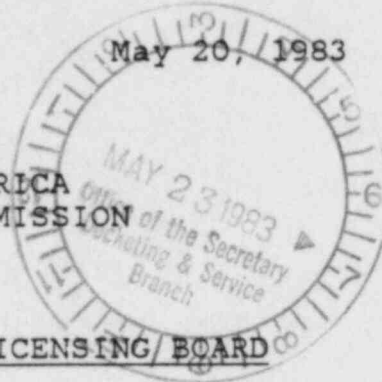


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



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 5, PARTS B AND C  
(RADIO-COMMUNICATIONS)

Pursuant to 10 C.F.R. § 2.749, Applicant moves the Atomic Safety and Licensing Board for summary disposition of Reed Contention 5, Parts B and C. As grounds for its motion, Applicant asserts that there is no genuine issue of material fact to be heard with respect to Contention 5, Parts B and C. Applicant is therefore entitled to a summary decision in its favor on those issues as a matter of law.

This motion is supported by Applicant's Statement of Material Facts as to Which There is No Genuine Issue to be Heard (Contention 5, Parts B and C), Applicant's Memorandum of Law in Support of Motions for Summary Disposition on Emergency

Planning Issues ("Memorandum of Law"), and the Affidavit of Milton A. Stiller on Reed Contention 5, Parts B and C (Radio - Communications) ("Stiller"), together with all pleading and other papers filed in these proceedings.

# I. Procedural Background

Reed Contention 5, Parts B and C, entitled "Radio - Communications," states as follows:

Provisions for prompt communications between principal response organizations and emergency response personnel do not exist as required by 10 CFR, Part 50, Section 50.47(b)(6) due to a lack of equipment.

...

B. Absence of transceivers at vehicle impound lots will hamper effective operations in that it becomes impossible to communicate rapidly with road-block personnel or vehicles used to transport contaminated evacuees to decontamination centers.

C. Because patrol or rescue vehicles entering the EPZ lack transceivers, during an emergency they will not have the capability to communicate with the road-block sites which represent the back-up support for such patrol or rescue vehicles in the event of an accident or problem once inside the EPZ.

Final Particularization of Reed's Amended Contentions 1, 2 and 3 (October 1, 1982) at 17-18. The Board admitted Reed Contention 5, Parts B and C, without objection from Applicant or the Staff. Memorandum and Order (Specification of Contentions), at 1 (Dec. 7, 1982).

## II. Governing Legal Standards

The Commission's regulatory standard for communications in emergency response planning, 10 C.F.R. § 50.47(b)(6), requires that:

Provisions exist for prompt communication among principal response organizations to emergency personnel and to the public.

This planning standard is supplemented with guidance provided in 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"). NUREG-0654 advises that communications be established for local and State response organizations. NUREG-0654, § II.F.1.

## III. Argument

The standard for summary disposition of intervenor John G. Reed's Contentions 5.B and 5.C, as set out in Applicant's Memorandum of Law, requires that the intervenor oppose the Applicant's motion by establishing a genuine issue of material fact. Should intervenor fail to sustain his burden of production, Applicant's motion for summary disposition must be granted as a matter of law. Since, as shown below, there is full and adequate compliance with the requirements of 10 C.F.R. § 50.47(b)(6) by the State and local plans, there can be no such genuine issue of material fact.

Contention 5, Part B, simply requires the existence of radio communications at vehicle impound lots. Applicant has agreed with intervenor Reed and committed to supplying at least one radio at each vehicle impound lot. This transceiver will either be permanently equipped in a vehicle under the control of a person assigned to the impound lot, or that person will be provided with a portable transceiver capable of maintaining contact with the County Emergency Operations Center. These transceivers will be made available by Applicant after the distribution of other available transceivers from alternate sources. Stiller, ¶ 3.

Contention 5, Part C, involves radio communications for patrol and rescue vehicles. Applicant has also agreed to supply transceivers to such properly designated patrol and rescue vehicles, not presently so equipped, after alternate sources, such as those currently in use by patrol and rescue vehicles, have been exhausted. Id., ¶ 5.

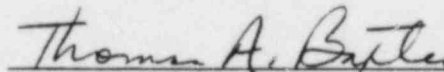
These commitments by Applicant completely satisfy Contention 5, Parts B and C, as well as the requirement of 10 C.F.R. § 50.47(b)(6). All equipment included for emergency planning need not be in place at this time. Memorandum of Law at 5-8. The Board need only find that reasonable assurance exists that adequate protective measures can and will be taken. Id. at 7. Applicant's firm commitment to ensure the supply of necessary transceivers provides that assurance.

#### IV. Conclusion

As a result of Applicant's commitment, there remains no genuine issue of material fact to be heard with respect to Contention 5, Parts B and C. Accordingly, Applicant's motion for summary disposition of Contention 5.B and 5.C should be granted as a matter of law.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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