UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	Docket Nos. 50-400 OL
AND NORTH CAROLINA EASTERN	)	50-401 OL
MUNICIPAL POWER AGENCY	)	
	)	
(Shearon Harris Nuclear Power	)	
Plant, Units 1 and 2)	)	

APPLICANTS' RESPONSE TO SUPPLEMENT TO PETITION TO INTERVENE BY CONSERVATION COUNCIL OF NORTH CAROLINA

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I. INTRODUCTION

By its "Supplement to Petition to Intervene," dated May 14, 1982, Conservation Council of North Carolina (CCNC) proposed twenty-one enumerated contentions. Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency herein present their response to the contentions proposed by CCNC.

Seven prospective intervenors in the above-captioned proceeding have filed proposed contentions. Many of the proposed contentions duplicate similar issues raised by other petitioners. Mr. Wells Eddleman proposed approximately 135 enumerated contentions which are addressed in "Applicants' Response to Supplement to Petition to Intervene by Wells Eddleman," (hereinafter referred to as "Applicants' Response to

Eddleman") which has been filed with all prospective parties contemporaneously with this response. Most of the issues raised by CCNC are subsumed in contentions proposed by Mr. Eddleman. Thus, rather than duplicating the detailed responses to Mr. Eddleman's similar contentions here, Applicants have liberally cross-referenced to the discussion in Applicants' Response to Eddleman.

II. RESPONSE TO CONTENTIONS

A. Requirements for Contentions

See Applicants' Response to Eddleman, at 2-16, for a general discussion of the legal requirements which proposed contentions must meet in order to be admitted for adjudication in this proceeding.

B. Need for Power, Alternative Energy Sources, Cost-Benefit Analysis (Contention 2)

Contention 2 challenges the cost-benefit balance struck at the construction permit stage in light of: (a) escalation of construction costs; (b) cancellation of Units 3 and 4; (c) delay of Units 1 and 2; (d) costs associated with the North Carolina Eastern Municipal Power Agency; (e) costs of TMI mandated safety changes; and (f) changes in forecast. CCNC argues that the foregoing constitute a showing of special circumstances pursuant to 10 C.F.R. § 2.758, to exempt the

application of 10 C.F.R. § 51.53(c) to this proceeding. Petition at 3-4.

CCNC has not complied with the requirements of 10 C.F.R. § 2.758, which require a party seeking a waiver of a Commission rule to file a petition, accompanied by the required affidavit, which makes a prima facie showing of special circumstances. Even setting aside the clear procedural infirmity, CCNC's arguments are misplaced. See Applicants' Response to Eddleman, at 14, 15. The Commission has found that the once favorable cost-benefit balance struck at the construction permit stage is always more favorable to applicants at the operating license stage. Construction costs are considered "sunk" costs and no longer are appropriately taken into account. The environmental impacts of construction, having been realized, are no longer at issue. Nuclear plants once constructed are universally operated at maximum available capacity either to meet new demand or, at a minimum, to replace older or less economical generating capacity. The operating costs are so much less for nuclear plants than for fossil plants that there is an economic presumption in favor of operating the nuclear plant. See Applicants' Response to Eddleman at Section II.B.

Thus, the increases in plant construction costs, either due to additional safety modifications or as a result of greater cost escalation rates, are not of interest at this stage of the proceeding. Nor is the forecast relevant, nor the

consequences for delay in availability to meet the forecast need for power. Rather, the showing that CCNC would have to make is that special circumstances exist which rebut the presumption of a system operating savings in operating the Harris Plant. CCNC has failed to meet both the procedural and substantive requirements of 10 C.F.R. § 2.758 in this regard.

Contention 2 must be rejected as an impermissible challenge to 10 C.F.R. § 51.53(c).

C. Other Environmental Issues

1. Jordan Lake Dam Impacts on Cooling Water for Harris Plant (Contentions 12 and 13)

Contention 12 asserts that Environmental Report section 2.4 fails to consider the effects of a failure of the Jordan Lake Dam on the Harris Plant site. Specifically, CCNC contends that in the event the Jordan Lake Dam breaks, the existing Buckhorn Dam will be carried away and the Harris Plant reservoir Main Dam and Cape Fear River Intake Facility are likely to be adversely affected. CCNC then suggests that adequate cooling water might not be available for the Harris Plant reactors. Petition at 8.

