

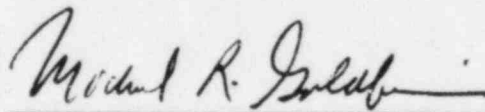
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 ) Docket Nos. 50-454  
COMMONWEALTH EDISON COMPANY ) 50-455  
 )  
(Byron Station, Units 1 )  
and 2) )

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters his appearance on behalf of Applicant, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690, in the above-captioned proceeding. In accordance with 10 CFR §2.713, the following information is provided:

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\_\_\_\_\_  
Michael R. Goldfein

DATED: April 18, 1983

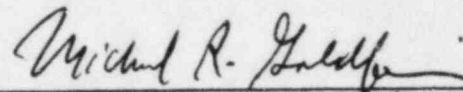
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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Commonwealth Edison Company, certifies that on this date he filed two copies (plus the original) of the attached pleading with the Secretary of the Nuclear Regulatory Commission and served a copy of the same on each of the persons at the addresses shown on the attached service list by U.S. Mail.

  
\_\_\_\_\_  
Michael R. Goldfein

Date: April 18, 1983

SERVICE LIST

COMMONWEALTH EDISON COMPANY -- Byron Station  
Docket Nos. 50-454 and 50-455

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4/21/83

~~RELATED CORRESPONDENCE~~

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

'83 APR 21 P4:18

In the Matter of )  
 )  
UNITED STATES DEPARTMENT OF ENERGY )  
 )  
PROJECT MANAGEMENT CORPORATION )  
 )  
TENNESSEE VALLEY AUTHORITY )  
 )  
(Clinch River Breeder Reactor Plant))  
 )

Docket No. 50-537

APPLICANTS' MOTION TO DISMISS  
INTERVENORS' CONTENTIONS  
11a) and 9a), b), d), and e)

The United States Department of Energy and Project Management Corporation, for themselves and for the Tennessee Valley Authority (the Applicants), hereby file this Motion to Dismiss Intervenor's Contentions 11a) and 9a), b), d) and e). In support of this Motion Applicants show the following:

1. Intervenor's Contention 11a) alleges the following:

The health and safety consequences to the public and plant employees which may occur if CRBRP complies with current NRC standards have not been adequately analyzed.

- a. Applicants have not shown that exposure to the public and plant employees will be ALARA.

2. Intervenor's April 14, 1983 Response to Applicants' Eighth Set of Interrogatories dated April 1, 1983 [hereinafter "Intervenor's Response"] answered Applicants' April 1, 1983 Interrogatories numbered 1 through 20 by stating that "Intervenor hereby withdraw Contention 11(a) from consideration at the CP licensing stage . . . ." \*/

3. Intervenor's Contentions 9a), b), d), and e) allege the following:

9. Neither Applicants nor Staff have demonstrated that Applicants' plans for coping with emergencies are adequate to meet NRC requirements.
- a. The PSAR contains insufficient information regarding Applicants' ability to identify the seriousness and potential scope of radiological consequences of emergency situations within and outside the site boundary, including capabilities for dose projection using real-time meteorological information and for dispatch of radiological monitoring teams within the Emergency Planning Zones.

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\*/ Intervenor's Response at 8-9. Intervenor's went on to state that they ". . . reserve the right to raise limited ALARA issues at the Operating License (OL) hearing; for example, regarding establishment of dose guidelines for female workers to protect the fetus, and establishment of age-specific occupational dose guidelines to reduce genetic and somatic risks. We believe these are more appropriate OL, rather than CP, issues." *Id.* Applicants believe that the admissibility of such matters at the OL stage can be addressed in light of then prevailing circumstances, and that the Board need not reach that question at this time.



- b) Applicants and Staff have failed to account properly for local emergency response needs and capabilities in establishing boundaries for the plume exposure pathway and ingestion pathway EPZs for the CRBR.

