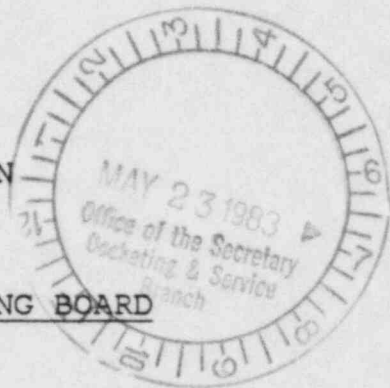


May 20, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
UNION ELECTRIC COMPANY) Docket No. STN 50-483 OL
(Callaway Plant, Unit 1))

APPLICANT'S MOTION FOR SUMMARY DISPOSITION
OF REED CONTENTION 2
(STAFFING - CLERK'S OFFICE)

Pursuant to 10 C.F.R. § 2.749, Union Electric Company ("Applicant") moves the Atomic Safety and Licensing Board for summary disposition of Contention 2 advanced by intervenor John G. Reed. As shown below, summary disposition is appropriate because there is no genuine issue of material fact to be heard with respect to Contention 2. Accordingly, Applicant is entitled to a decision in its favor on Contention 2 as a matter of law.

This Motion is supported by Applicant's Statement of Material Facts On Reed Contention 2 As To Which There Is No Genuine Issue To Be Heard (Staffing - Clerk's Office),

Applicant's Memorandum of Law in Support of Motions for Summary Disposition on Emergency Planning Issues ("Memorandum of Law"), the Callaway County/Fulton Radiological Emergency Response Plan, the Osage County Radiological Emergency Response Plan, the Gasconade County Radiological Emergency Response Plan, the Montgomery County Radiological Emergency Response Plan, the Affidavit of Walter M. Clark on Reed Contention 2 (Staffing - Clerk's Office) ("Clark-2"), the Affidavit of Gerald W. Stanfill on Reed Contention 2 (Staffing - Clerk's Office) ("Stanfill-2"), and the Affidavit of Walter M. Clark on Reed Contention 1 (Staffing - Sheriff's Office) ("Clark-1"), all filed simultaneously herewith, as well as the pleadings and other papers filed by the parties in the proceeding.

I. Procedural Background

Because of its length, Reed Contention 2 is appended to this Motion as Attachment 1. Reed Contention 2 was admitted to the proceeding without objection by Applicant or the NRC Staff. Board Memorandum and Order dated December 7, 1982.

In summary, Contention 2 reviews the duties assigned to clerical staff in the four-county plan and standard operating procedures which now have been superceded by separate plans for each of the four counties in the Callaway Plant plume exposure emergency planning zone ("EPZ"). See Clark-2, ¶ 4. After assigning to each of these duties the number of personnel he believes are necessary, Mr. Reed concludes that there are

insufficient personnel in each of the four EPZ counties to perform assigned clerical functions. See Attachment 1.

II. Governing Legal Standards

The basis for evaluating the number of personnel available to fulfill the clerical functions assigned in the county radiological emergency response plans is the general regulatory requirement that local emergency plans must be "capable of being implemented." 10 C.F.R. § 50.47(a)(2). This requirement is repeatedly reflected in various evaluation criteria of NUREG-0654/FEMA-REP-1 (Rev. 1), Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (Nov. 1980) ("NUREG-0654"). See, e.g., NUREG-0654, Section II.J.9 ("Each State and local organization shall establish a capability for implementing protective measures based upon protective action guides and other criteria . . ."). The responsibility for making the determination whether the local plans are capable of being implemented rests with the Federal Emergency Management Agency ("FEMA"). 10 C.F.R. § 50.47(a)(2).

III. Argument

The standards governing summary disposition motions in an NRC proceeding are set forth in Applicant's Memorandum of Law. In summary, where, as here, a properly supported motion for summary disposition is made, the party opposing the motion must come forward with substantial facts establishing that a genuine issue of fact remains to be heard. In the absence of such a showing, the movant is entitled to a decision in its favor on that contention as a matter of law. 10 C.F.R. § 2.749(b).

