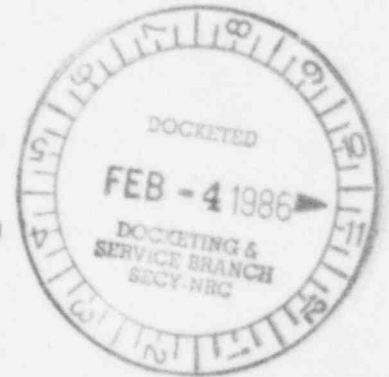


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Morton B. Margulies, Chairman
Gustave A. Linenberger, Jr.
Dr. Oscar H. Paris



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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-OL
50-425-OL

(ASLBP No. 84-499-01-OL)

February 3, 1986

MEMORANDUM AND ORDER
(Ruling On Applicants' Motion For
Summary Disposition of Contention EP-6)

By motion dated November 18, 1985, Applicants seek summary disposition of Joint Intervenors' Contention EP-6. The contention alleges that public information and education materials called for by the emergency response plans for Plant Vogtle have not been made available and their provisions are unknown. NRC Staff, on December 9, 1985, filed a response in support of Applicants' motion. No reply has been received from Joint Intervenors, Campaign for a Prosperous Georgia and Georgians Against Nuclear Energy. For the reasons discussed below, we grant the motion.

In an unpublished Memorandum and Order dated August 12, 1985, the Licensing Board admitted Joint Intervenors' Contention EP-6 for litigation. As admitted, it alleges that the emergency response plans are deficient because although they call for the distribution of a printed brochure to all

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emergency planning zone residents, the placing of an advertisement in the telephone directory containing basic emergency information and the distribution of warning notices, the contents of the materials are not available and known. The contention was interpreted by the Licensing Board as not to extend to challenging the substantive content of the public information and education materials that are to be provided. Joint Intervenor were informed that should they wish to challenge the substantive content of the materials they could do so by submitting other contentions to that end.¹ See the October 1, 1985, unpublished Memorandum and Order (Ruling on Applicants' Motion of September 5, 1985, for Reconsideration and Clarification) at p. 3.

Applicants' motion for summary disposition seeks dismissal of the contention on the bases that the public information and education materials were made available and their contents revealed by furnishing copies of the materials to the Licensing Board and parties on October 4, 1985, thereby resolving the issue raised by Contention EP-6 and satisfying the requirements of 10 CFR 2.749 for granting the motion. The motion was supported by an affidavit from an employee of Georgia Power Company attesting to the furnishing of the public information and education materials to the Licensing Board and parties.

Staff in its response of December 9, 1985, is in agreement with Applicants that the motion be granted.

¹ No such filing was made.

The Licensing Board concludes that the subject motion should be granted and the contention dismissed.

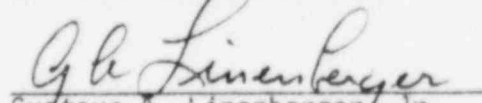
10 CFR 2.714 provides that a motion for summary disposition shall be granted if the record shows that there is no general issue as to any material fact and that the moving party is entitled to a decision as a matter of law. The material fact at issue in the contention is whether the public information and education materials are available and their contents disclosed. The supporting affidavit, which is uncontroverted and which we accept as true, establishes that the materials have been made available and their contents are known. The material issue in the contention is therefore resolved in Applicants' favor thereby entitling them to a decision dismissing the contention as a matter of law.

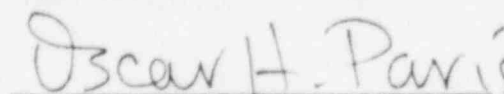
ORDER

Based upon all of the foregoing, the Licensing Board grants Applicants' motion for summary disposition of Contention EP-6 and the contention is hereby dismissed.

THE ATOMIC SAFETY AND
LICENSING BOARD


Morton B. Margulies, Chairman
ADMINISTRATIVE LAW JUDGE


Gustave A. Linenberger, Jr.
ADMINISTRATIVE JUDGE


Dr. Oscar H. Paris
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 3d of February, 1986.