UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Michael C. Farrar, Chairman
Richard S. Salzman
Dr. W. Reed Johnson

In the Matter of	)	
CAROLINA POWER & LIGHT CO.	)	Docket No. 50-261
(H. B. Robinson, Unit No. 2)	)	

ORDER

August 7, 1979

A year ago, in the absence of any exceptions, we deferred our review of the Licensing Board's June 16, 1978 partial initial decision on environmental matters (LBP-78-22, 7 NRC 1052) to await the rendition of that Board's final decision. Recently, on June 26, 1979, the Board below issued, without objection, an order terminating the proceeding. Thus, the partial initial decision and the final order are now ripe for review on our own initiative. We are, however, extending the time for the completion of that task. Pending the outcome of that review and our further order, the determinations made by the Licensing Board shall not be deemed final.

Review time extended.

It is so ORDERED.

FOR THE APPEAL BOARD

C. Jean Bishop
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	
	)	
	)	
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this
8th day of Aug 1979.

Peggy T Downing
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	
	)	
	)	
	)	
	)	

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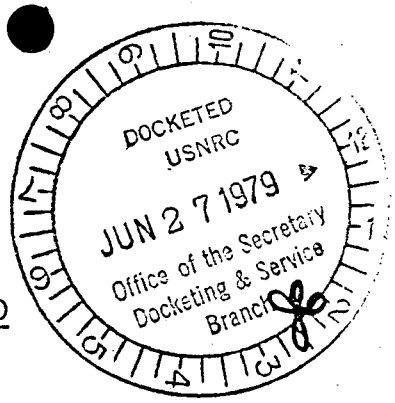

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No. 50-261
	)	(OL Modification)
	)	
(H. B. Robinson, Unit No. 2)	)	

BOARD ORDER GRANTING APPLICANT'S
MOTION TO TERMINATE PROCEEDING
(June 26, 1979)

On May 8, 1979 Applicant filed a motion to dismiss the proceeding which, as a result of the withdrawal of a previously admitted intervenor, is currently in the posture of an uncontested operating license amendment proceeding. On the bases of Applicant's motion, the NRC Staff response of May 30, 1979,[1/] and other filings including the NRC Staff Safety Evaluation Report (SER) and SER Supplements 1 and 2, the Board finds that there are no extraordinary circumstances involving a serious safety, environmental or common defense and security matter and there is reasonable assurance that the proposed action of increasing the power level from 2200 MWt to 2300 MWt can be accomplished without endangering the public health and safety.

1/ "NRC Staff Response to Matters Raised in April 24, 1979 Conference Call and In Applicant's Motion to Dismiss Proceeding" including the May 23, 1979 Stello memorandum attachment which addresses, inter alia, the implications of the Three Mile Island 2 incident for the Robinson 2 plant.

As a result of the above findings and because the instant proceeding is presently in the status of an uncontested operating license amendment proceeding, the Board hereby grants Applicant's motion to terminate the proceeding. Dr. A. Dixon Callihan joins in this decision but was not available for signature.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Richard F. Cole, Member

John F. Wolf, Chairman

Dated at Bethesda, Maryland,
this 26th day of June, 1979.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	
	)	
	)	
	)	
	)	

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Dated at Washington, D.C. this 27th day of June 1979.

Peggy T. Deering
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
	)	
(H.B. Robinson, Unit No. 2)	)	
	)	
	)	
	)	

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Raleigh, North Carolina

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No. 50-261
	)	
	)	(OL Modification)
(H. B. Robinson, Unit No. 2)	)	

ORDER GRANTING EXTENSION OF TIME

(May 25, 1979)

On May 22, 1979, the NRC Staff filed a motion requesting an extension of time to and including May 30, 1979 in which to respond to Applicant's "Motion to Dismiss Proceedings" with respect to its amendment application. Good cause having been shown and no objection filed, the Staff's motion for an extension of time is granted.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

John F. Wolf

John F. Wolf, Chairman

Dated at Bethesda, Maryland

This 25th day of May 1979.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	
	)	
	)	
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Dated at Washington, D.C. this
30th day of May 1979.

Peggy T. Dunning
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
	)	
(H.B. Robinson, Unit No. 2)	)	
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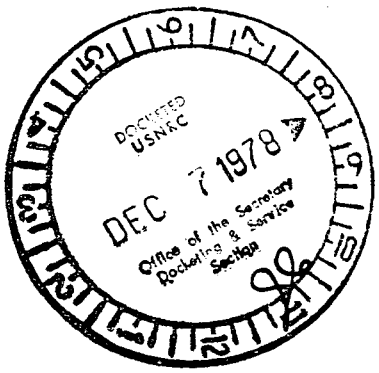

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

John F. Wolf, Chairman
Dr. A. Dixon Callihan
Dr. Richard F. Cole

In the Matter of	)	Docket Nos.:
CAROLINA POWER & LIGHT COMPANY	)	50-261
(H. B. Robinson, Unit No. 2)	)	50-261(OL Modification)

ORDER

(December 5, 1978)

In a letter dated August 31, 1978, Mr. Stephen H. Lewis, a counsel for the NRC Staff, confirmed the report he had made the previous day, in a telephone conference, regarding the status of the Staff's review of the amended application, i.e., "that two elements of the final supplement to the SER (Supplement No. 2) are not yet completed". The letter repeated the Staff's agreement "to keep the Board and parties advised as to developments in its schedule". No reports have been received by the Board.

