

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of

GEORGIA POWER COMPANY,
et al.

(Vogtle Electric Generating Plant,
Units 1 and 2)

Docket Nos. 50-424
50-425
(OL)

OFFICE OF SECRETARY
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NRC STAFF-RESPONSE TO APPLICANTS' STATEMENT
OF MATERIAL FACTS AS TO WHICH NO GENUINE ISSUE
EXISTS TO BE HEARD REGARDING CONTENTION 7

Appended to their Motion for Summary Disposition of Contention 7, Applicants submitted a document entitled "Statement of Material Facts as to which no Genuine Issue Exists to be Heard on Joint Intervenors Contention 7." That document contained 20 numbered Statements of Material Fact which, pursuant to 10 C.F.R. §2.749(a), must be either controverted by the other parties or will be deemed admitted for purposes of any litigation which may involve Contention 7. As noted in the attached Affidavit of Gary B. Staley, the Staff is in agreement with Statements 1, 2, 3, 4, 5, 6, 8, 14, 16, 17, 18, 19 and 20. Staley Affidavit, ¶ 4. Statements 7 and 9 describe the geology underneath the Vogtle site. The Staff has discussed the geology under the site in both the SER (Section 2.4.12) and the FES (Section 4.3.1.2); the Staff does not contest Statements 7 and 9. Statements 10 through 13 address the potential for an accidental spill at the site. In the Staff's view, these Statements are beyond the scope of the concerns raised in the Contention. As the Board noted in

its Order of September 5, 1984, the gravamen of this contention is the effect an accidental release of radiation could have on the groundwater underneath the Vogtle site. 20 NRC 887, 898-900. For the purpose of its Response to the Applicants' Motion for Summary Disposition, the Staff has conservatively assumed that an accidental release could occur. The Staff therefore takes no position with respect to the information contained in Statements 10 through 13. Finally, although the Staff has reason to believe that releases at SRP may not be applicable to Vogtle (Staley Affidavit, ¶ 18), the Staff has not performed a detailed study of conditions at SRP and therefore takes no position with respect to Statement 15.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert G. Perlis", is written over a horizontal line.

Robert G. Perlis
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of August, 1985