

April 23, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CAROLINA POWER & LIGHT COMPANY  
AND NORTH CAROLINA EASTERN  
MUNICIPAL POWER AGENCY

(Shearon Harris Nuclear Power Plant,  
Units 1 & 2)

Docket Nos. 50-400 OL  
50-401 OL

APPLICANTS' RESPONSE TO CCNC CONTENTIONS ARISING  
FROM REVIEW OF EMERGENCY RESPONSE PLAN

## I. INTRODUCTION

By a pleading entitled "Contentions Arising From Review of Emergency Response Plan," intervenor Conservation Council of North Carolina (CCNC) submitted twelve proposed contentions, all ostensibly arising from review of the North Carolina Emergency Response Plan in support of the Shearon Harris Nuclear Power Plant (February 1984), (the "on-site emergency plan" or "ERP"), which was served on all parties to this proceeding on February 28, 1984. At the same time, CCNC expressed its intention to withdraw its previously proposed contentions concerning emergency planning which have been deferred.<sup>1</sup>

CCNC also asserts a right to formulate additional contentions on the basis of two alleged deficiencies in the ERP: (1) the absence of a copy of the Memorandum of

<sup>1</sup>The Licensing Board has deferred ruling on only one proposed CCNC emergency planning contention, CCNC Contention 11. "Memorandum and Order (Reflecting Decisions Made Following Prehearing Conference)," September 22, 1982, at 21.

Understanding (MOU) between Applicants and the State of North Carolina; and (2) the absence of maps of the plume exposure pathway EPZ including evacuation routes and notification areas. Neither of these alleged deficiencies establishes a basis for formulating additional contentions. Contrary to CCNC's implication that the responsibility of the state government for implementing the ERP is not identified, that information is copiously described in Part I.III of the ERP. The MOU, which will be included in subsequent revisions of the ERP when it is finalized and executed, merely confirms the obligations of the respective parties which are already reflected in the on-site and off-site Harris emergency plans. It addresses no additional issues of substance that are not included in the previously filed plans.

A map showing the local emergency planning zones and evacuation routes was provided as part of Revision 2 of the on-site emergency plan. See Annex H to the Shearon Harris Nuclear Power Plant Emergency Plan, Rev. 2 (February 1984). A copy of this document was served upon the parties to this proceeding on March 8, 1984. Similarly, a map showing local planning zones and evacuation routes is included as Figure 5-1 of the HMM Associates, Inc. study entitled "Evacuation Time Estimates for the Plume Exposure Pathway Emergency Planning Zone: Shearon Harris Nuclear Power Plant" (October 1983) ("Evacuation Time Study") which was served on all parties to this proceeding on December 29, 1983 and which was used as a basis for the ERP. The Licensing Board in its September 22, 1982 "Memorandum and Order (Reflecting Decisions Made Following Prehearing Conference)" directed intervenors to submit any new contentions based on new information in relevant emergency planning documents within 30 days after service of the documents. Id. at 8. Thus, new contentions based on information (such as these maps) in the Evacuation Time Study and on-site plan should have been submitted within 30 days of service thereof.

## II. DISCUSSION

### A. Requirements for Contentions

Applicants have previously discussed at length the general legal standards governing the admissibility of proposed contentions in an NRC licensing proceeding. See, e.g., "Applicants' Response to Supplement to Petition to Intervene by Wells Eddleman" (June 15, 1982), at 2-19. A summary of the general principles applicable to determining the admissibility of proposed contentions is contained in "Applicants' Response to Lotchin Proposed Contentions on Harris Off-Site Emergency Plan" (April 23, 1984), which is being filed contemporaneously with the instant pleading. The discussion contained in these documents is incorporated by reference herein.

### B. CCNC's Proposed Contentions

Proposed CCNC Contention 1 alleges that "the criteria for evacuation proposed by CP&L is [sic] far too conservative." In support of this allegation, the contention relies upon one section of the ERP. In addition, the contention generally cites the Harris FES and an unidentified Sandia Laboratory study without attribution to specific pages or sections.

