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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'86 JAN -8 A10:20

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

James L. Kelley, Chairman
Dr. James H. Carpenter
Glenn O. Bright

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

Docket No. 50-400-0L
(ASLBP No. 82-472-03 0L)

January 7, 1986

MEMORANDUM AND ORDER
(Concerning Arrangements for Medical Services)

Mr. Eddleman, the Applicants, and the NRC Staff have responded to our Order of December 9, 1985 concerning arrangements for medical services. We will not restate the complicated background of this matter, which is reflected in the pertinent pleadings. Suffice it to say that we have decided to deny Mr. Eddleman's motion for reconsideration of March 1, 1985 and to reject the revised contention concerning medical services which he proffers in his response of December 23, 1985. We do so for the following reasons.

Lack of Specificity. The first, third, and fourth sentences of the revised contention are not sufficiently specific. They do no more

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than call for solutions to unspecified medical "problems" and are in no way tied to alleged defects in the emergency plans.

The second sentence faults the plans for an alleged failure to "provide for training or protection from contamination for emergency personnel transporting [accident] victims to medical treatment." This sentence might appear to be sufficiently specific on its face. However, it too does not address provisions of the plans which speak to the subjects of training and control of radiological exposure of emergency workers. Essentially the same allegation was contained in the original Contention 57-C-7. We rejected it for failure to address the plans as proposed -- essentially a rejection for lack of specificity. We said that:

In relation to the third part of 57-C-7, the contention's citation to the State ERP at 85 apparently refers to Items e-g on that page, which discuss the training of personnel with medical duties. Citations to sections which provide for training are not much support for a contention which says the plans don't provide for training. The contention calls these passages "handwaving," but that word can hardly specify deficiencies in such a way as to make them the subject of admissible contentions. Further, 57-C-7's allegation that the State plan doesn't provide protection for personnel transporting radiation victims doesn't address the plans' many provisions for control of radiological exposure of emergency workers. See, e.g., § G of the State ERP.

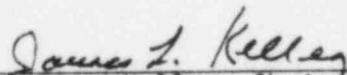
.Thus, we have already rejected this "emergency worker training" allegation for reasons wholly unrelated to the GUARD litigation. Our willingness to entertain the motion for reconsideration was based upon the GUARD ruling and the Commission's response to it. This is not an occasion to relitigate issues previously resolved against a party on

other grounds. Nevertheless, we reaffirm our prior rejection of the emergency worker training allegation.

It is unnecessary to discuss other grounds for rejecting this contention in any detail. We note, however, that the Applicants have satisfied the pre-GUARD listing of facilities requirement, as demonstrated by their unopposed motion for summary disposition. Furthermore, they have formally committed to full compliance to the Commission's ultimate response to the GUARD remand. Letter dated December 11, 1985 to the NRC Staff from A. B. Cutter of CP&L. Pursuant to the Commission's Statement of Policy on Emergency Planning Standard 10 CFR 50.47(b)(12), 50 Fed. Reg. 20892, 20893, we are authorized to find that the Applicants are entitled to a license with respect to that standard, conditioned upon their meeting that commitment. Subject to that condition, we so find.

Mr. Eddleman in his response raises numerous objections to the Commission's Statement of Policy. We, of course, are bound by the Statement. He may raise those objections before the Commission on appeal.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


James L. Kelley, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland