

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

UNION ELECTRIC COMPANY )

(Callaway Plant, Unit 1) )

Docket No. STN 50-483-OL

WETH

MR. REED'S ANSWER TO APPLICANT'S  
MOTION TO ESTABLISH SCHEDULE FOR CONDUCT  
OF HEARING, DATED 21 MAY 1982  
AND MR. REED'S CONTENTION NO. 4

I.

INTRODUCTION

In Mr. Reed's motion of 15 May 1982 (Motion to Establish Hearing Schedule) it was requested that formal requirements for his contentions be withheld until the local plans were substantially formulated in a form acceptable to local governments (this being confirmed by their submission to F.E.M.A. for initial review). It is felt that no plan is in existence prior to such acceptance by local governments, regardless of the number of proposed plans that may be submitted to such local governments by the Applicants employee, the NUS Corporation of Rockville, Maryland.

II.

DISCUSSION

At this stage in the planning process, the Applicant's employee, NUS has submitted a proposed plan, dated September 1981, a pencil marked revision was proposed by the undersigned on or about 08 October 1981, this planning concept was changed and a brief plan supported by Standard Operating Procedures was substituted on or about April 1982. Many of the same problems existed in the new plan and S.O.P.s as were present in the old original plan, other items were simply dropped and not addressed in the

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new planning concept. Two weeks after receipt of a S.O.P. for Callaway County and an S.O.P. for Fulton, a new revision was presented for a combined S.O.P. for Callaway County/Fulton. This concept for planning has not been approved by either the full County Court or the City Council of Fulton. Mr. Reed is advised that a June revision is planned for all plans/S.O.P.s. In light of these rapid changes, the push by the Applicant for Mr. Reed to form contentions relating to unapproved local plans is an attempt to ensnare him in a series of contentions based upon a proposed plan that does not exist except within the bowels of a computer at NUS in Rockville, Maryland. Mr. Baxter was specifically asked if a new revision to the plans was on the drawing board during his meeting in Kingdom City, Missouri on 14 May 1982. He did not answer this question directly, but stated that "I can't say that there won't be revisions to the plan", or words to that effect. It is known by the undersigned that Counsel had reasonable knowledge that such revisions were in fact on the board at NUS, and this places Mr. Baxter in a possible position of withholding information by evasion. Mr. Reed will not lodge a formal complaint at this time, but any repetition of this conduct will be formally noted.

No local government has approved any plan or portion thereof, as of this date. Mr. Reed has it on direct authority that no plan will be accepted as it currently exists and until full funding of all costs are resolved. Testimony of county administrative Judges and city mayors will validate this contention.

Mr. Reed has submitted further particularization of his first three contentions (see FURTHER PARTICULARIZATION OF REED'S CONTENTION 1 AND CONTENTION 3, dated 01 June 1981); additionally, Mr. Reed responded to

APPLICANTS INTERROGATORIES AND REQUEST FOR DOCUMENTS (SET 1) on 01 June 1981, in which he responded to questions concerning all three original contentions. None of the specifications, as outlined by Mr. Reed in these two documents, has appreciably altered during the intervening time. Mr. Reed will stand on the previously documented facts in any hearing scheduled and will add the following contention to those submitted earlier:

REED'S CONTENTION No. 4

No radiological emergency response plans exist for the local governments of Callaway County, Montgomery County, Gasconade County, Osage County, the incorporated cities and towns of Fulton, Mokane, Chamois, Morrison, Gasconade, and Rhineland. Applicant cannot forward local radiological emergency response plans of governments that are wholly or partially within the plume exposure pathway as required by 10 CFR, Part 50, Section 50.33(g); it precludes Applicant's compliance with the provisions of 10 CFR Part 50, Section 50.47(b) and Part 50, Appendix "E" of 10 CFR.

End of Contention

This contention is valid and has been uncontested by either Applicant or Staff. Insistence of Applicant on rushing a hearing date will reduce its time frame to alter this situation. The undersigned would prefer to litigate or negotiate issues as relate to plans, not necessarily the absence of such plans, but is prepared to go to trial in either case.

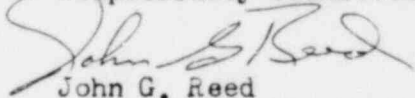
SUMMARY

The undersigned has met with the Applicant, Staff and members of the Board in an attempt to fairly and completely discuss the issues and frame valid

contentions as relate to emergency planning for Callaway Number 1. He has agreed to meet standards of conduct and time that during such meetings was agreed to as equitable and fair. Applicant's attempt to redefine such agreements to serve its purposes, while within the law, does not maintain those standards of fairness. The absence of any local plan that has been tentatively approved by all local governments, in whole or part, should be viewed as a reason for a ruling in favor of Mr. Reed, in this matter. The mere proposal of a planning concept or draft of a plan (regardless of the number of revisions to such plan) does not create the plan. Based upon the absence of the plan, Applicant's motion, dated 21 May 1982, should be denied and a schedule for the hearing set based upon a more realistic time table; that being when a suitably framed plan has been accepted by all of the local governments and submitted to F.E.M.A. for preliminary review. Said submission to F.E.M.A. being the confirmation that local governments have approved such planning approach and the contents of the plan.

Dated this 21st  
day of May 1982  
in Kingdom City,  
Missouri

Respectfully submitted,



John G. Reed  
Citizen of the United States  
of America

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CERTIFICATE OF SERVICE

I certify that the foregoing MR. REED'S ANSWER TO APPLICANT'S MOTION TO ESTABLISH SCHEDULE FOR CONDUCT OF HEARING, DATED 21 MAY 1982 AND MR. REED'S CONTENTION NO. 4 was served this \_\_\_\_ day of May 1982 by deposit in the U.S. Mail, first class postage prepaid on the following:

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JOHN G. REED  
Citizen of the United States  
of America