

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 Plan Unit 1) )

APPLICANT'S MOTION FOR SUMMARY  
DISPOSITION OF REED CONTENTION 7  
(PRE-SITED DECONTAMINATION FACILITIES)

Pursuant to 10 C.F.R. § 2.749, Applicant moves the Atomic Safety and Licensing Board for summary disposition of Reed Contention 7. Summary disposition is appropriate because there is no genuine issue of material fact to be heard with respect to pre-sited decontamination facilities. Accordingly, Applicant is entitled to a decision in its favor on Contention 7 as a matter of law.

This motion is supported by Applicant's Statement of Material Facts on Reed Contention 7 as to Which There is No Genuine Issue to be Heard (Pre-Sited Decontamination

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

#### I. Procedural Background

Reed Contention 7, entitled "Pre-Sited Decontamination Facilities", states as follows:

Pre-sited decontamination facilities are not established or identified for use by contaminated emergency workers or evacuees.

A. During the initial stages of an emergency, after a "puff" release from the plant, evacuees leaving the EPZ may require immediate decontamination. Without pre-sited decontamination centers, they will be required to wait at some yet unspecified location until portable military field type shower units or other decontamination facilities can be delivered, erected, or otherwise located.

B. Reception and Care facilities have been pre-sited and the direction of travel of evacuees is estimated to be toward such care

facilities. Most such care facilities are school buildings or other buildings near school grounds. The pre-selection of school shower units as temporary decontamination facilities (or permanent ones) will provide immediate capabilities to decontaminate evacuees.

Final Particularization of Reed's Amended Contentions 1, 2, and 3 (Oct. 1, 1982). The NRC Staff objected to Contention 7, but it was admitted by the Board, which viewed the contention to raise the question of "whether such facilities are required to meet the emergency planning standards of the Commission's regulations." Memorandum and Order (Specification of Contentions), at 2 (Dec. 7, 1982).

## II. Governing Legal Standards

The NRC's emergency planning regulation, 10 C.F.R. § 50.47(b)(8) requires that:

- (8) Adequate emergency facilities and equipment to support the emergency response are provided and maintained.

Published guidelines, as distinguished from regulations, suggest:

Each organization, as appropriate, shall establish the means for radiological decontamination of emergency personnel, wounds, supplies, instruments and equipment, and for waste disposal.

"Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG-0654/FEMA-REP-1 (Rev. 1), § II.K.5.b (1980) ("NUREG-0654").

### III. Argument

The State and county plans identify decontamination sites for evacuees. Although site selection has not been made for State and county emergency workers, the State and county plans commit to predesignating appropriate sites. Intervenor Reed has specifically agreed that his contention would be satisfied by the pre-designation of decontamination centers which would be co-located with pre-designated reception and care facilities. Reed Dep. Tr. at 137-38, 156-157. This has been accomplished with respect to evacuees. Moreover, the decision to monitor decontaminated evacuees and their vehicles at reception and care facilities beyond the risk area is an acceptable procedure and complies with NUREG-0654.

Metropolitan Edison Company, LBP-81-59, 14 N.R.C. 1211, 1662 (1981), aff'd, ALAB-697, 16 N.R.C. \_\_\_, slip op. at 6 (Oct. 22, 1982). State Plan, Annex D, Attachment 6 at B.1; County plans, Annex I. The sites chosen for the pre-designated reception and care facilities are identified in both the State and county plans. State Plan, Annex A, at FS-5; County plans, Annex I, Tab 5.

Decontamination for emergency workers is also provided for in the State and county plans at sites to be predesignated.<sup>1/</sup>

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<sup>1/</sup> A commitment to predesignate the decontamination sites is sufficient for the purposes of this motion. All implementing procedures, equipment and training need not be completed at

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State Plan, Annex D at § A.7 and at Attachment 6, § F.1; County plans at Annex J, § III.D.

The reception and care facilities have not only been identified, but decontamination procedures established for each facility. State Plan, Annex A, § F.S., Attachment 1, at 5; Attachment 2 at 5; Attachment 3 at 5; Attachment 4 at 5. Maps showing the location of these facilities have been included in the county plans. County plans, Annex I, Tab 5. Procedures, including examples of decontamination forms for the decontamination of both emergency and private vehicles to be performed at impoundment areas, are specified.<sup>2/</sup> State Plan, Annex D, Attachment 4, § B, at D4.2-4.4; Attachment 6, § A.11 and C.1., 2. & 3, at D6.3, D6.5 to 6, D6.11. Procedures for the decontamination of emergency equipment and supplies and the removal of contaminated wastes have also been developed. State Plan, Annex D, Attachment 6, § D and E, at D6.6-6.7.

The above sections of the State and county plans establish that adequate emergency response facilities for decontamination either have been or will be predesignated.

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this time to establish that emergency plans are adequate. Applicant's Memorandum of Law at 5-8.

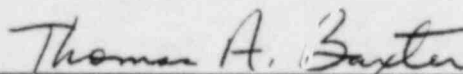
<sup>2/</sup> Impoundment areas will be selected by the Forward Command Post Staff and local law enforcement officials with the advice of Bureau of Radiological Health personnel. State Plan, Annex D, Attachment 4, § B.1.a., at D4.2. Criteria for these areas have been established, id. at D4.3, and the maximum number of required impoundment areas determined. Clark-1 at ¶ 12; Stanfill-1 at ¶¶ 9, 10 and 11.

#### IV. Conclusion

Because decontamination facilities either have been or will be predesignated, there is no genuine issue of material fact in dispute and Applicant's motion for summary disposition should be granted.

Respectfully submitted,

SHAW, PITTMAN, POITS, & DOWBRIDGE



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May 20, 1983