Therefore, the NRC Staff Counsel is directed to furnish the Board and parties with the current status of this matter, forthwith. In addition, the NRC Staff Counsel is directed to furnish

H/O-1

the Board and parties with a detailed status report, of any developments in this case, once each month. The first monthly report will be due thirty (30) days after the date of the current status report, which Counsel has been directed to file without delay. The monthly reports are to continue until the so-called "stretch power" proceedings are completed.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

John F. Wolf
Chairman

Issued at Bethesda, Maryland,
this 5th day of December, 1978.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	

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Dated at Washington, D.C. this
7th day of DEC 1978.

Peggy T. Downing
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
	)	
(H.B. Robinson, Unit No. 2)	)	
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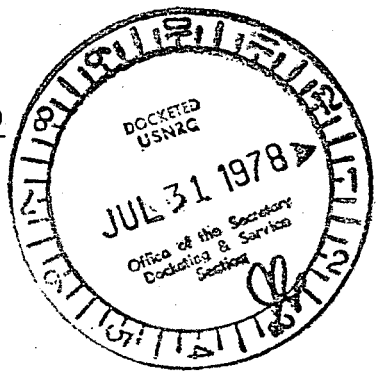
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

7/28/78

ATOMIC SAFETY AND LICENSING BOARD



John F. Wolf, Chairman
A. Dixon Callihan, Member
Dr. Richard F. Cole, Member

In the Matter of	)	Docket Nos.:
	)	
CAROLINA POWER & LIGHT COMPANY	)	50-261
	)	
(H. B. Robinson, Unit No. 2)	)	50-261 (OL Modification)

ERRATUM

In the "Partial Initial Decision" issued in this matter on June 16, 1978, the word "residence" appears on the final line (excepting footnotes) on page 19. That word should be replaced by the word "residues".

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

John F. Wolf

John F. Wolf, Chairman

Issued at Bethesda, Maryland,
this 28th day of July, 1978.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	

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Dated at Washington, D.C. this 31st day of July 1978.

Eugenia M. Pleasant
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
	)	
(H.B. Robinson, Unit No. 2)	)	
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

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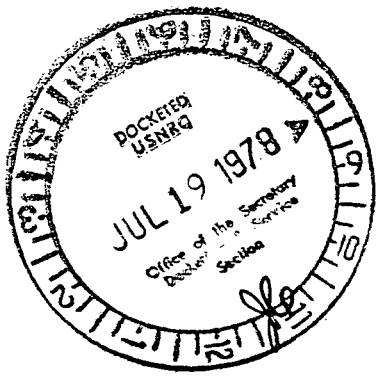
Richard S. Salzman
Dr. W. Reed Johnson



In the Matter of	)	
CAROLINA POWER & LIGHT CO.	)	Docket No. 50-261
(H. B. Robinson, Unit No. 2)	)	

ORDER

July 17, 1978

On June 16, 1978, the Licensing Board issued a partial initial decision on the environmental matters related to the continued operation of Unit 2 of the Robinson facility at existing and at increased power levels. The safety aspects of increasing the plant's power level are continuing to receive that Board's scrutiny.

No party has filed exceptions to the partial initial decision, and the time to do so has expired. 1/ Accordingly, this Board is called upon to review that decision sua sponte. We hereby defer our review until the rendition of the Licensing Board's final decision in the proceeding. No finality

1/ The proceeding below was essentially uncontested, the lone intervenor having withdrawn some time ago. On its own initiative, however, the Licensing Board pursued the issue that the intervenor had raised.

CP

HEAR 1

shall attach to the partial initial decision pending our further order.

It is so ORDERED.

FOR THE APPEAL BOARD

Romayne M. Skrutski
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	

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Dated at Washington, D.C. this
19th day of July 1978.

Peggy T. Dawning
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
	)	
(H.B. Robinson, Unit No. 2)	)	
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Raleigh, North Carolina

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
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CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261 50-261 OL (Modification)
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Raleigh, North Carolina

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

John F. Wolf, Chairman
A. Dixon Callihan, Member
Dr. Richard F. Cole, Member

SERVED JUN 19 1978

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	Docket Nos. ~~50-261~~ 50-261 (OL Modification)
	)	
(H. B. Robinson, Unit No. 2)	)	

PARTIAL INITIAL DECISION
(Environmental Matters Only)

Appearances

George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, Richard E. Jones, Esq., Carolina Power & Light Company on behalf of the Applicant

David A. Kubichek, Esq., U. S. Nuclear Regulatory Commission on behalf of the NRC Staff

