I'm also attaching a copy of the wording of our contention regarding Emergency Planning, along with some other pertinent information from the operating license proceedings, which I think will be of interest to you.

After talking with you, I'm sure that you are as concerned as we are that the Texas Plan and the emergency plan for the Comanche Peak nuclear plant be done right and that it be workable and in place prior to the plant's going into operation. I wish that I felt as confident that this will be the case, but I am very much concerned that, with the rulings of the new Atomic Safety and Licensing Board Chairman in the operating license hearings, the new laws which have already been passed out of committees of both the House and Senate in Washington regarding "interim" operating licenses for nuclear power plants, and the push to speed up licensing of nuclear plants, the Comanche Peak plant may be allowed to go into operation before emergency plans are in place.

We'll be in touch.

Sincerely,

CASE (Citizens Association for Sound Energy)

  
(Mrs.) Juanita Ellis  
President

Attachments



CASE ATTACHMENT B

*rcd. 9-4-81*

## Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.  
Commissioner

1100 West 49th Street  
Austin, Texas 78756  
(512) 458-7111

Robert A. MacLean, M.D.  
Deputy Commissioner

August 26, 1981

Mrs. Juanita Ellis  
Citizens Associated for Sound Energy (CASE)  
1426 South Polk Street  
Dallas, Texas 75224

Dear Mrs. Ellis:

I received your letter summarizing our recent conversation and accept paragraphs 1 through 6 as written. Paragraph 7 does not accurately convey my thoughts about the hearings scheduled on December 2, 1981. This Agency is not in a position to judge if the Atomic Safety and Licensing Board hearings, requested by your group, are premature. The contention by CASE that the State and Local Emergency Plans are inadequate is, however, premature inasmuch as these plans are currently being developed to support the nuclear facility at Glen Rose when nuclear fuel is allowed onsite by the Nuclear Regulatory Commission.

Sincerely,

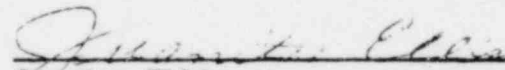
A handwritten signature in cursive script, appearing to read "Robert E. Free".

Robert E. Free, Administrator  
Emergency Response and Investigating Branch  
Division of Compliance and Inspection  
Bureau of Radiation Control

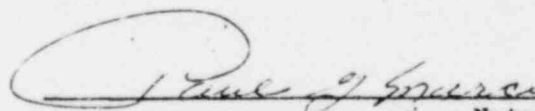
STATE OF TEXAS )

Juanita Ellis, being duly sworn, deposes and says:

That she is President of CASE (Citizens Association for Sound Energy),  
and knows the contents of the foregoing  
CASE'S 9/8/81 SUPPLEMENTARY ANSWERS TO APPLICANTS AND TO NRC STAFF, REGARDING  
CONTENTION 22,  
and that the same is true of her own knowledge and belief.

  
\_\_\_\_\_  
Juanita Ellis

SWORN TO and Subscribed  
before me on this 8th day  
of September, 1981.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 12/31/84

(SEAL)

The original of this page is being mailed under separate cover, First Class Mail,  
to the Secretary, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555,  
Attention: Chief, Docketing and Service Section, on this 8th day of September,  
1981.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

APPLICATION OF TEXAS UTILITIES  
GENERATING COMPANY, ET AL. FOR AN  
OPERATING LICENSE FOR COMANCHE  
PEAK STEAM ELECTRIC STATION  
UNITS #1 AND #2 (CPSES)

Docket Nos. 50-445  
and 50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of  
CASE'S SUPPLEMENTARY ANSWERS TO APPLICANTS AND TO NRC STAFF, REGARDING CONTENTION 22

have been sent to the names listed below by First Class Mail this 8th  
day of September, 1981. \* = with Certificate of Mailing receipt

Administrative Judge Marshall E. Miller  
U. S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Washington, D. C. 20555

David J. Preister, Esq.  
Assistant Attorney General  
Environmental Protection Division  
P. O. Box 12548, Capitol Station  
Austin, TX 78711

Dr. Forrest J. Remick, Member  
Atomic Safety and Licensing Board  
305 E. Hamilton Avenue  
State College, PA 16801

~~Mr. Richard Fouke -~~  
~~1668-B Carter Drive -~~  
~~Arlington, TX ---- 76010 -~~

Dr. Richard Cole, Member  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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Board Panel  
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Nicholas S. Reynolds, Esq.  
Debevoise & Liberman  
1200 - 17th St., N. W.  
Washington, D. C. 20036

Atomic Safety and Licensing  
Appeal Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

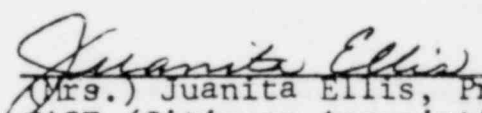
Marjorie Ulman Rothschild, Esq.  
Office of Executive Legal Director  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Docketing and Service Section  
Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

~~Mr. Dwight H. Moore, Esq. -~~  
~~West Texas Legal Services -~~  
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