

DOCKETED
USNRC

'82 AGO 16 AIO:13

August 13, 1982
SECRETARY
DOCKET SERVICE
BRANCH

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))	

STATUS REPORT ON PROPOSED CONTENTIONS

Applicants herein present a status report on proposed contentions discussed during the Prehearing Conference held July 13-14, 1982 by showing 1) those contentions that have been agreed to by a petitioner or petitioners, NRC Staff and Applicants as litigable in this proceeding; 2) those that have been withdrawn or superceded; and 3) those that are pending before the Board for decision.

Joint Contentions

At the prehearing conference petitioners Chapel Hill Anti-Nuclear Group Effort (CHANGE)/Environmental Law Project (ELP), Conservation Council of North Carolina (CCNC), Kudzu Alliance (Kudzu) and Wells Eddleman proposed a number of joint contentions which consolidated and/or superceded various contentions previously proposed by the four petitioners -- "Joint Contentions of Intervenors" dated July 13, 1982 ("Joint Contentions"). During conference negotiations, Petitioners, Staff and Applicants agreed to the wording of Joint Contentions I (Management Capability) and VII (Steam Generators).^{1/} Joint

^{1/} Contention I (Management Capability) at Tr. 236-37:

"The Applicants have not demonstrated the adequacy of their managing, engineering, operating and maintenance personnel to safely operate, maintain and manage the Shearon Harris Nuclear Power Plant as evidenced by their record of safety and performance at their other nuclear power facilities. A pattern of management inadequacies and unqualified and/or inadequate staff is likely to be reproduced at Shearon Harris Nuclear Power Plant and result in health and safety problems."

Contention VII (Steam Generator) following Tr. 229:

"Applicants have failed to demonstrate that the steam generators to be used in the Harris Plant are adequately designed and can be operated in a manner consistent with the public health and safety and ALARA exposure to maintenance personnel in light of (1) vibration problems which have developed in Westinghouse Model D-4 steam generators; (2) tube corrosion and cracking in other Westinghouse steam generators with Inconel-600 tubes and/or carbon steel support plates and AVT water chemistry; (3) present detection capability for loose metal or other foreign objects; and (4) existing tube failure analyses."

Contentions II (Health Effects),2/ III, IV, V and VI await ruling by the Board.3/

Following is a listing of the proposed contentions of Petitioners Kudzu, CCNC, CHANGE/ELP and Mr. Eddleman, showing the status of the original contentions. Where contentions were discussed on the record, a transcript reference is provided.

Kudzu

Proposed contentions as set forth in "Kudzu Alliance's Supplement to Petition to Intervene," dated May 14, 1982:

<u>Status</u>	<u>Contention No.</u>	<u>Transcript Pages</u>
Superceded/ Withdrawn	14/	
	4-7	67, 238
	8-10	67-68
	14-15	77
Awaits Ruling	2,3	63-67
	11	72-73
	12	73-77
	13	77-79

2/ As stated in "Applicants Response to 'Joint Contentions of Intervenors' Dated July 13, 1982 -- Contention II.d. (HEALTH EFFECTS)" filed contemporaneously, Applicants do not object to admission of paragraphs a, b, c, e and f of Contention II. Staff opposes admission of Contention II. See Tr. 247-50.

3/ Joint Contentions were discussed during the Prehearing Conference at the following transcript pages: Joint Contention I (Tr. 235-43); II (Tr. 244-58); III (Tr. 259-67); IV (Tr. 267-72, 290-92); V (Tr. 272-74); VI (Tr. 277-85); VII (Tr. 228-35).

4/ Superceded per "Joint Contentions."

CCNC

Proposed contentions as set forth in "Conservation Council of North Carolina Supplement to Petition to Intervene," dated May 14, 1982:

<u>Status</u>	<u>Contention No.</u>	<u>Transcript Pages</u>
Withdrawn/ Superceded	5,6	183
	7	183-186
	8,9	186-90
	13	197
	15	203
	21	210, 238
Awaits Ruling	1	169
	2	169-71
	3	171-73
	4	173-83
	10	190-93
	11	194-95
	12 ^{5/}	195-98
	14	198-203
	16-18	203-208
	19	208
20	209-210	

^{5/} During the Prehearing Conference, NRC Staff stated that it does not oppose admission of CCNC contention 12. (Tr. 195)

CHANGE/ELP

Proposed contentions as stated in "Supplement to Petition for Leave to Intervene," dated May 14, 1982 and "Amendment to Petition for Leave to Intervene of Chapel Hill Anti-Nuclear Group Effort (CHANGE) and Environmental Law Projection (ELP)," dated May 24, 1982:

<u>Status</u>	<u>Contention No.</u>	<u>Transcript Pages</u>
Withdrawn/ Superceded	1	292
	5, 6, 7	296
	10	297
	11, 12, 13(a & b)	300
	15	301
	17	306
	18	307, 315
	19, 20	315
	21, 22	238, 315-16
	23, 24	316
	26, 27	320
	29-33	232
	34-35	321
	36, 37	238, 321-22
	42, 43, 45	324
47-59	325	
60	325-26	
61-67	326	

Withdrawn/
Superceded, continued

68	326-27
69	327
70, 71	330
73a	331-32
74, 76, 77	332
80	333

Admitted/
Agreed to

44	324
----	-----

Awaits Ruling

2	292-94
3	294-96
4	296
8	296-97
9	297-99
14	300
16	301-06
25	316-20
28	320-21
38	322
39, 40	323
41, 46	323-24
72	331
73b	333-38
75	332
78, 79	332

Wells Eddleman

Proposed contentions as set forth in "Supplemental to Petition to Intervene," dated May 14, 1982, "Amendments to Contentions and Additional Contentions," dated June 5, 1982, and "6/28/82 amendment to petition to intervene by Wells Eddleman, pro se," dated June 28, 1982:

<u>Status</u>	<u>Contention No.</u>	<u>Transcript Pages</u>
Withdrawn/ Superceded	3	354
	<u>136/</u>	
	18	232
	19	232
	37 c, f, h, 9, 10	244-45
	<u>447/</u>	
	46	374-76
	47	376-77
	51	432
	70	427
	<u>918/</u>	
	101	238
	<u>1029/</u>	

6/ Superceded per "Joint Contentions."

