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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
KANSAS GAS AND ELECTRIC COMPANY, et. al. ) Docket No. 50-482  
 )  
(Wolf Creek Generating Station, )  
Unit No. 1) )

INTERVENORS' RESPONSE TO APPLICANT'S OBJECTIONS TO  
CERTAIN PROPOSED ISSUES AND MOTION FOR ADOPTION OF  
INTERROGATORY RESPONSES AS STATEMENT OF ISSUES FOR  
LITIGATION ( May 12, 1983).

INTRODUCTION

1. This is the Intervenor's, Wanda Christy and Mary Ellen Salava, response to the Applicant's objections, dated May 3, 1983, and described above. Such objections are hereafter referred to as "the objections".
2. For the reasons hereafter specified, the Intervenor's believe that the Applicant's motions set forth at pages 1 - 2 of the objections should be denied by the Board.
3. The Intervenor's ask the Board to adopt the Intervenor's Second Proposed Stipulation of Contentions (hereafter referred to as "Second Proposed Contentions") set forth in paragraph 6 below, and if such Second Proposed Contentions are accepted by the Board as the Contentions for litigation in this matter, the Intervenor's will withdraw their Proposed Stipulation of Contentions dated April 6, 1983.

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4. The Applicant's Objections to Proposed Litigation (B.2 to B.5 set forth at pages 12 - 18 of the Objections) should not be accepted by the Board.

INTERVENORS' SECOND PROPOSED STIPULATION OF CONTENTIONS.

5. (a.) Reference in this Response to Applicants' Interrogatories EP-4, EP-5, EP-7, EP-8, EP-12, EP-15, EP-16, and EP-17 are to those interrogatories as they were set forth in the Applicants' First Set of Interrogatories to Intervenor Christy (dated August 19, 1981).

(b.) The Intervenor believe that the Applicant's statement on page 3 of the Objections is a distortion of the Intervenor's statement regarding the "agreement" about using EP-17 Interrogatory Answers as the contentions. The Applicants indicate that the Intervenor agreed to the proposal about using the answers to Interrogatory EP-17. Rather, the Intervenor believe they advised the Applicants that the proposal might have merit but before agreeing to it, they wanted to think about it and would let the Applicants know their decision during the April 27, 1983, telephone conference between the attorneys for the parties.

(c.) The Board should keep in mind that the Applicants did not raise any question about the Intervenor's original contention which was admitted. The first question about the rather broad original contention was raised by the attorney for FEMA at the conference of attorneys on March 9, 1983. Then, on March 10, 1983, the Board itself raised the question at the Prehearing Conference. If the Applicants had such great concern about specificity, it would seem they should have raised that issue on their own and long before

the Prehearing Conference. After the Prehearing Conference, the Intervenor prepared the first Proposed Stipulation of Contentions which was in much greater detail than the original contention which was admitted. Nothing in the 21 items in the first Proposed Stipulation of Contentions was not covered under the umbrella of the very broad original contention. In submitting the first Proposed Stipulation of Contentions, the Intervenor made a good faith effort to be specific and believe they were. In support of this, the Intervenor believe that the contentions are more specific than the contentions admitted for hearing in the Licensing Board Hearings for the San Onofre plant. Southern California Edison Company, 15 NRC 1163 (1982). See the Contentions from the San Onofre hearing which are attached hereto as Exhibit A.

6. The Intervenor hereby move that the Board adopt the Intervenor's Interrogatory answers set forth in the subparagraph (a.) - (h.) of this paragraph 6 as the contentions to be litigated in this matter.

(a.) Intervenor's Answers to Interrogatory EP-17 as set forth in the Amended and Supplemental Answers to Applicants' Interrogatories to Intervenor (dated April 7, 1983) which answers are hereafter referred to as "April 7, 1983 Answers", with the following additions to the EP-17 responses in the April 7, 1983 Answers:

(1.) Add to item 3, Section 1.2.7, page 20, the following: The hospitals are not prepared to deal with the number of injuries that can occur.

(2.) Add to item 3 Section 1.4.3, page 24, the following: If a decision to shelter rather than evacuate is made, provision for sheltering the transients at John Redmond Reservoir is necessary. That is not provided for in the plan.

(3.) Add item 14 to Section 3.2, page 27, as follows: 14. The evacuation time will be longer than estimated for the reasons set forth in items 1-13 above.

(4.) Add item 6 to Section 5.1, page 42, as follows: 6. The Coffey County Emergency Preparedness Coordinator has not developed the training programs needed to implement the plan.

(5.) Add to item 1, Section 5.2, page 43, the following: The planning for the drills and exercises by the State is not adequate.

(6.) Add the following after item 2, Tab O, page 48:

#### SPECIAL CONTENTIONS

The following are additional special contentions which the Intervenor make about deficiencies in the State and County Emergency Preparedness Plans. These do not make specific reference to any section of the Coffey County or State Plans:

1. Many emergency workers will not respond as they would in a non-nuclear emergency. They will not do so because of a fear of radiation exposure and injury or in order to help friends and family evacuate. They will not report or will stop work after reporting.