CCNC Contention 1 is inadmissible for a number of reasons. First, the contention should be rejected because it is wholly devoid of the specificity required of litigable contentions. CCNC gives no indication of what is meant by the phrase "far too conservative" and does not indicate how the off-site plan would differ under a "less conservative" approach. In support of the contention, CCNC cites only Part II, page 34 of the ERP. Part II of the ERP contains only the Chatham County Plan and Procedures. Page 34 does not address at all the criteria for evacuation or any other protective action proposed by CP&L. Section IV.E.1. and IV.F.1. of Part II of the ERP does indicate that Chatham County will base its protective response actions on recommendations made by CP&L prior to activation of the State Emergency Response Team.

The criteria utilized by CP&L in making recommendations for protective action are contained in Section 4.5 of the on-site emergency plan.<sup>2</sup> These criteria were established in accordance with the planning standards set forth in NUREG-0654 (Criteria For Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants), Rev. 1 (November 1980). The planning standards are identified in Section II.J. and Appendix 1 of NUREG-0654. The Commission's emergency planning regulation, footnote 1 of 10 C.F.R. § 50.47(b), establishes NUREG-0654 as setting the standards for on-site and off-site emergency plans. The criteria are designed to provide early and prompt notification of events, and establish a gradation of protective actions to assure fuller preparation for potentially more serious conditions. NUREG-0654 at 1-3. To the extent that proposed Contention 1 can be read as suggesting that the evacuation criteria do not comport with NUREG-0654, the contention fails to set forth any basis for such allegation and is wholly unspecific.

CCNC makes the incorrect allegation that the "public will be notified only after a major release of radiation." As Part 1.IV.B, Part 1.IV.D, the corresponding sections of the county plans, and Annexes C-G of the ERP make clear, public notification will commence and protective actions may be recommended on the basis of projected radiation releases.

CCNC's reliance on the FES and Sandia Laboratory study adds nothing to the proposed contention. CCNC makes no effort to address how the protective action criteria in the ERP are inconsistent with the statements attributed to those documents. No such inconsistency is apparent on the face of these statements.

In sum, CCNC Contention 1 must be rejected for lack of basis and specificity.

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<sup>2</sup>The on-site plan was originally served on the parties to this proceeding on March 29, 1983. Shearon Harris Nuclear Power Plant Emergency Plan, Rev. 0 (March 1983). It contained criteria for CP&L's protective action recommendations in Section 4.5. Thus, CCNC Contention 1 is untimely because it was not filed within 30 days of service of the on-site plan. See discussion at page 2, supra.

Proposed CCNC Contention 2 alleges that "sheltering as the recommended response to the release of radiation is not adequate to protect public health." This allegation is apparently premised upon assertions that insulation in the homes around the Harris Plant is inadequate and that the population will be exposed to greater amounts of radiation if evacuation subsequently becomes necessary. A seemingly unconnected allegation is that a portion of the population will self-evacuate if sheltering is recommended. This contention is inadmissible because it constitutes a challenge to the Commission's regulations, and because it fails to identify a basis with the requisite specificity for a litigable contention.

The contention constitutes a challenge to the Commission's regulations, since the Harris emergency plans were developed in accordance with 10 C.F.R. § 50.47 and NUREG-0654, both of which require a range of protective actions including sheltering. 10 C.F.R. § 54.47(b)(7) identifies "remaining indoors" as one initial protective action, and 10 C.F.R. § 50.47(b)(10) requires development of a range of protective actions. The Supplementary Information to the final rule on emergency planning states that protective actions "could include staying indoors in the case of a release that has already occurred or a precautionary evacuation in the case of a potential release thought to be a few hours away." 45 Fed. Reg. 55402, 55407 (1980). NUREG-0654, upon which both the on-site and off-site emergency plans for Harris were based, identifies criteria for the choice of recommended protective actions including "expected local protection afforded in residential units or other shelter for direct and inhalation exposure." NUREG-0654 at 64. Thus, sheltering is a protective response option clearly mandated by the Commission's regulations and guidance documents, and the concerns raised by CCNC have already been considered therein. See Union Electric Company (Callaway Plant, Unit 1), LBP-83-71, 18 NRC 1105, 1112 (1983) (upholding adequacy of protective actions that included sheltering option).



