

January 14, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
REGULATING & SERVICE
BRANCH

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)
)
(Shearon Harris Nuclear Power Plant))
)

Docket No. 50-400 OL

APPLICANTS' STATEMENT OF MATERIAL FACTS AS TO
WHICH THERE IS NO GENUINE ISSUE TO BE HEARD ON CCNC CONTENTION 2

Pursuant to 10 C.F.R. § 2.749(a), Applicants' state, in support of their Motion For Summary Disposition of CCNC Contention 2, that there is no genuine issue to be heard with respect to the following material facts:

1. As admitted by the Board, CCNC Contention 2 claims that "[s]heltering as the recommended response to the release of radiation is not adequate to protect the public health" and that the "typical rural house" near the Harris Plant "is not well-insulated and air in it is exchanged several times each hour."

2. In order to address the factual issues raised by this Contention, Applicants commissioned a survey of the housing stock in the Harris plume EPZ to determine the characteristics of "typical" housing. The survey concentrated on identifying those characteristics that are most relevant to the sheltering effectiveness of the housing, that is, the number of stories, presence or absence of a basement, and type of exterior finish. Black Affidavit, ¶ 4.

3. Because the materials used for thermal insulation have a low density, the amount of insulation in a home will have a negligible effect on the protection that the structure affords from external radiation. Black Affidavit, ¶ 4.

4. Based upon a review of tax records and the results of a field survey, it was concluded that a typical residence in the Harris EPZ is a single-family, single story house of wood or brick exterior construction and with no basement. Black Affidavit, ¶¶ 4-9, 11.

5. According to an Environmental Protection Agency guidance document that has been approved by the NRC in NUREG-0654, residences that have rooms with windows or exterior doors on one or more sides have a ventilation rate of approximately one or two air exchanges per hour. Black Affidavit, ¶¶ 13, 16.

6. The typical housing in the Harris EPZ is similar to that in the plume EPZs of the Brunswick, McGuire and Catawba Plants. The off-site emergency plans for those plants include sheltering as one option for protective action. Pugh Affidavit, ¶ 5.

7. With respect to the characteristics identified from the Harris housing survey (that is, number of stories, presence of basement and type of exterior construction), housing in the Harris EPZ is comparable to housing in the State of North Carolina as a whole and in the southeast United States, as reflected in published data. Black Affidavit, ¶ 10.

8. Intervenor CCNC has provided no factual information that creates special circumstances that justify an exception to the NRC's emergency planning rule, guidance in NUREG-0654 and the consistent holdings of NRC adjudicatory boards — all of which endorse sheltering as one of the range of protective actions that should be included in emergency response plans.

9. The sheltering option will be used only if decision makers are thoroughly convinced that it would result in a lessening of radiation dose exposure to the public compared to other available options for protective action. Pugh Affidavit, ¶ 4.

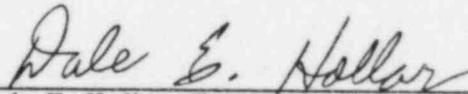
10. The North Carolina Division of Emergency Management does not intend to use in-place sheltering for the general public on a long-term basis, that is, more than a

period of several hours. Unless evacuation is infeasible due to conditions such as the impassability of highways, evacuation of the effected population is the preferable long-term protective action. Pugh Affidavit, ¶ 4.

11. Sheltering is an appropriate protective action under some circumstances. Even if sheltering is initially recommended and the circumstances subsequently change, additional protective actions (including evacuation) could be ordered as the situation develops. Pugh Affidavit, ¶ ¶ 4-5.

This 14th day of January 1985.

Respectfully submitted,



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