John Whisenhunt, Esq., Bridges and Whisenhunt on behalf of the Intervenor

Learns

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	Docket Nos. 50-261
	)	50-261 (OL
(H. B. Robinson, Unit No. 2)	)	Modification)

PARTIAL INITIAL DECISION
(Environmental Matters Only)

I. PRELIMINARY STATEMENT

1. This Partial Initial Decision follows a consolidated hearing in two proceedings concerning Operating License No. DPR-23, issued to Carolina Power & Light Company ("Applicant")[1/] on July 31, 1970, by the Atomic Energy Commission[2/] authorizing the operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, at Applicant's site in Darlington County, South Carolina. The first proceeding

---

1/ The Company is, technically, the "licensee" in one proceeding and an "applicant" in the other. The term "Applicant," however, was commonly used at the hearing by all of the parties and will therefore be employed throughout the decision.

2/ The Energy Reorganization Act of 1974, 42 U.S.C. §5801, et seq., abolished the Atomic Energy Commission and transferred its licensing functions to the Nuclear Regulatory Commission. The term "Commission" is used in this decision to refer to both the AEC and the NRC.

involves the Commission's review and determination pursuant to the National Environmental Policy Act of 1969 (NEPA). The second involves Applicant's pending application to the Commission for an amendment to the operating license increasing the authorized maximum power of the Robinson plant from 2200 to 2300 MWt.

2. The Robinson facility is subject to the provisions of Section B of Appendix D to 10 CFR Part 50, which sets forth procedures for the environmental review of production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970, to September 9, 1971.[3/] On July 6, 1973, the Commission issued "Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50 Appendix D, Section B."[4/] Notice was given therein that the Commission was providing an opportunity for hearing with respect to whether, considering the matters covered by Appendix D to 10 CFR Part 50, the existing full term operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values.

3/ Pursuant to 10 CFR §51.56, Appendix D to Part 50, rather than Part 51, remains applicable to these proceedings.

4/ 38 Fed. Reg. 19148 (July 18, 1973).

3. On September 6, 1973, an Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene issued a Memorandum and Order in which it granted the August 16, 1973, petition of John D. Whisenhunt ("Intervenor") of Florence, South Carolina. On September 28, 1973, that Board issued "Notice of Hearing Pursuant to 10 CFR Part 50, Appendix D, Section B," which gave notice that a hearing would be held and that this Atomic Safety and Licensing Board "(the Board") had been designated to conduct the hearing.5/

4. In a notice issued on November 13, 1973, the Board scheduled a prehearing conference to be held in Hartsville, South Carolina, on November 30, 1973. In a Prehearing Conference Order of January 2, 1974, the Board set forth the actions taken at the conference, which included the approval of stipulations by the parties concerning the scheduling of discovery and the commencement of the evidentiary hearing, the order of appearance of witnesses at the hearing, and the matters in controversy.

5. On April 24, 1974, the Commission issued "Notice of Proposed Issuance of Amendment of Facility License,"

5/ 38 Fed. Reg. 27433 (October 3, 1973).

which gave notice that the Commission was considering the issuance of an amendment to the license which would authorize an increase in maximum steady-state power from 2200 to 2300 MWt, in response to Carolina Power & Light Company's application of February 4, 1974.[6/] Notice was given therein that petitions for leave to intervene might be filed in accordance with the Rules of Practice. On May 24, 1974, Mr. Whisenhunt petitioned to intervene in the operating license amendment proceeding and his petition was granted on July 22, 1974. On the same day the Board issued "Notice of Hearing on Modification of Facility Operating License," which gave notice that a hearing would be held by the Board concerning the license amendment application.[7/]

6. Intervenor's contentions were identical in both proceedings and were concerned with the effect of thermal discharges on the recreational use of Lake Robinson and the fish and wildlife therein.

7. On July 22, 1974, the Board referred to the Commission the question of consolidating, pursuant to 10 CFR

6/ 39 Fed. Reg. 15061 (April 30, 1974).

7/ 30 Fed. Reg. 27748 (July 31, 1974).

§2.716, the proceeding pursuant to Section B of Appendix D to 10 CFR Part 50, with the proceeding on the issuance of an amendment to the license. The Board noted that the two proceedings involved the same parties and the same matters in controversy. On September 9, 1974, the Commission ordered the subject proceedings consolidated for hearing and all other purposes.8/

8. On November 4, 1971, Applicant submitted to the Commission, and subsequently amended on three occasions, an Environmental Report on the Robinson facility.9/ The Staff's Draft Environmental Statement was issued in April 1973. The Notice of Availability and request for comments was published in the Federal Register on April 23, 1973.10/ After receipt and consideration of the comments submitted on the Draft Environmental Statement, the Staff prepared and issued a Final Environmental Statement (FES).11/ The FES, including a discussion of comments received, was issued in April 1975 and notice of availability was published in the Federal Register on April 21, 1975.12/

8/ 8 AEC 373 (1974).
9/ Applicant's Exhibit No. 3.
10/ 38 Fed. Reg. 10035 (April 23, 1973).
11/ Staff's Exhibit No. 5.
12/ 40 Fed. Reg. 17647 (April 21, 1975).