2. The public will not respond as anticipated. They may use non-designated evacuation routes. They may not evacuate when directed. They may pick up children at school or other persons at other locations. They may evacuate earlier than desired. They may not report to shelter centers after leaving Coffey County.
3. The ability of the public to hear the warning sirens will be more adversely effected by weather conditions than the plan contemplates.
4. The plan does not provide for alternate evacuation routes that will be necessary if there is heavy snow, rain, flooding, or fog.
5. The plan is deficient because it does not provide how the public will be kept advised of plan changes that will effect them at the time of an evacuation.
6. The plan is deficient because it does not provide for the means to check and maintain equipment that will be used to implement the plan.
7. Coffey County has not arranged for transporting radiologically exposed, radiologically contaminated, or radiologically injured persons to medical support facilities.
8. The State and Coffey County have not adequately identified local or regional medical facilities which have the capabilities to provide appropriate medical treatment for persons with dangerous radiation exposure or who are contaminated, injured individuals, and they have not made a determination to what extent those facilities can provide such treatment. The plan should set forth the number and location of medical personnel trained in radiation treatment and should specify the arrangements that have been made with medical facilities about the treatment they will provide.

(b.) The Intervenors' Responses to Interrogatory EP-4 as set forth in the April 7, 1983 Answers and as set forth in their Supplemental Answers of Intervenors to Emergency Planning Interrogatories (dated January 22, 1982), hereafter referred to as "January 22, 1982 Answers".

(c.) The Intervenors' Responses to Interrogatory EP-5 as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers, with the following addition:

(1.) Add item 16 to the April 7, 1983 Answers to EP-5 as follows:

16. The plan is deficient because it does not provide for the replacement of emergency workers who are not available or who fail to appear for work.

(d.) The Intervenors' Responses to Interrogatory EP-7 as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers.

(e.) The Intervenors' Responses to Interrogatory EP-8 as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers.

(f.) The Intervenors' Responses to Interrogatory EP-12 as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers, with the following addition: Add to the April 7, 1983 Answers to EP-12, item 21 as follows:

21. The plan is deficient because it does not provide for backup equipment when radiation monitoring equipment, transportation equipment for evacuation of people, and communications and warning equipment is not available or is inoperable.



(g.) The Intervenor's Responses to Interrogatory EP-15 as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers with the following addition thereto: Add to the April 7, 1983 Answers to EP-15, as follows: The costs must be covered. If not, the plan cannot be implemented. The Coffey County Commissioners have not provided for the cost and must make a commitment to do so.

(h.) The Intervenor's Responses to Interrogatory EP-16, as set forth in the January 22, 1982 Answers and the April 7, 1983 Answers.

7. The Intervenor's believe that the Second Proposed Contentions provides the Applicants with sufficient specificity about the Intervenor's contentions. Additionally, the Applicants have acknowledged by their proposal to use EP-17 answers that they are willing to use Interrogatory answers as contentions. The Applicants imply that Interrogatory answers provide them with contentions which are specific enough. (See page 7 of the objections, the excerpt of Mr. Silberg's statement at the Prehearing Conference.) What Mr. Silberg proposed there is accomplished by using the answers to the Interrogatories as specified in paragraph 6 above.

8. The contentions set forth in the Second Proposed Contentions should be adopted by the Board rather than just the answers to Interrogatory EP-17. There are contentions made in EP-4, 5, 7, 8, 12, 15, and 16, that are not adequately specified in EP-17. For example, the answers in EP-17 do not adequately set forth the Intervenor's contentions about the provision of costs for the evacuation plan as fully detailed in the answers to EP-15 and EP-16.

9. The Intervenor should be able to frame the contentions in a manner that they deem appropriate so long as the contentions are specific enough to put the Applicants on notice as to what the Intervenor is objecting to. The Applicants should not control this as they attempt to do by limiting the contentions to the answers to EP-17 or the alternate that they have proposed. The choice of the contentions is a prerogative of the Intervenor which will only be protected if the revised set of contentions is adopted by the Board. Each of the Intervenor's answers to an interrogatory is very specific and meet the test of giving the Applicants adequate notice of the Intervenor's objections.

10. The Intervenor's additions to the answers to Interrogatories EP-17, EP-5, EP-12, and EP-15 (as specified in paragraph 6 above) are basically attempts to make more specific certain contentions which were implicit in one or more of the 21 specific contentions set forth in the first Proposed Stipulation of Contentions. Such additions will not prejudice the Applicants and will in effect help them because they will have these more specific contentions rather than the more general first Proposed Stipulation of Contention. Also, since the answers to the Interrogatories constitute the Intervenor's Contentions, the additions are necessary. In effect, the additions are not additional responses to the Interrogatories but are specific contentions incorporated into the Interrogatory answers for the purpose of setting forth the contentions to be litigated.

11. (a.) The Board should not adopt the "Alternative Evacuation Plan Contentions" proposed by the Applicants as Attachment A to the objections.