CCNC Contention 2 lacks basis because sheltering is never considered the only protective response option available to protect the public health and safety. The ERP specifically indicates that a range of protective actions is considered. ERP at Part LIV.P.2.c. The type of protective response selected depends upon a number of variables and not on the protection factor of local housing alone. Section 4.5.2 of Applicants' on-site plan states that a decision to evacuate or shelter the population "will be based on evaluation of many factors including the imminence and duration of the passing plume, the protection afforded by dwellings, public fallout shelters, and other structures that might provide protection." Further that section of the on-site plan notes the general characteristics of local housing. Thus, emergency planners are fully aware of this consideration in determining appropriate protective action. CCNC has shown no basis for assuming that the protection factor of housing in the vicinity of the Harris Plant is so inadequate and so different from that near other nuclear sites in similar locales that sheltering should never be considered an option.

Finally, CCNC Contention 2 must be rejected because it totally lacks the specificity required of a litigable contention. The contention does not cite a single portion of the ERP or point to any regulatory requirements for which it is not in compliance. Nor does CCNC cite any other authority in support of its allegations. The reference to testimony asserting that a portion of the population will self-evacuate if sheltering is recommended adds nothing because CCNC gives no indication as to why that renders consideration of the sheltering option inappropriate or how such testimony with respect to the population in another locale is relevant to the Harris situation. Applicants should not be required to defend against a contention so lacking in specificity and clarity.

Proposed CCNC Contention 3 generally asserts that Annex G of the ERP does not adequately consider "the unique evacuation and sheltering problems" of the Jordan Lake area. However, the proposed contention does not specify what problems are supposedly "unique" to the Jordan Lake area or point to any particular deficiencies in Annex G with

respect to those problems. CCNC cites no sections of the ERP, applicable regulations or other authority with respect to such alleged deficiencies.

In addition to this lack of specificity, proposed Contention 3 should be rejected because it has no basis in fact. Appendix G of the ERP does discuss command and control responsibilities, notification and warning methods, and instructions for implementation of emergency response actions in the event of adverse weather and/or unavailability of primary response personnel. The measures are designed to insure that boaters and persons in the recreation areas around the Jordan Lake will be adequately warned to take protective action. CCNC has provided no basis for suggesting that these measures are inadequate. The Evacuation Time Study, which was served on all parties to this proceeding on December 29, 1983 and which was used as a basis for the ERP, also addresses evacuation and shelter plans for persons in or near the Jordan Lake recreational areas. See Evacuation Time Study Sections 3.2, 5.1, 6.2.3, 7.5, and 7.10 and Tables 4-3 and 7-1.<sup>3</sup>

The additional assertions that Annex G to the ERP does not contain routes for evacuation from the Jordan reservoir area and that no hospitals in Chatham County are capable of treating radiation exposure victims do not support the proposed contention. Evacuation routes for the Jordan Lake area and for the entire plume exposure EPZ are identified in Section 5 of the Evacuation Time Study and Annex H of the on-site plan. Although it is correct to state that no hospitals in Chatham County have agreed to treat radiation exposure victims, Part I.V.B. of the ERP identifies adequate medical facilities in close proximity to Chatham County that are capable of and have plans to treat such patients, including hospitals in Raleigh, Durham, Chapel Hill, Erwin, and Sanford. See discussion of proposed CCNC Contention 9 infra. Thus, there is no basis for believing that these assertions evidence any inadequacies in the off-site plan.

