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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
OFFICE OF REGULATORY SERVICES  
BRANCH

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 EDDLEMAN  
PROPOSED CONTENTIONS ON EPZ MAP

I. INTRODUCTION

"Wells Eddleman's Response to Harris EPZ Map," dated May 10, 1984,<sup>1/</sup> includes five additional proposed emergency planning contentions which allege deficiencies in the map of the Harris plume EPZ included in the onsite emergency plan and in

<sup>1/</sup> According to the Certificate of Service, Mr. Eddleman served the document on May 11, 1984. Applicants did not receive the proposed contentions on the EPZ map until May 16, 1984. On the same day, Applicants also received "Wells Eddleman's Response on Emergency Planning Contentions." That document was to be limited to reply to the arguments of Applicants and the Staff on Mr. Eddleman's proposed offsite emergency planning contentions. Instead, the document is replete with attempts to expand the proposed contentions far beyond the plain language of the contentions, and with further assertions which are purported to be additional bases for the proposed contentions. Such attempts to advance allegations without opportunity for other parties' response are impermissible.

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the "Evacuation Time Estimates For The Plume Exposure Pathway Emergency Planning Zone" (October 1983) (the "ETE"). In his May 10 filing, Mr. Eddleman implies that the Licensing Board sanctioned the late filing of the proposed contentions at the May 1-2 prehearing conference, by his assertion that "the Board orally ordered intervenors to respond to the map as soon as possible." To the contrary, the Board expressly declined to rule on the subject. See Tr. 905-07, 1106-07. Applicants respond herein to Mr. Eddleman's five new proposed contentions, opposing the admission of all as late-filed (without good cause) and lacking either specificity or basis or both.

## II. ARGUMENT

### The "Lateness Factors"

In addition to the normal pleading requirements, 10 C.F.R. § 2.714 sets out five factors that must be balanced in admitting a late-filed contention; and a contention is untimely if it is filed later fifteen days prior to the 10 C.F.R. § 2.751a special prehearing conference. 10 C.F.R. § 2.714(b); Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 N.R.C. 1041, 1043 n.2 (1983). The five factors are:

- i) Good cause, if any, for failure to file on time.
- ii) The availability of other means whereby the petitioner's interest will be protected.

- iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
- iv) The extent to which the petitioner's interest will be represented by existing parties.
- v) The extent to which the petitioner's participation will broaden the issues or delay the proceedings.

10 C.F.R. § 2.714(a)(1)(i)-(v).

These factors were recently addressed in Catawba, supra, CLI-83-19, 17 N.R.C. 1041 (1983). In that case, the Commission enunciated two fundamental principles underlying the five-factor analysis: First, a petitioner has an obligation to uncover information in publicly available documentary material; and second, there is a substantial public interest in efficient and expeditious administrative proceedings. Id. at 1048, citing WSTE-TV, Inc. v. FCC, 566 F.2d 333, 337 (D.C. Cir. 1977).

In the instant case, Mr. Eddleman has completely failed to address the five factors of 10 C.F.R. § 2.714(a)(1). That omission itself warrants rejection of the late-filed proposed contentions. Nevertheless, Applicants address each of the five factors individually below.

Factor (i): Good Cause for Failure to File on Time.

In Catawba, supra, CLI-83-19, 17 N.R.C. 1041 (1983), the Commission adopted a three-part test for determining whether good cause exists. Under the Catawba standards, good cause exists if the contention:

1. is wholly dependent upon the content of a particular document;
2. could not be advanced with any degree of specificity (if at all) in advance of the public availability of that document; and
3. is tendered with the requisite degree of promptness once the document comes into existence and is accessible for public examination.

Id. at 1043-44.

The proposed contentions here are late by a matter of months. The map which indicates the precise perimeter of the Harris plume EPZ, as well as the evacuation routes and the population distribution within the EPZ, was included in revisions 1 (Sept. 1983) and 2 (Feb. 1984) of the onsite plan -- served on October 4, 1983 and March 8, 1984, respectively -- as well as in the ETE, served on December 29, 1983. Thus, Mr. Eddleman cannot claim either that his proposed contentions on the map and the plume EPZ are -- in the Commission's words -- "wholly dependent upon the content" of the offsite plan, or that the proposed contentions could not have been "advanced with any degree of specificity (if at all) in advance of the

public availability of [the offsite plan]," or that the proposed contentions were "tendered with the requisite degree of promptness" once the document (here, the maps) came into existence and were accessible for public examination. In this proceeding, the Board has generally permitted thirty days after the receipt of a document for the formulation of new contentions. See LBP-82-119A, 16 N.R.C. 2069, 2073 (1982).

