

806

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'86 APR 16 P3:18

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
BRANCH

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

NRC STAFF RESPONSE REQUESTING A
DEFERRAL OF AND PERMISSION TO FILE AN
ADDITIONAL RESPONSE TO "APPLICANTS' MOTION FOR
SUMMARY DISPOSITION OF JOINT
INTERVENORS CONTENTION EP-5 (RECEPTION CENTER CAPACITY)"

I. Introduction

On March 10, 1986, Applicants filed a Motion for Summary Disposition of Joint Intervenors' Contention EP-5. This contention as admitted by the Licensing Board asserts that:

The offsite emergency response plans for [Vogtle] do not meet the requirement of 10 C.F.R. 50.47(b)(8) because the plans do not reasonably assure that adequate emergency facilities, namely reception centers, will be readily available for use in the event of a radiological emergency at [Vogtle]. ^{1/}

"Memorandum and Order (Ruling on Joint Intervenors' Proposed Contentions on Emergency Planning)" dated August 12, 1985 at 29. For

^{1/} The Contention, as originally proposed by Intervenors and the Board's comments in admitting the Contention set out above appears at pp. 2-3 of Applicants' Motion.

8604180212 860415
PDR ADOCK 05000424
G PDR

D587

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 asks that consideration of Applicants' Motion be deferred at this time, and that the Staff be provided a further opportunity to reply to the motion after an emergency planning exercise is held and evaluated.

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. 2-5 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 Opposition to Applicants' Motion for Summary Disposition

The Staff asks that consideration of Applicants' Motion for Summary Disposition of Contention EP-5, dealing with the adequacy of emergency

reception centers be deferred at this time 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 for the State of Georgia.

Pursuant to 10 C.F.R. § 50.47(a)(2), the NRC bases its findings on the adequacy of State and local emergency response plans on a review of FEMA findings on the adequacy of those plans and whether there is reasonable assurance that they can be implemented. Although the plans submitted here establish that relocation centers are available to register and monitor evacuees and appear to adequately meet the requirements of NUREG 0654, FEMA believes that a field verification of the relocation centers is necessary to fully determine the adequacy of the relocation facilities. Stovall Affidavit at ¶ 4. This field verification will be conducted during a licensing exercise test of the Vogtle plan on April 30 and May 1, 1986. Id. Thus, FEMA cannot, at this time, pass on the adequacy of the relocation centers. Id. at ¶ 5.

IV. Conclusion

For the reasons presented above, and in the attached affidavit of Cheryl L. Stovall, the Staff asks that consideration of the subject motion be deferred until FEMA issues its evaluation of the April 30/May 1 exercise of the Vogtle Offsite Emergency Response Plan and that the Staff have 14 days after that evaluation is issued to file a further response to Applicants' motion.

Respectfully submitted,

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

Dated at Bethesda, Maryland
this 15th day of April, 1986