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<sup>3</sup>Pursuant to the Board's order of September 22, 1982, contentions based on information contained in the Evacuation Time Study should be rejected as untimely if not filed within 30 days of its service upon the parties. See discussion at page 2, supra.

Proposed CCNC Contention 4 alleges that the communication system identified in the ERP is inadequate and that overuse of the commercial telephone system will interfere with emergency communications in the event of a nuclear accident. There is no basis in fact for this allegation. The contention is based upon the inaccurate assumption that only the Wake County Emergency Operations Center (EOC) is connected to the Harris Plant with a dedicated telephone line. In fact, the State Emergency Response Team (SERT) headquarters and the warning points/EOC's for each of the four affected counties are connected with the Harris Plant Control Room, Technical Support Center and Emergency Operations Facility (EOF) with Automatic Ring Down (ARD) telephone circuits. These ARD circuits are dedicated telephone lines. This information is contained in Part 1.VI.G., Part 2.VI.E., Part 3.VI.E., Part 4.VI.E. and Part 5.VI.E of the ERP. Part 1.VI.G. and H. of the State Plan and the corresponding sections of the four county plans also summarize the backup communications capability, including commercial telephone, two-way radio systems and radio-equipped Highway Patrol cars positioned at the County EOCs, SERT headquarters and Harris Plant. Backup radio communications will always be available regardless of the volume of telephone communications by the public. Taken together, the communications system incorporates features of a redundancy and diversity that assure reliable communications among all response organizations. Thus, CCNC has misstated the nature of the emergency communications system, and this contention consequently lacks any factual basis. It should be rejected.

Proposed CCNC Contention 5 asserts that "the ERP does not adequately address delays [in evacuation] caused by inclement weather conditions." This contention should also be rejected because CCNC has provided no basis to suggest that the adverse weather conditions it identifies (snow, ice, or fog) would result in significantly different evacuation times from those that are identified in the ERP. The adverse weather scenario developed in the Evacuation Time Study and referenced in the ERP assumes that



the road network around the Harris Plant would have a capacity reduced by 25 percent due to weather conditions. Evacuation Time Study § 1.3.C.<sup>4</sup> Thus, the Evacuation Time Study fully considered adverse conditions in establishing evacuation time estimates.

CCNC has not argued that the 25 percent reduction in highway capacity modeled in the Evacuation Time Study is inadequate, nor has it shown any basis to believe it so. Applicants are not aware of any regulatory requirement that an evacuation time analysis be performed specifically considering snow, ice or fog conditions, and CCNC has identified no such authority. In failing to identify any relevant authority, the contention lacks basis and specificity in that regard.

CCNC implies that evacuation should be assured under any and all weather conditions. There is no regulatory requirement that licensees assure immediate evacuation under the most extreme weather conditions. Indeed, one can always postulate weather conditions in which immediate evacuation would be essentially impossible. For example, evacuation might not be possible during or immediately following a heavy snowfall or raging hurricane. In that event, evacuation would simply not be immediately attempted and other protective action options would be utilized until evacuation becomes possible.

Proposed CCNC Contention 6 is a collection of statements apparently intended to infer that state and county emergency response organizations personnel cannot be depended upon to respond to a radiological emergency in sufficient numbers. According to CCNC, "the ERP makes the false assumption that once all the required workers are contacted that virtually all of them will choose to immediately carry out the task assigned."

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<sup>4</sup>Contentions should be deemed untimely if not submitted within 30 days after information in the Evacuation Time Study was served upon the parties. See discussion at page 2, supra.

