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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

Morton B. Margulies, Chairman
Gustave A. Linenberger, Jr.
Dr. Oscar H. Paris

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of
GEORGIA POWER COMPANY, et al.
(Vogtle Electric Generating Plant,
Units 1 and 2)

Docket No. 50-424-OL
50-425-OL
(ASLBP No. 84-499-01-OL
March 6, 1986

MEMORANDUM AND ORDER
(Ruling upon Applicants' Motion of February 10, 1986 for Summary Disposition of
Contention EP-7 re: Emergency Response Plans)

Introduction and Background

Contention EP-7 of Joint Intervenors Campaign for a Prosperous Georgia and Georgians Against Nuclear Energy (Intervenors) states as follows:

Applicants claim that the Department of Energy (Savannah River Plant Operations Office, Aiken, South Carolina) will provide radiological assistance (advice and emergency action essential for the control of immediate hazards to health and safety) in the event of an emergency at Vogtle. It fails to address the possibility that an emergency situation (for example, an earthquake) which threatens the safe operation of Vogtle might also endanger operations at Savannah River Plant. In this event, not only would Department of Energy offices be prevented from providing aid to Vogtle, other federal, state, and local assistance resources would be divided between the two sites. Applicants do not address the impacts of simultaneous evacuation from both plants, or overload of medical facilities and emergency vehicles in the event of

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injury to persons by the operation of both plants. Nor do Applicants adequately discuss coordination of activities of Georgia and South Carolina.

In our unpublished Memorandum and Order of August 12, 1985, we ruled that this contention is admissible in part. Applicants on September 5, 1985 moved for reconsideration of this ruling. Our Memorandum and Order of October 1, 1985 entertained this motion for reconsideration and in pertinent part affirmed our prior ruling, stating that

...the litigible issue extant in EP-7 is Applicants' alleged failure to provide an emergency response plan for the VEGP which encompasses that part of the plume EPZ within South Carolina.

By letter dated February 5, 1986, Applicants submitted additional information regarding the Vogtle Electric Generating Plant (VEGP) emergency response plan. Subsequently, on February 10, 1986 Applicants again moved for summary disposition of this contention. In its transmittal dated March 3, 1986, the NRC Staff (Staff) filed a response in support of Applicants' motion; said response is supported by an affidavit of a Federal Emergency Management Agency program specialist whose professional qualifications are appropriate. There has been no response from Intervenor regarding this matter. As explained below, we grant Applicants' motion of February 10, 1986.

Discussion

On February 5, 1986, the Applicants submitted the following site specific emergency response plans developed for emergencies at VEGP by the State of South Carolina, Aiken County, Allendale County, Barnwell

County, and the U. S. Department of Energy's Savannah River Operations Office:

- (a) VEGP Site Specific Radiological Emergency Response Plan -- Part 7, South Carolina Operational Radiological Emergency Response Plan (SCORERP).
- (b) Fixed Nuclear Facility Radiological Emergency Response Plan -- Annex Q, Part 2, to the Aiken County Emergency Operations Plan.
- (c) Fixed Nuclear Facility Radiological Emergency Response Plan -- Annex Q, Part 2, to the Allendale County Emergency Operations Plan.
- (d) Fixed Nuclear Facility Radiological Emergency Response Plan -- Annex Q, Part 2, to the Barnwell County Emergency Operations Plan.
- (e) Vogtle Electric Generating Plant Response Guide, SR 402.1, U.S. Department of Energy, Savannah River Operations Office.

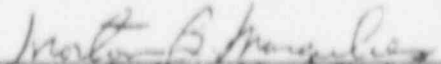
Applicants' summary disposition motion of February 10, 1986 is supported by an affidavit of one of its employees whose professional qualifications are appropriate for the matters discussed. Applicants' motion states that the various documents noted above cure the deficiency found by the Board, as stated above, with respect to the original emergency planning materials dealt with in our October 1, 1985 order. Thus, Applicants assert that there is no longer an issue of material fact remaining to be litigated, and that Contention EP-7 should be dismissed. The Staff's response to Applicants' February 10, 1986 summary disposition motion recommended that we grant the motion based upon a rationale quite similar to that of Applicants. Affiant for Staff, having reviewed Applicants' motion and the prior submittals identified above, concludes that no material issues of fact remain.

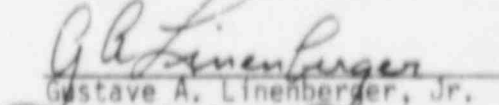
The Board has reviewed the five documents recently submitted by Applicants and we conclude that they do indeed deal with the areas of omission that had previously concerned us. This review did not extend, however, to the merits of the contents of those documents. Our order of October 1, 1985 extended to Intervenors the opportunity to amend EP-7 based upon any subsequent submittals from Applicants. No response has been received. Consistent with Applicants' claim, we find that a full scope of emergency planning subject material is now before us. Accordingly, we find that there no longer exists an unresolved matter of material fact to be heard.

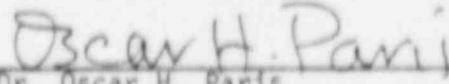
ORDER

Applicants' summary disposition motion of February 10, 1986 is granted and Contention EP-7 is dismissed in its entirety.

THE ATOMIC SAFETY AND
LICENSING BOARD


Morton B. Margulies, Chairman
ADMINISTRATIVE LAW JUDGE


Gustave A. Linenberger, Jr.
ADMINISTRATIVE JUDGE


Dr. Oscar H. Paris
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 6th day of March, 1986.