

October 12, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	
AND NORTH CAROLINA EASTERN)	Docket No. 50-400 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

JOINT STIPULATION CODIFYING
CERTAIN ADMITTED CONTENTIONS

In its June 14, 1984 "Further Rulings on Admissibility of Offsite Emergency Planning Contentions Submitted By Intervenor Eddleman," the Licensing Board admitted as issues in this proceeding parts of Eddleman proposed Contentions 30, 57-C-3, 57-C-10, 57-C-13 and 224. In addition, in its August 3, 1984 "Final Set of Rulings on Admissibility of Offsite Emergency Planning Contentions, Ruling on Petition For Waiver of Need For Power Rule, and Notice of Upcoming Telephone Conference Call," the Board admitted parts of Eddleman proposed Contentions 57-C-7, 213-a, and 240. However, the Licensing Board's June 14, 1984 and August 3, 1984 orders did not specify the precise verbiage of each of the contentions as admitted. 1/

1/ This Joint Stipulation does not affect Eddleman Contention 215. The four "conservatisms" proposed by Mr. Eddleman under that contention are being addressed separately by the Licensing Board. Nor does this Stipulation affect Eddleman proposed Contentions 250 and 251. Those proposed contentions are being addressed separately by Applicants.

Both for the convenience of all parties and the Licensing Board (as well as the Appeal Board and any higher reviewer of the Board's decision), and in fairness to Applicants (who bear the burden of proof regarding each contention admitted for litigation), Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency ("Applicants"), Wells Eddleman, and the Staff of the Nuclear Regulatory Commission ("NRC") hereby stipulate and agree as follows:

1. Contention 30, admitted in part at pages 19 to 22 of the Board's June 14, 1984 order, is codified as:

EDDLEMAN 30

The plan's provisions (Part 1 pp 49-50) for Potassium Iodide do not comply with the requirements of NUREG-0654 II.J.10.e (pg 63) that the plans must include "quantities" for persons whose "evacuation may be infeasible or very difficult" who are in the plume EPZ.

2. Contention 57-C-3, admitted in part at page 14 of the Board's June 14, 1984 order, is codified as:

EDDLEMAN 57-C-3

The plan does not have provisions for notification at night, e.g. in the hours between 1 am and 6 am when most people living near the plant would normally be asleep. Nor does the plan assure that they would be timely awakened to take sheltering action, as e.g. on a summer night when many might have windows open or air conditioners on. The plan should provide automatic phone-dialing equipment to transmit an emergency message to all households in the EPZ for Harris, asking people to alert their phoneless neighbors.

3. Contention 57-C-10, admitted in part at pages 16 to 18 of the Board's June 14, 1984 order, is codified as:

EDDLEMAN 57-C-10

The State Plan (pt 1 pp 45-46 and 50-53) provides no useful analysis or information on sheltering effectiveness; but without knowledge of sheltering effectiveness, the decision on that option vs. evacuation will be illinformed and quite possibly wrong. The plan's discussion of protective actions is mostly a list of them and a little handwaving -- it's hopelessly inadequate. The plan, for potential shelters typical of those in the SHNPP plume EPZ, does not comply with Evaluation Criterion J.10.m of NUREG-0654, which calls for inclusion in the plan of "expected local protection afforded in residential units or other shelter for direct and inhalation exposure. . ."

4. Contention 57-C-13, admitted in part at page 18 of the Board's June 14, 1984 order, is codified as:

EDDLEMAN 57-C-13

The plan, in discussing protective actions, repeatedly refers to "the best Protection Factor" (PF) for sheltering. Yet it nowhere sets up criteria for identifying such protection factors or the highest PF in hospitals and nursing homes. The highest PF areas need to be determined in advance (before the emergency preparedness exercise) to comply with 10 C.F.R. 50.47(a)(1)'s requirement for assurance of appropriate protective action. If seeking the highest PF is appropriate action (as the plan states, Pt 2 pp 29-30, pt 3 p 26, pt 4 pp 28-29, pt 5 p 31) then that action must be assured.

5. Contention 224, admitted in part at page 26 of the Board's June 14, 1984 order, is codified as:

EDDLEMAN 224

In violation of 10 C.F.R. 50.47(a)(1) and (2) and (b)(10) the HMM study is defective because it does not identify the adverse weather frequency used (NUREG-0654, App. A, IV-A, p. 4-6). Such a defective study is unreliable for guiding emergency response personnel in decision making.

6. Contention 57-C-7, admitted in part at pages 18 to 21 of the Board's August 3, 1984 order, is codified as:

EDDLEMAN 57-C-7

Neither the State ERP nor the county ones make clear whether the hospitals listed in Section V.B.3 of the State ERP are prepared to treat severe radiation exposure per se. The plans should include lists of local and regional hospitals with the necessary capabilities to provide medical services for those seriously injured by radiation alone.

7. Contention 213-a, admitted in part at pages 30 to 32 of the Board's August 3, 1984 order, is codified as:

EDDLEMAN 213-a

Either each offsite ERP should contain an appendix which conforms to evaluation criterion II.P.7 of NUREG-0654, or it should be demonstrated that such an appendix is unnecessary because its functions are performed in some other way by the present form of the plans.

8. Contention 240, admitted in part at page 10 of the Board's August 3, 1984 order, is codified as:

EDDLEMAN 240

(1) What agency of Chatham County government is responsible for the decontamination of evacuees at the Chatham County Shelters? and (2) Which emergency response organizations are assigned the responsibility of providing support for the decontamination of evacuees?

Wells Eddleman 8/22/84
Wells Eddleman Date

Charles A. Barth
Charles A. Barth Date
Janice E. Moore
Counsel for NRC Staff

Delissa A. Ridgway 10/11/84
Thomas A. Baxter, P.C. Date
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