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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 MAY 30 P3:58

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

CAROLINA POWER AND LIGHT COMPANY AND
NORTH CAROLINA EASTERN MUNICIPAL
POWER AGENCY

(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Docket Nos. 50-400 OL
50-401 OL

JOINT AFFIDAVIT OF FRANK W. YOUNG AND CHARLES A. WILLIS
IN SUPPORT OF NRC STAFF RESPONSE TO APPLICANTS' MOTION FOR
SUMMARY DISPOSITION OF EDDLEMAN 67

I, Frank W. Young, being duly sworn, depose and state:

1. I am employed as the Section Leader, State Relations Section, Office of State Programs, U.S. Nuclear Regulatory Commission. A copy of my professional qualifications is attached to this affidavit. I certify that I have personal knowledge of the matters set forth herein in Part I with respect to: 1) whether the Southeast Interstate Low-Level Radioactive Waste Management Compact ("the Compact"), if approved by Congress, provides reasonable assurance that the Harris facility will be able to ship low-level waste to the Southeast Compact disposal facility, and 2) whether there is a mechanism in place to enable the State of North Carolina to provide a waste disposal facility for wastes generated within the state, if the disposal of low-level wastes is not resolved on the regional level. The statements made are true and correct to the best of my knowledge, information and belief.

2. I have read the following documents related to Applicants'

Motion:

- a. Applicants' Motion for Summary Disposition of Eddleman 67 (Waste Disposal);
- b. Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard On Eddleman 67

Contention 67

There is no assured disposal site to isolate the low-level radioactive wastes produced by normal operation at Harris from the environment and the public until said waste, which includes highly toxic (radiotoxic) and long-lived nuclear wastes such as Sr-90, Cs-137 and Pu-239, has decayed to virtually zero levels of radioactivity and radiotoxicity. The lack of such an assured disposal site, endangers the health and safety of the public under AEA and this condition having changed since the CP stage (and CP FES) due to the refusal of SC, NV and WA states to continue to accept unlimited amounts of low-level radioactive wastes; and by the enactment by Congress of laws allowing states to form compacts for low-level rad-waste disposal and to exclude wastes such as SHNPP low-level radioactive wastes from states not members of such compacts. Sea disposal is not assured because EPA's proposed rule to allow disposal of low-level radioactive wastes in the oceans has not been enacted, and if enacted may be overturned by legal action or act of Congress.

PART I - OFF-SITE WASTE DISPOSAL

3. The legislatures of eight southeastern states, including North Carolina and South Carolina, have adopted the Southeast Interstate Low-Level Radioactive Waste Management Compact.

4. As provided by the Low-Level Radioactive Waste Policy Act of 1980, the Compact has been introduced into Congress for its consent.

S1749 and HR3777, introduced on August 3, 1983. All cognizant Congressional committees have held hearings on the Compact. Representatives of the Compact Commission established by the Compact have testified at these hearings and responded to questions posed by members of the cognizant Congressional committees.

5. The Compact provides in Article 3(A) that any low-level waste generator in a party state has the right to have all its waste disposed of at the Compact disposal facilities.

6. Article 2(10) of the Compact provides that the currently licensed and operating low-level waste disposal facility in Barnwell, South Carolina will serve as the Compact's initial disposal facility. Disposal capacity in the Barnwell facility is currently available through 1992. Carolina Power & Light Company ships low-level wastes from its operating nuclear power plants to Barnwell.

7. Article 4(E)(6) of the Compact provides that a second host state for a disposal facility will be identified within three years and be in operation by 1991, one year before the scheduled closing of Barnwell. The Compact Commission is moving toward implementation of this provision.

8. The Shearon Harris Nuclear Power Plant, as a generator within a party state, would be entitled to ship its low-level waste to the disposal facility designated by the Compact.

9. Therefore, upon consent to the Compact by Congress there is reasonable assurance that there will continue to be a facility for the disposal of the low-level waste from the Shearon Harris nuclear power plant.

10. The North Carolina Waste Management Act of 1981 establishes a system for the evaluation and assessment of low-level radioactive waste.

PART II - ON-SITE WASTE STORAGE

I, Charles A. Willis, being duly sworn, depose and state:

12. I am Leader of the Effluent Treatment Systems Section of the Meteorology and Effluent Treatment Branch, Division of Systems Integration, within the Office of Nuclear Reactor Regulation. A copy of my professional qualifications is attached to this affidavit. I certify that I have personal knowledge of the matters set forth herein in Part II with respect to the availability of appropriate low-level waste storage facilities on the Harris site in the event off-site disposal sites are not available. The statements made are true and correct to the best of my knowledge, information and belief.

13. I have read the following documents related to Applicants' Motion:

- a. Applicants' Motion for Summary Disposition of Eddleman 67 (Waste Disposal);
- b. Applicants' Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard On Eddleman 67

14. In Statement 11 of the Applicants' Statement of Material Facts, the Applicants claim dedicated space for seven months output of low-level radioactive wastes (LLRW). The Staff notes that the LLRW generation rate postulated in the affidavit of George H. Warriner (page 5) is substantially lower than the rate postulated in the FSAR (Table 11.4.2-1, Amendment 5). The Staff has independently calculated the annual LLRW generation rate for Harris operation and concluded that the rate calculated by Warriner is correct. Therefore, the claim of capacity for storage

of seven months LLRW production is realistic. Thus, the Staff supports the Applicants' claim of substantial dedicated onsite storage capacity.

15. In Statement 12, the Applicants claims that space for another seven months' LLRW production is readily available. The Staff has confirmed that space is allocated in the Waste Processing Building for the storage of empty drums and that if such drums are removed from the building, this space can be used for the storage of LLRW. Thus, the Staff agrees with the Applicants' statement that there is additional readily available storage space.

16. In Statement 13, the Applicants states that the additional space is available in the Waste Processing Building because the building was designed for four units, whereas only one unit is now being built. The Staff confirms this statement.

17. In Statement 14, the Applicants claims that, in total, 4.3 years accumulation of LLRW could be stored in the Waste Processing Building. The Staff has determined that additional space is available and that the amount of space available appears consistent with the 4.3 years capacity. Thus, the Staff generally supports the claim that LLRW from several years operation could be stored in the Waste Processing Building.

18. In Statement 15, the Applicants claims that the Waste Processing Building satisfies all regulatory requirements for onsite storage of LLRW. The Staff confirms that the Waste Processing Building meets the regulatory requirements for storage of LLRW (see SER Section 11.4). These requirements are specified in Regulatory Guide 1.143, "Design Guidance for Radioactive Waste Management Systems, Structures, and Components Installed In Light-Water Cooled Nuclear Power Plants."

19. In summary, the Staff agrees that the Shearon Harris Nuclear Power Plant has adequate provisions for onsite storage of low-level radioactive wastes.

Frank W. Young
Frank W. Young

Charles A. Willis
Charles A. Willis

Subscribed and sworn to before me
this 21th day of May, 1984

Ellyric S. Beckler
Notary Public

My commission expires: 7/1/86

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE IN SUPPORT OF APPLICANTS' MOTION FOR SUMMARY DISPOSITION OF EDDLEMAN CONTENTION 67" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 29th day of May, 1984:

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