Applying the foregoing standard to Contention 2, it is clear that there is no basis for the concern expressed by Mr. Reed in Contention 2 that an insufficient number of clerical personnel will be available in the EPZ counties in the event of a radiological emergency. Accordingly, there is no genuine issue of fact remaining to be heard by the Board.

The ability to adequately staff clerical functions in Callaway County/Fulton is explained by Mr. Walter M. Clark in his affidavit on Contention 2. Mr. Clark is the Emergency Management Director ("EMD") for Callaway County and the City of Fulton, Missouri. Clark-2, ¶ 1. Not only does Mr. Clark have a working knowledge of the Callaway/Fulton Radiological Emergency Response Plan ("Callaway/Fulton Plan"), but he has been involved in the field of emergency response for 25 years. Id., Exhibit "A". In reaching the conclusions set forth in his

affidavit, Mr. Clark consulted with the Callaway County Clerk and the Fulton Clerk. Id., ¶ 5. A summary of the number of clerical personnel required to be available in the other three EPZ counties of Gasconade, Osage and Montgomery is provided by Mr. Gerald W. Stanfill in his affidavit on Contention 2. Mr. Stanfill is the Radiological Emergency Planner with the Missouri State Emergency Management Agency ("SEMA").

Stanfill-2, ¶ 1. Mr. Stanfill has been personally involved in the development of the off-site (local and state) plans for the Callaway Plant. During the course of his work, he has had the opportunity to meet on numerous occasions with the emergency management directors and other local government officials for the four counties -- Callaway, Montgomery, Gasconade and Osage -- located in the Callaway Plant EPZ. In particular, Mr. Stanfill has been actively involved in the preparation of the four county plans. Id.

The Callaway Plant is located in Callaway County.

Clark-2, ¶ 2. Callaway County, including the City of Fulton with a population of approximately 11,000, has a population of approximately 15,300 living within the EPZ. This number reflects the rural nature of the community, as further evidenced by the much smaller populations of 200, 860 and 500 within the EPZ in the counties of Gasconade, Osage and Montgomery.

Clark-2, ¶ 6; Stanfill-2, ¶ 4; Clark-1, ¶ 5.

As in the area of law enforcement, while Callaway County has the benefit of the availability of clerical personnel who work for the City of Fulton, the fact remains that in the event of a radiological emergency at the Callaway Plant, the clerical demands that would be placed upon Callaway County and the City of Fulton can be expected to be greater than the demands placed upon the other counties in the EPZ. This fact is highlighted by the exceedingly smaller populations within the EPZ in the counties of Montgomery, Gasconade and Osage. Stanfill-2, ¶ 4; see also Clark-1, ¶ 5.

As Mr. Clark explains, three unstated and unexplained assumptions underlie Mr. Reed's Contention 2 analysis of clerical needs within the four counties in the EPZ which are contrary to accepted emergency planning practices. These assumptions are: (1) that an eight hour shift would be used for emergency workers during a radiological emergency at the Callaway Plant; (2) that all normal clerical functions would continue during a radiological emergency at the Callaway Plant; and (3) that only regularly employed clerical personnel would be available to fulfill clerical tasks in the event of a radiological emergency. In Mr. Clark's opinion, all three of these assumptions are unreasonable. Id., ¶ 7.

In the 25 years Mr. Clark has spent working in the field of emergency preparedness, the common and accepted practice is for emergency workers, including individuals performing

clerical functions, to work a twelve hour, not an eight hour, shift (at a minimum) during emergencies of all kinds. In his opinion, individuals can perform satisfactorily on a twelve hour shift. In fact, rotating three shifts of personnel can create unnecessary confusion and lack of continuity in performing jobs under what are often complex and rapidly changing circumstances. Id., ¶ 8.

In Mr. Clark's opinion, it is also unreasonable and inconsistent with actual emergency operations to assume that regular clerical personnel are required to be available during an emergency to perform all of their normal, routine functions. Priorities change during an emergency. Routine clerical functions would be discontinued during the emergency period, and all personnel would be assigned emergency responsibilities. Id., ¶ 9.

