

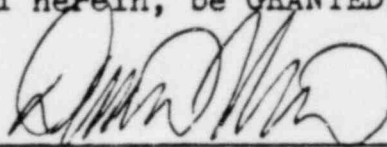
nical specifications, 10 C.F.R. 50.36. According to the "New World Dictionary of the English Language" the word "include" means "to have as part of a whole." There is no language in 10 C.F.R. 2.701 which indicates that any part included in the whole document may be excluded from its requirements, for any documents which the Applicants may offer. It follows that in filing its FSAR with the Commission, Applicants have an obligation to serve a copy on other parties to this proceeding. Although at the time the FSAR was originally filed, there were strictly speaking no other parties to the proceeding, the Board has accomodated this problem by placing a copy at the Chapel Hill Public Library (although this is little aid to Dr. Wilson or to Mr. Eddleman).

Amendments to the FSAR are unquestionably part of the FSAR--this is clear from the manner in which they are inserted into the original submittal, replacing pages originally included. It follows therefore that they are also part of the application and subject to the same requirements of service as outlined above. Yet there are now other parties to the proceeding, and therefore they are required to be served as well. To rule otherwise places Intervenors in the anomolous position of receiving requests for additional information by regular service from the NRC Staff, but not the answers to those requests, which may be included in amendments to the FSAR. Yet Intervenors are expected to formulate their contentions from the FSAR--they have the worst access to the most important documents. Applicants should be instructed to obey the clear requirement of the regulations and serve copies of all future

amendments to the FSAR and other documents specified as included in the application on the Intervenors. In addition, CHANGE/ELP requests that Applicants be further instructed to resume their practice of underlining the amended sections. Since the library staff typically discard the replaced pages Intervenors must scrutinize the replacements with utmost care to determine what changes were in fact made. This is wasteful, inconvenient, and obstructive to preparing a decent case. CHANGE/ELP requests that this requirement be made effective immediately, i.e. with the August amendment if that is not yet released, and that if it has, that the Board direct that Applicants specify which sections were amended in a separate document.

With respect to other documents not included in the application, CHAGE/ELP believes that they should also be served on all parties as requested by Dr. Wilson. Section 2.701 only refers to "documents" which are offered for filing: resort to the dictionary defines documents as "anything printed, written, etc., relied upon to record or prove something," (emphasis added). The only sort of document for which any question exists is the ER which is by definition "a separate document," 10 C.F.R. 51.20(a), 10 C.F.R. 51.21, see also 10 C.F.R. 2.101 (a)(3) (Director's decision as to sufficiency based on application and /or ER). However, there is no indication anywhere that the filing requirements are any different from those of the FSAR; CHANGE/ELP believes that the ER should be subject to the same requirements noted above for the FSAR, and also asks that the Board make the same instruction to the Applicants regarding noting amendments.

10 C.F.R. 2.4(q) defines "NRC records and documents" very broadly: it is our belief that the same sort of broad reading should be given to the term documents in 10 C.F.R. 2.701, and that the relief requested by Dr. Wilson, along with the modifications suggested herein, be GRANTED.



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

In the Matter of CAROLINA POWER & LIGHT CO.
et al., Shearon Harris Nuclear Plant, Units 1 & 2

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Dockets
50-400
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer In Support of
Motion" were served this 31st day
of August, 1982, by deposit in the U.S. Mail, first-
class postage prepaid, upon all parties whose names appear
below, except those whose names are marked with an asterisk,
for whom service was accomplished by hand delivery.

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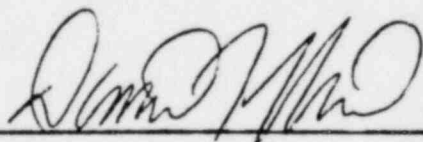
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