

January 20, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

UNION ELECTRIC COMPANY)

(Callaway Plant, Unit 1))

Docket No. STN 50-483 OL

APPLICANT'S RESPONSE TO BOARD REQUEST
CONCERNING REED CONTENTION 11(B)(2)

In its Order dated December 7, 1982, the Board ruled on the admissibility of Intervenor John G. Reed's emergency planning contentions. At that time, the Board deferred ruling on the admissibility of Reed Contention 11(B)(2). Contention 11(B)(2) asserts that the guidelines set forth in 10 C.F.R. Part 20 must be included as part of the applicable Montgomery County Standard Operating Procedure and must be clearly defined so that local officials will have an understanding of actual ground radiation at which recovery can begin. Before ruling on Contention 11(B)(2), the Board has sought the comments of the parties on the applicability of Part 20 standards to reentry/recovery activities.

Applicant believes that reentry/recovery decisionmaking probably would take into consideration Part 20's radiation standards for unrestricted areas in assessing the appropriateness of reentry by the general population after a reactor accident which had led to an evacuation. However, these criteria would not be controlling but, rather, would be

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among a number of factors which would be taken into account after an accident in determining whether to permit general reentry into a previously evacuated area. The problem with Mr. Reed's Contention 11(B)(2) is not that the Part 20 standards are irrelevant in reentry/recovery decisionmaking, but that they ought not to be deemed determinative and, in fact, are not so considered in the NRC's regulations or in the NUREG-0654 guidelines.

As a practical matter, having deemed an accident sufficiently serious to evacuate portions or all of the population in the emergency planning zone, the major consideration in determining whether to permit reentry is whether there is confidence among technically knowledgeable officials that the plant is now in a stable condition and that therefore people can reenter evacuated areas without risk. Many facts would be considered in reaching the decision whether to recommend reentry, including the possibility of reescalation of the accident, and whether the plant is operating within its Technical Specifications. See Missouri State Plan statement that "Recommendations relative to re-entry will be determined on a case-by-case basis and will be based on consideration of the remaining radiation risk and the undesirable effects of continuing protective actions." State Plan (June, 1982), Annex B at B11. It would not serve the public interest to automatically permit reentry at specified radiation levels, as contemplated by Mr. Reed. While the

Part 20 limits, along with EPA's Protective Action Guides, would be considered in resolving this question because they are indicia of the plant's status, the ultimate decision whether to recommend reentry involves the balancing of a variety of factors and, accordingly, requires flexibility.

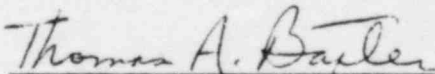
The need for flexibility in assessing the appropriateness of reentry is recognized in Part 50 by the unusual reference to the need for only "general" plans and procedures for reentry and recovery. See 10 C.F.R. § 50.47(b)(13); see also NUREG-0654, Planning Standard M. Mr. Reed's contention as well as his Response to the Board's December 7, 1982 Order reflect Mr. Reed's determination to remove the needed flexibility of decisionmakers in evaluating the appropriateness of reentry and recovery. Mr. Reed also appears to believe that reentry/recovery decisions must be capable of being made by lay persons without any reliance on the extensive federal, state and private expertise which would be involved in an event of this seriousness. See Reed Deposition at Tr. 166-171 ("[Y]ou are starting off with no information on the local level except what's in these books And if they don't know it, they can't function"); Tr. 262 ("I would like to see a--the county have the ability to prove or disapprove whatever the Applicant says"). What Mr. Reed either ignores or rejects out of hand is that the offsite procedures contemplate that local officials would rely heavily on recommendations and information from knowledgeable personnel. SOP #14 at 5.3.2. Mr. Reed's isolationist view is contrary to the intent of NUREG-0654,

which is "that plans of licensees, State and local governments should not be developed in a vacuum or in isolation from one another. Should an accident occur, the public can be best protected when the response by all parties is fully integrated." NUREG-0654 (Rev. 1), § I.F at 23. In addition to the available State and licensee assistance during an accident, there would also be extensive federal assistance available. Id., § I.I at 27-28.

In summary, Applicant believes that Reed Contention 11(B)(2) lacks any basis in that it is at odds with the Commission's regulation and guidance on recovery/reentry and would be counterproductive in providing for protection of the public in the event of an emergency at the Callaway Plant. Accordingly, Reed Contention 11(B)(2) should be rejected.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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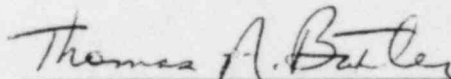
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Board Request Concerning Reed Contention 11(B)(2)" were served this 20th day of January, 1983, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.



Thomas A. Baxter, P.C.

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