The contention should be rejected for lack of basis and specificity. CCNC has shown no basis for the allegation nor should it be assumed that emergency response personnel will not perform their assigned tasks. As specified in Part 1.VI.E. of the ERP, state and local emergency preparedness personnel received extensive periodic radiological emergency response training. See also Part 2.VII.C., Part 3.VII.C., Part 4.VII.C, and Part 5.VII.C. for a discussion of radiological emergency response training of local personnel. In addition, all such personnel who may receive significant radiation exposure will receive thermoluminescent dosimeters. Emergency workers who enter or may enter areas where the external radiation exposure could exceed 10 percent of protective action guides will receive self-reading dosimeters so that they will be aware of the risks at all times. See Part 1.IV.G., Part 2.IV.F., Part 3.IV.F, Part 4.IV.F. and Part 5.IV.F. of the ERP. These measures provide reasonable assurance that state and local emergency response personnel will perform in a professional manner under any radiological emergency situation that may arise. Indeed, North Carolina emergency workers, both paid and volunteer, are on record as performing their essential functions in the face of imminent life threatening situations, such as the recent tornado disaster in eastern North Carolina. CCNC's citation to Kai Erickson's testimony from another NRC proceeding regarding the reaction of emergency personnel in a different locale has no relevance to the North Carolina situation. It should be noted, however, that other licensing boards have considered similar contentions and concluded, despite testimony from Erickson upon which intervenors relied, that there was reasonable assurance that adequate numbers of emergency workers would stay and perform their jobs in the event of a nuclear emergency. Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), LBP-81-59, 14 NRC 1211, 1486-89 (1981); Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), LBP-82-70, 16 NRC 756, 767-6, 804-05 (1982); Consolidated Edison Company of New York (Indian Point, Unit No. 2), LBP-83-68, 18 NRC 811, 955-60 (1983).

In sum, proposed CCNC Contention 6 must be rejected it fails to set forth the bases with any specificity for the allegation that emergency preparedness personnel would fail to perform their functions adequately in the event of an emergency at the Harris Plant.

Proposed CCNC Contention 7 challenges the evacuation time estimates in the ERP on the basis that they are "intentionally misleading as they are based on the assumption that alerting and notification times are calculated to be 15 minutes." This contention should be rejected because it has no basis, is not specific and constitutes a challenge to the Commission's regulations.

CCNC does not specify in what way or to what extent the evacuation time estimates are misleading due to the assumption that notification can be effected within 15 minutes. The contention is "supported" only by vague, unsubstantiated references to other organizations having "rejected" the possibility of a 15-minute notification.

The contention completely ignores the use of the primary warning system—a series of 65 sirens placed within the ten-mile EPZ and procedures in place for timely Emergency Broadcast System (EBS) messages—which is designed to provide a 15 minute notification capability. The siren system and EBS procedures are described in the ERP at Part 1.IV.B., Part 1.IV.B., Part 3.IV.B., Part 4.IV.B., Part 5.IV.B., and in Annexes C, D and E of the ERP. CCNC references sections of the county plans in support of the allegation that "notification times for each of the counties are substantially longer than fifteen minutes." In fact, the material referenced obviously describes only the backup notification system, not the primary system. Because the contention does not address the primary notification system at all, it lacks adequate basis.

CCNC falsely asserts that Applicants are "not providing any resources for alerting and notification except in those areas in their direct control (that is the plant site and exclusion zone)." Development of the off-site warning system relies upon the financial resources and full cooperation of Applicants.

The contention also constitutes an impermissible attack on the Commission's emergency planning regulations which require a 15-minute public notification capability. Appendix E of the Commission's emergency planning regulations states that: "The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about fifteen minutes." 10 C.F.R. Part 50, App. E. IV.D. Criteria for the 15-minute notification capability are further addressed in Appendix 3 to NUREG-0654. The notification system identified in the ERP was developed pursuant to and is in conformity with these requirements.

For all the above reasons, CCNC Contention 7 should be rejected.