Mr. Eddleman's assertions at the prehearing conference that he didn't know whether the EPZ and the evacuation routes in the onsite plan and the ETE were the ones to be used by offsite authorities (see Tr. 906-08, 929-30, 1103-04) simply strain credulity. Indeed, both revisions 1 and 2 of the onsite plan included in Annex H the map of the plume EPZ, and stated in no uncertain terms that:

\*\*\* the evacuation routes shown in Annex H will be used by on-site personnel and the public.

See Onsite Plan, Annex G, § 8.1. Further, both revisions of the onsite plan noted that "Annex H, attached, shows evacuation routes and local emergency planning zone boundaries in the 10-mile EPZ." See Onsite Plan, § 1.6.

The same map of the same EPZ and the same evacuation routes was also included in the ETE. That document is replete with reference to the role of the State and local governments in defining the boundaries of the EPZ, and identifying the evacuation routes. For example, § 1.2 of the ETE states:

Specific state and local government agencies which have been directly involved in preparing plans for emergencies at SHNPP include the North Carolina Division of Emergency Management, Chatham County Civil Preparedness Agency, Harnett County Emergency Management Agency, Sanford-Lee County Department of Emergency Management, and Wake County Emergency Management Agency. These agencies have defined the plume exposure EPZ for SHNPP and have designated geographic subdivisions of the plume exposure EPZ, referred to as Local Planning Zones. These are shown in Figure 1-1 [a map of the plume EPZ, indicating the planning subzones].

(Emphasis supplied). Section 4 of the ETE further provides:

The SHNPP plume exposure EPZ is divided into 14 local planning zones which form the basis for emergency preparedness planning by state and county officials. The boundaries for these local planning zones were developed by state and county officials.

(Emphasis supplied). , And, finally, the ETE concludes with this statement:

Input from state and local emergency planners was used in the preparation of this report. The attached concurrence statements document the review of this report by the North Carolina Division of Emergency Management, the Chatham County Civil Preparedness Agency, the Harnett County Emergency Management Agency, the Sanford-Lee County Department of Emergency Management, and the Wake County Emergency Management Agency.

ETE, § 11. That conclusion is followed by written statements, signed by the State and each of the four risk counties, each

attesting that the signatory "has reviewed and concurs in" the ETE study. See ETE, at 11-2 to 11-6 (emphasis supplied).

In the face of these multiple, affirmative statements of the role of the State and local officials in determining the boundaries of the EPZ and the evacuation routes depicted in the maps included in the onsite plan and the ETE, Mr. Eddleman's assertion that he didn't realize that the EPZ and evacuation routes depicted were those of offsite officials is entitled to no weight whatsoever. Mr. Eddleman's failure to act on these statements -- or even to inquire of the Board if there was any doubt in his mind as to whether to file proposed contentions based on the maps in the early planning documents -- is fundamentally at odds with the affirmative obligations imposed on intervenors under the Commission's Catawba decision, as well as the tripartite standard prescribed there for determining whether good cause exists. Accordingly, factor (i) weighs strongly against consideration of the late-filed proposed contentions.

Where the proponent of a late-filed contention fails to show good cause, it must make a "compelling showing" on the other factors. South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 N.R.C. 881, 886 (1981), aff'd sub nom., Fairchild United Action v. NRC, 679 F.2d 261 (D.C. Cir. 1982). Here, of course, Mr. Eddleman has not even addressed the five factors, much less make a "compelling showing" on the latter four.

Factors (ii) and (iv): The Availability of Other Means Whereby  
Petitioner's Interest Will Be Protected; and the Extent to Which  
Petitioner's Interest Will Be Represented By Existing Parties

It is no answer that, absent existing admitted contentions coincidental with Mr. Eddleman's allegations, both factors (ii) and (iv) weigh in his favor. Such reasoning would virtually always resolve factors (ii) and (iv) in favor of late contentions. Moreover, the reasoning is circular and seeks to avoid the affirmative showing that the proponent of a late contention is required to make.

