

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-261-OLA
)	
(H. B. Robinson Steam Electric)	ASLBP No. 83-484-03LA
Plant, Unit 2))	

CAROLINA'S RESPONSE TO HARTSVILLE GROUP
 SUPPLEMENT TO PETITION TO INTERVENE
 AND REQUEST FOR HEARING

On March 1, 1983, Petitioner Hartsville Group filed a supplement to its petition to intervene and request for hearing setting forth nine contentions which it seeks to have litigated. Pursuant to the Board's Order dated February 15, 1983, Carolina files its response. The response indicates Carolina's basic position on each of the contentions. We will be prepared to supplement our position with further argument as necessary at the prehearing conference scheduled for March 24.

In a conference call on March 8, 1983, between counsel for Carolina, Staff counsel and Mr. B. A. Matthews, authorized representative of the Hartsville Group, Carolina's counsel commented on each of the contentions and offered to review prior to the prehearing conference changes, if any, which Hartsville Group might wish to make in its contentions in light of those comments.

Contention 1. This contention asserts that because of Carolina's "history of frequent and repeated violations of and noncompliance with regulatory requirements demonstrates inadequate management ability" to carry out the steam generator repairs safely and in accordance with NRC regulations. The basis for the contention lists several noncompliances resulting in fines and indicates that there may be others.

Carolina objects to the contention in its present form because it rests in part on violations which have no nexus to the steam generator repair program. Carolina would have no objection to a contention reworded as follows:

"The License Amendment should not be issued because Carolina Power & Light Company's history of violations involving installation or repair of plant equipment demonstrates inadequate ability to provide reasonable assurance that they will carry out the steam generator repairs in compliance with the regulations in 10 CFR Chapter 1, including Part 20, and the health and safety of the public will not be endangered, as required by 10CFR50 and the Atomic Energy Act."

Carolina will be prepared at the March 24 prehearing conference to identify those violations which it considers to have sufficient nexus to the steam generator repair program to qualify as bases for the contention.

Contention 2. Hartsville Group contends that NEPA and the Commission's regulations require the preparation of an environmental impact statement prior to the issuance of an amendment authorizing the steam generator repairs. The only

basis cited is the estimated 2120 man-remS of occupational exposure in the repair program and that such exposures would significantly and adversely affect the quality of the human environment.

Carolina understands that as of the date of this response the NRC Staff has not decided whether an environmental impact statement is required, but agrees that the contention is allowable.

Contention 3. This contention appears in fact to embody two separable contentions. The first four paragraphs assert that Carolina's Evaluation of Alternatives contained in its Final Steam Generator Repair Report (FSGRR) incorrectly weighs the costs of retirement of Robinson 2 as an alternative to steam generator repair and asserts that the cost-benefit balance should be struck in favor of retirement.^{1/} The final paragraph asserts that Carolina cannot rightly claim that the occupational exposures associated with repair will be offset by a reduction in exposures associated with future testing and repair.

The only basis stated for the first portion of the contention is Hartsville Group's unsupported assertion that the

1/ Hartsville Group cites Section 102(2)(E) of NEPA as requiring analyses of the retirement alternative. In Carolina's view this is an improper reading of Section 102(2)(E). However, assuming Hartsville Group is correct in its contention that the repair program involves significant environmental impacts, Hartsville Group could equally well base its legal argument on Section 102(2)(C).

application to Robinson 2 of the Cost Assessment of Nuclear Substitution model contained in an unpublished study by Energy Systems Research Group (ESRG) entitled The Economics of Closing the Indian Point Nuclear Power Plants, would show that the proposed steam generator repair to keep Robinson 2 operating is not cost-effective. It follows, as Carolina understands the basis for the contention, that the environmental impacts associated with repair should not be permitted under NEPA because there are no offsetting economic benefits to be gained from the repair program.

Having reviewed briefly the ESRG study referenced by Hartsville Group, and particularly the assumptions which served as input to the computer model developed by ESRG, Carolina's counsel is convinced that Hartsville Group cannot prevail on its contention and that the time of the licensee, the NRC Staff and the Board could be needlessly consumed in extensive discovery and endless mathematical exercises in pursuit of the contention. The fact remains, however, that the basis of the contention has been sufficiently identified to put Carolina on notice of the matter to be litigated and that Appeal Board decisions instruct Licensing Boards not to decide the allowability of contentions on their merits however insubstantial they may prove to be. If the Board concludes that the repair program involves significant impacts on the environment and that an environmental impact statement addressing alternatives must be prepared, Carolina would not oppose

the allowance of the first four paragraphs of Contention 3.

The last paragraph of Contention 3 contends that Carolina cannot rightfully claim that the occupational exposures associated with repair will be offset by a reduction in exposures associated with future testing and repair. The only basis for this contention is that "the Applicant cannot demonstrate that the proposed changes in the Model 44F steam generators will solve the problems which have led to tube leaks in the old Model 44F steam generators." As more fully explained in response to Contention 9 below, Hartsville Group totally ignores the extensive material in the FSGRR on the causes of tube leakage and their correction and does not put Carolina on notice of the basis for Hartsville Group's disagreement with the FSGRR. For the reasons explained in response to Contention 9 Carolina objects to the last paragraph of Contention 3 in that petitioner does not set forth the basis for its contention with reasonable specificity.

Contention 4. Like Contention 3, this contention claims that the repair program will result in occupational exposures which should not be incurred because the alternative of retiring Robinson 2 is more cost-beneficial. The difference between the contentions is that Contention 3 is based on NEPA and Contention 4 on the requirement in 10CFR20 that exposures be kept "as low as is reasonably achievable." Contention 4 should be dismissed on the ground that Hartsville

Group's reliance on Part 20 is misplaced. Part 20 requires only that work be accomplished using methods which keep exposures as low as reasonably achievable. It does not require that each work project be preceded by an economic cost-benefit analysis of alternatives.