In addition, Mr. Reed assumes that only regularly employed clerical personnel could fulfill clerical tasks in the event of a radiological emergency. This is an unreasonable assumption. If necessary, other adequately supervised individuals, such as members of the National Guard, could serve many of these largely ministerial functions. Clark-2, ¶ 10.

Taking into consideration the reasonable assumptions described above that can be made about staffing clerical functions in the four counties in the EPZ, the issue remains whether a sufficient number of people have been identified to

ensure that, with respect to clerical functions, the county plans are capable of being implemented.

Mr. Clark, who has worked with State and local governments, local agencies, and Applicant and its consultants on developing the Callaway/Fulton Plan, is responsible for developing and coordinating the County/City emergency preparedness program. Clark-2, ¶ 3. In essence, Mr. Clark is the local official appointed by the County/City upon whose emergency preparedness experience and familiarity with the Callaway/Fulton Plan the County Court and Mayor of Fulton rely to assure them that the plan is capable of being implemented. See Callaway/Fulton Plan, Annex A, Section II.B.2. In Mr. Clark's opinion, there is no technical or pragmatic basis for various of Mr. Reed's manpower estimates to perform clerical functions in the event of a radiological emergency at the Callaway Plant. Clark-2, ¶ 11.

In Mr. Clark's judgment, which is shared by the Callaway County Clerk and the Fulton Clerk, the most important clerical function during a radiological emergency is ensuring that message center operations are adequate. This function is assigned to the County and the City Clerks, who are assisted by their regular staff. There will be five message center operators per shift. One of these individuals will be available to maintain a message log. Clark-2, ¶ 11; see Attachment 1 (Reed Contention 2.A(1)).

If an evacuation is ordered, the general public will utilize personal vehicles to leave the affected area. Mr. Clark anticipates that most individuals who are handicapped, without transportation, or in need of special transportation assistance will have previously been identified by means of a Transportation Registration Card which they will have received as a part of the emergency information brochure distributed before plant start-up. Based on this information, a pre-established vehicle routing system for those needing transportation will have been developed by the County Assessor. The County Assessor also will have previously prepared a list of transportation equipment and manpower available for evacuation, and obtained agreements reflecting the reliance on these resources in the event of a radiological emergency at the Callaway Plant. Thus, the function referred to in Reed Contention 2.A(6) will be performed prior to an actual emergency. See Annex I to Callaway/Fulton Plan. During an emergency, only those individuals who need transportation and have not previously so registered will use the special phone number provided to the public for this purpose. Mr. Clark believes that the availability of two individuals is sufficient to receive such requests for transportation. This function corresponds with the task identified by Mr. Reed in Contention 2.A(7). Clark-2, ¶ 12.

Mr. Clark also is of the opinion that the EMD, the County Assessor and one of his assistants can satisfactorily: (1) maintain a list of available vehicles, including special vehicles to transport the handicapped; and (2) maintain a list of estimated evacuees. Mr. Reed appears to concur with the combining of these tasks, which he identifies in Contentions 2.A(3), (4) and (5), although he suggests that one person per shift could perform these functions. See Attachment 1. In addition, the County Assessor could keep track of those individuals who have not yet been picked up. Id., Reed Contention 2.A(8). As a part of his transportation responsibilities, the County Assessor also will activate pickup points for persons without evacuation transportation and, should the need arise, he will assist the State Emergency Management Agency in providing transportation from pre-established impoundment areas to reception and care facilities. Clark-2, ¶ 13.

Reed Contentions 2.A(2) and (9) refer to the clerk's logistical support function, and the need for continuity of service. The former requirement can be satisfied by one available clerk. The latter need is satisfied by the availability of two shifts for each 24-hour period. The County/City clerks are also assigned the responsibility of maintaining administrative records, e.g., inventory and cost records. In Mr. Clark's opinion, this function can be performed by the individual responsible for logistical support. Id., ¶ 14.

