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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
AND NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

APPLICANTS' RESPONSE TO SUPPLEMENT TO PETITION
TO INTERVENE BY CITIZENS AGAINST NUCLEAR POWER

By "Supplement to Petition for Leave to Intervene," dated June 28, 1982, petitioner Citizens Against Nuclear Power ("CANP") proposed seven enumerated contentions, six of which simply endorse contentions previously filed by petitioner Wells Eddleman.^{1/} Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency herein present their response to the CANP petition.

Contention (1) states that Applicants' emergency planning fails to make adequate provision for the public health and safety in the event of a radiation releasing accident at the Harris Plant, endorsing Eddleman Contentions 56, 57 and 81.

^{1/} In his "Supplement to Petition to Intervene," dated May 14, 1982, petitioner Wells Eddleman proposed approximately 135 enumerated contentions. Mr. Eddleman's proposed contentions are addressed in "Applicants' Response to Supplement to Petition to Intervene by Wells Eddleman," dated June 15, 1982 (hereinafter referred to as "Applicant's Response to Eddleman"), which has been previously filed with all prospective parties. Applicants have liberally cross-referenced to the discussion in Applicants' Response to Eddleman rather than duplicating the detailed response here.

Applicants oppose admission of Eddleman Contentions 56, 57 and 81 for the reasons set forth in Applicants' Response to Eddleman at 151-61, and thus oppose admission of CANP Contention (1).

Contention (2) asserts that the engineering of the steam generators at the Harris Plant is deficient in providing for the public health and safety, endorsing Eddleman Contentions 112 and 113. Applicants oppose admission of Eddleman Contentions 112 and 113 for the reasons set forth in Applicants' Response to Eddleman at 122-24, and thus oppose admission of CANP Contention (2) as written. However, Applicants have proposed a reformulated contention on steam generator engineering and design in response to Mr. Eddleman's "6/28/82 amendment to petition to intervene". See "Applicants' Response to Amendments (Second Set) to Contentions of Petitioner Wells Eddleman" at 11. Applicants would have no objection to CANP's endorsing the reformulated contention on steam generators.

Contention (3) endorses Eddleman Contention 3 on Applicants' management capability to operate the Harris Plant. For the reasons set forth in Applicants' Response to Eddleman at 173-81, CANP Contention (3) should be rejected.

Contention (4) contends that Applicant's construction of the Harris Plant is "deficient in providing for the public health and safety," endorsing Eddleman Contentions 41 and 42. Eddleman Contention 42 deals with training programs and operating plans and does not appear to relate to construction. In any event, Applicants oppose admission of Eddleman Contentions 41 and 42 for the reasons set forth in Applicants' Response to Eddleman at 86-7 and 181-82. CANP Contention (4) must also be rejected.

Contention (5) questions the radiological data base used by Applicants to project the health effects of radiation by endorsing Eddleman Contentions 37 and 82. Applicants do not object to the litigation of Eddleman Contention 37(f). For the reasons set forth in Applicants' Response to Eddleman at 45-7 and 59-65, Applicants oppose the admission of the remainder of Eddleman Contention 37 and Eddleman Contention 82, and thus oppose CANP Contention (5) (except that part of it incorporated in Eddleman Contention 37(f)).

Contention (6) endorses Eddleman Contention 29 in alleging that Applicants' proposed monitoring of environmental releases of radiation is deficient. For the reasons stated in Applicants' Response to Eddleman at 109-12, Applicants oppose the admission of CANP Contention (6).

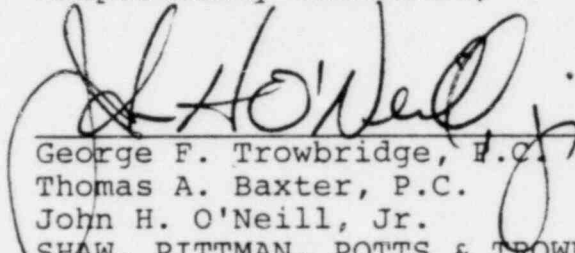
Contention (7) is an overly broad and vague attack on the ability of the Harris Plant to operate safely because of "the widespread economic disintegration of the pool of specialized engineering and manufacturing capacity serving the uniquely stringent technological requirements for the safe operation of PWR's such as contemplated at SHNPP" and "the burgeoning political disposition to limit and reduce local, state, and federal regulatory efforts." The adjudicatory process of an operating license proceeding is clearly the wrong forum for such philosophical issues to be raised. Furthermore, CANP provides no basis with the requisite specificity to support its allegations. In fact, CANP states no specific contention with respect to the Harris Plant. In part, what CANP suggests is that at some time in the future the

regulatory structures will not be able to carry out the mandate of the Congress and state legislatures. Such an issue is more appropriately raised in a legislative forum. CANP Contention (7) must be rejected because it is vague, does not present a specific issue capable of being litigated and provides no basis to support its sweeping assertions.

In "Applicants' Response to Petition to Intervene by Citizens Against Nuclear Power," dated March 10, 1982, Applicants stated that petitioners had not provided sufficient information to determine whether CANP had the right to intervene as representing the interests of its members. By amendment to CANP's petition to intervene dated May 11, 1982, CANP filed a number of affidavits from individuals who reside within 25 miles of the Harris Plant site, asserted their interest in the proceeding and have authorized CANP to represent their interests. Applicants have found that CANP has advanced at least one admissible contention (Contention (5) to the extent that it adopts Eddleman Contention 37(f)). Therefore, Applicants do not object to the granting of CANP's petition for intervention. However, to the extent that

the only litigable contention suggested by CANP is simply an affirmation of Mr. Eddleman's contention, it suggests that consolidation of CANP with Mr. Eddleman may be appropriate after the Board's Prehearing Conference Order has been issued.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "G. F. Trowbridge", is written over a horizontal line. The signature is stylized and cursive.

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Dated: July 13, 1982

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response To Supplement To Petition To Intervene By Citizens Against Nuclear Power" were served this 13th day of July, 1982, by U.S. mail, first class, or by hand service to those parties attending the prehearing conference.

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