To do so would allow them to frame the contention rather than the Intervenor. The alternate divides, and edits the Intervenor's responses. Also, the Applicants assign responses to one of the 21 contentions when the response should be assigned to another. These arbitrary decisions by the Applicants will distort the Intervenor's intentions and objections. Examples of these arbitrary decisions are set forth in subparagraphs (b.) - (e.) of this paragraph 11.

(b.) The Applicant's alternate plan does not list certain of the Intervenor's contentions under the proper contention of the Intervenor as set forth in the first Proposed Stipulation of Contentions. For example, Section 1.1, item 5, page 12, is not listed under Contention 1 of the alternate.

(c.) The Applicant's alternate plan improperly assigns certain contentions. For example, item 6, Section 1.2.2, p. 14, is assigned to Contention 1 (b) instead of Contention 1 (c) as the Intervenor believes it should be.

(d.) Certain contentions are divided by the Applicants between contentions under the alternate plan. For example, item 6, Section 1.2.3, p. 16, has been arbitrarily divided by the applicants. Not all of it is included under the alternate.

(e.) In addition to the discrepancies previously set forth in this paragraph, other similar discrepancies exist. Additionally, the alternate does not include the Intervenor's responses to interrogatories other than EP-7 and does not include the additions to interrogatory answers as set forth in paragraph 6 above.

INTERVENORS' RESPONSE TO APPLICANTS' OTHER OBJECTIONS  
TO THE PROPOSED ISSUES FOR LITIGATION.

12. Paragraphs 13 to 18 are the Intervenor's responses to the Applicants' six objections to proposed issues, all as set forth in pages 11 - 20 of the objections.

13. Objection 1. Intervenor's can not expand issues for litigation to protective actions other than evacuation. The Intervenor's withdraw and abandon their contentions that would be excluded by the arguments made by the Applicant in support of this objection.

14. Objection 2. Intervenor's are limited to litigation of the evacuation of the plume E.P.Z.

(a.) The County Plan contemplates evacuation of the entire county. Parts in the plan make specific reference to the total evacuation of the County. See pages 0 - 3, 0 - 4, 0 - 5, and 0 - 8, Table 3 - 4, and Table 3 - 6 from the Coffey County Plan which are attached hereto as Exhibit B.

(b.) The Intervenor's agree that the NRC regulations do not require evacuation of the entire County. However, an evacuation of the entire County will effect the evacuation of the 10 mile E.P.Z. For example, if the County tries to evacuate the entire County, this requires more equipment and personnel to direct traffic, make the initial warning, and provide security. To the extent that personnel and equipment are used outside the 10 mile E.P.Z., the County depletes further the already inadequate personnel and equipment that it has to conduct a workable evacuation plan.

(c.) If the people outside the 10 mile E.P.Z. are evacuated, they may add to congestion on evacuation routes.

(d.) The Intervenor should be permitted to offer evidence in support of their contentions about evacuation of the entire County to the extent that the evacuation of the entire County bears upon the ability of the County and the State to conduct an adequate evacuation of the 10 mile E.P.Z.

15. Objection 3. Intervenor has inadequately specified their concerns about the general public's response to an emergency.

(a.) The Intervenor's contention about the response of the general public and emergency workers in the event of a nuclear emergency and evacuation is clearly within the scope of the intervenor's original contention which was admitted. The Intervenor is therefore not raising a new contention when they make the specific contentions about emergency worker and general public responses in paragraph 6 above. The Intervenor, in that contention, said there was not a workable evacuation plan. Obviously, if workers and the public react in an unanticipated way, the evacuation plan will not work. The plan must give consideration to such unanticipated responses.

(b.) The original answer to EP-17 contains specific contentions about emergency workers' response. See item 1, Section 4.1, page 40, and item 5, Section 3.9, page 36.

(c.) To meet the objections of the Applicants, the Intervenor have offered the following additional specific contentions in paragraph 6 (a.) (6) above: (1) Many emergency workers will not respond as they would in a non-nuclear emergency. They will not do so because of a fear of radiation exposure and injury or in order to help friends and family evacuate. They will not report or will stop work after reporting. (2) The public will not respond as anticipated. They may use non-designated evacuation routes. They may not evacuate when directed. They may pick up children at school or other persons at other locations. They may evacuate earlier than desired. They may not report to shelter centers after leaving Coffey County.

(d.) The contentions specified in subparagraphs (b) and (c) of this paragraph 15 are also within the scope of Contention 8 which was part of the first Proposed Stipulation of Contentions filed by the Intervenor.

(e.) The Applicants, in their objection, at page 14, seem to argue that because the EP-17 answers made no reference to the general public, the Intervenor can not raise that as a contention. The Intervenor believed, and still do, that Contention 8 of the first Proposed Stipulation of Contentions was adequately specific in that regard. It is that stipulation and the first "broad" contention that was admitted which control and not the answers to the interrogatories.

(f.) In any event, if the Board adopts the Second Proposed Contentions (as set forth in paragraph 6 above), the contentions about emergency workers' and the general public's response in the event of emergency will be very specific and limited.