As shown on Figure 2.4.1-1 in the ER, the Buckhorn Dam is on the Cape Fear River upstream of Buckhorn Creek. Even if a flood were to carry away the Buckhorn Dam, the only impact of

the flood would be on the downstream face of the Main Dam. As discussed in ER section 2.4.2.2.4, the Harris Plant reservoir Main Dam is a seismic Category 1 structure. The downstream face of the Main Dam is protected by rock for possible wind wave action whenever back water reaches the main dam. Therefore, floods induced by failures of dams on the Cape Fear River, including the Jordan Lake Dam and Buckhorn Dam, would not adversely impact the Harris Plant reservoir Main Dam. CCNC fails to address the ER analysis of dam failures in proposing Contention 12. Furthermore, even if the Main Dam were to wash away, the Auxiliary Reservoir would provide adequate cooling capacity to safely shut down both reactors, as discussed in Applicants' Response to Eddleman Contention 75. Thus, CCNC has provided no basis for this contention.

As dicussed in Applicants' Response to NRC Staff "Final Environmental Report Review Questions," submitted in a letter from M. A. McDuffie to H. R. Denton dated June 3, 1982, the Cape Fear River Intake Facility (makeup water pump station) and associated pipeline have been cancelled. This change is due to the cancellation of Units 3 and 4, thereby no longer requiring the potential makeup of Cape Fear River water to ensure adequate reservoir volume. Thus, that part of Contention 12 regarding the Cape Fear River Intake Facility is no longer relevant. Similarly, Contention 13 is a moot issue. Contention 13 asserts that the ER is inadequate in that it does

not consider the effects of the Jordan Lake and Jordan Lake Dam on normal water flow in the Cape Fear River, and that, thus, there might be inadequate makeup water from the Cape Fear River during drought conditions. Petition at 8. Because of the cancellation of the Cape Fear River Intake Facility, this contention is no longer relevant.

2. Radiological Monitoring (Contentions 16-18)

CCNC proposed Contentions 16-18 claim Applicants' operational radiological monitoring program is deficient with regard to three sample points listed in ER Table 6.1.5-1 for the following reasons: (1) in failing to provide for a daily composite sampling, rather than a weekly composite sampling, at sample point 26; (2) in failing to provide for a weekly composite sampling of all wells in the area, rather than a quarterly composite sampling of one well, sample point 39; (3) in failing to provide for a daily composite sampling at sample point 40, rather than monthly; (4) in failing to include in sample analyses, tests for gross beta, gamma, and isotopic tritium, as well as for I-131. Petition at 9-10.

As discussed in Applicants' Response to Eddleman at Section II.C.1, the radiological monitoring program, including the number of monitoring sites and the frequency of monitoring at those sites, was evaluated at the construction permit proceeding and determined to be adequate. See, in this docket,

LBP-78-4, 7 N.R.C. 92, 122-24 (1978). The operational sampling and testing program has been established in accordance with Regulatory Guide 1.109 and must be consistent with environmental technical specifications as set forth in NUREG-0472. Table 3.12-1 of NUREG-0472 specifies type, number and location of samples, sampling and collection frequencies, and type and frequency of analyses.

Table 6.1.5-1 of the ER does not specify sampling and collection frequency and analysis for each sample point in the Table. Section 6.1.5.2 provides a more complete description of operational monitoring, including the rationale for sampling locations and a description of analytical techniques. Applicant will in fact monitor sample points 26, 39 and 40 for gamma and tritium. Sample point 40 will also be monitored for gross beta.

CCNC has not provided a basis with requisite specificity for its assertion that additional analyses are required at these sample points. ER section 6.1.5 explains that the purpose of monitoring at these points is to establish environmental data to demonstrate that mathematical models used to estimate population exposure generated by plant releases are reasonable, and that significant transport pathways are included in estimating public exposure. If CCNC's concern is with regard to immediate notification of increased radiation levels, its concern is met by Applicants' effluent radiological

monitoring and sampling system, described in FSAR section 11.5. This system is designed automatically to close appropriate discharge valves and alert plant operators in the event that technical specification limits are approached. Thus, radioactive effluents are adequately monitored before they leave the plant. CCNC has not addressed the system design or the monitoring program rationale, nor given any basis with the requisite specificity for augmenting the monitoring at sample points 26, 39 and 40.

