

To the NUCLEAR REGULATORY COMMISSION and its COMMISSIONERS
PETITION FOR REMANDED OR REOPENED HEARINGS and

PETITION TO SUSPEND CONSTRUCTION PENDING RESOLUTION OF NEW
EVIDENCE, VERIFICATION OF FACTS, AND UPDATING ALL ESTIMATES
WITH THE MOST CURRENT DATA AND WITH SENSITIVITY ANALYSIS
FOR RANGES OF ERRORS, and

PETITION FOR ORDER ON FURTHER OPPORTUNITIES FOR INTERVENTION
AND FULL PUBLICITY

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Being informed by the Atomic Safety and Licensing Board that the
construction permit for the Shearon Harris nuclear power plant is now
before the Nuclear Regulatory Commission, Kudzu Alliance and Wells
Fiddleman together and individually make the following petitions to the
NPC:

(1) That the hearings be reopened or remanded for further hearings
on all and any of the issues raised by us in our letters 7, 27 and 29
November 1978 and January 4 1979 to the ASLB. Since the ASLB tells us
it thinks we are asking for such hearings, and it cannot grant them,
we ask the NPC to act. (We had not asked the ASLB for such hearings, but
we do think their suggestion is a good and timely one.)

We are specifically concerned, among other things, with the following
general issues (see also our letters cited above):

(A) The credibility of witnesses and the depth of investigation
in the existing record. Why are all the CP & L and NPC experts so wrong
so uniformly about need for power as they project it, compared to what
has actually happened since 1973? We think many issues need to be
explored in new depth in the light of new evidence, e.g. radiation safety
for construction workers (when one or more nukes are operating and others
are under construction nearby) and CP & L employees, (see the lousy record

at H B Robinson #2, docket 50-261, not improved to mention since 1975) . especially in the light of new evidence concerning radiation health effects and the concerns expressed, e.g. by Dr. Radford of the BEIR Committee of the NAS before Congress in early 1978, the concerns documented by Mancuso, Stewart, Kneale, Najarian and others; the concerns expressed by J. Potblat and K.Z. Morgan in the September 1978 Bulletin of the Atomic Scientists, particularly the person-rem and economic tradeoffs mentioned by Morgan and Potblat which endanger workers and us for others' economic gain. There is much other evidence that warrants reopening here also.

(another obvious issue is need for power. Wells Eddleman strongly supports the CCNC request for remanded hearings on this question. The divergence between estimates and reality remains large even as the estimates decrease. The "experts' " errors should disqualify their figures. We need reliable estimates, which means among other things realistic models that can fit the past and account for the much decreased growth in demand; and sensitivity analyses of a range of growth rates and the economic consequences of each, so that risks and benefits may be properly assessed under a variety of future conditions. The record is obviously unsound because it contains numbers which even CP & L admits are wrong; the wrong numbers may be the result of deliberate deception. This possibility warrants investigation. The record is incomplete because it does not take into account proper sensitivity analyses or good models of electric demand growth as noted above.

(C) Sources within CP & L tell us that plant costs are now being estimated from about \$6 billion to about \$8 billion. We seriously question (1) whether the growth in value of the expected benefits is enough to keep the project from being an overall loss, especially to consumers and CP & L shareholders and (2) whether in the light of numerous BWR operating problems requiring extensive repairs (letter of 7 Nov p.3) and in the light of continuing difficulties in finding waste storage and

disposal methods and sites that are adequate to protect the public health and safety and are reasonable in cost, the plants can reasonably be expected to last their alleged operating lifetimes or perform over such lifetimes at their alleged capacity factors; (3) whether the added cost of repairs, together with the factors mentioned or referred to above and other facts, make the plants uneconomical propositions; (4) whether the costs and benefits to consumers have been adequately taken into account and whether an enormous loss by consumers should be imposed to create the possibility of some profits for CP & L; and ^{whether} (5) other factors in the voluminous evidence on PWP performance, foulups, improper construction e.g. by Daniehl International, CP & L's prime contractor for nuclear construction, added to the above, do not make a prima facie case for immediate suspension of the construction license for the Shearon Harris site.

(D) The evidence of the IRG report, the President's science adviser's (ASTP) report, the congressional report "Nuclear Power Costs" and other evidence of technical difficulties including the rapid leaching of very dangerous radioactive material from glass proposed for waste disposal, failure of containers under heat, pressure, radiation, corrosion etc, seems to us sufficient to compel rehearing on the costs and feasibility of nuclear waste disposal. Our position has been that the only safe way to dispose of nuclear waste is not to create it. Massive production of radioactive material (far more than the military nuclear programs have or will produce(d)) (see ~~Kxxx~~ Krugmann and von Hippel, SCIENCE 26 August 1977 pages 883-885) imposes incredible risks and grave hazards to health, life and finances. (See our letters cited above.) We do not believe that, given the impressive uncertainties on this point (whether and at what cost nuclear waste may be safely created, transported and/or disposed of), blind optimism or bland reassurances that a way will be found in 10 or 15 years (which we've been hearing for almost 30 years now), can be justified.