(g.) The Applicants argue that Intervenor should be limited to two contentions raised by the Intervenor during the April 27, 1983 telephone conference call. Those two contentions were given only as examples. There was no agreement by the Intervenor to be so limited. In fact, the Intervenor tried to make that clear to the Applicants at the time it was discussed.

16. Objection 4. Intervenor cannot litigate offsite emergency plan provisions for medical treatment of contaminated injured and radiation injured individuals.

(a.) The Intervenor does not agree with the ruling of the Nuclear Regulatory Commission in Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3), CLI - 83-10 (April 4, 1983, slip opinion.) That decision incorrectly interpreted the meaning of 10 CFR Section 50.47 (b)(12) when it limited the extent to which medical treatment for persons exposed to dangerous level radiation must be provided for in an emergency preparedness plan. In effect, the Commission amended its Regulations by an improper method in violation of the Administrative Procedure Act, 5 U.S.C. 701 - 706. The Intervenor believes the Board should adopt the position taken by the Licensing Board in the San Onofre case. (Southern California Edison Company, 15 NRC 1163 (1982)). At page 1199 of that decision, it is stated as follows:

The Board concludes that 10 CFR 50.47 (b)(12) requires applicants and offsite jurisdictions to develop and stand ready to implement arrangements for medical services for members of the offsite public who may be injured in a serious accident.

Under that ruling, the contentions of the Intervenor, as set forth in paragraph 6 above, that relate to radiation injuries should be adopted by this Board.

(b.) Even under the opinion by the Nuclear Regulatory Commission in its 1983 ruling in the San Onofre matter, the contentions specified in items 7 and 8 of the addition to EP-17 (paragraph 6(a)(6) above) are valid and must be admitted as contentions. Item 7 is a reflection of the standard specified in NUREG 0654, page 69, L.4 which is as follows: Each organization shall arrange for transporting victims of radiological accidents to medical support facilities." The Commission did not invalidate that standard in its San Onofre opinion. Also, it should be noted that the standard speaks of "victims of radiological accidents" and does not limit the standard to "contaminated injured individuals". The latter was what was defined by the Commission in the San Onofre case.

(c.) Item 8 (added to EP-17, and described in subparagraph (b.) above), is also supported by the Commission's San Onofre decision which interpreted 10 CFR 50.47 (d) (12). In that decision, the Commission outlined what must be done for persons who are exposed to dangerous levels of radiation as opposed to contaminated injured individuals, and the Commission stated at slip op. p. 13 - 14 as follows: "With respect to individuals who may be exposed to dangerous levels of radiation, treatment requires a lesser degree of advance planning and can be arranged for on an as-needed basis during an emergency. Emergency plans should, however, identify those local or regional medical facilities which have the capabilities to provide appropriate medical treatment for radiation exposure." The Commission added a footnote to that comment which stated as follows: "This is consistent with Planning Standard L.3 of NUREG 0654 which recommends that each state:

"develop lists indicating the location of public, private, and military hospitals and other emergency medical service facilities within the State



or contiguous states considered capable of providing medical support for any contaminated and injured individual. The listing shall include the name, location, type of facility and capacity, and any special radiological capabilities. These medical services should be able to radiologically monitor contaminated personnel, and have facilities and trained personnel able to care for contaminated injured individuals."

Also in Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), 14 NRC 1211, (1982) at 1659, the Hearing Board indicated that identification of personnel is also appropriate and stated as follows: "Thus, we find that the commonwealth has appropriately identified facilities and trained personnel for the treatment of radiologically contaminated and injured individuals and that federal assistance can be provided to the commonwealth in caring for and treating radiological emergency victims if state resources prove to be inadequate." Item 8 which was added to EP-17 is consistent with the principles set forth in the San Onofre and Three Mile Island cases cited in this subparagraph (c.)

17. Objection 5. Intervenors are not permitted to litigate whether actions such as evacuation and confirmation of evacuation will "take too long."

(a.) The Intervenors do not contend that the Nuclear Regulatory Commission regulations require evacuation or confirmation of an evacuation to be done within a required amount of time. The Intervenors, however, do contend that because certain actions in the Coffey County and State Emergency Preparedness plans will take longer than estimated, the officials in charge of an evacuation may choose an inappropriate emergency response. If the officials believe that evacuation can be accomplished in two hours, they might choose that response rather than shelter. If, however, evacuation will take six hours, they would choose shelter. If the evacuation plan is to be "workable" it must be "workable" within the time planners' estimate. If it is not, it is fatally flawed.

(b.) The Intervenor's argument in paragraph (a.) is supported by the Licensing Board in San Onofre case which said as follows:

"The regulations do not require that the time estimates for evacuation be less than a specified time period. The purpose of the time estimates is to provide decision makers with an appropriate basis for determining whether evacuation can be carried out successfully in advance of potential radiation exposure under the circumstances present at the time."

(Emphasis added) Southern California Edison Co., (San Onofre Nuclear Generating Station, Units 2 and 3, LPB - 82-39, 15 NRC 1163, 1185 (1982). There can be no way "decision makers" can make appropriate decisions about evacuation or another response if the evacuation time estimate is incorrect.

