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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	§	Docket Nos. 50-445 and
	§	50-446
TEXAS UTILITIES GENERATING	§	
COMPANY, <u>et al.</u>	§	(Application for
	§	Operating Licenses)
(Comanche Peak Steam	§	
Electric Station, Units	§	
1 and 2)	§	

MOTION OF THE STATE OF TEXAS
FOR THE ADMISSION OF A NEW CONTENTION
REGARDING THE ADEQUACY OF EMERGENCY PLANNING

Pursuant to 10 CFR §2.714(b) and 10 CFR §2.730 the State of Texas hereby files this motion for the admission of a new contention in this proceeding regarding the adequacy of emergency planning within the plume exposure pathway emergency planning zone of the Comanche Peak nuclear power plant. Specifically, it is the contention of the State of Texas that Somervell County and Hood County do not have the commitment, expertise, and resources to adopt and implement emergency plans that meet all fifteen applicable planning standards of 10 CFR §50.47(b).

I.

BACKGROUND

10 CFR §50.47(b) sets forth sixteen emergency response planning standards that must be met before an operating license for a

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nuclear power reactor will be issued. Fifteen of these sixteen planning standards apply to local emergency response plans within the plume exposure pathway emergency planning zone. The criteria for evaluating whether these planning standards are satisfied are set forth in NUREG-0654. Somervell County and Hood County comprise the plume exposure pathway emergency planning zone.

On Friday, May 20, 1983, Larry J. Skiles, Alton B. Armstrong, Jr., Clarence L. Born, Arthur Tate, Richard Jones, and Bobby Lancaster were called as witnesses on behalf of the Applicant and testified on the subject of onsite and offsite emergency planning within the plume exposure pathway emergency planning zone. Their combined testimony raises serious questions concerning the adequacy of emergency planning now and in the future. This is shown in the transcript at page 7237:

JUDGE BLOCH: I think I could shorten things a bit.

What you are saying is that the [Somervell County] plan in its current form doesn't address all the issues in the [NUREG-0654] evaluation criteria; is that correct?

WITNESS SKILES: That is correct, sir.

JUDGE BLOCH: But that it represents a commitment that at some time in the future the State will accomplish these objectives?

WITNESS SKILES: No, sir. It represents a commitment that when exercises are held in the future that the two local counties will cooperate with those exercises to the best of their abilities. It represents a commitment to do what is required of the county by the state and federal guidelines.

JUDGE BLOCH: Would you agree with me that to accomplish some of these evaluation criteria that some additional planning may be necessary?

WITNESS SKILES: No, sir, I would not.

Mr. Skiles' testimony that the Somervell County emergency plan does not and will not satisfy the criteria of NUREG-0654 is supported by the testimony of Mr. Born at page 7264 of the transcript:

JUDGE BLOCH: Back on the record. I've been told that Mr. Born has a statement to make.

WITNESS BORN: For the record, the evaluation criteria contained in the text of 0654 are guidance documents. We used those where applicable in our judgment, and where they would not do violence to the plans and the concept of operations at the state and county level.

We did accept and abide by the planning standards, which are regulation, the 16 planning standards, yes, we have accepted those.

We have made every effort to meet them. But specific evaluation criteria, it may or may not be addressed in our plans. If they are not, our cross-reference shows that they are not, and shows why.

JUDGE BLOCH: Is the reason that they might not that sometimes they conflict with the state requirement?

WITNESS BORN: That is correct. Also, some of them simply do not apply even though the planning beside them in 0654 does show state, local and licensee.

JUDGE BLOCH: Are those the only two exceptions, either that they don't apply, or they are inconsistent with state law?

WITNESS BORN: I'll take that back. Some of them don't apply because they address using federal assistance. We were unable in the year and a half of developing this plan to get from the federal government

a definition of that assistance. Therefore, we could not incorporate it. We instead made provisions for getting state assistance from other states.

JUDGE JORDAN: Will all these deficiencies show up in the FEMA interim findings?

WITNESS BORN: They are not deficiencies.

