

March 6, 1986

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

86 MAR -7 P4:32

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
GEORGIA POWER COMPANY)	Docket Nos. 50-424
<u>et al.</u>)	50-425
)	(OL)
(Vogtle Electric Generating Plant,)	
Units 1 and 2))	

NRC STAFF RESPONSE TO "APPLICANTS' MOTION FOR
SUMMARY DISPOSITION OF JOINT INTERVENORS'
CONTENTION EP-2/EP-2(c) (USE OF NOAA TONE ALERT RADIOS)"

I. Introduction

On February 14, 1986, Applicants filed a Motion for Summary Disposition of Joint Intervenors' Contention EP-2/EP-2(c). This contention involves the question of "*** whether Applicants' should be allowed to use the [National Oceanographic and Atmospheric Administration] NOAA Weather Radio alerting system or [be] required to utilize some other form of radio alerting system". ^{1/} "Memorandum and Order (Ruling on Joint Intervenors' Proposed Contentions on Emergency Planning)" dated August 12, 1985. For the reasons presented below and in the attached Affidavit of Cheryl L. Stovall, an Emergency Management Program Specialist in the Federal Emergency Management Agency (FEMA), the NRC Staff submits that Applicants' Motion should be granted.

1/ The Contention, as originally proposed by Intervenors and as admitted by the Licensing Board, is set out at pp. 2-3 of Applicants' Motion.

D507

II. Legal Standards Governing Summary Disposition

The staff previously set forth the applicable legal standards governing motions for summary disposition in its July 26, 1985 "Response to Applicants' Motion for Summary Disposition of Contention 10.3 (Cables in Multiconductor Configurations)" (at pp. 1-3). In order to avoid unnecessary repetition, that discussion is incorporated by reference herein.

III. Applicants' Motion

A. Background

The background events leading to the filing of Applicants' Motion for Summary Disposition are set forth at pp. 2-4 of Applicants' Motion. Staff has reviewed Applicants' description of these events and, in order to avoid unnecessary repetition, agrees with and adopts the "background" statement set out in Applicants' Motion.

B. Basis for Staff's Support of Applicants' Motion for Summary Disposition

The Staff supports Applicants' Motion for Summary Disposition for the reasons set out in the attached Affidavit of Cheryl L. Stovall, the FEMA Emergency Management Program Specialist charged with reviewing emergency response planning in Georgia.

Ms. Stovall's Affidavit sets forth the NUREG 0654 Planning Standards and evaluation criteria applicable to the contention in question. Stovall Affidavit at § 3. The standard for alerting systems requires that:

Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone. (See Appendix 3). It shall be the licensee's responsibility to demonstrate

that such means exists, regardless of who implements this requirement. It shall be the responsibility of the State and local governments to activate such a system.

The Stovall Affidavit, at § 4, also discusses the criteria for Tone Alert Radios which is found in E.6.2.3 on page 13 of FFMA-REP-10. Ms. Stovall's Affidavit, at §§ 5 and 6, respectively, goes on to describe the Burke County Radiological Plan (prepared in January, 1985) and the State of South Carolina Plan for Vogtle (prepared in January, 1986). As noted by Ms. Stovall, the former plan does not include the additional siren system identified in ¶ 10 of the David Keast Affidavit (Keast Affidavit), which is attached to Applicants' Motion, while the latter plan does reference the siren system. Id.

As further indicated by Ms. Stovall, at § 7 of her Affidavit, she has reviewed the Keast Affidavit which states as regards NOAA Tone Alert Radios in ¶ 6 thereof, that "extensive operating experience with NOAA weather radios demonstrates that they do not go off frequently without reason." Ms. Stovall states she has no reason to question this statement, although she also recognizes that some people may disconnect the NOAA radios. Id. However, she has no information to indicate that a different tone alert radio system is more reliable than the NOAA tone alert radio proposed by Applicants. Id.

More importantly in the context of whether or not Applicants' Motion should be granted, Ms. Stovall further notes that the Keast Affidavit in ¶ 10 states that Georgia Power Company is installing a fixed siren system throughout the Vogtle Emergency Planning Zone (EPZ). Id. The Keast Affidavit indicates that the design of the siren system provides a minimum of 60 dBC coverage to all residents within the EPZ. Id. As also noted

by Ms. Stovall, provided the proposed siren system design meets the 60 dBC criteria, the siren system can be considered an additional primary notification system. Id. Thus, the Contention originally proposed by Intervenor, and as admitted by the Board, is now moot by virtue of Applicants' proposal to install a fixed siren system throughout the Vogtle EPZ. ^{2/}

While a technical evaluation of the Applicants' proposed siren system has not been performed by FEMA, Ms. Stovall does state that she is unaware of any other nuclear power plant in the southeastern United States that has both tone alert radios and 60 dBC siren system coverage throughout the entire 10-mile EPZ. Id. Additionally, the States of Georgia and South Carolina, parts of which are within the Vogtle EPZ, identify route alerting as a backup notification system. Stovall Affidavit at § 8. She also notes that informal notification (word of mouth) and EBS messages provide a means of notification which supplement the tone alert and siren systems. Id. On this basis the FEMA reviewer has concluded that Applicants' Motion for Summary Disposition should be granted.

IV. Conclusion

For the reasons presented above, and in the attached affidavit of Cheryl L. Stovall, the Staff submits that the Joint Intervenor have

^{2/} In the event Intervenor wish to challenge the adequacy of the proposal to install a fixed siren system throughout the Vogtle EPZ, they must file specific proposed contentions with statements of bases within a reasonable time and address the five factors listed in 10 C.F.R. § 2.714(a)(1). See, Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLL-83-19, 17 NRC 1041, 1045-47 (1983).

raised no material issue of fact as regards Contention EP-2/EP-2(c). ^{3/}
The Staff therefore submits that the Motion for Summary Disposition of
this contention should be granted.

Respectfully submitted,

Bernard M. Bordenick
Bernard M. Bordenick
Counsel for NRC Staff

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

^{3/} Staff has reviewed "Applicants' Statement of Material Facts as to Which no Genuine Issue Exists to be Heard [etc]" and as to paragraphs 1, 2, 4, 13, 14 and 15 agree with the statement in question. As to paragraphs 3, 5, 6, 7, 8, 9, 10, 11, and 12, the Staff has no reason to disagree with the statement in question.