3. Population Figures (Contention 7)

Contention 7 states that the population figures used in Section 2.1 of the ER are from the 1970 census. Petition at 6. Amendment 2 to the ER updated population figures based on the 1980 census. Contention 7 is moot.

4. Hydrilla Verticillata (Contention 14)

CCNC proposed Contention 14 claims that CP&L has not considered the possibility of clogged intake valves due to the presence of hydrilla verticillata in the onsite reservoir. Petition at 8.

As described in ER section 3.4.2.9, cooling tower makeup water will pass through 3/8" x 3/8" (mesh size) traveling screens. These screens will function to remove objects which may clog the plant cooling system. Consequently, the presence

of hydrilla verticillata, should it become established in the Harris Plant reservoir, would not clog valves, pumps, or condenser tubes.

The normal depth of water in front of the cooling tower makeup water intake structure will be 30 feet, and the water velocity through the traveling screen will be 0.4 fps. ER § 3.4.2.9. This velocity will be significantly reduced in the areas of the reservoir away from the intake structure. It is highly unlikely that hydrilla verticillata will become established in water depths greater than 15 feet, which would prevent it from growing near the intake structure and being carried into it by the intake current.

Furthermore, by eliminating the need for introduction of nutrient rich Cape Fear River water into the Harris Plant reservoir (as a result of cancellation of Units 3 and 4) the potential for the infestation of hydrilla verticillata is reduced. See Applicants' Response to the "Final Environmental Report Review Questions," supra.

Contrary to the contention, Applicants have considered the possibility that hydrilla verticillata, among other obstructions, could clog the intake structure and have designed against it. CCNC has not addressed the design nor provided a basis with the requisite specificity that hydrilla verticillata could in fact in deep water at the velocity of the intake current clog the intake structure.

5. 500 Kv Transmission Line (Contention 15)

CCNC proposed Contention 15 finds Applicants' ER inadequate in failing to discuss the environmental effects of the 500 kv transmission line. Petition at 9. Due to Applicants' cancellation of the Harris-Harnett 500 kv transmission line, this contention is no longer relevant. See Applicants' Response to the "Final Environmental Report Review Questions," supra.

D. Waste Storage and Transportation (Contention 4)

At Contention 4 CCNC contends that "Applicants' request for authorization to store source, special nuclear and by-product material irradiated in nuclear reactors licensed under DPR-23, DPR-66 [sic] and DPR-71 should be denied as there has been no analysis in the ER of the environmental, safety and health effects of transportation of radioactive waste and other material from the other reactors to SHNPP and no analysis of safety risks from long-term storage." CCNC asserts that in this regard Applicants' reliance on 10 C.F.R. § 51.20(g) (Table S-4) is misplaced.

Applicants discuss generally the issues properly before the Board with respect to spent fuel storage and transportation in Applicants' Response to Eddleman at Section II.E. Transportation of spent fuel and other material from CP&L's Robinson Unit 2 and Brunswick Units 1 and 2 is not an issue cognizable before this

Board. Table S-4 to 10 C.F.R. § 51.20 summarizes the environmental impacts of spent fuel transportation, and absent a waiver pursuant to 10 C.F.R. § 2.758, such impacts of transportation of spent fuel from the Harris Plant are not properly contentions before this Board. See Applicants' Response to Eddleman at Section II.E and Contentions 24-28, 64 and 126"X".

The issue of safe storage of irradiated fuel assemblies and other radioactive materials at the Harris Plant for a period beyond the expiration of the operating license amounts to a collateral attack on the "Waste Confidence" rulemaking and is not properly before this Board. See Applicants' Response to Eddleman at Contentions 68 and 69.

Thus, Contention 4 must be rejected both as an impermissible attack on Commission rules and "Waste Confidence" rulemaking, and as attempting to raise issues outside this Board's jurisdiction.