CCNC proposed Contention 8 alleges that the "Radiation Protection Section (RPS) of the North Carolina Department of Human Resources . . . does not have adequate staff and does not have adequately trained staff" in contravention to NRC regulations. CCNC has shown no basis for its belief that the RPS Staff is deficient either in numbers or training. CCNC alleges that RPS personnel must be in "up to 8 distinct locations" in an emergency situation, including each of the four counties within the 10 mile EPZ. However, neither RPS procedures nor the ERP calls upon RPS to dispatch a member of its staff to each of the four counties. In an emergency situation, the RPS Staff will be augmented by a Team of Radiological Emergency Volunteers (TOREV). Contrary to the contentions' assertion that TOREV is an "untrained volunteer team," it is composed of highly trained health physics personnel from such organizations as the General Electric Company nuclear facility in Wilmington, North Carolina, and Duke University. See, e.g. Letter from General Electric committing to provide support personnel in the event of a radiation emergency, ERP at pp. 1-26, 1-27.

Part 1.III.D.1 of the ERP describes the responsibilities of the RPS with respect to emergency preparedness for the Harris plant. The training that RPS personnel receive to fulfill these responsibilities is identified at Part 1.VII.E. CCNC does not specify how this

training is alleged to be inadequate. The RPS Staff operates in close cooperation with Applicants' radiological monitoring personnel. Section 5.2.3.15 of the on-site plan specifies that CP&L will assist offsite emergency response organizations, such as RPS, in performing radiological emergency response training related to the Harris plant. Page 19-9 of the CP&L Corporate Emergency Plan and Implementation Procedures, Rev. 2 (October, 1983) specifies that the Manager of CP&L's Radiological & Chemical Support Section will assist in the training of State environmental monitoring teams (such as those within RPS) by inviting them to emergency environmental monitoring and dose projection courses conducted by the Section.

Thus, Contention 8 establishes no basis and does not specify any factual reason upon which to challenge the efficacy of the RPS organization. Accordingly, the contention must be rejected.

The general thrust of proposed CCNC Contention 9 is a challenge to the adequacy of medical facilities to treat "radiation victims" in the event of an accident at the Harris plant. Litigation of this contention is precluded under Commission case law interpreting 10 CFR § 50.47(b)(12).<sup>5</sup>

In Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528 (1983), the Commission interpreted 10 CFR § 50.47(b)(12) as not requiring special medical arrangements or extensive advance planning for injuries to members of the general public in the event of a nuclear plant accident:

With respect to individuals who become injured and are also contaminated, the arrangements that are currently required for onsite personnel and emergency workers provide emergency capabilities which should be adequate for treatment of members of the general public. Therefore, no additional medical facilities

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<sup>5</sup>CCNC quotes 10 CFR § 50.47(b)(8) as authority for proposed Contention 9. As the planning standard for subsection (b)(8) indicates (NUREG-0654 at 52-55), that subsection was not intended to establish the requirements for medical facilities in the event of a radiological emergency.



or capabilities are required for the general public. However, facilities with which prior arrangements are made or which have the capability to treat contaminated injured individuals should be identified. With respect to individuals who may be exposed to dangerous levels of radiation, treatment requires a lesser degree of advance planning and can be arranged for on an as-needed basis during an emergency. Emergency plans should, however, identify those local or regional medical facilities which have the capabilities to provide appropriate medical treatment for radiation exposure. No contractual agreements are necessary and no additional hospitals or other facilities need be constructed.

Id. at 536-37 (footnote omitted). In its Memorandum and Order implementing the Commission's decision, the San Onofre licensing board interpreted the Commission's ruling as follows:

[A]s to members of the offsite public who may suffer radiation injuries, a licensing board's proper inquiry is quite narrow — whether existing medical facilities have been identified. That identification itself is to be deemed adequate to satisfy the rule as a matter of law, whether the existing facilities are many or few, subject only to the possibility of an exception under 10 CFR § 2.758. Boards are not to go behind the list of existing facilities to determine whether those facilities are adequate (or inadequate) to cope with various accident scenarios in the site-specific setting.

Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3). LBP-83-47, 18 NRC 228, 232 (1983). As proposed Contention 9 notes, the offsite plan clearly identifies those hospitals that will support the plant and surrounding communities in the event of a radiological emergency. ERP at Part I.V.B.3. Proposed Contention 9, premised upon a challenge to the adequacy of these facilities, must be rejected as a challenge to the Commission's regulations, 10 CFR § 50.47(b)(12), and the decisional authority cited above.

Proposed CCNC Contention 10 asserts that an alleged inconsistency in the speeds at which emergency notification vehicles are expected to travel "brings into question the adequacy of the entire plan." This contention is so nonspecific and lacking in basis that it is difficult to follow its reasoning. First, the contention does not specify any significant portions of the plan that would fall into question because of such alleged

inconsistencies. It is premised upon the false assertion that "[n]otification in the 10-mile zone, excluding Jordan Reservoir, is primarily with sound truck." In fact, the primary notification system is through the use of warning sirens and the Emergency Broadcast System. See discussion of proposed CCNC Contention 7, supra. The sections of the plan referenced by CCNC clearly indicate that emergency vehicles with sound devices are only utilized as a backup notification system.<sup>6</sup> There is no basis for the assertion that an alleged inconsistency in the backup notification system brings the entire plan into question.

Contention 10 notes that the ERP indicates that sound notification vehicles will travel at an average speed of 15 miles per hour. This statement is alleged to be inconsistent with information "in other places" to the effect that such vehicles will travel at speeds "from 12 to 60 miles per hour with an average over 30 miles per hour." CCNC provides no reference as to what "other places" the latter information on variable speeds is derived. Despite checking with Division of Emergency Management personnel, Applicants have been unable to locate any such references in the offsite plan. Applicants would note, however, that variability in speed from 12 to 60 miles per hour is not necessarily inconsistent with an average speed of 15 miles per hour. In the absence of more specific references to support CCNC's allegations, Applicants are not in a position to respond further.

In sum, CCNC Contention 10 must be rejected because it is wholly devoid of basis and specificity required of a litigable contention.

Proposed CCNC Contention 11 is a rather disjointed collection of sentences. To the extent that a cognizable contention can be discerned from this material, it seems to be that local governments are understaffed and lack a budget to train personnel for

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<sup>6</sup>The contention references "Part 2, Page 2." That page of the Chatham County Plan does not discuss notification by emergency vehicles with sound devices. Applicants presume that CCNC intended to refer to Page 21.

emergency preparedness responsibilities. Whatever the contention is intended to be, it should be rejected for lack of basis and specificity. CCNC cites no sections of the ERP or other authorities to support the allegations contained in proposed Contention 11.

There is no basis for the assertion that counties "must rely" upon Applicants for public information material. All such material is developed with the cooperation of and review by county emergency response personnel. Each county within the 10-mile EPZ has designated a representative for the preparation and release of emergency public information and instructions. ERP at Part 2.IV.D.1., Part 3.IV.D.1., Part 4.IV.D.1., Part 5.IV.D.1. The counties do not rely upon Applicants for "the wording of alert bulletins;" draft messages for broadcast during an emergency are contained in Annex D of the ERP.

Contrary to the assertion in proposed Contention 11 that the counties must follow Applicants' recommendations on protective actions if the emergency management coordinator cannot be reached, the county plans require that a warning point telecommunicator "make every effort to contact the Emergency Management Coordinator, County Sheriff, and the County Commissioners." Only if all of these persons cannot be contacted will the recommendations from Applicants necessarily be followed. Additionally, this procedure is applicable only during the initial stages of an emergency situation. Once command and control is assumed by the State Emergency Response Team, the State of North Carolina will be responsible for recommending protective actions. ERP at Part 2.IV.E. See also Part 3.IV.E., Part 4.IV.E., and Part 5.IV.E.