Again, as noted above, Mr. Eddleman has made no showing with respect to either of these factors. Thus, they cannot weigh in his favor. In any event, there are other means whereby Mr. Eddleman may protect the interests he expresses in his newly-filed proposed contentions. FEMA's regulations provide for a public meeting after submittal of offsite plans, but before plant operation commences. See, 44 C.F.R. § 350.10. At this meeting, area residents are provided the opportunity to focus the attention of FEMA representatives on local conditions and resources and any asserted deficiencies in offsite planning. Thus, Mr. Eddleman will have a FEMA forum to which he can address his concerns on emergency planning even in the absence of an admitted contention in this proceeding.<sup>2/</sup>

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<sup>2/</sup> Factors (ii) and (iv) are accorded less weight than the other three factors. South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 N.R.C. 881, 895 (1981).



Factor (iii): The Extent to Which the Petitioner's Participation May Reasonably Be Expected to Assist in Developing a Sound Record

The Appeal Board has stressed the importance of the third factor, stating:

when a petitioner addresses this criterion it should set out with as much particularity as possible the precise issues it plans to cover, identify its prospective witnesses, and summarize their proposed testimony.

Washington Public Power Supply System (WPPSS Nuclear Project No. 3), ALAB-747, 18 N.R.C. 1167, 1177 (1983), citing Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-704, 16 N.R.C. 1725, 1730 (1982); South Carolina Electric & Gas Co. (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 N.R.C. 881, 886 (1982); Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3), ALAB-476, 7 N.R.C. 759, 764 (1978); Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), ALAB-743, 18 N.R.C. 387, 399-400 (1983). In ALAB-747, the petitioner has described its experience in NRC proceedings and identified a witness, but the Appeal Board found such statement "manifestly inadequate." 18 N.R.C. at 1177.

Certainly, if the showing of the Shoreham petitioner was "manifestly inadequate," Mr. Eddleman's failure to even attempt a showing must be fatal. In any event, the fundamental misapprehensions of basic concepts of emergency planning which are

evidenced in Mr. Eddleman's proposed contentions (see, e.g., discussions of proposed Contentions 252, 253 and 254, infra), completely undermine any assumption that -- with respect to the issues at hand -- Mr. Eddleman might "reasonably be expected to assist in developing a sound record." Under these circumstances, factor (iv) clearly weighs against admission of Mr. Eddleman's late-filed contentions.

Factor (v): The Extent to Which the Petitioner's Participation Will Broaden the Issues or Delay the Proceeding

Given that there are no existing admitted contentions on the subjects of Mr. Eddleman's proposed contentions here (e.g., the maps, the designation of the EPZ and planning subzone boundaries, and the evacuation routes), the admission of these proposed contentions will clearly broaden the issues for hearing in this proceeding. Indeed, the admission of some of the proposed contentions would dramatically expand the issues for hearing, and introduce the potential for significant delay.<sup>3/</sup> For example, the precise designation of the EPZ is so central to emergency planning -- and impacts so many other planning matters -- that the admission at this late date of a contention

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<sup>3/</sup> 10 C.F.R. § 2.714(a) refers to delay of the proceeding, not to delay of the operation of the facility. Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), ALAB-707, 16 N.R.C. 1760, 1766 (1982). In Fermi, the Board rejected an argument that there was no delay because fuel loading was not scheduled for a year.

challenging the EPZ might well force Applicants to develop alternate emergency plans and try their entire case in the alternative -- i.e., "this is how evacuation would be conducted if this is the EPZ" and "this is how evacuation would be conducted if that is the EPZ." In all probability, Applicants simply could not afford to learn, after the hearing, that the Board had decided in favor of a different EPZ, and that hearings on all other contentions must be reopened to take evidence on any changes in plans occasioned by the change in the EPZ. Of course, had Mr. Eddleman timely challenged the EPZ upon service of revision 1 of the onsite plan on October 4, 1983, Applicants might well have been able to resolve their differences with Mr. Eddleman, or -- at a minimum -- conferred with the State and local officials to consider how to best minimize the potential for delay.

Similarly, Applicants run a great risk if a proposed contention is admitted which challenges the designated evacuation routes. The ETE is premised on the use of the designated routes, as are other fundamental parts of offsite planning. Again, the admission of such a contention might force Applicants to do another ETE, and to try their case in the alternative.

