

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

JOHN REED'S REPLY TO STAFF RESPONSE  
OF 04 JUNE 1982 RELATING TO ESTABLISHMENT OF  
HEARING SCHEDULE ON EMERGENCY PLANNING ISSUES

I.

INTRODUCTION

In 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, it was stated that no plan was felt to exist until it had been accepted by the local governments involved; such is still Mr. Reed's view and is supported by Mr. Baxter's statements as contained in the transcript of the First Pre-hearing Conference, dated 24 March 1981.

II.

DISCUSSION

The formation of contentions relate directly to a fifteen (15) day period after the emergency response plan is prepared and made available. Contention No. 1 concerns local plans, while Contention No. 3 involves local plans and State/utility plans; see pages 5, 6, and 7 of Special Prehearing Conference Order, dated 21 April 1981.

The undersigned has requested that such conditions exist before he is required to submit additional particularization of his contentions. This view was supported by Mr. Baxter at the prehearing conference when he said,

"But I've tried to take into recognition of the fact that these emergency response plans for local organizations have not yet been prepared and submitted to the Federal Energy (Emergency) Management Agency for review.

So at this point it doesn't seem to be productive or realistic to say to Mr. Reed he should be specifying now in detail what he thinks the inadequacies are in the arrangement Applicant has with local organizations who would be involved in emergency planning.

So we propose that the Board admit the first sentence of his contention for the purposes of discovery, with the understanding that once the local plans and Applicant's revised plans are filed and made available to Mr. Reed, that at that time then he should amend his contention with specific allegations of deficiencies or, if he's happy, withdraw the contention." (emphasis added by the undersigned)(see page 36, lines 12 thru 25 and page 37, lines 1 thru 3 of the transcript of First Prehearing Conference, March 1981)

The delay in preparation of local radiological emergency response plans which are acceptable to all local governments rests with the Applicant who has hired the NUS Corporation of Rockville, Maryland to develop such plans. Mr. Reed is advised by Mr. Milt Stiller of Union Electric that initial plans were taken from those of the Surry 1 plant in Virginia. It was noted that in some cases the name Surry 1 was left in the original drafts. While NUS was originally "hired to work for the State of Missouri" such linkage has been dropped and local governments get status reports on plans and other information directly from the Applicant (Union Electric). The workmanship of the planning process, according to Mr. Stiller, is so poor that U.E. is considering firing NUS and attempting to complete the local plans themselves. Such statements were made to the undersigned by Mr. Stiller in Kingdom City on 15 April 1982. Add to this reported situation the fact that no local government has accepted any proposed or revised proposed local plan and we are basically at the same state in the planning process that existed at the time of the first prehearing conference. It

doesn't seem to be productive or realistic to expect the undersigned to specify now, in detail, what he thinks the inadequacies are in the plans.

As regards Staff comments relating to Mr. Reed's Contention No. 4 and its timeliness; Chairman Gleason stated in the prehearing conference (see page 38, lines 8 thru 13 of said transcript) that it was possible for Mr. Reed to frame a different or new contention based upon different circumstances. Such comment clearly permits the submission of Contention No. 4 and/or other contentions as future situations may dictate.

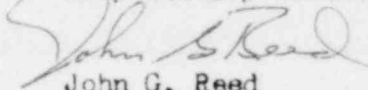
### III. SUMMARY

While some draft copies of radiological emergency response plans and revisions thereto have been provided to the undersigned for study, none of these plans/revisions have been tentatively accepted by any county or city/town located wholly or partially within the 10 mile E.P.Z. nor have they been filed with the F.E.M.A. as indicated by Mr. Baxter, above. Until all local governments accept these plans/revisions as their own, how can the Applicant or Staff say that "the plan" exists? Without a plan, acceptable to local governments in existence, Mr. Reed cannot, with fairness, be expected to identify faults or inadequacies. To expect such would put him in the position of identifying technical errors in a plan which has no relation to facts or situations as exist within the 10 mile E.P.Z. of the Callaway Plant, Unit 1. Because of the delay in plans preparation, as experienced by Union Electric's employee NUS, any delay in setting a date for a hearing on emergency planning, must be borne by the Applicant, not Mr. Reed.

It is therefore, respectfully, requested that the Board find in favor of Mr. Reed's request for a hearing schedule based upon the date that local plans are sufficiently firmed to be submitted to the F.E.M.A. for preliminary review and that Applicant's 21 May, 1982 Motion be rejected despite Staff's approval.

Dated at Kingdom City,  
Missouri, this 07th day  
of June 1982

Respectfully submitted,



John G. Reed  
Citizen of the United States  
of America

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CERTIFICATE OF SERVICE

I certify that John Reed's Reply to Staff Response of 04 June 1982  
Relating to Establishment of Hearing Schedule on Emergency Planning  
issues was served on the following by deposit in the U.S. mail, first  
class postage prepaid, this <sup>27</sup>~~04~~<sup>th</sup> day of June 1982.

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