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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

6 August 1985

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

DOCKETED
USNRC

'85 AUG -9 P12:00

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Unit 1)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Eddleman contentions on Notification of State
and Local Emergency Management Agencies

On August 2, 1985, the Raleigh News and Observer reported that Cecil Logan, emergency management coordinator for Brunswick County (NC) said CP&L officials notified him of an "unusual event" 11 hours after it happened. James Munn, operations officer of the NC Division of Emergency Management, informed me in a phone talk that the Division was notified at 9:41 a.m. on Wednesday July 31. In light of this new information, I propose the following contentions:

EM-1. CP&L fails to assure that the requirement of 10 CFR 50.47(a)(1) that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency by failing to promptly notify local and state emergency response agencies of the occurrence of an event that was later classed as an "unusual event" for emergency response purposes. Delays as large as approximately 11 hours in notification are not acceptable. In the light of the events of July 30-31, 1985 at the Brunswick plant, CP&L has demonstrated unreliability in prompt notification and must therefore re-demonstrate assurance of prompt notification on some basis more credible than the Company's claims, before its Harris facility can be deemed to have an adequate emergency plan.

EM-2. CP&L fails to meet the criteria of 10 CFR 50.47(a)(1) (assurance that adequate protective measures can and will be taken in the event of a radiological emergency) due to its evident failure to meet the criterion II.D.1 at the Brunswick plant for declaring an unusual event. Evidently, insufficient parameters, instruments or equipment status were established for unambiguously identifying an unusual event promptly, and the unusual event was only declared nearly 11 hours after the actual radioactive water spill through ductwork, and from the spent fuel pool, had occurred. This type of error is likely to be reproduced at Shearon Harris, especially in the light of CP&L's claims of improved operations and management at Brunswick (which should mean that Brunswick is as up-to-snuff as CP&L can make it). Moreover, CP&L's failure to notify promptly the responsible agencies means criterion II.E.5 (NUREG-0654) can't be met.

EM-3. CP&L's management capability for emergency response does not meet the requirements of 10 CFR 50.47(a)(1) in that it is not assured that State and local emergency response agencies will be promptly notified of the occurrence of events (e.g. the radioactive water spill from the spent fuel pool and through ductwork at CP&L's Brunswick plant, July 30, 1985 and following) which have potential for radiological releases or impairing the function of plant safety systems. CP&L's failure to meet the requirements of NUREG-0654 II.D.1 is a management failure which is likely to be reproduced at Harris, especially since Brunswick has been receiving so much CP&L management attention, e.g. to adequacy of procedures, and still failed to have adequate procedures to unambiguously and promptly identify an emergency event (e.g. this "unusual event".)

Five factors discussion: The contention could not have been filed earlier because the information related to the event was not available earlier. These contentions are filed within 5 days of public availability of the information. Moreover, any such contention filed earlier would almost certainly have been rejected for lack of basis. The Board in a May, 1985 prehearing conference, heard remarks by CCNC counsel questioning CP&L's ability or willingness to promptly notify the emergency response organizations, and the chair (as I recall) stated such remarks were improper. However, there is now basis to make contentions on this very issue. Thus there is good cause for not filing these contentions on 5/14/82 ("on time" in this proceeding).

(ii) and (iv) There are no other means whereby my interests will be protected, and to my knowledge no other parties are raising this issue; even if they do, there is no guarantee they will represent my interests on these issues.

(v) These issues do have some potential to delay the proceeding, and they do broaden the issues (although only slightly in view of the large number of emergency planning issues that have been raised, and the even larger number of other issues both raised, and as admitted as contentions). However, assuring that CP&L will meet its responsibilities to notify state and local emergency management agencies promptly of any event that could lead to a radiological release or emergency, is absolutely vital to protecting the public health and safety. If CP&L doesn't notify the agencies promptly, they can't act, and the emergency planning is not used. If it can't be used, or isn't used, there is no assurance that adequate protective measures can and will be taken. Especially since this Harris nuclear plant is upwind of North Carolina's capital, but also for the reasons stated above, this issue is so important that some delay is justified in order to establish a sound record on this very important issue.

(iii) On this issue I would be able to obtain (or subpoena) witnesses including emergency response personnel and CP&L personnel, and through the evidence of such witnesses and information obtained on discovery, plus cross-examination, be able to assist in developing a sound record. Of course, without a contention, there would be no record and thus no sound record on this very important matter. I have demonstrated the ability to conduct effective discovery and to conduct cross-examination, and have no doubt that appropriate witnesses can be located and made available. I propose to do so.

Other matters: Re the suggestion of explaining likely evidence and witnesses, obviously Mr. Logan (Brunswick County) and Mr. Munn and/or other State emergency response officials should be witnesses, as well as the (as yet unidentified, to my knowledge) CP&L personnel involved in the cited events at Brunswick and the emergency classification determinations.

It is evident CP&L failed to unambiguously identify the "unusual event" later declared at Brunswick when it occurred. This matter, and the management/procedure problems associated with it, should be part of the evidence on these contentions, as appropriate.

6 August 1985

News & Observer article reproduced below.

Wells Eddleman
Wells Eddleman

Reporting of radioactive water spill questioned

N+O 8-02-85

From AP and Staff Reports

SOUTHPORT — Questions about emergency communications were sparked Thursday by Carolina Power & Light Co.'s late report that 20,000 gallons of slightly radioactive water had spilled out of the reactor vessel at the Brunswick nuclear power plant No. 1.

Cecil Logan, emergency management coordinator for Brunswick County, said CP&L officials notified him of the "unusual event" on Wednesday morning, 11 hours after it happened.

"We feel it's a breakdown in communications," Logan said.

CP&L spokesman Wayne Ennis said the incident was so minor

that no report was necessary under Nuclear Regulatory Commission guidelines and that the utility declared an unusual event, the lowest of the four emergency classifications, voluntarily. He said the overflow posed no health hazard to plant workers or the public.

"The water had some radioactive contamination in it because it has been in contact with plant systems that contain radioactive materials," Ennis said as the water was being cleaned up Thursday. "The radioactivity level of the water is very low."

He said the incident occurred when a high-volume pump was inadvertently started and water

overflowed in the refueling area. He said officials were examining circuits to see whether any were damaged by the water.

"The pump that started puts out about 6,000 gallons of water per minute into the reactor vessel," Ennis said. "When the pump inadvertently started, it put enough water into the reactor vessel and spent-fuel pool to cause an overflow from the spent-fuel pool onto the floor and into the ventilation duct."

The water, which was contained in the reactor building, caused some of the ducts to collapse. CP&L spokesman Mac S. Harris said the "unusual event" officially lasted from 9:03 a.m. Wednesday to 8:35 a.m. Thursday.

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CERTIFICATE OF SERVICE

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I hereby certify that copies of Eddleman contentions re notification
of state and local emergency management agencies '85 AUG -9 P12:00
HAVE been served this 6th day of August 1985, by deposit in
the US Mail, first-class postage prepaid, upon all parties whose
names are listed below, except those whose names are marked with
an asterisk, for whom service was accomplished by hand

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