9. Pursuant to Notices issued by the Board on July 22, 1975,[13/] and on September 2, 1975,[14/] sessions of the evidentiary hearing were held in Hartsville, South Carolina, on August 12 through 15, and September 23 through 26, 1975. The Board invited the presentation of limited appearance statements pursuant to 10 CFR §2.715(a), but none were presented.[15/] The record of the hearing includes the testimony of witnesses for Applicant, the Staff, the Intervenor, officials from the State of South Carolina and from Region IV of the U. S. Environmental Protection Agency (EPA) called by the Board, and exhibits. The testimony includes responses by the Applicant and Staff to numerous questions posed by the Board in the course of the proceeding.

10. The 1975 hearings were primarily concerned with the environmental impacts on Lake Robinson associated with the Robinson plant's once-through cooling system. Lake Robinson is an impounded lake built by Applicant to supply cooling water to Robinson Unit No. 1 (a small coal-fired plant) as well

---

13/ 40 Fed. Reg. 31671 (July 28, 1975).

14/ 40 Fed. Reg. 42248 (September 11, 1975).

15/ Tr. 70.

as to Robinson Unit No. 2. Cooling water flows to the plants through an intake structure located near the dam of the lake and is discharged through a canal at the upper end of the lake. The principal environmental concerns of the Board were the impacts of the cooling system and the thermal discharges on aquatic life in the lake including impingement, entrainment and possible planktonic shifts resulting from heat death of organisms passing through the condenser, and the impact of thermal discharges on the recreational value of Lake Robinson.

11. The parties to the 1975 hearings presented testimony on the circulating water system, the resulting temperature regime and effects on the aquatic and terrestrial ecosystem, Applicant's environmental monitoring program, and recreational use of the Lake Robinson impoundment. The Board concluded, however, that there were several deficiencies in the record pertaining principally to the impact of thermal discharges on the aquatic and terrestrial life of Lake Robinson. The Board so advised all parties by Memorandum and Order dated March 23, 1976.

12. Following the issuance of the Board's March 23, 1976 order, both the Applicant and the Staff proposed that supplementation of the hearing record be postponed until

after the completion by Applicant of its demonstration under Section 316 of the Federal Water Pollution Control Act (FWPCA) in support of its request to EPA for a National Pollution Discharge Elimination System (NPDES) permit authorizing continued use of Robinson's once-through cooling system and until after EPA's review and determination of the request. Applicant explained that the 316 report would cover extensive studies, which had not been completed at the time of the 1975 hearings and which would directly address the matters as to which the Board had found deficiencies in the record. Accordingly, no further hearings were scheduled by the Board until after issuance of EPA's 316 determination late in 1977.

13. On March 24, 1977, Intervenor Whisenhunt advised the Board that he had disposed of the property which gave rise to his knowledge and interest in this matter, and on April 17, 1977, formally moved the Board for an order dismissing him as a party from the proceeding. The Board granted Mr. Whisenhunt's motion to withdraw by Memorandum and Order dated May 9, 1977.

14. On November 15, 1977, the Regional Administrator of EPA Region IV acted favorably on Applicant's 316 request,

by issuing formal findings and a determination that "the protection and propagation of a balanced, indigenous population of fish, shellfish, and other acquatic (sic) organisms in and on Lake Robinson will be assured by the continued operation of the H. B. Robinson Steam Plant in its present once-through mode"[16/] and by reissuing an NPDES permit to Applicant authorizing such operation. Copies of the EPA findings and determination and of the reissued NPDES permit[17/] were furnished to the Board, along with copies of Applicant's 316 demonstration report and supplements thereto submitted by Applicant to EPA.[18/] The NPDES permit sets forth detailed thermal discharge limitations during various seasons of the year applicable to operation at 2300 MWt.

15. By notice[19/] published in the Federal Register for December 28, 1977, the Board scheduled a resumption of the hearing on January 9, 1978, to receive in evidence the EPA documents and other materials supplied to the Board, and to respond to Board questions with respect to these materials.

16/ Applicant's Exhibit 17 at 6.

17/ Applicant's Exhibit 16.

18/ Applicant's Exhibits 12-13.

19/ 42 Fed. Reg. 64749.

16. Both the Applicant and the Staff presented responses to seven numbered comments contained in the Board's Order of March 23, 1976, describing the deficiencies which the Board had found in the 1975 evidentiary record.

17. On May 1, 1978, the Staff offered into evidence a number of items addressing the environmental effects of certain phases of the uranium fuel cycle.[20/] These exhibits evaluated the radiation doses and the concomitant health effects of radon released to the atmosphere during mining and milling operations within the uranium fuel cycle. Included also is a comparison of health effects to be expected from coal and nuclear fuel cycles.[21/] The radon issue arises now from the necessity of a revision of the "Summary of Environmental Consideration for Uranium Fuel Cycle," Table S-3, 10 CFR Part 51 which, in an earlier form, had appeared as Table 5.8 in the Staff's Final Environmental Statement.[22/] Table S-3 had previously been addressed by the Commission on April 14, 1978, with the removal of dose

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20/ Staff Exhibits 8-15 received into the record by Board Order dated May 15, 1978.