Based on the assignment of clerical functions outlined above, a total of ten clerical personnel will be necessary in Callaway County/Fulton each emergency shift -- two transportation specialists, two individuals to man telephones, one general clerk and five message center operators. Id., ¶ 15. This contrasts with Mr. Reed's estimate of the need for a five-man clerical shift for each of the four counties in the EPZ. Deposition of John G. Reed (Aug. 18, 1982) at 40-41. In Callaway County there is a County Clerk and twelve clerical positions occupied, serving a total of four county administrative offices. In addition, there is a County Assessor and his four clerks, who will perform the important function of ensuring transportation for those requiring assistance. Furthermore, there is a City Clerk and a City clerical staff of approximately ten. Accordingly, during both emergency shifts, no additional clerical personnel would be required to be available to provide assistance. Id., ¶ 16.

Finally, while Mr. Clark is confident that there will be sufficient clerical personnel available to perform their assigned tasks in the event of a radiological emergency at the Callaway Plant, he points out that the full scale exercise required by NRC to be conducted prior to the plant's exceeding 5% power will ensure that this is in fact the case. See Memorandum of Law at 5-8.

Mr. Stanfill of SEMA has made an assessment of radiological emergency clerical needs in Montgomery, Gasconade and Osage Counties which parallels Mr. Clark's assessment of the issue in Callaway County/Fulton.

In view of the exceedingly smaller populations within the EPZ in the counties of Montgomery, Gasconade and Osage than exists in Callaway County, Mr. Stanfill has determined that Mr. Clark's estimate of the need for ten clerical personnel per shift in Callaway County/Fulton during a radiological emergency constitutes an overly conservative estimate for the other three EPZ counties. In these sparsely populated areas, it is reasonable to assume that only one person is necessary to fulfill transportation-related needs, one individual can man the transportation request line, and one general clerk can provide logistical support and can log messages. Stanfill-2, ¶ 4.

There are 6 full-time clerical personnel employed by Montgomery County and 6 full-time clerical personnel employed by Gasconade County. Two of these individuals work in the Clerk's Office in each county, two in the County Assessor's Office, one in the County Collector's Office and one works for the Circuit Court. There also is an additional State-employed clerk in the Circuit Court in both Montgomery and Gasconade Counties. In Osage County there are 5 full-time clerical personnel employed by the County. Two of these individuals

work in the Clerk's Office, one in the County Assessor's Office, one in the County Collector's Office and one works for the Circuit Court. Id., ¶ 3.

On the basis of these figures, it is clear that Montgomery and Gasconade Counties will be able to fulfill needed clerical functions for two shifts. In Osage County, one member of the National Guard will be necessary to fulfill clerical functions during the second shift. Id., ¶ 4. Notwithstanding the law enforcement needs of the counties, see Applicant's Motion for Summary Disposition of Reed Contention 1 (Staffing - Sheriff's Office), it would be no drain on the National Guard to provide one guardsman to assist the clerks in Osage County. See Clark-1, Exhibit "D". Mr. Stanfill therefore concludes that the emergency-related clerical functions described in the county plans will be properly staffed in Montgomery, Gasconade and Osage Counties. Id., ¶ 5.

In summary, the issue of clerical function staffing has been analyzed in detail by Mr. Walter M. Clark, the Callaway County/Fulton EMD who has first-hand knowledge of the Callaway/Fulton Plan and of the resources available to the County/City in the event of a radiological emergency, and by Mr. Gerald W. Stanfill, the SEMA Radiological Emergency Planner who has a similar familiarity with the plans for and resources available to the other three EPZ counties. Based on this detailed review, there is no basis for concern that there would

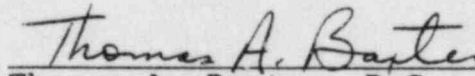
be insufficient personnel available in the EPZ counties to perform the clerical functions assigned in the county plans.

IV. Conclusion

A sufficient number of personnel will be available in the four EPZ counties to perform the clerical functions assigned in the county radiological emergency response plans. Reed Contention 2 therefore has been fully satisfied. Accordingly, there is no genuine issue to be heard with respect to Contention 2 and Applicant's motion for summary disposition should be granted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



Thomas A. Baxter, P.C.
Deborah B. Bauser

Counsel for Applicant

1800 M Street, N.W.
Washington, D.C. 20036

(202) 822-1000

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#2. STAFFING - COUNTY CLERK'S OFFICE

County Clerk's Offices lack sufficient personnel to perform the duties assigned in the proposed Off-site Plan and SOPs.