Finally, given the scores of other contentions which Mr. Eddleman is sponsoring in this proceeding, and the obligations attendant to those contentions as well as his personal

obligations see, e.g., (Tr. 1100-01), it is a fair inference that any further hearing obligations might not only cause delay in the proceeding, but might also at least have the potential to jeopardize Applicants' already close schedule (see Tr. 1064-65, 1075).4/

Accordingly, all five factors militate against the admission of Mr. Eddleman's late-filed "map" contentions. The proposed contentions are untimely, unjustified, and must be rejected.

#### Basis and Specificity

##### Proposed Contention 250

The map fails to comply with NUREG-0654. II.J.10.a because it does not show the relocation areas, relocation centers or shelter areas. The map is also, in the size produced, virtually illegible, violating the criterion for "showing" the information.

Contrary to the assertion of proposed Contention 250, the map included as Figure G-4 of the onsite plan (revision 2, Feb. 1984), a map of the 50-mile EPZ, does provide the information encompassed in NUREG-0654, Criterion J.10.a.5/ As Figure G-4

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4/ Should any of Mr. Eddleman's proposed contentions be admitted, he should be required to take the proceeding -- including the established schedule -- as he finds it.

5/ Because relocation areas, relocation centers and public shelters must be outside the ten-mile radius, that information necessarily cannot be depicted on the map of the plume EPZ.

indicates, the "relocation areas" for evacuees will be the cities of Raleigh, Buies Creek, Lemon Springs, Olivia, Siler City and Goldston. And the precise locations of the facilities which will serve as the combined relocation centers/shelters are marked on the Figure G-4 map. Thus, the first part of proposed Contention 250 must be rejected for lack of basis.

The second part of proposed Contention 250 asserts that "the map") presumably the map of the plume EPZ in Annex H of the onsite plan) is "in the size produced, virtually illegible." Given Mr. Eddleman's insistence that the map be physically included in the plan itself (see, e.g., proposed Contention 251), his complaint that a map sized for incorporation in the plan is too small has a hollow ring indeed. While the reproduction process employed to make copies of the plans for the parties may have made the detailed map more difficult to read, it is classic overstatement to characterize the map as "virtually illegible." The proposed contention thus lacks basis. Moreover, Mr. Eddleman's concern would be obviated simply by the placement of larger EPZ maps in the emergency response facilities, for use in an emergency. Matters such as this are precisely the sort of details which are best entrusted to the Staff for its implementation review process, outside the adjudicatory process. Scarce adjudicatory resources should not be squandered litigating the legibility of maps. For all these reasons, proposed Contention 250 must be rejected.

Proposed Contention 251

The map fails to comply with NUREG-0654.II.J.10.b because it does not show the population distribution around the facility nor does it show the population by evacuation areas. A separate listing in sector format (as is in the HMM study if not in the plan) does not meet this requirement: 0654 says "licensees shall also present the information in a shelter [sic; sector] format". I reiterate my objection that the information must be in the plan. NUREG-0654 is clear on this point (p. 61, item II.J.10 says the organization's plans . . . shall include" the items listed in a, b, etc. below).

NUREG-0654, Criterion J.10.b. provides that offsite plans shall include maps showing population distribution around the facility, "by evacuation areas." As Mr. Eddleman correctly observes, the same NUREG-0654 criterion further provides that "licensees shall also present the information in a sector format" (emphasis supplied). Contrary to the implication of the proposed contention, the map of the plume EPZ included in Annex H of both revision 1 (Sept. 1983) and revision 2 (Feb. 1984) of the onsite plan does indicate population distribution within the plume EPZ by evacuation areas ("Subzones A-N"). As Mr. Eddleman apparently concedes, the offsite plans are not expected to include population distribution within the plume EPZ by 22-1/2° compass sector. However, the distribution by sector is reflected in the ETE. See ETE, Table 3-1, Figure 3-1.

Proposed Contention 251 is thus lacking in basis, since the plume EPZ map in Annex H is to be included in the offsite

plan. None of the parties dispute that this must be accomplished. Indeed, the offsite plan itself indicates that maps will be included (see ERP, Annex I), and Applicants have confirmed that the map which has always been included in Annex H of the onsite plan also will be included in a future revision of the offsite plan (Tr. 905-06, 929-30, 1000-01). As the Board has observed, under these circumstances, all that remains is the "mechanical matter of moving the map." Tr. 1001. The actual physical incorporation of the map into the offsite plan is a ministerial act, and is not properly the subject of litigation where -- as here -- all parties are agreed that the act must be accomplished. This hearing is not a forum for intervenors to police Staff enforcement of commitments which are not themselves at issue, and the administrative record should not be burdened with future motions and other pleadings which would necessarily attend the inclusion of the map in the offsite plans (if the proposed contention were admitted). Administrative resources are too precious to spend on the litigation of clerical acts. See generally, "Memorandum and Order (Ruling on Wells Eddleman's Proposed Contentions Concerning Detailed Control Room Design Review (DCRDR))" (October 6, 1983), slip op. at 11. For all these reasons, proposed Contention 251 must be rejected.