21/ Gotchy, R. L. "Health Effects Attributable to Coal and Nuclear Fuel Cycle Alternatives" NUREG-0332, September 1977, Staff Exhibit 10.

22/ At 5-17, Staff Exhibit 5 admitted at Tr. 1445.

estimates of gaseous effluents. Further, health effects of those doses were to be discussed in individual licensing cases.[23]

II. FINDINGS OF FACT

18. The FES as supplemented[24] covered the environmental effects of facility operation, environmental measurements and monitoring program, environmental impact of postulated accidents, the need for power generating capacity, alternatives to the project, and the radiologic impact of the uranium fuel cycle. Except for the impacts associated with the once-through cooling system and the effects of the fuel cycle, we find the Staff's analyses in the FES to be satisfactory. Our evaluation of the impacts associated with the cooling system and the fuel cycle, however, is based on oral testimony and written evidence in the record.

A. Need for Power

19. The Applicant's objective is to maintain a minimum reserve-power margin of 15 to 20% of the predicted annual

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23/ Staff Exhibit 9.

24/ Staff Exhibits 8-15.

peak load commensurate with the generally adopted industry "loss-of-load" probability standard whereby a utility fails to meet load demands no more than one day in ten years. Further, the Applicant has forecast an average annual growth rate in power load of 5.5% during the interval 1978 to 1997. Absent operation of Unit 2 and assuming new installations retain contemplated schedules, the reserve margin will fall short of the target during most of the above forecast period, reaching a low of 5% in 1983.[25/]

B. Environmental Effects of Construction

20. Clearing the site for Unit 2 and adjacent areas occurred in 1960 and construction of the Unit itself was essentially completed in 1970. In the ensuing interval the resulting small, though finite, impact on the environment has been absorbed. The Applicant generally restored areas disturbed by construction of both the generating stations and the associated transmission corridors.[26/]

25/ The need-for-power consideration was updated by Applicant's Exhibit 20 received into the record by Board Order dated May 31, 1978.

26/ Staff Exhibit 5, at 4-1 ff.

C. Environmental Impacts of Facility Operation

21. The H. B. Robinson site has been used for the generation of electrical energy for nearly a score of years with Lake Robinson serving as a sink for the thermal discharge. Except for the magnitude and impact of the thermal discharge, discussed elsewhere in this decision, the advent of Unit 2 did little to alter the site environment as it existed as a consequence of the operation of Unit 1.

22. The Staff discussed such effects as land use, noise production and visual impact at the site in the context of Unit 2 alone as well as the impact of transmission corridors, a requirement common to both generating stations.27/

D. Radiologic Impacts of Facility Operation

23. Consideration of the radiation doses and resultant health effects associated with the operation of Unit 2 is divided between those derived directly from the Unit 2 reactor and from the radioactive materials necessarily transported to and from it. A further consideration is the radiologic impact of the operations and material within the uranium fuel cycle.

27/ Staff Exhibit 5, at 5-1.

Consideration by the Staff of the first of these sources appear in the FES and include both gaseous and liquid effluents and their effects on both the biota and members of the public. The last, in turn, reflects radiation directly received as well as that experienced through the food chain. The average annual dose to an individual residing within 50 mi of the site is less than 0.01 mrem/yr. Integration of these data over the population residing within 50 mi is 3.5 man-rem/yr. This result may be compared to 67×10^3 man-rem/yr arising from radioactive substances occurring naturally in the vicinity of the Robinson site.28/

E. Environmental Impact of Postulated Accidents

24. Realistic estimates by the Staff of the radiologic consequences of postulated accidents in the operation of Unit 2 result in an exposure of an individual, located at the site boundary, no greater than that resulting from an annual exposure to limiting concentrations of radionuclides specified by the Commission in 10 CFR Part 20. Further, such exposure will be less than experienced from background

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28/ Staff Exhibit 5, at 5-6 ff and Fig. 2.5.

radiation. The estimated exposure potential of postulated accidents occurring during transport of radioactive materials to and from Unit 2 is similarly small.[29/]

F. Alternative to the Proposed Project

25. Because Unit 2 began operating in 1970, many of the possible alternatives to the present plant were reviewed long ago. An exception of current importance is the waste heat dissipation system discussed later in this decision. Alternate modes of energy generation and of transmission characteristics, alternative sites, plant size and type together with conclusions leading to the presently operating facility have been re-examined by the Staff.[30/]

G. Cost Benefit Considerations

26. Certain unavoidable adverse effects resulted from the construction and operation of Unit 2. For example, clearance of wooded areas for the construction of the discharge canal and the 230 kV transmission lines not only decreased the

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29/ Staff Exhibit 5, at 7-4.

