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January 22, 1985

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

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In the Matter of CAROLINA )  
POWER AND LIGHT COMPANY )  
and NORTH CAROLINA EASTERN ) Docket No. 50-400-0L  
MUNICIPAL POWER AGENCY )  
(Shearon Harris Nuclear Power )  
Plant Units 1 and 2) )

SECRETARY  
RECORDING & SERVICE  
BRANCH

FEMA STAFF RESPONSE TO APPLICANTS' MOTION  
FOR SUMMARY DISPOSITION OF CHANGE CONTENTION 17

I. INTRODUCTION

On December 21, 1984, the Applicants moved for summary disposition on CHANGE Contention 17, (hereinafter Applicants' Motion) pursuant to 10 CFR § 2.749 of the Commission's regulations. FEMA staff supports Applicants' Motion for summary disposition on the grounds that they have demonstrated an absence of a genuine issue of material fact, and that they are entitled to a favorable judgment as a matter of law.

II. BACKGROUND

CHANGE-17 was admitted by the Board as a matter in controversy in this proceeding during the May 2, 1984 prehearing conference. CHANGE-17 as admitted by the Board contends:

The plan does not provide adequate assurance that warning sirens would be heard by all citizens within the threatened area because of hearing impairments.

Neither CHANGE, the NRC staff nor FEMA filed any discovery requests on CHANGE-17.

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III. ARGUMENT

A. Standards for Summary Disposition

FEMA staff response to Applicants' previous Memoranda of Law of Emergency Planning Contentions previously filed is fully applicable to this Motion and is incorporated by reference herein.

B. There is No Genuine Issue of Material Fact to be Heard with Respect to CHANGE-17.

Section 50.47 of NRC's Emergency Planning Rule (10 CFR Parts 50 (Appendix E) as amended and NUREG 0654/FEMA-REP-1, Rev. 1, November 1980, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" are used by FEMA pursuant to 44 CFR § 350(a) in "reviewing, evaluating, and approving State and local radiological emergency plans and preparedness."

10 CFR § 50.47(b)(5) provides in pertinent part that:

Means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established. [see also 44 CFR § 350.5(a)(5)].

NUREG 0654/FEMA-REP-1, Rev. provides at II.E.6. in pertinent part:

Each organization shall establish administrative and physical means and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone (see Appendix 3).

Appendix 3 of NUREG 0654/FEMA-REP-1 provides in pertinent part:

The initial notification when appropriate, of the affected population within the plume exposure pathway Emergency Planning Zone (EPZ) must be completed in a manner consistent with assuring the public health and safety. The design objective for the (notification) system shall be to meet the acceptance criteria of section B of this Appendix. This design objective does not, however, constitute a

guarantee that early notification can be provided for everyone with 100% assurance...  
(emphasis added).

Section B.2. of Appendix 3 provides:

The minimum acceptable design objectives for coverage by the system are:

a) Capability for providing both an alert signal and an informational or instructional message to the population on an area wide basis throughout the 10 mile EPZ, within 15 minutes.

b) The initial notification system will assure direct coverage of essentially 100% of the population within 5 miles of the site (emphasis added).

c. Special arrangements will be made to assure 100% coverage within 45 minutes of the population who may not have received the initial notification within the entire plume exposure EPZ (emphasis added).

Section B.3. of Appendix 3 provides in pertinent part:

A prompt notification scheme shall include the capability of local and State agencies to provide information promptly over radio and t.v. at the time of activation of the alerting signal.

A review of the North Carolina Emergency Response Plan in Support of the Shearon Harris Nuclear Power Plant (ERP) and the Affidavit of Jesse T. Pugh, III (Pugh Affidavit in response to CHANGE 17) establishes that the plan provides special arrangements and is in accord with NUREG 0654/FEMA-REP-1 criteria for prompt notification of that portion of populace within the EPZ who may not have received the initial notification.

The ERP provides at Part 1, IV. B. 13 (p. 36):

Organizations within Parts 2-5 of this plan tasked with zone warning responsibilities will be given additional responsibility to identify within their zone all hearing-impaired households and provide "knock on the

door" type notification to meet the warning needs of this special group of people (emphasis added).

The ERP further provides at Parts 2,3,4,5 II.B.:

If the emergency poses a radiation threat to the surrounding community, (the appropriate County government) will immediately take appropriate actions to inform the residents in the threatened areas of the actions they should take for their own safety. The population will be alerted by fixed and mobile siren systems, public address announcements, door to door alerting, Emergency Broadcast System (EBS) radio and television announcements, and any other communication systems such as the National Weather Service (NWS) that are appropriate to the situation (emphasis added).

Steps will be taken prior to fuel load to identify the hearing impaired population through distribution of a special needs response card contained in the Harris "Safety Information" brochure. This information will be augmented with information from agencies and organizations that have on-hand information on the hearing impaired populace. The information obtained "will serve as a basis for the counties' listings of hearing-impaired persons within the EPZ". (Pugh Affidavit Paragraphs 3-4).

Mr. Pugh estimates that the number of people with a serious hearing-impairment within the EPZ range from 40 to 80. Special notification will be provided to all households in which reside a hearing-impaired person (Pugh Affidavit footnote 3).

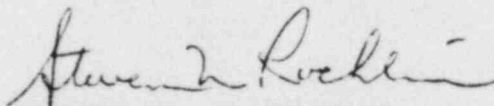
Based upon the distribution of the hearing impaired population and the number of vehicles available to notify this special needs population, Mr. Pugh states that "in no case would it take more than 45 minutes to accomplish notification of the hearing impaired residents". (Pugh Affidavit, Paragraph 8).

There is no requirement in NUREG 0654/FEMA-REP-1 that warning sirens be heard by all citizens within the EPZ (including citizens with hearing impairments). NUREG 0654 criteria take into account the possibility that all people may not have received an initial notification, and require special arrangements to assure coverage of 100% of the EPZ population within 45 minutes. The ERP establishes appropriate procedures to warn the hearing-impaired populace in the event of an emergency at the Shearon Harris Nuclear Power Plant and the affidavit of Mr. Pugh demonstrates that the emergency response officials have an adequate capability to notify the hearing-impaired populace within 45 minutes.

IV. CONCLUSION

Based on the foregoing discussion, the Applicants' Motion for Summary Disposition should be granted.

Respectfully submitted,



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Federal Emergency Management Agency

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

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

Docket Nos. 50-400 OL  
50-401 OL

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "FEMA STAFF RESPONSE TO APPLICANTS' MOTION FOR SUMMARY DISPOSITION OF CHANGE CONTENTION 17" in the above-captioned proceeding have been served by the Staff on the following by deposit in the United States mail, first class, or deposit in the Nuclear Regulatory Commission's internal mail system (\*), this 22nd day of January, 1985.

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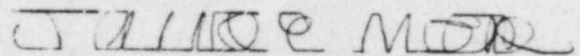
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