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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

CAROLINA POWER & LIGHT COMPANY)
AND NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)

Docket Nos. 50-400 OL
50-401 OL

(Shearon Harris Nuclear Power)
Plant, Units 1 & 2))

STATEMENT OF FACTS MATERIAL TO EDDLEMAN
83/84 AS TO WHICH THERE IS NO GENUINE ISSUE TO BE HEARD

Applicants hereby state that the following facts material to Eddleman Contention
83/84 are not in dispute:

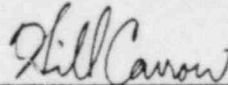
1. The Licensing Board has characterized Eddleman 83/84 as alleging "that the environmental impact of chemical releases from Shearon Harris Plant has not been adequately assessed." Memorandum and Order (Reflecting Decisions Made Following Prehearing Conference), dated September 22, 1982 at 62.
2. Applicants have been issued a Certification Pursuant to Section 401 of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 which certifies that discharges resulting from construction and operation of SHNPP will not violate §§ 301, 302, 306 and 307 of the FWPCA if conducted in accordance with the application, supporting documentation, and terms and conditions of the NPDES permit. Attachment 2.

3. SHNPP has been issued a National Pollution Discharge Elimination System (NPDES) permit effective through June 30, 1987. DES Appendix G at G-2.
4. SHNPP discharges will be within the limitations set in the NPDES permit. ER Table 3.6.2-2; Hogarth affidavit at 2; DES at 5-4 to 5-9.
5. SHNPP NPDES permit limitations are established to protect aquatic resources and all lifeforms associated therewith. N.C. Gen. Stat. §143-211; North Carolina Water Quality Standards, N.C. Admin. Code, T. 15, Ch. 2, Subch. 2B.
6. NRC jurisdiction is limited to an assessment of the environmental impacts of SHNPP discharges and factoring those into the NEPA cost-benefit analysis. Memorandum and Order (Ruling on Wells Eddleman's Contentions on the Staff Draft Environmental Statement), dated August 18, 1983 at 13.
7. Applicants' ability to comply with NPDES limitations for SHNPP discharges demonstrates no significant environmental impact adversely affecting the Staff cost-benefit analysis.
8. Applicants have assessed the environmental impacts of SHNPP discharges according to applicable regulations and guidelines. Hogarth Affidavit at 3.
9. The NRC Staff has assessed the environmental impacts of SHNPP discharges in its NEPA cost-benefit analysis including evaluation of Applicant's capabilities of meeting NPDES discharge standards and evaluation of possible chlororganic compound formation by SHNPP

discharges, and has concluded the discharge standards will be met and chlororganic compounds formed will be well within safety limits to protect fish, animal, and human health. DES at 5-4 to 5-9.

10. Therefore, Applicants and NRC Staff have adequately assessed the environmental impacts of discharges from SHNPP and have met their NEPA responsibilities.

This the 15th day of September, 1983.



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