30/ Staff Exhibit 5, at 9-1 ff.

timber producing capacity of such areas but it also changed the habitat for wildlife.31/

27. The thermal discharge resulting from Unit 2 operation caused a reduction in productivity of fish, phytoplankton and benthos. It also caused increased evaporation and consequently a decrease in flow downstream in Black Creek amounting, in summer, to as much as 31% of the downstream flow.32/

28. Some loss of small fish by impingement on the intake screen will occur. Plankton and meroplankton entrained in the circulating water during summer will perish.32/

29. Procedures for disposal of sanitary chemical and radioactive waste reduce adverse impacts from the sources to acceptably low levels.32/

30. Operating Unit 2 results in a small increase in radioactivity in air and water. Fluctuation in natural background radiation exceeds that small increase.

31. The greater part of land used during the plant life can be returned to other uses except, of course, the

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31/ Staff Exhibit 5, pp. 4-1, 4-2, 5-1.

32/ Staff Exhibit 5, p. 10-1.

area beneath the reactor containment, fuel handling, auxiliary buildings and the turbine structure which would be irreversibly committed. Generally, however, the trade off between the production of electricity and small changes in the local environment is reversible. The benefits to the area served by the production of electricity are large. In comparison, the commitment both reversible and irreversible of resources needed to produce the electricity is small.[33/]

32. Unit 2 has had a positive socioeconomic effect on Darlington County, South Carolina, in which it is located. It has provided employment for 77 persons with an annual payroll of approximately $775,000. In addition, it provides about 30% of the property taxes collected by the county. In 1972 its property tax bill amounted to $1,272,000.[34/]

H. Environmental Impact of the Fuel Cycle

33. The environmental considerations necessary to the uranium fuel cycle for a typical 1000 MWe light water reactor, a reference reactor, for one year have appeared as Table S-3

33/ Staff Exhibit 5, at 10-4 ff.

34/ Staff Exhibit 5, at 10-3.

of 10 CFR Part 51 entitled "Summary of Environmental Considerations for Uranium Fuel Cycle." Reference to this table appeared in the FES[35/] issued in 1975. Subsequently, in 1977, the Commission adopted an interim Table S-3 with modification of some earlier environmental impact values.[36/] More recently, April 1978, Table S-3 has been further addressed by the Commission through, among other matters, a clarification of the considerations of the radiological impact of the radon-222 emitted to the atmosphere from the complex mining-milling operations including mining, per se, and the disposed milling residues designated as tailings.[37/] At the present time the environmental effect of radon emission is to be litigated in licensing proceedings on a case-by-case basis. The numerical value of the radon emission has now been deleted from Table S-3.

34. Staff testimony addressed the issue through estimates of the discharge, during underground mining,[38/] of radon otherwise retained below surface and of the radon emitted in milling

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35/ At 5-7, Staff Exhibit 5.

36/ 42 Fed. Reg. 13803, et seq., Staff Exhibit 8.

37/ Staff Exhibit 9.

38/ The analysis by the Staff does not include radon emitted to the environment from open-pit mines. (See Staff Exhibit 14 at 7)

operations including that from the accumulation of tailings, both those freshly produced and those of long standing.[39/] Additionally the Staff has now prepared predictions of the health effects of exposure to the radon arising from the fuel cycle. These emissions, in Ci, are normalized to the annual requirement for fuel necessary for a 1000 MWe light water reactor operating at 80% capacity factor.

35. The Staff estimates a radon release to the environment of more than 5 kCi as an immediate consequence of preparing the annual fuel requirement (AFR).[40/]

36. After preparation for long-term storage by burial or other stabilization procedures, the yearly emission from the residence from the preparation of the annual fuel supply

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39/ The Commission is promulgating regulations applicable to newly proposed operations and to renewals of existing licenses whereby operators will be required to apply sufficient cover to piles of tailings on the surface to limit the radon emission from the disposed area to no more than twice the emission from local natural soil. It is expected that a 6- to -20-ft. thick cover will be required. Returning tailings into below-grade mined-out areas is a possible alternate. See Staff Exhibit 15 at pp. 8 and 9.

40/ Mining accounts for 4 kCi/AFR (Staff Exhibit 14); active milling — 780 Ci/ARF (Staff Exhibit 15); short-term storage of tailings — 350 Ci/AFR (Staff Exhibit 15). In earlier versions of Table S-3 an emission of 74 Ci of radon was estimated as arising from active operation of a mill but not including mining and long-term tailings storage as sources (Staff Exhibit 12).

has been estimated to be 1 to 10 Ci. Further, if by some future action, natural or otherwise, such as erosion during 1000 yr, were to remove the cover, an annual emission of a 100 Ci is expected from the deposit.41/

37. The Staff has translated the radon emissions predicted above into doses and health effects within a stable U. S. population of 300 million in year 2020. The contribution to the total emission by the long-term storage of tailings was taken as 1 Ci/yr per AFR during the first 100 yr; 10 Ci/yr per AFR during the next 400 yr; and 100 Ci/yr per AFR during times greater than 500 yr. In this manner account is taken of potential "uncovering" of the deposit. The largest resultant cumulative environmental dose commitment to the population over 100 yr is 68 man-rem from bone seekers and about 3 man-rem whole body. Corresponding commitments to the population from all radiation naturally appearing in the environment based on the same assumed distribution of the population in space and time are more than six orders of magnitude greater than those due to the radon from processing uranium ore. Within these first 100 yr