(c.) To the extent the Second Proposed Contentions in paragraph 6 above refer to some action to be taken in connection with the evacuation plan and if that action will take longer than estimated or if the time for it has not been adequately calculated, the Intervenor's contention about the time for that action should be allowed by the Board. Such a contention is relevant in deciding if the evacuation time will provide the County officials with an appropriate basis for determining if evacuation can be carried out successfully in advance of potential radiological exposure.

18. Objection 6. Intervenor cannot challenge Commission regulations on frequency of exercises and drills. The Intervenor concedes that the contention discussed in this objection is a challenge to the Nuclear Regulatory Commission regulations and should not be adopted. Therefore, it is withdrawn and abandoned by the Intervenor.

### CONCLUSION

Accordingly, for all the reasons discussed above, the Board (1) should deny the Applicants' motions to adopt the Intervenor's Response to Interrogatory EP-17 as the statement of issues for litigation in this proceeding; (2) should deny the Applicants' alternative proposal to adopt Attachment "A" as the Statement of Issues for Litigation in this proceeding; (3) should deny the Applicants' objections B.2 to B.5 for the reasons set forth above; and (4) should adopt as the contentions in this proceeding the Second Proposed Contentions as set forth in paragraph 6 above.

Respectfully submitted,

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Dated: May 12, 1983.

They were drafted with reference to the applicable legal standard at that time, former Appendix E of Part 50.

Except for intermittent discovery, very little happened in the case for the next three years. The NRC Staff's review of San Onofre Units 2 and 3 was substantially delayed by the necessary diversions of resources to respond to the 1979 Three Mile Island accident. During that time, new and much more extensive emergency planning rules were first proposed and later adopted, effective November 1980. At the same time, the San Onofre applicants and the local jurisdictions were working to develop new onsite and offsite emergency plans to comply with the new rules. These new plans were completed in early 1981 and served on the parties.

The Intervenor's initial contentions were in many respects superseded by the new NRC rules and the revised emergency plans. In these circumstances, the Board encouraged the Intervenor, Applicants and Staff to work out a set of stipulated contentions, which they were largely successful in doing. The following contentions, stipulated to in all but a few details, were approved by the Board for hearing:

#### CONTENTION 1:

Whether the state of emergency preparedness for [San Onofre Nuclear Generating Station] SONGS 2 and 3 provides reasonable assurance that the offsite transient and permanent population within the plume exposure pathway Emergency Planning Zone, 10 CFR §50.47(c)(2), for SONGS 2 and 3 can be evacuated or otherwise adequately protected in the event of a radiological emergency with offsite consequences occurring at SONGS 2 and 3, as required by 10 CFR §§50.47(a)(1), (b)(10), and Part 50, Appendix E.IV.

#### CONTENTION 2:

Whether there is reasonable assurance that the emergency response planning and capability of implementation for SONGS 2 and 3, affecting the offsite transient and permanent population, will comply with 10 CFR §50.47(a)(1) and (b) or (c)(1) as regards:

- A. the procedures for notification by Applicants of State and local response organizations, 10 CFR §50.47(b)(5), and for notification of and continued communication among emergency personnel by all involved organizations, 10 CFR §50.47(b)(6);

- B. the means for notification and instruction to the populace within the plume exposure pathway Emergency Planning Zone, 10 CFR §50.47(b)(5);
- C. the information and the procedure for dissemination of the information to the public within the plume exposure pathway Emergency Planning Zone on a periodic basis on how they will be notified and what their actions should be in the event of an emergency, 10 CFR §50.47(b)(7);
- D. the arrangements for medical services for contaminated and injured individuals, 10 CFR §50.47(b)(12);
- E. necessary transportation and communication equipment, and the operation of the emergency operations centers of the principal response organizations, 10 CFR §50.47(b)(8);
- F. the capability of each principal response organization to respond and to augment this initial response on a continuous basis, 10 CFR §50.47(b)(1);
- G. radiological emergency response training to those who may be called on to assist in an emergency, 10 CFR §50.47(b)(15);
- H. the methods, staffing, system, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition within the plume exposure pathway EPZ for SONGS 2 and 3, 10 CFR §50.47(b)(9);
- I. the physical design, communications equipment, and operating procedures for the Interim Emergency Operations Facility, 10 CFR §§50.47(b)(3) and (b)(8);
- J. the methods, systems and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition within the ingestion pathway EPZ for SONGS 2 and 3, 10 CFR §50.47(b)(9);
- K. general plans for reentry and recovery, 10 CFR §50.47(b)(13).

### CONTENTION 3:

The emergency response plans fail to meet the requirements of 10 CFR §50.47(c)(2) because local emergency planning officials have arbitrarily established the boundaries of the Plume Exposure EPZ in that they have mechanically applied a 10 mile boundary and that the Interagency Agreement (IAEP) among all local jurisdictions defines the EPZ by drawing compass lines on a map of the area. In determining the exact size of the

EPZ, emergency planning officials have failed to consider the following local conditions:

1. topography
2. meteorology
3. evacuation routes
4. demography
5. jurisdictional boundaries
6. SAI report
7. land characteristics.