### Proposed Contention 252

The setup of Zone C on the map includes a peninsula jutting into an area much closer to the plant; the setup of Zone B includes a salient including part of the exclusion area of the plant. Both the Zone C peninsula (west of what appears to be the 2-lane NC highway #751) and the salient of Zone B ("the tongue" along White Oak Creek) should be included in Zone A to assure protection of any persons in those areas in an accident. No rationale for the exclusion of these areas is given, nor would one make sense, since both are equally as close to the plant as much of Zone A. Why a part inside the exclusion area is left out of Zone A is just unfathomable to me. NUREG-0654 II.J.10.m. requires basis for choice of protective action, and that requires a basis for distinguishing these areas from Zone A unless they are included in Zone A, since appropriate protective action in the plan is determined by zones (or appears to be: HMM study part 7: this is not "in the plan" as -0654 II.J.10 requires).

Proposed Contention 252 argues for the inclusion in planning Subzone A of parts of planning Subzones B and C, apparently in the belief that such a change would afford greater protection for persons in the specified parts of Subzones B and C at the time of an accident; that is, the underlying premise of the contention is the assumption that more extensive protective measures will be taken for Subzone A than will be taken for Subzones B and C. The proposed contention thus reflects a fundamental misperception of the concept of the EPZ and its division into subzones. The EPZ is divided into subzones to facilitate the designation of the parts of the EPZ where protective actions are warranted, in an emergency where protective



actions may be necessary for only parts of the EPZ or where protective actions may differ for different parts of the EPZ. No particular protective actions are pre-prescribed for any particular subzone. There is no predetermination, for example, that Subzone A would evacuate in an emergency, while Subzones B and C would shelter. The protective actions for all subzones would be determined at the time of an emergency and, if evacuation were indicated for Subzones A, B and C, evacuation would be ordered for all three. Similarly, if protective actions were indicated for any portion of a subzone, the protective action would be implemented for that subzone. Accordingly, because proposed Contention 252 is premised on a misapprehension of the purpose of designating subzones and the use of the subzones in protective action recommendations, the proposed contention lacks the required basis, and must therefore be rejected.<sup>6/</sup>

#### Proposed Contention 253

Evacuation routes from zones E, F and G are toward Raleigh and in the path of prevailing winds. Such winds, or a wind shift during evacuation, could imperil the evacuees and violate 10 C.F.R. 50.47(a)(1)'s requirement that appropriate protective action will be carried out. In addition, the turn sharply

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<sup>6/</sup> Moreover, contrary to the tenor of proposed Contention 252, there is no regulatory requirement that emergency planning officials affirmatively justify in writing the outer perimeter of the EPZ, much less the boundaries of the subzones. See discussion of proposed Contention 254, infra.

north onto NC55 (a 2-lane road) puts the evacuees broadside to the EPZ boundary for 3.1 miles to Johnson's pond (see zone G), exposed to plumes in prevailing winds.

Proposed Contention 253 too is based on a fundamental misunderstanding of the concept of operations under the emergency plan. In the proposed contention, Mr. Eddleman expresses concern that evacuees would be directed to designated evacuation routes that might place the evacuees in the path of the plume. But, as Applicants have repeatedly emphasized, the offsite plan expressly provides that evacuation would be the protective action chosen only if evacuation could be "completed prior to significant release and arrival of radioactive material in the affected area." See, e.g., ERP, Part 1, § IV.A.4 (emphasis supplied). Thus, because the proposed contention erroneously assumes that people will be directed to evacuate via specified routes at the same time radioactivity is being released, the proposed contention must be rejected for lack of basis.<sup>7/</sup>

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<sup>7/</sup> Moreover, even assuming the plan did contemplate evacuation during a release -- which it does not -- it is by definition impossible to designate any evacuation routes which would account for "wind shifts." As another licensing board has observed, "With significant shifts in wind direction always a possibility during the course of any evacuation, it would seem impractical and possibly imprudent to preselect evacuation routes based on potential wind direction." Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1), LBP-81-59, 14 N.R.C. 1211, 1588 (1981).