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41/ Staff Exhibit 15 at 10.

an estimated 0.11 cancer mortalities and 0.036 health effects of genetic origin are estimated from the radon emitted from fuel prepared for the one-year operation of a reactor under the basic conditions assumed.[42/] Although these exposures, and their effects, have been extrapolated well beyond 100 yr, unpredictable uncertainties in their bases give the results little meaning.[43/]

I. Environmental Effect of the Thermal Discharge

38. This Board now addresses the discharge of thermal energy into Lake Robinson through the condenser coolant for the two adjacent steam-electric generating plants. As noted elsewhere in this decision, the lake temperature, particularly in the vicinity of the exit of the discharge canal of the once-through cooling system, has been of concern to the Board.[44/]

42/ Although the Staff did not consider open pit mining in its estimates of radon release, the Board has assumed that such release would be approximately the same as emissions from tailings piles ≈100 Ci/yr/AFR and that such releases would not modify the Board's conclusions concerning health effects.

43/ Staff Exhibit 13.

44/ In a limited investigation of alternatives to the existing once-through cooling system, the Board requested the Applicant to provide the results of any study of installing spray cooling in the existing discharge canal. In response the Applicant reported that a study showed the installation cost of sprays to be $19.5 million with an annual operating requirement of more than $4.3 million (following Tr. 1637 at 21).

and to Intervenor Whisenhunt, now withdrawn. The Applicant prepared a 316 demonstration report[45/] in support of its application for a NPDES permit.[46/] Due consideration by EPA of this and, no doubt, other information culminated in the issuance of NPDES Permit No. SC0002925 on November 15, 1977. Under this permit the Applicant is allowed continuing use of the existing once-through condenser cooling system subject, however, to some restrictions. The permit also places limits on other characteristics of the water such as chemical purity.

39. The permit limits the temperature of the discharge at the mouth of the canal to 44.0 deg. C (111.2 deg. F) during the summer provided the "roving" average over any 30-day period in that interval shall not exceed 42.6 deg. C (108.7 deg. F) and the average over 120 days shall not exceed 40.2 deg. C (104.7 deg. F) and similarly for other summer periods. Limitations are also imposed on other segments of the year.[47/]

45/ A demonstration of water quality and attendant environmental impacts under Section 316 of the Federal Water Pollution Control Act.

46/ Applicant's Exhibits 12 and 13 admitted at Tr. 1886.

47/ Applicant's Exhibit 16 admitted at Tr. 1886; Tr. 1933.

40. Field data obtained during the course of EPA 316 demonstration included temperature measurements along several traverses across the lake and Black Creek as well as vertical temperature profiles within the lake.[48/] Some representative data describing the observed effect of that heat load are noted here. The maximum average daily temperatures at the mouth of the discharge canal during the months July and August 1976 were 42.4 deg. C (108 deg. F). The corresponding average temperature at the spillway of the dam was 34 deg. C (93 deg. F) while the average 2 mi downstream of the dam was 31 deg. C (88 deg. F).[49/] The 42.4-deg.-C discharge produced a plume with a surface temperature of 39 deg. C (102 deg. F) extending essentially to the opposite shore.[50/]

41. As noted above (paragraph 38, supra) EPA has issued to the Applicant a water quality permit sanctioning the

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48/ See, as examples, CP&L Exhibits 2.1, 2.2 and 2.3 as parts of Applicant's Exhibit 13 in this proceeding; see also Attachments D and C to Applicant's Exhibit 14, the latter is a monthly enumeration of the thermal load placed on the cooling system.

49/ Applicant's Exhibit 14 at D-2, D-3 and D-4. The fossil and nuclear-fueled generating stations were operating when these data were taken.

50/ Applicant's Exhibit 14 at 33.

continuing operation of once-through condenser cooling system at the Robinson site with the 44-deg.-C (111.2-deg.-F) limit imposed.[51/] The Board retains its belief, however, in the adverse potential on the environment of the discharge into Lake Robinson of cooling water at temperatures considered extremely high by the Board. Although such a discharge temperature is, in the Board's view, an important input into any cost-benefit analysis under NEPA, meaningful consideration of it by the Board is precluded by Commission holding in the Seabrook case.[52/]

51/ "I [Regional Administrator] therefore further find that the protection and propagation of a balanced, indigenous population of fish, shellfish, and other acquatic[sic] organisms in and on Lake Robinson will be assured by the continued operation of the H. B. Robinson Steam Plant in its present once-through mode as established in the record.

"I further find that the location, design, construction, and capacity of the cooling water intake structures at the H. B. Robinson Steam Plant reflects the best technology available for minimizing adverse environmental impact." (Excerpt from NPDES Permit No. SC0002025 Findings Under 33 U.S.C. 1326 dated November 15, 1977.) Applicant's Exhibit 17, Tr. 1886.