E. Decommissioning (Contention 20)

CCNC proposed Contention 20 alleges that Section 5.8 of Applicants' Environmental Report gives inadequate consideration to the costs and methodologies required for decommissioning the Harris plant. Initially, it should be noted that CCNC has not provided any basis for its' assertion that the Harris plant "differs substantially" from the reference plant in the Batelle report cited in Section 5.8.[1/] With respect to CCNC's complaint

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1/ The report cited by CCNC, NUREG/CR-0130, is based upon the same generic class of reactor as the Harris Plant -- a

(Continued Next Page)

that Applicants have not adequately addressed the methodology to be used in decommissioning the Harris plant, the Commission's regulations require only that procedures for carrying out site decommissioning be submitted at the time license termination is sought. 10 C.F.R. § 50.82; see also, Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station) ALAB-179, 7 A.E.C. 159, 178 n.32 (1974) ("Decommissioning will not take place for some forty years and, in our judgment, nothing would be less profitable than attempting to evaluate now what method of decommissioning will be deemed most desirable forty years from now, in light of the knowledge which will have been accumulated by that time."). See Applicants' Response to Eddleman at Section II.F.

F. Risk Assessment/Accident Analysis (Contention 19)

CCNC proposed Contention 19 is virtually identical to Kudzu proposed Contention 2 -- the only difference being that Kudzu proposed Contention 2 concerns the extent of accident evaluations performed by both Applicants and the Staff, while CCNC proposed

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(Continued)

pressurized water reactor. Applicants' cost estimates (ER Table 5.8.2-1) are based upon a more recent (1980) Battelle study on the decommissioning of a boiling water reactor, NUREG/CR-0672. While this is a different type of reactor, the costs associated with decommissioning a BWR are likely to be greater than those associated with a PWR; therefore, Applicants' cost estimate should be considered conservative.

Contention 19 complains only of the scope of the accident analyses performed by Applicants. Applicants, however, do not view this slight difference as determinative and therefore object to the admission of this contention for the reasons set forth in our response to Kudzu proposed Contention 2, incorporated herein by reference.

G. Plant Design (Contention 6)

CCNC proposed Contention 6 alleges that Units 1 and 2 of the Harris plant share safety systems and that there is no analysis of the effect an accident at one unit will have on the operation of the other. Petition at 6. General Design Criterion 5 of Appendix A to 10 C.F.R. Part 50, which is entitled "Sharing of structures, systems, and components," states that:

> Structures, systems and components important to safety shall not be shared between nuclear power units unless it is shown that their ability to perform their safety functions, including, in the event of an accident in one unit, an orderly shutdown and cooldown of the remaining units.

The discussion of Applicants' compliance with GDC-5 for the Harris plant is set forth at FSAR section 3.1.5. CCNC has failed here even to address this discussion, and therefore has no basis for asserting that any additional analysis is required for shared safety systems. Thus, the contention should not be admitted.

H. Emergency Planning (Contentions 9-11)

Proposed Contention 9 asserts that emergency planning is inadequate because "it does not include . . . the effects of an accident at SHNPP on Orange County." Petition at 7. However, as indicated in FSAR Figure 13.3.2-1, the entirety of Orange County lies well beyond a 10-mile radius of Harris. Accordingly, for the reasons discussed in Applicants' Response to Eddleman, at Contentions 30, 57, CCNC proposed Contention 9 should be rejected as an impermissible challenge to the Commission's emergency planning regulations -- specifically, 10 C.F.R. § 50.47(c)(2).

Proposed Contention 10 generally asserts that Applicants' plans for the control of emergency personnel exposure to radiation are inadequate, in that there is no assurance that such personnel will be limited to levels of exposure permitted by regulations over their lifetimes. To this end, CCNC asserts the Applicants should monitor all personnel closely and share exposure records with other licensees "to insure that emergency rescue personnel do not exceed the limits in [FSAR section] 13.3 by later going to some other nuclear reactor and receiving additional radiation exposure in some other rescue." Petition at 7. Applicants' health physics program is described in section 12.5 of the FSAR; in particular, section 12.5.3.6.1.3 details Applicants' methods of recording and reporting

radiation exposure, including Applicants' procedures for obtaining workers' occupational exposure histories during previous employment, as well as Applicants' procedures for furnishing information about occupational exposures at Harris to the NRC, in compliance with 10 C.F.R. §§ 19.13 and 20.408. CCNC has failed to identify any deficiencies in the health physics program described in Applicants' FSAR; in fact, CCNC has not even referenced that section of the FSAR. Accordingly, proposed Contention 10 must be rejected as lacking in specificity and bases.

