

May 8, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ~~ADMITTED~~  
NRC

In the Matter of )

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

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

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Docket Nos.

OFFICE OF SECRETARY  
58-400 GOL SERVICE  
50-401 OL

APPLICANTS' STATEMENT OF MATERIAL FACTS  
AS TO WHICH THERE IS NO GENUINE ISSUE TO BE  
HEARD ON EDDLEMAN 67

Pursuant to 10 C.F.R. § 2.749(a), Applicants state, in support of their Motion for Summary Disposition of Eddleman 67 in this proceeding, that there is no genuine issue to be heard with respect to the following material facts:

1. The Southeast Interstate Low-Level Radioactive Waste Management Compact (the "Southeast Compact" or the "Compact") was proposed to Congress for Consent on August 3, 1983. Affidavit of George H. Warriner ("Warriner Affidavit") at ¶5.

2. The Compact has been adopted by the eight states, including North Carolina, that are eligible to become members. Id. at ¶4.

3. The Southeast Interstate Low-Level Radioactive Waste Management Commission (the "Commission") was constituted on July 21, 1983. Id. at ¶6.

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4. The Commission has appointed a Technical Advisory Committee to develop, by the end of May, 1984, a Request-For-Proposal ("RFP"), to perform a state-by-state survey of Compact members to determine the amount and type of disposal facilities needed by each member state and to identify areas in each state that could be used for each type of facility. Id. at ¶6(d).

5. The Commission has appointed a Host State Selection Committee which is charged with developing criteria for selection of the next host state. Id. at ¶16.

6. Applicants intend to ship the low-level radioactive wastes generated at the Harris Plant to the disposal facilities designated by the Compact. Id. at ¶7.

7. The existing operating low-level waste disposal facility at Barnwell County, South Carolina, has been designated as the initial disposal facility for the Southeast Compact. Id.

8. As presently licensed, the Barnwell facility will have accessible storage capacity available through 1992. Id.

9. Applicants presently ship low-level wastes generated at their nuclear plants to the Barnwell facility and will continue to do so after Congressional consent to the Compact, due to the fact that North Carolina is a Compact member. Id.

10. The State of North Carolina has enacted its own enabling legislation creating the Governor's Board of Waste Management that is empowered to develop a plan for North Carolina low-level waste disposal facilities independent of the Compact. Id. at ¶8.

11. As designed, the Harris Plant has dedicated storage space in the Waste Processing Building for seven months' output of solid low-level radioactive wastes. Id. at ¶11.

12. An additional seven months' space can be made available in the Waste Processing Building by moving empty drums to the outside of the building, thus making room for storage of drums containing low-level wastes. Id. at ¶12.

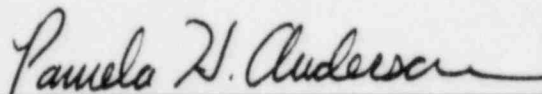
13. Additional space in the Waste Processing Building is available due to the fact that the building was designed for four units, rather than for the one unit that is now planned for construction. Id. at ¶13.

14. The Waste Processing Building contains storage space for 4.3 years accumulation of low-level wastes. Id. at ¶14.

15. Because the Waste Processing Building is seismically designed with a complete HVAC system, drains and access to process equipment, the facility satisfies all regulatory requirements for on-site storage of low-level radioactive wastes. Id.

16. The foregoing facts, set forth at Paragraphs 1-15, provide reasonable assurance that the low-level radioactive wastes generated at the Harris Plant will be disposed of in a manner consistent with public health and safety.

Respectfully submitted,



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