CCNC identifies no basis for its allegation that county emergency response organizations are inadequately staffed or lack training. Local emergency response personnel receive extensive radiological emergency training which is summarized in the offsite plan at Part 1.VII.E., Part 2.VII.C., Part 3.VII.C., Part 4.VII.C., and Part 5.VII.C. CCNC has not identified any specific deficiency in this training. Rather, proposed Contention 11 is merely an amalgam of bald, unsupported assertions lacking any basis or specificity. As such, it does not meet minimal standards for a litigable contention.

Proposed CCNC Contention 12 is a rambling discussion of the emergency planning zone concept. It first alleges that the "ERP does not present any rationalization for keeping the plume exposure pathway EPZ at a 10-mile radius or the ingestion pathway EPZ at 50 miles." The contention continues with the suggestion that "each of the cities within 25 miles probably needs evacuation planning." Finally, it is alleged that "Applicants have not provided any planning for the potential area-wide panic or discussed with local government what can be expected." This contention should be rejected in its entirety as a challenge to the Commission's regulations and for lack of basis and specificity.

The Commission's regulations, at 10 C.F.R. § 50.47(c)(2), establish that the plume EPZ shall consist of an area of approximately 10 miles in radius around each nuclear power plant, and that the ingestion pathway EPZ shall consist of an area of approximately fifty miles in radius from the plant (protective actions for the fifty-mile EPZ are to focus on protection of the food ingestion pathway). The regulations do not require off-site emergency plans to provide a "rationalization" for the size of these EPZs, nor does CCNC cite any other authority for such a requirement. Proposed Contention 12 quotes 10 C.F.R. § 50.47(c)(2) to the effect that the exact size and configuration of the EPZs may vary depending upon a number of conditions. However, CCNC nowhere addresses how those conditions (demography, topography, land characteristics, access routes, and jurisdictional boundaries) are relevant to the Harris EPZs and create special circumstances justifying variation from the regulatory prescribed norms.<sup>7</sup> Thus, this portion of Contention 12 is fatally deficient in basis and specificity.

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<sup>7</sup>During the July 13, 1982 prehearing conference in this proceeding, the Chairman of the Licensing Board cautioned counsel for CCNC that the size of the plume EPZ might vary only by relatively small distances based upon the factors listed in the rule. T.186-87. He stated: "My own view is that about ten miles means something pretty close to ten miles. Maybe eight. It may be twelve, but it isn't twenty-five." T.186.



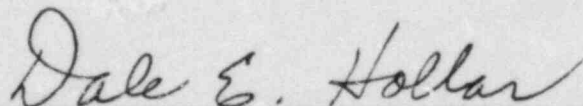
To the extent that CCNC contends that emergency planning actions beyond protection of the food ingestion pathway are required for cities (including Sanford and Cary) that are outside the ten-mile EPZ, Applicants submit that proposed Contention 12 constitutes an impermissible challenge to the Commission's regulations. Absent a clear showing of special circumstances, not presented here, that part of the contention cannot be admitted as an issue in this proceeding. See 10 CFR § 2.758.

None of the reasons advanced by CCNC for additional "evacuation planning" is based on anything more than rank speculation. Applicants specifically object to CCNC's implication that "potential area-wide panic" will result from an accident at the Harris Plant. Despite a vast body of civil defense literature on actual evacuations, CCNC has advanced no basis whatsoever for the proposition that "area-wide panic" can be expected. Applicants, therefore, oppose admission of that portion of proposed Contention 12 as without basis. See Louisiana Power and Light Company (Waterford Steam Electric Station, Unit 3), LBP-82-100, 16 NRC 1550, 1562, 1576 (1982) (concluding that no additional measures need be taken to cope with public anxiety provided the guidance in NUREG-0654 is followed).

### III. CONCLUSION

For all the reasons discussed herein, all of CCNC's proposed contentions on the off-site emergency plan must be rejected.

Respectfully submitted,



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