The thrust of proposed Contention 11 is that Applicants' "unannounced" practice drills are effectively publicly announced, since off-site agencies are invited to participate in the exercises before they are conducted, and there are allegedly no assurances that the off-site agency personnel will not inform on-site personnel of the upcoming drill. Petition at 7. Applicants have no objections to the admission of this contention.

I. Security Plan (Contention 3)

For the reasons fully set forth in Applicants' Response to Eddleman proposed Contentions 35, 54(2nd) and 133, and their response to Kudzu proposed Contention 12 relating to the sensitivity of Applicants' security plan for the Harris Plant, Applicants request that the Board defer consideration of the

admissibility of proposed contentions relating to the Harris security plan until additional information has been furnished to the Board by the Petitioners. Applicants request, therefore, that they be permitted to defer responding to such proposed contentions until further Board instruction. Applicants' Response to Eddleman proposed Contentions 35, 54(2nd) and 133 and Kudzu proposed Contention 12 are incorporated herein by reference.

J. Management Capability (Contention 21)

Proposed Contention 21 challenges CP&L's ability to operate the SHNPP safely on the basis of the so-called Jacobstein Report. Petition at 21. Applicants object to this contention on the grounds set forth in Applicants' Response to Eddleman at Contention 3(d).

K. Municipal Power Agency (Contentions 1, 12, 13)

In proposed Contention 1, CCNC seeks to raise the issues of (1) Applicant Power Agency's financial qualifications to operate the Harris Plant, and (2) Power Agency's management capability to "supervise an operating license" for the Harris plant.

The issue of Power Agency's financial qualifications is inadmissible as an impermissible challenge to the Commission's final rule on financial qualifications. 47 Fed. Reg. 13750

(March 31, 1982). See Applicants' Response to Eddleman, at Contention 58, which response is incorporated herein by reference.

The issue of Power Agency's management capability to operate the Harris plant is without basis in that Applicant Power Agency will have no obligation or right to operate, or supervise the operation of, the plant. Applicant CP&L has and will have sole responsibility for the construction, operation, maintenance and management of the Harris plant. See Application for Amendment of Construction Permit Nos. CPPR-158, CPPR-159, CPPR-160 and CPPR-161 adding Co-Owner, DKT. Nos. 50-400, 50-401, 50-402 and 50-403, September 3, 1982, p. 1; Carolina Power & Light Company Application for Operating License, Operating License Stage Amendment, DKT. Nos. 50-400 and 50-401, as amended, December 18, 1981, p. 6.

Petitioner CCNC has raised these issues in six paragraphs (a) through (f), which Applicants will address seriatim.

(a) Paragraph (a) reads as follows:

> PA3 was not a party to the Construction Permit stage of hearings and the resulting dilution of ownership was not present at that stage even though PA3 is now an undivided owner of the SHNPP facility. This directly contravenes the regulations for licensing under 10 CFR 55.31(a) that a license may not be assigned or otherwise transferred.

That Power Agency's participation in the ownership of the Harris plant was not considered during hearings at the

construction permit stage is irrelevant. Applicant Power Agency became a co-owner of the Harris plant by means of amendments to the construction permits for Harris Units Nos. 1, 2, 3 and 4. These amendments were requested by Applicants and issued by the Commission pursuant to the Commission regulations in 10 C.F.R. Part 50.

It should be noted that the final rule eliminating financial qualification reviews in connection with operating license applications clearly applies to an applicant which has become a co-owner by means of an amendment of the construction permit. See 47 Fed. Reg., supra, at 13752.