Contention 5. This contention questions Carolina's ability to conduct the repair program consistent with the Commission's Quality Assurance and Quality Control regulations because the numbers of workers needed to make the repairs given the worker exposure limits of Part 20 will overtax the available supply of qualified workers. No basis whatsoever is provided and the contention should be dismissed for that reason. Carolina will ask the Board at the March 24 prehearing conference to take official notice, based on licensing and regulatory documents of public record, that comparable repairs involving comparable exposures have already been accomplished at other nuclear power plants. These will include steam generator replacements at Surry and Turkey Point 3 and sleeving of steam generator tubes at San Onofre.

Contention 6. This contention is similar to Contention 1 and should be consolidated with that contention. Licensee's response is the same as its response to Contention 1.

Contention 7. Hartsville Group contends that the

crane which will be used to lift the steam generator lower assemblies (SGLA), which will be rerated at 212 tons for this purpose, should be tested at 125% of its rating rather than 100% as specified in the FSGRR.

As the basis for its contention Hartsville Group correctly points out that crane failures have been analyzed in the FSGRR and that certain failures could result in significant damage to plant structures. While this would have undesirable economic consequences and require repair of damaged structures, Hartsville Group provides no basis for concluding that the postulated crane failure would have any radiological public health and safety consequences. To the contrary, the FSGRR explains that during repairs all fuel will have been removed from containment and placed in the spent fuel storage pool. It further explains that the crane failures would have no effect on the fuel or storage pool. Contention 7 should be dismissed for failure to state a basis in which Hartsville Group has a cognizable interest.

Contention 8. This contention alleges that there is no reasonable assurance that the repair can be accomplished without endangering the public health and safety because the replacement of the steam generators will create large amounts of radioactive wastes "the transportation and on-site storage of which has not been addressed by CP&L with adequate specificity."

Carolina's counsel has advised the representative of Hartsville Group that Carolina expects shortly to file with NRC an amendment to the FSGRP which will narrow the options for disposal of the SGLA to a single option, i.e. the on-site storage option designated as Option 3. This amendment will moot that portion of the bases of Contention 8 which relates to off-site shipment and burial of the SGLA.

The remaining portions of the basis for Contention 8 allege (1) that the 41,000 cubic feet of dry active and concrete waste created in the course of repair "will try the Applicant's ability to handle such large volumes of waste" and (2) that Carolina has not stated which method of deconning the channel head will be used or how it will handle solid waste disposal. From this Hartsville Group concludes that "[u]ntil such time as CP&L provides specific information on its plans for deconning the channel head and solid waste disposal, no reasonable assurance can be given that they will comply with applicable U.S. Department of Transportation regulations and burial site criteria." The conclusion is both unfounded and unsupported by the contention. While Carolina has left open the final method for deconning the channel heads, it has identified the two optional methods to be used and radioactive wastes associated with each. It has also committed to comply with all DOT regulations relating to waste shipment. Petitioner provides no basis for questioning Carolina's ability to do so, and the contention should be dismissed.

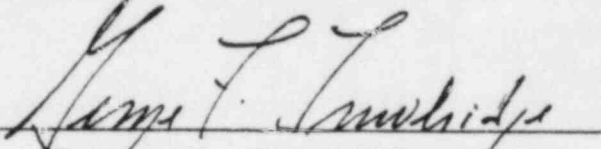
Contention 9. Hartsville Group alleges that the replacement steam generator cannot meet General Design Criterion 14 (relating to the integrity of primary system boundary) and that there is no reasonable assurance that the new steam generators will be of significantly lower probability of suffering from abnormal leakages or gross ruptures.

The fundamental defect in this contention and its bases is Hartsville Group's failure to address any of the information provided in the FSGRR as to the causes of tube leakage which has occurred and the measures taken to prevent repetition. While recognizing that the exact nature of the corrosion mechanism which has occurred is not known, the FSGRR does identify the pivotal causes of tube degradation and it details at length the changes made in the steam generators and related equipment to overcome those causes. An important criterion in judging the degree of specificity required in contentions and their bases is the extent of information concerning applicant's proposed activity which is available to petitioners to intervene. Where, as here, the technical basis for Carolina's repair program has been presented it is incumbent on Hartsville Group to identify the basis for any technical disagreement. It is not enough to assert that Westinghouse is incapable of designing and fabricating a steam generator not susceptible to tube degradation or to cite a year-old NRC Staff status report which concludes that past fixes to prevent tube degradation have not proved to be a panacea.

Contention 9 should be dismissed for failure to state
a basis with reasonable specificity.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By 
George F. Trowbridge, P.C.

Dated: March 14, 1983

March 14, 1983

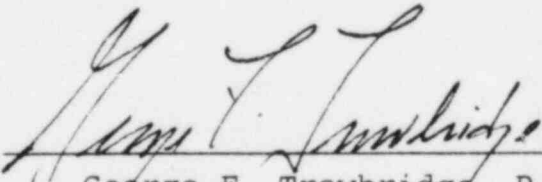
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Carolina's Response to Hartsville Group Supplement to Petition to Intervene and Request for Hearing," and "Carolina's Response to CFDC Supplement to Petition to Intervene," both dated March 14, 1983, were served upon those parties on the attached Service List by deposit in the United States mail, postage prepaid, this 14th day of March, 1983.


George F. Trowbridge, P.C.

Dated: March 14, 1983

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CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-261
)	(Steam Generator
(H. B. Robinson Steam Electric)	Repairs)
Plant, Unit 2))	

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