7/ Id.

8/ Id.

9/ Id.

Withdrawn/
Superceded, continued

	106	427
	112	232, 423
	113	232
	114	232
	123	238
	127	238
	127X	238
Admitted/ Agreed to	132 <u>10</u> /	425-26, 448-49
Awaits Ruling	1,2	.
	4	354-58
	5	
	6	427-28
	7	358-64
	8	372-74
	9,10	430
	11,12	
	14	364-66
	15	366-68

10/ In their July 13, 1981 "Response to Amendments (Second Set) to Contentions of Petitioner Wells Eddleman," Applicants agreed to a reformulated version of Contention 132 as follows:

Applicants have failed to provide the design for a direct water level indicator for the reactor vessel.

NRC Staff stated it had no objection to admission of Contention 132 as reformulated by Applicants (Tr. 448-49).

16,17,20-32	
33	428-29
34-36	
37 a,d	368-72
38-40	
41	391-97
42	388-97
43,45,48-50,52,53	

Awaits Ruling, continued

54-1,54-2	377-80
55,56	
57	380-81
58	
59	381-82
60	381-82
61-63	
64	381-82
64X	383-88
65-68	
69	372-74
71,72	
73	429
74-77	
78	400,413-18
79-83	
84	397-400

85-86	
87	418
88-90, 92-100, 102	
103	431
104	
105	418-23
107-111	
115	423-25
Awaits Ruling, continued	
116	427-29
117-119	
120	430-31
121, 122, 124-126X, 128-131	
133-140	

Lotchin, CANP and Wilson

Contentions proposed by Phyllis Lotchin in her May 14, 1982 "Contentions Filed in the Licensing Proceedings of the Shearon Harris Nuclear Plant" remain before the Board for ruling. Ms. Lotchin's proposed contentions were discussed during the Prehearing Conference at Tr. 79-105.

Citizens Against Nuclear Power (CANP) proposed Contention 7 as stated in CANP's June 28, 1982 "Supplement to Petition for

Leave to Intervene" awaits ruling by the Board and was discussed during the Prehearing Conference at Tr. 307-15.11/

Staff and Applicants have agreed to admit Intervenor Richard Wilson's Contention I(a)-(d).12/ The remaining contentions proposed by Dr. Wilson in his May 14, 1982 "Contentions of Petitioner to Intervene, Richard D. Wilson M.D." await ruling by the Board and were discussed at the following transcript pages:

11/ Mr. Slater Newman, CANP representative, stated that CANP proposed contentions 1-6 would not be discussed at the Prehearing Conference because they were offered in support of the contentions proposed by Mr. Eddleman. (Tr. 48)

12/ Dr. Wilson agreed that the underlined portion is the basic statement of his contention. (Tr. 106) That portion as stated in his May 14, 1982 filing is as follows:

(a) The extent and impact of chlorine dispersal is not adequately defined. (b) The chlororganic compounds dispersed in cooling tower evaporation may be toxic to the surrounding biosphere. (c) The sulphuric acid and hydrogen peroxide added to correct pH may be toxic to the surrounding biosphere. (d) These 'other chemicals' could include biocides added to cooling tower water which could be toxic to the biosphere."

Applicants in their June 15, 1982 "Response to Supplement to Petition to Intervene by Richard D. Wilson, M.D." suggest the following wording for Wilson Contention I(a)-(d):

Applicants have not adequately considered the impacts on the surrounding orchard ecosystems (including impacts on plants and bees) of the following components which may be present in cooling tower vapor dispersed to the environs of the Harris Plant: (a) chlorine, (b) chlororganic compounds, (c) sulphuric acid and hydrogen peroxide, and (d) any other biocides that will be added to the cooling tower water which could be toxic to the orchard ecosystems.

<u>Status</u>	<u>Contention No.</u>	<u>Transcript Pages</u>
Awaits Ruling	I(e)-(f) <u>13/</u>	108-15
	I(g)	115-23
	I(h)	123-25
	II(a)-(h)	125-35
	III(a),(b)	135-46
	IV A	146-55
	IV B	155-57
	IV C (e),(f)	157-62
	IV D(f)	162-66

Respectfully submitted,

Thomas A. Baxter

George F. Trowbridge, P.C.
 Thomas A. Baxter, P.C.
 John H. O'Neill, Jr.
 SHAW, PITTMAN, POTTS &
 TROWBRIDGE
 1800 M Street, N.W.
 Washington, D.C. 20036
 (202) 822-1000

13/ NRC Staff in its June 22, 1982 "NRC Staff Response to Supplemental Statements of Contention by Petitioners to Intervene," originally stated that Wilson contention I(f) should be admitted. During the Prehearing Conference, however, Mr. Wilson redefined his contention and NRC Staff responded they now see no issue in controversy. (Tr. 112-13)

Richard E. Jones
Samantha Francis Flynn
CAROLINA POWER & LIGHT COMPANY
P.O. Box 1551
Raleigh, North Carolina
(919) 836-7707

Counsel for Applicants

Dated: August 13, 1982