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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))

Docket No. 50-400 OL

APPLICANTS' STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE
TO BE HEARD ON EDDLEMAN EPX-8

Pursuant to 10 C.F.R. § 2.749(a), Applicants state, in support of their Motion for Summary Disposition of EPX-8, that there is no genuine issue to be heard with respect to the following material facts:

1. On Friday, May 17, 1985 (relatively early in the Harris exercise and prior to State assumption of control of emergency response), the scenario for the exercise postulated plant conditions warranting EBS activation by Wake County. This involved the preparation of an EBS message and the coordination of system activation with Chatham, Lee, and Harnett Counties, as well as the State. "Affidavit of Russell Capps on Eddleman EPX-8" ("Capps Affidavit"), ¶ 4.

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2. A message had been prepared and was actually broadcast for each EBS activation throughout the exercise, to inform the public that an exercise was in progress, and that there was no cause for concern. Capps Affidavit, ¶ 5.

3. It was also expected that preparation of an EBS message would be simulated by Wake County as part of the exercise, to afford Wake County an opportunity to practice EBS message preparation. Capps Affidavit, ¶ 5.

4. Due to confusion about who had responsibility for preparation of the simulated message during the exercise, no simulated EBS message was prepared. Similarly, there was no simulation of "follow-up" EBS messages by Wake County during the exercise. Capps Affidavit, ¶ 5.

5. Problems also arose with the first efforts to activate the EBS. The initial EBS activation on Friday, May 17, was to be accomplished by adding additional parties -- including the lead EBS station -- to an ongoing conference call under a standard conference call system. Capps Affidavit, ¶ 6.

6. Mr. Capps mistakenly believed that the ongoing conference call had to be terminated and re-established to add the additional parties. (Shortly after terminating the call, he learned that the additional parties could have been added without terminating the call.) Capps Affidavit, ¶ 6.

7. In attempting to re-establish the conference call, it was discovered that some of the telephone numbers in the

procedure were incorrect, so that some calls had to be placed again. In addition, upon redialing, some of the lines were "busy". These problems resulted in a delay of approximately three or four minutes in EBS activation. Capps Affidavit, ¶ 6.

8. Had Mr. Capps originally known of the capability to add parties to the ongoing conference call, most of these difficulties would not have occurred, because all parties would have remained on the line, precluding the problems on re-dialing with incorrect numbers and "busy signals". Capps Affidavit, ¶ 7.

9. Once these initial difficulties with the conference call system were resolved, the EBS activation process proceeded very smoothly and quickly. The prerecorded message intended for broadcast was on the air within three minutes, and numerous stations in addition to the lead EBS station carried the broadcast. Capps Affidavit, ¶ 7.

10. In cooperation with the State, Wake County and the other counties of the EPZ have undertaken a comprehensive review and revision of EBS procedures, to "streamline" the procedures, and to clarify the responsibilities of personnel. In particular, the procedures are being clarified to assure that the responsibility for message preparation in an actual emergency is well-defined. The procedures are also being clarified to assure that "follow-up" EBS messages would be prepared in an actual emergency, and to specify the EOC staff personnel responsible for these activities. Capps Affidavit, ¶ 8.

11. The revised procedures will also reflect reliance on new equipment. With the support of Applicants, the State has initiated steps to accomplish the replacement of the conferencing system used during the exercise. The new conferencing capability will be based on use of a State-controlled reserved, restricted state-wide telephone system dedicated to this purpose at the time of an emergency. Capps Affidavit, ¶ 9; "Affidavit of Alvin H. Joyner on Eddleman EPX-8" ("Joyner Affidavit"), ¶ 8.

12. The lines for use in the event of an emergency at Harris are completely unavailable to the public, and invulnerable to heavy use of the commercial telephone network. The system provides conference call capability that can be immediately cleared of all traffic in an emergency, and is immediately available (on a 24-hour per day basis) from any telephone within the 733 exchange, to any individual with the proper access code number. Capps Affidavit, ¶ 9.

13. The present system allows the individual initiating the call to add up to 12 conferencing parties (soon to be 30 parties) without the assistance of a telephone operator, and without breaking any ongoing conference call. Capps Affidavit, ¶ 9.

