

429
Carolina Power & Light Company

POST OFFICE BOX 1551

Raleigh, North Carolina 27602
85 SEP -5 AM 11:19

LEGAL DEPARTMENT
Writer's Direct Dial Number
(919) 836 - 8161
Telecopier
(919) 836-7678

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

September 3, 1985

James L. Kelley, Esquire
Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Carolina Power & Light Company and North
Carolina Eastern Municipal Power Agency
(Shearon Harris Nuclear Power Plant)
Docket No. 50-400 OL

Administrative Judges Kelley, Bright and Carpenter:

Enclosed is a replacement page for "Applicants' Response to Eddleman Proposed Contentions on Notification of State and Local Emergency Management Agencies," which was provided to the Board and served on the parties August 23, 1985. This page corrects a factual error in footnote 1 where we stated that Revision 3 is the latest revision of the on-site emergency plan. Revision 4 was served on the parties July 8, 1985, but the changes therein made to the classification and notification procedures referenced in Applicants' August 23 response are minor and do not otherwise affect the response.

Respectfully submitted,

Dale E. Hollar

Dale E. Hollar
Associate General Counsel

DEH:ew
Enclosure

cc: Service List Attached (w/enclosures)

8509090088 850903
PDR ADDCK 05000400
G PDR

DS03

SERVICE LIST

James L. Kelley, Esquire
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Charles A. Barth, Esquire
Myron Karman, Esquire
Office of Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Docketing and Service Section
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Daniel F. Read, President
Chapel Hill Anti-Nuclear
Group Effort
Post Office Box 2151
Raleigh, North Carolina 27602

Dr. Linda Little
Governor's Waste Management Board
513 Albemarle Building
325 Salisbury Street
Raleigh, North Carolina 27611

John D. Runkle, Esquire
Conservation Council of North Carolina
307 Granville Road
Chapel Hill, North Carolina 27515

Mr. Steven F. Bryant
Assistant Attorney General
Post Office Box 629
Raleigh, North Carolina 27602

M. Travis Payne, Esquire
Edelstein and Payne
Post Office Box 12643
Raleigh, North Carolina 27605

Dr. Richard D. Wilson
729 Hunter Street
Apex, North Carolina 27502

Mr. Wells Eddleman
718-A Iredell Street
Durham, North Carolina 27705

Thomas A. Baxter, Esquire
Delissa A. Ridgway, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, NW
Washington, D.C. 20036

Bradley W. Jones, Esquire
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street
Atlanta, Georgia 30303

Robert P. Gruber
Executive Director
Public Staff
North Carolina Utilities Commission
Post Office Box 991
Raleigh, North Carolina 27602

Mr. Joe Flynn
Associate General Counsel
Federal Emergency Management Agency
500 C Street, S.W.
Room 450
Washington, D. C. 20740

Steven Rochlis
Federal Emergency Management Agency
1371 Peachtree Street, N.E.
Atlanta, Georgia 30309

also Mississippi Power and Light Co. (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 A.E.C. 423, 426 (1973); Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 N.R.C. 542, 548-49 (1980). In short, the standard falls somewhere in between, and "[t]he degree of specificity with which the basis for a contention must be alleged initially involves the exercise of judgment on a case-by-case basis." Peach Bottom, *supra*, 8 A.E.C. at 20 (1974).

There also are certain practical considerations which should play a particularly important role here in the Board's application of the "bases with reasonable specificity" standard to a particular proposed contention -- beyond the question of whether the proposed contention provides clear and precise notice of the issues on which Applicants may bear the burden of proof. The contention should refer to and address pertinent documentation, available in the public domain, which is relevant to this facility. See Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), LBP-81-24, 14 N.R.C. 175, 181-84 (1981). In the instant case, this documentation includes the on-site emergency plan and Plant Emergency Procedures (PEP's) for the Shearon Harris Nuclear Power Plant which have been served upon the parties to this proceeding.¹ In addition, there should be either a reasonably logical and technically credible explanation, or a plausible and referenced authority for the factual assertions in the contentions. The intervenor's personal opinion alone is not adequate for this purpose.

B. Standards Governing Late-Filed Contentions

In addition to the normal pleading requirements, 10 C.F.R. §2.714 sets forth five factors that must be balanced in admitting a late-filed contention, and a contention is untimely if it is filed later than fifteen days prior to the 10 C.F.R. §2.751a special

¹Rev. 0 of the Shearon Harris Nuclear Power Plant Emergency Plan ("the on-site emergency plan") was served on the Board and parties on March 29, 1983. Rev. 3 of the on-site emergency plan and the Harris Plant Emergency Procedures were both served on September 12, 1984. Rev. 4, which was served July 8, 1985, made only minor changes to the classification and notification procedures referenced hereinafter.