(Tr. 3491-515, 3562-84, 5543-46, 6802)

Public hearings on the emergency planning issues were held for 19 days in Anaheim, California, between August 25 and September 29, 1981. All parties were represented by counsel, presented evidence, and cross-examined witnesses. The Board heard testimony from 41 witnesses - 25 from the Applicants, 12 from the Intervenors, and 4 from the Staff. Over 130 exhibits, the bulk of them sponsored by the Applicants, were admitted into evidence. The record was closed, subject to subsequent receipt and inclusion in the record of further findings and determinations by FEMA about the offsite plans and of FEMA responses to certain questions.<sup>11</sup> Thereafter, each party submitted extensive proposed findings of fact and conclusions of law.

### III. SUMMARY AND RATIONALE OF BOARD DECISIONS ON CONTENTIONS

#### A. Major Contested Issues.<sup>12</sup>

##### 1. Determination of the Plume Exposure Pathway Emergency Planning Zone.

The basic concept underlying much of the emergency planning required by NRC regulations is the "plume exposure pathway emergency planning zone," or "plume EPZ." It is within this zone surrounding the reactor that a serious accident could cause a large release of radioactivity to the atmosphere and therefore the most detailed planning must be carried out, including plans for early notification of the populace and development of a range of protective actions. (10 CFR 50.47(b)(5), (10)) Accordingly, determination of the boundaries of the plume EPZ for a particular facility,

<sup>11</sup> Order of October 6, 1981.

<sup>12</sup> In the remainder of this Decision, we cite our Findings of Fact as "FF" and the Applicants', Staff's and Intervenors' Proposed Findings as "AF," "SF" and "IF."



## 0.2 DESCRIPTION OF EMERGENCY PLANNING ZONES AND NEARSITE AREA

### 0.2.1 EMERGENCY PLANNING ZONES

WCGS is located approximately in the center of Coffey County. The proposed FEMA rule (and corresponding final NRC rule, 10 CFR Part 50, Appendix E) requires the definition of a plume exposure pathway emergency planning zone (EPZ) and a ingestion pathway EPZ; the respective EPZs are recommended to be approximately 10 miles and 50 miles in radius. The plume exposure pathway EPZ (hereinafter referred to as the effective 10-mile EPZ) defined for WCGS is illustrated in Figure 0-1.

The 10-mile EPZ approximates a 10-mile circle, but in general it is bounded by roads, township lines and the county line. For the purpose of administering protective actions, the 10-mile EPZ is further divided into subzones. These subzones are shown in Figure 0-1 and the protective actions for these subzones are discussed in more detail in Section 3.0. The definition of the 50-mile EPZ boundary is beyond the scope of this document.

### 0.2.2 NEARSITE AREA

Coffey County is located in the southeastern part of Kansas. Coffey County is located approximately 40 miles south of Topeka, Kansas (the state capital) and 100 miles northeast of Wichita, Kansas (the location of KG&E's central offices). With exception of the John Redmond Reservoir, the Neosho River and the Wolf Creek Cooling Lake, the land in Coffey County is flat with low hills. The John Redmond Reservoir is administered by three separate agencies: U.S. Army Corps of Engineers; Kansas Fish and Game Commission; and the U.S. Fish and Wildlife Service. The boundaries for the respective jurisdictions are shown in Figure 0-2. The entire Wolf Creek Cooling Lake is under the control of KG&E.

Coffey County is sparsely populated. The total population of Coffey County is approximately 9000 persons (1980 census); the resulting average population density is 14 persons per square mile. The population centers in Coffey County, their approximate populations and subzones they fall into are as follows:

<u>POPULATION CENTER</u>	<u>POPULATION</u>	<u>SUBZONE</u>
Burlington (Coffey County Seat)	2700	D1
Gridley	400	K4
Lebo	950	K6
Le Roy	600	C4
New Strawn	800	E1
Waverly	700	A2

The resident population within the effective 10-mile EPZ and the balance of Coffey County are given by subzone (Figure 0-1) in Table 0-1. Figure 0-3 provides the resident population by radial ring and direction from WCGS. Figures 0-1 and 0-3 and Table 0-1 were taken from Supplement DD to the KG&E Plan "Evacuation Time Estimates within the Plume Exposure Emergency Zone and for Coffey County."

### 0.3 CONCEPT OF OPERATIONS

The concept of operations described in the Nuclear Contingency Plan is based upon a graduated and escalating level of emergency response which will be activated as conditions offsite of WCGS warrant. This approach provides the flexibility necessary to ensure adequate emergency response to the complete spectrum of possible events. The Nuclear Contingency Plan reflects four phases of activation:

1. Alerting of key personnel in the Emergency Response Organization.
2. Activation of Coffey County Emergency Operations Center (County EOC).
3. Augmentation of the Emergency Response Organization with State of Kansas support personnel and other outside assistance.
4. Recovery efforts by activated personnel.

The Nuclear Contingency Plan addresses County emergency response activities ranging from notification by KG&E of the event through an extended long-term condition. The Nuclear Contingency Plan is fully integrated with the activities of KG&E and the State of Kansas as defined in their respective plans.