A. The Montgomery County Clerk's Office has 2 fulltime, paid employees (deputy county clerks), for a total of 3 people. These employees are required to maintain county records and can be spared to perform only the most trivial and least time consuming of additional duties enumerated in the Off-site Plan or SOP. The Montgomery County Clerk's Office is required to maintain logs and copies of messages in the EOC (Montgomery SOP, pg. 4, item 7), provide logistical support for emergency operations, maintain transportation availability lists, maintain

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evacuation estimates, keep lists of special equipment for transportation of handicapped and institutionalized patients, obtain transportation commitments from transport agencies, receive requests for transportation assistance (from individuals within the EPZ - assumed), direct transportation to meet assistance needs and provide for continuity of resources (proposed Offsite Plan, pg. 105). Specific resources in the last item are not clearly defined.

(1) To maintain logs and copies of messages (incoming and outgoing) so that post accident reconstruction of events is possible (Mont. SOP, proc. 2, 5.7.4) will require one person. This function must include ascertaining that all outgoing messages are clearly written and from a person authorized to originate messages in order to prevent false or unauthorized messages entering the communications network and causing message flow problems or interfering with operations which are in progress. To operate on a 24 hour a day basis, this calls for 3 message clerks to be added to the Clerk's staff.

(2) Providing logistical support for emergency operations is not clearly defined, therefore, it is not possible to determine what, if any, personnel are needed to fulfill this function.

(3) Maintaining an available transportation list will require a minimum of 1 person per shift and a means of communication with the vehicle staging area so that the status of all vehicles can be posted on the vehicle availability chart in a timely manner. For 24 hour operations, this adds

3 more personnel to the Clerk's staff.

(4) Persons listed in (3), above, can maintain the chart of estimated evacuees if they get timely reports from road-block sites and passenger numbers from vehicles used for such transport from the vehicle availability pool. This job requires knowledge of the operational concept and training in communications procedures.

(5) Lists of special equipment (vehicles) to transport handicapped/institutionalized persons can be included in the list of available transportation in (3), above, and no additional personnel will be required.

(6) Obtaining transportation commitments can be performed by the County Clerk.

(7) Receipt of requests for transportation assistance will require a bank of 3 or 4 telephones and 1 operator for each telephone. Most requests for transportation from area residents will occur during the initial stages of the emergency. Without reasonably quick access to the transport office (County Clerk's Office or the Sheriff's Office in some operations concepts) the possibility of panic is enhanced. Each operator must answer the phone, obtain the address or location of the caller, get the number of passengers to be picked up, note special needs, if any of evacuees, write down this information and the time of the call, and assure that the information is given to the person who maintains the evacuation transport pending chart. This calls for 3-4 persons per shift and 9-12 if 24 hours operations is contemplated.

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(8) The evacuation transport pending chart clerk will coordinate pick-up with the clerk in charge of vehicle dispatching. This may be the County Clerk or one of his assistants. In this manner, vehicles can be most efficiently used and time lost in evacuee transport be cut to a minimum. This job requires some degree of training and an understanding of the over-all operational concept. It will increase the Clerk's staff by 3 persons for 24 hour a day operations.

(9) The requirement for maintaining continuity of services is unclear and it is not possible to evaluate personnel needs at this time. Possibly some of the above staff may be used for this purpose after the initial 24 hour period has past and calls for evacuation transport have ceased. If shelter is considered in lieu of evacuation, the use of the above staff will be delayed until after evacuation is complete.

(10) The above designated tasks require a minimum of 21 persons in excess of the Clerk's current staff in Montgomery County.

B. These functions apply to Gasconade, Osage, and Callaway counties; the only difference may be in the allocation of some of these functions to other offices or agencies. The other counties are staffed as follows:

Gasconade County Clerk has 2 full-time, paid employees on staff.

Osage County Clerk has 2 full-time, paid employees.

Callaway County Clerk has 3 full-time, paid employees on staff.