Proposed Contention 254

No rationale is given for excluding various areas within the 10-mile radius of Harris from the EPZ. It appears that roads either near the inside or near the outside of the 10-mile radius were somewhat arbitrarily chosen to keep the EPZ boundary partly inside 10 miles and partly outside 10 miles. But this obviously denies protection to those within 10 miles of the plant but not included in the EPZ. Absent some statement of local conditions that make such exclusion appropriate, this violates 10 C.F.R. 50.47(c)(2). Local emergency response needs and capabilities, topography, meteorology and so on do not appear to have been appropriately considered in setting the boundary of the EPZ. Indeed, the plan gives no indications these factors were considered at all. See, e.g., the structure apparently on dirt road 1277 on the Harnett County side of the Zone I boundary; circle around Rosse outside Zones I and J.

The thrust of the proposed contention is the broad charge that "[l]ocal emergency response needs and capabilities, topography, meteorology and so on do not appear to have been appropriately considered in setting the boundary of the EPZ." Specifically, Mr. Eddleman complains that "[n]o rationale is given for excluding various areas within the 10-mile radius of Harris from the EPZ." But Mr. Eddleman is simply not legally entitled to "some statement of local conditions that make such exclusion appropriate," as he insists. As the San Onofre Licensing Board correctly observed:

[T]hose boundaries [of the plume EPZ] are to be established in the first instance at "about 10 miles," subject to their possible adjustment inward or outward based upon the judgment of local emergency planning officials.

Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), LBP-82-39, 15 N.R.C. 1163, 1181 (1982) (emphasis supplied). And, as the Licensing Board here recently held:

[W]e're ruling that you do not have to have some written justification from the State and local officials as to why they did exactly what they did. One can allege that they gave insufficient consideration [to] one or more factors; and if it's a sufficiently specific allegation, presumably, it would be admitted as a contention and could be litigated. But we don't think that that burden rests initially on the State and local [officials].

Tr. 982. See also Tr. 927-29, 984.8/ Thus, contrary to Mr. Eddleman's assertion, there simply is no legal requirement that there be "some written justification [for the EPZ boundary] to

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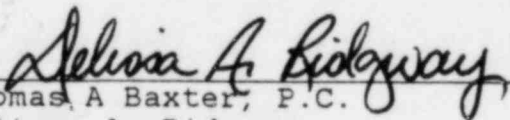
8/ Mr. Eddleman has completely failed to provide any specific allegations of insufficient consideration of any of the factors to be considered in determining the EPZ. Mr. Eddleman does make passing referencé to "the structure apparently on dirt road 1277 on the Harnett County side of the Zone I boundary" and the "circle around Rosse outside Zones I and J." But these are apparently only his examples of areas that were excluded which he asserts should be included in the EPZ. He fails to provide any reasons why the specified areas should be included, nor does he identify which of the factors to be considered in determining the EPZ has been overlooked in each case. Indeed, in the examples cited, the EPZ boundaries were drawn along readily recognizable geographic and political boundaries -- the Harnett County-Chatham County line and the Cape Fear River in the first instance, and Hughes Creek and State Route 1002 in the second. In both cases, the area which is within the ten mile radius but beyond the plume EPZ is essentially unpopulated. Moreover, the prevailing wind is from the southwest. Mr. Eddleman's barren allegations here are simply insufficient to call into question the judgment of the State and local officials. The allegations lack the requisite specificity.

which one can resort in studying the plan." See Tr. 982. The proposed contention therefore lacks a regulatory basis, and must be rejected.

### III. CONCLUSION

For all the reasons set forth above, Eddleman proposed Contentions 250, 251, 252, 253 and 254 must be rejected.

Respectfully submitted,

  
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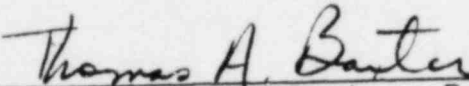
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Eddleman Proposed Contentions on EPZ Map" were served this 25th day of May, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties on the attached Service List, except that those whose names are marked by an asterisk have been served by hand, this 25th day of May, 1984.

  
\_\_\_\_\_  
Thomas A. Baxter, P.C.

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SERVICE LIST

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