\* \* \*

- d) The PSAR contains insufficient information to ensure the compatibility of proposed emergency plans for both onsite areas and the EPZs, with facility design features, site layout, and site location.
- e) The PSAR contains insufficient information concerning the procedures by which protective actions will be carried out, including authorization, notification, and instruction procedures for evacuations.

4. Intervenors' Response, numbers 24 at 12, 25 at 12, 29 at 14, and 30 at 14, stated that "Intervenors hereby withdraw Contention[s] 9(a), 9(b), 9(d), and 9(e)] from consideration at the CP licensing stage . . . ."

5. As a result of the aforementioned Intervenors' Response, Contentions 9 c), f), and g) remain for litigation pursuant to the following allegations:

- c) The PSAR contains insufficient analysis of the time required to evacuate various sectors and distances within the plume exposure pathway EPZ for transient and permanent populations, nor does it note major impediments to the evacuation or taking of protective actions.

- f) Applicants' proposed emergency plans fail to take into account the special measures necessary to cope with a CDA, including the need for increased protective, evacuation and monitoring measures, reduced response time and special protective action levels.
- g) Applicants and Staff have failed to provide adequate assurance that the proposed emergency plans will meet the requirements and standards of 10 CFR §50.47(b).

6. Intervenors evidently intend to contest the adequacy of a 10-mile plume pathway EPZ, but do not object to a 50-mile ingestion pathway EPZ. Intervenors' Response Number 26 at 12-13. Intervenors also evidently intend to urge the need for a bone exposure Protective Action Guideline (PAG).<sup>\*</sup> Intervenors' Response at 10.

7. In view of Intervenors' Responses quoted above, Contentions 11a) and 9a), b), d), and e) are no longer in issue in these proceedings as between Applicants and Intervenors.

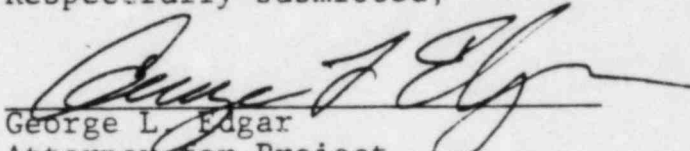
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<sup>\*/</sup> Applicants intend to address this issue in their evidentiary presentation. See United States Department of Energy (Clinch River Breeder Reactor Plant), LBP-\_\_\_\_\_, Partial Initial Decision (Limited Work Authorization), February 28, 1983 at 30,92. The subject matter of Intervenors' Contentions 11a), and 9a), b), d) and e) has been extensively reviewed by the Staff and Applicants. See Safety Evaluation Report Related to the Construction of the Clinch River Breeder Reactor Plant, Docket No. 50-537, NUREG 0968, Vol. 1, Sections 11, 12, and 13.3.

Counsel for the NRC Staff has been contacted and agrees that these contentions are no longer in issue and should be dismissed.

In the interest of accuracy of the record and to facilitate orderly planning by the Board and all parties, Applicants respectfully request that the Board enter an Order dismissing Intervenors' Contentions 11a) and 9a), 9b), 9d), and 9e).

Respectfully submitted,

  
George L. Edgar  
Attorney for Project  
Management Corporation

  
William D. Luck  
Attorney for the  
U. S. Department of Energy

DATED: April 21, 1983



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
UNITED STATES DEPARTMENT OF ENERGY  
PROJECT MANAGEMENT CORPORATION  
TENNESSEE VALLEY AUTHORITY  
(Clinch River Breeder Reactor Plant)

Docket No. 50-537

CERTIFICATE OF SERVICE

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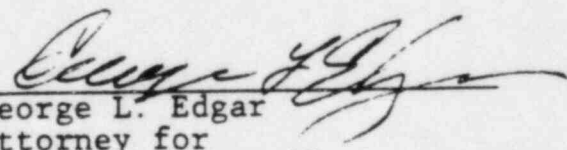
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DATED: April 21, 1983

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