14. To facilitate use of this restricted network in the event of an emergency at Harris, Applicants are providing new telephones and lines on the State's 733 exchange and related

equipment to the Wake County EOC and to the State EOC. Separate, reserved lines will be provided to the other county EOCs, to the plant, and to the lead EBS station. Joyner Affidavit, ¶ 8.

15. These new telephones will have "unlisted" numbers and will be completely dedicated to the conferencing function between EOCs, including EBS activation with its requirements for consultation and coordination. Capps Affidavit, ¶ 9.

16. In a Harris emergency, the conferencing network could be established either by the State or by Wake County. Once established, the network would be kept open on a continuous basis for the duration of the emergency; however, if for some reason the network were broken, it could be re-established immediately without operator assistance and irrespective of the level of public use of the commercial telephone system. Capps Affidavit, ¶ 9.

17. The revised procedures will be reviewed prior to implementation, and reverified periodically, to assure the accuracy of all information included there (e.g., the telephone numbers). Review and revision of the EBS procedures, and installation of all equipment for the new dedicated telephone conferencing capability, will be completed prior to full power licensing of Harris. Capps Affidavit, ¶ 10.

18. Additional training and practice on conference and EBS procedures -- including a "table-top exercise" -- also are

being provided to all relevant personnel. The training program on the new equipment and associated procedure revisions will include instruction on the preparation of initial and "follow-up" EBS messages, as well as the addition of parties to the conference network without breaking the network. Joyner Affidavit, ¶¶ 8-9; Capps Affidavit, ¶ 11.

19. During the table-top exercise, Wake County will simulate preparation of an EBS message, and the relay of a message to the lead EBS station will be exercised. All relevant personnel will participate in the table-top exercise, actually using all telephones on the network. Capps Affidavit, ¶ 11.

20. The training program, including the table-top exercise, will be completed prior to full-power licensing of the plant. The conferencing system will be re-tested over the life of the plant in each of the communications drills conducted in accordance with the emergency plans. Capps Affidavit, ¶ 11.

21. The exercise scenario postulated that, on Saturday, May 18, plant conditions and county response capabilities were such that the State was requested to assume overall direction and control of emergency response. The State directed activation of the EBS system and simulated preparation of EBS messages. On Saturday, there were two simulated activations of the EBS. Joyner Affidavit, ¶ 3.

22. The EBS activation steps were conducted correctly and proceeded smoothly. The EBS message was simulated for

broadcast in a timely fashion, and no communication problems were encountered. Nevertheless, certain changes were indicated, to improve the use of the prescribed EBS messages included in the plan, to assure that those messages are released on a continuing basis after the initial activation so the public is properly informed throughout the emergency. Joyner Affidavit, ¶ 4.

23. The draft EBS messages in the emergency plans are intended to facilitate the preparation of EBS messages in an emergency, by providing several standardized paragraphs covering the likely range of plant conditions and protective action instructions. In an emergency, the preparer selects the appropriate paragraphs, completes the blanks, and assembles the paragraphs into a complete message. Joyner Affidavit, ¶ 5.

24. The simulated EBS messages prepared by the State during the exercise did not identify locations where evacuees could obtain transportation assistance, although it was indicated that pick-up points would be broadcast in a subsequent EBS message. While there is a separate draft message which would have provided this information, the preparation and release of that subsequent message was not simulated in the exercise. Joyner Affidavit, ¶ 6.

25. Similarly, the State did not simulate the preparation of "follow-up" EBS messages during the exercise; this is the "incompleteness in coverage" to which the FEMA Exercise Report referred. Joyner Affidavit, ¶ 7.

26. To assure that information about transportation assistance is not omitted from the broadcast EBS messages in the event of an actual emergency, the steps used to process EBS messages will be expanded in the public education and information sections of the plans and related implementing procedures, to require the appropriate PIO to assure the preparation and broadcast of messages including information such as the location of pick-up points. Joyner Affidavit, ¶ 6.

27. The PIO will also be specifically charged with assuring that there is a continuing release of information through EBS. These revisions will be completed prior to full power licensing of the plant. Joyner Affidavit, ¶¶ 6-7.

28. Appropriate state personnel will also receive training on the revised procedures, including instruction on the preparation of initial and "follow-up" EBS messages. In addition, the State is expanding its ongoing program of

table-top exercises to include practice in EBS activation wherever possible. Joyner Affidavit, ¶¶ 8-9.

Respectfully submitted,

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