52/ Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2), 7 NRC 1 (1978) at 23-28 (January 6, 1978).

42. Under NRC policy, this Board is expected to give considerable weight to the EPA findings of the environmental acceptability of the Robinson Unit 2 cooling system. As in the instant case, where EPA has made the necessary factual findings for approval of a specific once-through cooling system, the adjudicatory boards are expected to accept EPA action and "should not go behind EPA's determinations unless compelled to do so."52/

43. Although the Board does not agree with the finding of EPA on the quality of the water in Lake Robinson, it is bound to accept the EPA decision53/ as set forth in NPDES Permit No. SC0002925.

J. Response to Board Questions

44. In its Order dated March 23, 1976, the Board posed several questions intended to amplify the record. These

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52/ Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2), 7 NRC 1 (1978) at 23-28 (January 6, 1978).

53/ Accordingly, the Board was precluded from considerating the cost effectiveness of any modifications to the cooling system. The Board's only option was to make the ultimate decision on whether the impacts of the discharge are sufficiently great to counterbalance the investment and benefits of Robinson Unit 2, an on-line power plant, and either permit continued operation or withdraw the license.

questions addressed primarily the reactor cooling water discharged into Lake Robinson. Particularly they probed effects of the heated water on aquatic biota with passing inquiry into modeling the temperature pattern in the lake, into the terrestrial ecosystem, and into monitoring programs.

45. Both the Applicant and the Staff responded to the Board's inquiry.[54/] Both sets of responses accent heavily the findings of the Applicant's more recent demonstration to the EPA under Section 316 of the FWPCA. Also in the responses the parties point up the value of field data derived during the operating history of Unit 2.

46. For the purposes of this partial initial decision, the Board's concerns expressed in its March 23, 1976, Order have been minimally satisfied by the responses of the parties and, indirectly, by the EPA conclusions leading to the issuance of the water quality permit.

III. CONCLUSIONS OF LAW

47. Based upon a review of the entire record of this proceeding, as thus far completed, and upon the foregoing

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54/ Applicant's Exhibit 19 at Tr. 1886 and "NRC Staff's Response . . ." following Tr. 1915.

discussion and findings of fact, this Board concludes the following:

(a) the environmental review conducted by the Staff pursuant to 10 CFR §51.56, Appendix D to Part 50, has been adequate;

(b) the requirements of §§102(2)(a), (C), and (E) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding;

(c) operational characteristics influencing the environment, including the radiological impact of the fuel cycle are found to be acceptably small;

(d) this record shows the population dose and the potential health effects of radon emitted to the environment during that portion of the uranium fuel cycle attributable to Unit 2 are small compared to those effects resulting from exposure to naturally

occurring radiation;55/

(e) on November 15, 1977, the Applicant was granted by EPA, in accordance with the provisions of the FWPCA, as amended, a permit to discharge to Lake Robinson water carrying the heat from the condensers of the two steam generating stations located at the Robinson site; and

(f) the environmental impacts under the purview of this Board and reviewed in this proceeding are of insufficient magnitude and import to establish, through a cost/benefit analysis, reasons for modification or withdrawal of the existing operating license.

55/ In this manner the instant Board conforms to the directive of the Commission pursuant to its action on April 11, 1978, whereby reference in Table S-3 to a specific release of radon-222 during fuel preparation was deleted and the environmental effects of radon were to be litigated in individual cases. This Board is aware, however, of the recent issuance of the Appeal Board (ALAB-480) with respect to that Board's consideration of the radon matter in cases pending before it whereby the record and findings in the Perkins construction permit proceeding, [Duke Power Co. (Perkins Nuclear Station, Units 1, 2 and 3), Docket Nos. STN 50-488, 50-489, 50-490] presently before a licensing board, may be a lead case on which to pattern subsequent actions on the radon issues.

IV. ORDER

IT IS ORDERED, in accordance with 10 CFR § 2.760, § 2.762, § 2.764, § 2.785 and § 2.786 of the Commission's Rules of Practice, that this Partial Initial Decision shall become effective immediately and shall constitute with respect to the matters covered therein the final action of the Commission forty-five (45) days after the date of issuance hereof, subject to any review pursuant to the Commission's Rules of Practice. Exceptions to this Partial Initial Decision may be filed by any party within seven (7) days after service of this Partial Initial Decision. Within fifteen (15) days thereafter [twenty (20) days in the case of the Staff] any party filing such exceptions shall file a brief in support thereof. Within fifteen (15) days of the filing of the brief of the appellant [twenty (20) days in the case of the Staff], any other party may file a brief in support of, or in opposition to, the exceptions.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

A. Dixon Callihan, Member

Dr. Richard F. Cole, Member

John F. Wolf, Chairman

Dated at Bethesda, Maryland,
this 16th day of June, 1978.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-261
	)	
(H. B. Robinson, Unit No. 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this 19th day of June 1978.

Peggy T. Dawring
Office of the Secretary of the Commission