### 0.4 ORGANIZATION OF THE PLAN

The Nuclear Contingency Plan is subdivided into seven sections: Organization (Section 1.0), Emergency Classifications and Action Levels (Section 2.0), Emergency Measures (Section 3.0), Emergency Facilities and Equipment (Section 4.0), Maintaining Emergency Preparedness (Section 5.0), and Recovery (Section 6.0). Appendices A - F have been included to provide supporting material.

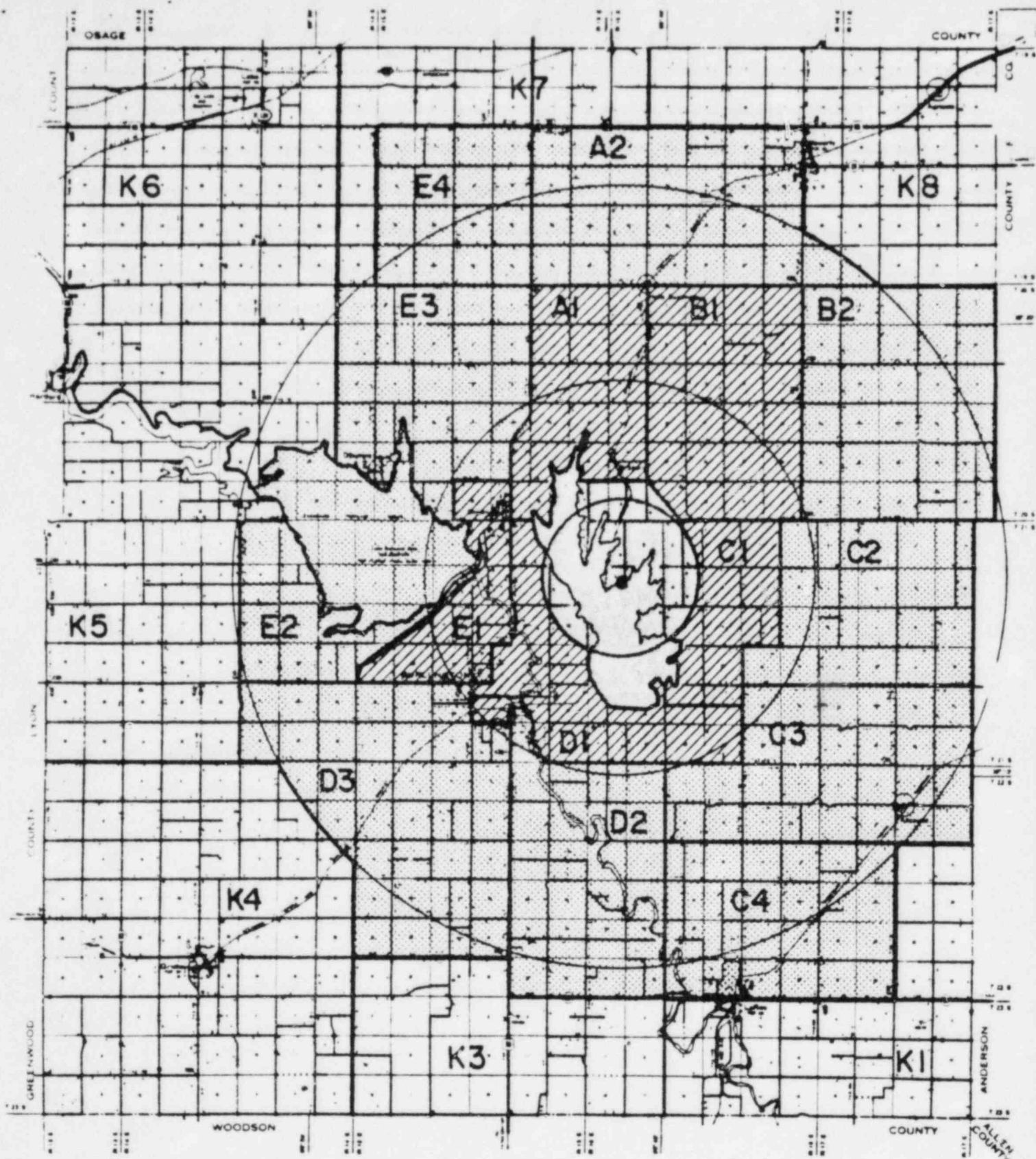


FIGURE 0-1 J, 10. b.  
COFFEY COUNTY, 10-MILE EPZ AND SUBZONES

EFFECTIVE 2 MILE ZONE
  EFFECTIVE 5 MILE ZONE
  EFFECTIVE 10 MILE ZONE
  REMAINING COUNTY

TABLE 0-1

*I. 10.b.*

## POPULATIONS BY SUBZONE

<u>Evacuation Subzone</u>	<u>Evacuation Zone</u>	<u>Population</u>
Center	0 - 2	32
A1	2 - 5	71
B1	2 - 5	106
C1	2 - 5	52
D1	2 - 5	2,805
E1	2 - 5	890
A2	5 - 10	900
B2	5 - 10	103
C2	5 - 10	84
C3	5 - 10	278
C4	5 - 10	784
D2	5 - 10	90
D3	5 - 10	195
E2	5 - 10	27
E3	5 - 10	175
E4	5 - 10	65