(b) Paragraph (b) reads as follows:

> PA3 as stated in Appendix C of the License Application only had a balance of $32,897 on 6/30/81 and as such cannot guarantee adequate assurances of funding for private liability insurance under 10 CFR 140.10 or for safe decommissioning of SHNPP.

With respect to the allegation concerning Power Agency's financial qualifications to fund the decommissioning of the Harris plant, the final rule on financial qualfications makes such an issue inadmissible in this proceeding. See Applicants' Response to Eddleman, Contention 58, which is incorporated herein by reference.

With regard to Power Agency's ability to maintain liability insurance, Petitioner has failed to provide any basis for this proposed contention. In Section 11.1(b) of the Operating

and Fuel Agreement between CP&L and Power Agency, Applicant CP&L has contractually committed to Power Agency that CP&L will obtain and maintain in force, in the names of the owners as their interests may appear, such nuclear liability insurance as is required by Section 170 of the Atomic Energy Act of 1954, as amended, and Commission regulations. See, Application for Amendment of Operating License, supra, Exhibit E (Operating and Fuel Agreement between Carolina Power & light Company and North Carolina Municipal Power Agency Number 3 and Exhibits, dated as of July 30, 1981, Section 11.1(B)). Thus, there exists no issue as to the fact that nuclear liability insurance will be available.

Section 11.1(B) provides that insurance premiums are to be borne by the Owners in proportion to their respective ownership interests in the Harris Plant as a cost of operation. Each owner is also responsible for that much of any retrospective premium liability as may be required by the Commission in proportion to its ownership interest in the Harris Plant. With the promulgation of the Commission's final rule on financial qualifications, Power Agency's financial ability to bear these relatively insubstantial costs of operation is not a cognizable issue in this proceeding. To challenge Power Agency's ability to meet those costs of operation is a direct and impermissible challenge to the final rule.

(c) This paragraph reads as follows:

> PA3 has contracted with ElectriCities to provide management services and nowhere in the FSAR or ER is there any evidence that PA3 or ElectriCities has the management capability to operate SHNPP. The proposed organizational structure at SHNPP does not include any PA3 personnel.

No further response to this paragraph is required.

(d) This paragraph reads as follows:

> Potential problems in operation, maintenance, and decommission of SHNPP puts an undue burden on PA3 and would cause many of the participating municipalities to default. Moreover, local voters may at any time refuse authorization to their elected representatives to expend funds for SHNPP.

As discussed above, the final rule on financial qualification precludes the review in an operating license proceeding of an applicant's financial qualification to operate or decommission a nuclear plant. 47 Fed. Reg. 13,750, supra. No further response to this paragraph is required.

(e) Paragraph (e) reads as follows:

> PA3 has not participated in this matter to date, allowing Applicant CP&L to receive all communications.

This assertion is irrelevant and immaterial to any cognizable issue in this proceeding.

(f) Paragraph (f) reads as follows:

> PA3 has not considered any environmental, health, safety, and financial effects from SHNPP and has not prepared either an ER or FSAR demonstrating any analysis or preparation for adverse environmental impacts from operation of SHNPP.

As stated above, Applicant CP&L has exclusive responsibility for the construction and operation of the Harris plant. CP&L prepares the FSAR, ER and all other documents incident to this licensing proceeding on behalf of both Applicants.

For the reasons set forth above, proposed Contention 1 should not be admitted.

L. Miscellaneous (Contentions 5, 8)

CCNC proposed Contention 5 challenges generally the extent to which Applicants will comply with the TMI-2 Lessons Learned[2/] recommendations, a subject which Applicants have addressed in reply to Eddleman proposed Contention 73. CCNC aditionally raises concerns with the extent to which Applicants' training programs incorporate the TMI-2 Lessons Learned and with the costs and techniques of decommissioning, which Petitioner asserts is a Long-Term Lesson Learned. With respect to this last point, Applicants have reviewed both reports issued by the Staff's Lessons Learned Task Force and have not discovered any recommendations which apply to the subject of decommissioning. This issue is, however, also reaised by CCNC proposed Contention 20, which Applicants have responded to above in section II.E.

2/ CCNC has referenced Chapter 13 of the ER as containing Applicants' response to the Short-Term Lessions Learned; the correct reference is to the TMI Appendix to the FSAR.