To date, there has been no testimony in this proceeding from Somervell and Hood County officials concerning their commitment, expertise, and resources to adopt and implement adequate emergency response plans within their jurisdictions. The FEMA interim findings indicate a fundamental failure of the county plans to meet NUREG-0654 criteria. The foregoing testimony of Mr. Skiles and Mr. Born indicates a belief on their part that additional planning is not necessary.

II.

MOTION

For the foregoing reasons, the State of Texas respectfully requests that the Licensing Board admit the following contention in this proceeding:

The Federal Emergency Management Agency's preliminary evaluation of the Somervell and Hood County emergency plans identified deficiencies in twelve of the fifteen applicable planning standards of NUREG-0654. The number of deficiencies for each planning standard, based upon NUREG-0654 criteria, is as follows:

	<u>Somervell County</u>	<u>Hood County</u>
PLANNING STANDARD		
1. Assignment of Responsibility	2	2
2. Onsite Emergency Organization	(Not applicable)	
3. Emergency Response	1	1
4. Emergency Classification System		
5. Notification Methods & Procedures		
6. Emergency Communications		
7. Public Education & Information	3	3
8. Emergency Facility & Equipment	4	4
9. Accident Assessment	2	2
10. Protective Response	2	2
11. Radiological Exposure Control	5	5
12. Medical & Public Health Support	1	2
13. Recovery & Reentry Planning	1	1
14. Exercises & Drills	1	1
15. Radiological Emergency Response Training	1	1
16. Responsibility for the Planning Effort	3	3

Somervell County and Hood County do not have the commitment, expertise, or resources to adopt and implement emergency plans that meet all fifteen applicable planning standards of 10 CFR §50.47(b).

In support of this late-filed contention, the State of Texas would show the Board the following reasons for the admission of this contention at this time.

1. Good Cause

Emergency planning is an "iterative process." However, the testimony of Mr. Skiles and Mr. Born, quoted above, indicates a rejection of the FEMA interim findings and a belief that no additional planning is necessary. This testimony only came to light during the most recent round of hearings. If the numerous deficiencies are not rectified, Comanche Peak cannot be licensed. 10 CFR §50.47.

2. Other Means to Protect Petitioner's Interest

Your petitioner desires emergency planning within the plume exposure pathway that meets all of the planning standards at 10 CFR §50.47(b). The only practical means of ensuring that this goal is accomplished is in the licensing process.

3. Role of Petitioner in Developing a Sound Record

The State of Texas is very interested in this issue and took an active role in this regard during the last hearing. The State intends, if this contention is admitted, to continue to participate in the litigation of this issue. Ultimately, the State seeks a full and complete record on the adequacy of local emergency plans.

4. Representation by Existing Parties

The State of Texas is already a party to this proceeding.

5. Broadening of Issues and Delay

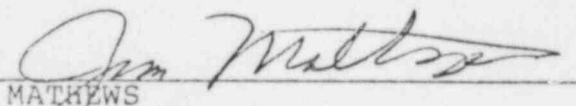
Petitioner does not seek to open the entire spectrum of emergency planning to litigation in this proceeding. The adequacy of the State of Texas emergency planning is not called into question. The contention is limited to the adequacy of the Somervell and Hood County emergency plans.

Furthermore, the State does not seek to delay the licensing of this plant if all of the planning deficiencies are corrected in a timely fashion.

Respectfully submitted,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	\$	Docket Nos. 50-445 and
	\$	50-446
TEXAS UTILITIES GENERATING	\$	
COMPANY, <u>et al.</u>	\$	(Application for
	\$	Operating Licenses)
(Comanche Peak Steam	\$	
Electric Station, Units	\$	
1 and 2)	\$	June 9, 1983

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing State of Texas for the Admission of a New Contention Regarding the Adequacy of Emergency Planning in the above-captioned matter, were served upon the following persons by deposit in the United States mail first-class postage prepaid, or by Federal Express where indicated, this 9th day of June, 1983:

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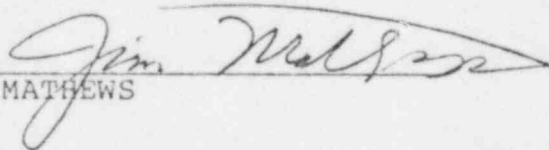
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