10 Mile EPZ Subtotals:

0 - 2 mile zone*	= 32 persons
2 - 5 mile zone*	= 3,924 persons
5 - 10 mile zone*	= 2,701 persons
0 - 10 mile zone*	= 6,658 persons

<u>Evacuation Subzone</u>	<u>Evacuation Zone</u>	<u>Population</u>
K1	Balance of Coffey County	76
K2	"	3
K3	"	57
K4	"	684
K5	"	119
K6	"	1,132
K7	"	63
K8	"	190

Subtotal, Balance of Coffey County = 2,324 persons

Total Coffey County population = 8,982 persons

\* See Figure 0-1 for zone descriptions.

TABLE 3-4 (Sheet 4 of 4)

<u>SUBZONE</u>	<u>DESCRIPTION OF SUBZONE</u>	<u>EVACUATION ROUTE(S)</u>	<u>SHELTER</u>
E4	Portion of Key West Township east of FAS 793 and south of old US 50	1. US 75 north to, I-35 south to Emporia 2. FAS 793 north to, old US 50 west to, I-35 south to Emporia	Emporia
K1	Balance of Spring Creek Township	Kansas 57 east to, US 169 north to Garnett	Garnett/Iola
K2	Balance of Le Roy Township	Kansas 57 east to, US 169 north to Garnett	Garnett/Iola
K3	Balance of Neosho Township	Kansas 57 west and north to Emporia	Emporia
K4	Balance of Liberty Township including Gridley	Kansas 57 west and north to Emporia	Emporia
K5	Balance of Pleasant Township	FAS 10 west to Coffey County line, north through Hartford to, I-35 south to Emporia	Emporia
K6	Balance of Lincoln Township	US 75 north or old US 50 west to, I-35 south to Emporia	Emporia
K7	Balance of Key West Township	US 75 north or old US 50 west to, I-35 south to Emporia	Emporia
K8	Balance of Rock Creek Township	Kansas 31 north to, I-35 north to Ottawa	Ottawa



TABLE 3-6

## EVACUATION CONFIRMATION TIME PARAMETERS

<u>Location</u>	<u>Miles of street or road</u>	<u>Number of Houses</u>	<u>Speed Between Houses (mph)</u>	<u>Effort in Vehicle - (or Person) Hours</u>	<u>Vehicles/Persons Assumed Available</u>	<u>Confirmation Time (Hours)</u>
10 Mile Evacuation:						
Burlington	36	1,183	5	105	10	10.5
New Strawn	3	229	5	20	5	4
Waverly	7	280	5	25	10	2.5
LeRoy	9	289	5	43	10	4.3
Balance of EPZ	280	656	30	64.2	6	10.7
Entire Coffey County Evacuation:						
Burlington	Same as above					
New Strawn	Same as above					
Waverly	Same as above					
LeRoy	Same as above					
Gridley	6	183	5	16	5	3.2
Lebo	11	383	5	34	10	3.4
Balance of Coffey County	281	370	30	40.2	6	6.7



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
KANSAS GAS AND ELECTRIC COMPANY, et. al. ) Docket No. 50-482  
 )  
(Wolf Creek Generating Station, )  
Unit No. 1) )

CERTIFICATE OF SERVICE

This is to certify that a copy of the "Intervenors' Response to Applicants' Objections to Certain Proposed Issues and Motion for Adoption of Interrogatory Responses as Statement of Issues for Litigation (May 12, 1983)" has been served on each of the following as hereafter indicated.

*James A. Laurenson, Chairman Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission 4350 East West Highway Bethesda, MD 20814	Kent M. Ragsdale General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102
Dr. George C. Anderson Department of Oceanography University of Washington Seattle, WA 98195	Eric A. Eisen, Esquire Birch, Horton, Bittner & Monroe 1140 Connecticut Avenue, N.W. Washington, DC 20036
*Myron Karman, Esquire Deputy Assistant Chief Hearing Counsel Office of the Executive Legal Director U.S. Nuclear Regulatory Commission 7735 Old Georgetown Road Bethesda, MD 20814	A. Scott Cauger, Esquire Assistant General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102
Hugh C. Paxton 1229 West 41st St. Los Alamos, NM 87544	Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, DC 20006
*Jay Silberg, Esquire Shaw, Pittman, Potts, & Trowbridge 1800 M Street, N.W. Washington, DC 20006	Docketing and Service Section Office of the Secretary U.S. Nuclear Regulatory Commission Washington, DC 20555

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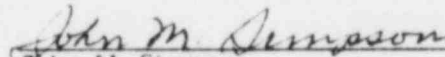
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Atomic Safety and Licensing Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

\*Those designated with an asterisk were served by depositing the above described Response with Federal Express on May 12, 1983, for delivery to that individual at the address listed for him. All others were served by depositing a copy of the above described Response in the U.S. Mail, first class, postage prepaid on May 12, 1983

  
John M. Simpson