We ask that the Harris case be reopened for further hearings on the safety, cost, and risks versus benefits of radioactive waste ~~at~~ creation, transportation and disposal. We ask that the costs of deaths and injuries be valued at the amount CP & L executives state they would be prepared to accept, in cash, to allow themselves to be killed or injured in the ways possible for radiation to harm humans, or at the insurance settlement values experienced persons agree would be in the likely range of awards for such damage, or the values awarded or likely to be awarded by juries for such damages, whichever is highest in any case, and with further special consideration that no amount of money is really worth a human life, therefore an especially strong ratio of benefits to costs, at least 100 to 1, is necessary to proceed if human lives may reasonably be expected to be threatened or lost.

(E) There are many other points in our letters that we think justify reopened hearings. We ask the NRC to review these points, all of them, and order such further hearings as the NRC deems appropriate at this time or in the future.

(F) We ask prompt action on the above and all these petitions, in order that the hearings can be completed before the licensing hearings for an operating license, now most probably to be held in fall 1982.

In light of the above serious and unresolved issues which individually or in any combination could render the proposed Shearon Harris nuclear power plant uneconomical, unsafe or an unwise investment, and/or a financial burden on shareholders and/or the public;

And because power companies seem to attempt to pour as much money into construction as possible, concealing and denying all faults known to them insofar as possible, so that the investment will be great enough to "justify" plant completion whatever the risks or problems. See e.g. Seabrook and North Anna and Trojan and Diablo Canyon cases and others,

We respectfully request that the NRC suspend construction on the Harris plant until these issues are resolved, because the risks are very great and unresolved, and the waste of proceeding on a project that may well be unnecessary or halted later will be reduced by stopping construction now, and because the added costs of construction delays are less by far than the added costs incurred should any one of our concerns listed above, or any combination of them and others, be proved correct over time.

Failing such immediate suspension of construction, we ask the NRC to require CP & L to show cause why construction should not be suspended due to the issues we and others have raised (cited above and others), and that hearings on this question be held as soon as possible to limit the continued waste of funds on construction, and to promptly attempt to resolve these issues so construction may be halted or may proceed with a more accurate blessing from the ASIB, as contrasted to the current out-of-date and defective record in this case.

Finally, as noted in our letters to the ASIB, we continue to meet many people who do not even know a nuclear plant is being built near them, who would and do oppose it. These people's rights are compromised when they are not fully informed and permitted to intervene in the case should they so desire. Therefore we ask the NRC to take up our suggestion of 27 November 1977 that further opportunities for intervention be provided now and/or in the future (we suggest annually, on the anniversary of the construction permit, as one appropriate timing for such opportunities), with maximum publicity in all media in which CP & L advertises and in all media published or located in the CP & L service area or within 100 miles of the plant site. We suggest such publicity is necessary for people to exercise their rights. We request that the construction permit be conditioned on CP & L's providing publicity as suggested above, to be revoked automatically if within 7 days of the new order allowing

intervention's publication in the Federal Register, CP & L has not placed and had aired and published advertisements stating that they are building a nuclear plant at a given location, that people whose interests are or may be affected by it (from its costs, radioactivity, accident risks, impact on property values, radioactive waste etc. A list of issues such as this one should be part of the ads) can intervene, telling them how to petition and where to write. The intervention deadline should be part of the ads, which should also state whether any other opportunities to intervene will be granted in the future, and if so, when. In our opinion only publicity of this sort and extent can assure that people know and can exercise their intervention rights. Rights unknown are rights denied, and we do not think the NRC is allowed to deny people their rights, nor is CP & L. Therefore they should not conduct their business in ways that have that effect, e.g. inadequate publicity and not informing people of their rights. (See also 17 Jan 79 appeal of ASLB order denying petitions to intervene, on the NRC staff's nearly 2 month delay in providing us with the rules for intervention.) We think it may be appropriate to include sample forms for requesting intervention in the print publicity, so that people could fill in their names, interests, concerns and other pertinent information and have a legal document petitioning for intervention, without needing to hire or consult a lawyer. We ask that the NRC consider requiring such a form to be published in all publicity about nuclear power hearings of any sort, at times that will allow the forms to be used for intervention petitions (i.e. well in advance of intervention deadlines if any).

Our interests in these matters are set forth in our letters cited above (for all our petitions today), and in addition are obvious in that construction is proceeding with our money in the face of difficulties cited, risks to us cited and other risks are being advanced at our expense, and our rights to be heard on these issues are being in effect denied or reduced to a triviality ("limited appearance").

Filed on behalf of myself and the Kudzu Alliance (we are described
and our interests detailed in our letters to the ASLB, though of course
more can be added validly to the facts presented in the letters) by
authorization of the Kudzu Alliance general membership meeting.

Wells Eddleman Wells Eddleman
Wells Eddleman

17 January 1979

Mailed same date