CCNC contends that the training programs described in FSAR section 13.2 do not contain any reference to the TMI-2 Short-Term Lessons Learned and, by implication, that the training programs are therefore deficient. While it is true that the program descriptions in section 13.2 of the FSAR do not contain explicit reference to the TMI-2 Lessons Learned as such, the content of the training programs will include topics of importance learned from the TMI-2 accident. See, e.g., FSAR §13.2.1.1.2(f) (licensed operator training to include transients, instrument failures and accident analysis) and §13.2.2.1.2(a)(7) (requalification control manipulations to include loss of coolant resulting in saturated reactor coolant system). Further, among the NRC documents which will be utilized in the training program are NUREG-0737 and NUREG-0694, both of which grew out of the Lessons Learned Task Force recommendations. FSAR §13.2.4. In light of these facts, and absent further specification from CCNC regarding the specific lessons learned which Petitioner contends should be included in Applicants' training programs, Applicants urge the Board to reject this portion of CCNC proposed Contention 5.

The remainder of CCNC proposed Contention 5 constitutes merely a vague statement of concern that Applicants will not adequately consider the lessons learned from the TMI accident. As discussed in Applicants' Response to Eddleman, proposed Contention 73, this expression of generalized concern lacks

sufficient specificity to be admitted as a contention in this proceeding.

The thrust of CCNC proposed Contention 8 is not clear to Applicants in that this proposed contention attempts to raise three somewhat disparate issues: (1) that the ER fails to list population figures in the areas beyond ten miles from the Harris Plant site; (2) that the ER ignores potential radiological impacts on certain cities, including Chapel Hill and Raleigh; and, (3) and that, by reference to the Citizens Task Force Petition for Rulemaking (47 Fed. Reg. 12639 (1982), which seeks, inter alia, to extend the plume EPZ to twenty miles), provisions are required for emergency planning in the area beyond 10 miles from the site. As set forth more particularly below, Applicants object to the admission of proposed Contention 9 as lacking the requisite specificity and basis, constituting a challenge to the Commission's regulations and attempting to raise an issue which is the subject of pending rulemaking.

CCNC is incorrect in stating that the ER lists only population within the 10-mile radius around the Harris Plant. Table 2.1.2-3 of the ER presents the 1980 population estimates and population projections for geographical sections extending out to a distance of 50 miles from the site.[3/] See also ER

3/ All of the cities designated in proposed Contention 8 are located within this 50-mile radius. See ER Figure 2.1.2-2.

§ 2.1.2.2. Section 5.2.4 of the ER sets forth the radiation doses to man expected from normal operation of the facility (which, as shown in Table 5.2.5-2, are well below the guidelines established in the Annex to 10 C.F.R. Part 50, Appendix I). The models used to perform these calculations are derived from Regulatory Guide 1.109 equations which provide an estimation of the radiation exposure for the maximally exposed individual and for the population within 50 miles. See ER § 5.2.4 and Regulatory Guide 1.109, § C. CCNC does not dispute these calculations; indeed, they fail to reference this section of the ER. On the basis of the foregoing, Applicants submit that CCNC has failed to set forth with particularity the basis for its assertions as required by 10 C.F.R. § 2.714(b).

The issue raised by CCNC's reference to the Citizens' Task Force Petition (emergency planning for areas beyond 10 miles from the site) has been discussed supra in response to CCNC proposed Contention 9. In addition to constituting an impermissible challenge to 10 C.F.R. § 50.47(c)(2), the very petition referenced by CCNC has placed this issue into consideration for rulemaking by the Commission and therefore is not appropriate for consideration here. See also Applicants' Response to Lotchin proposed Contentions 2, 3 and 4.

III. CONCLUSION

In their March 3, 1982, response to CCNC's petition for leave to intervene, Applicants recognized that CCNC had sufficiently stated an interest in the proceeding to meet the initial requirements for intervention under 10 C.F.R. § 2.714. In this response, Applicants have found that CCNC has advanced one admissible contention (Contention 11). Therefore, Applicants do not object to the granting of CCNC's petition for intervention.

Respectfully submitted,

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