

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Docketed
USNR
MAR 1 1982
Office of the Sec.
Docketing & Ser.
Branch
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In the matter of)
CAROLINA POWER & LIGHT COMPANY, et al.)
(Shearon Harris Nuclear Power Plant,)
Units 1 and 2))

Docket Nos. 50-401 and
50-401 Operating License

PETITION TO INTERVENE, REQUEST FOR HEARING, AND MOTION
FOR EXTENSIONS OF TIME of WELLS EDDLEMAN, pro se.

RECEIVED
MAR 5 1982
US NUCLEAR REGULATORY COMMISSION
DOCUMENT MANAGEMENT DIV.

Pursuant to 47 FR 3898 (January 27, 1982) and 10 CFR 2.714, I,

Wells Eddleman, of 325 E. Trinity Avenue, Durham NC 27701 request
that a public hearing be held on the application by Carolina Power
and Light Company (CP&L), "North Carolina Municipal Power Agency No. 3"
(North Carolina Eastern Municipal Power Agency, or "Agency") to allow
CP&L to operate the Shearon Harris Nuclear Power Plant, units 1 and 2.

Contrary to 47 FR 3900 which states "the application for the
facility operating licenses, including the Final Safety Analysis
Report and the Environmental Report, dated December 18, 1981 are
available for public inspection at ... the Wake County Public Library,
104 Fayetteville Street, Raleigh NC 27601" and contrary to the well-
hidden notice of CP&L's Application in the Raleigh News & Observer of
27 January, 1982, the FSAR and Environmental Report were not on file
in the Wake County Library when I went there to see them on 4 February
1982 at about 7:15 pm. The reference librarian on duty, Linda Hickman
(? sp) did not know about the Harris license application, though she
made every effort to find information about it for me. Since the NPC
should comply with its own rules, and not cause false statements to be
published in the Federal Register and as public notices, and since my
ability to review the Harris operating license application depends on
being able to read the FSAR and Environmental Report, and review other
documents in the Harris file (some of which are missing, e.g. the
original petitions to intervene by Wake Environment and by the Conser-
vation Council of NC). I hereby move that the Chairman of the ASLB,

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pursuant to 10 CFR 2.714 (a)(1) to provide that petitions to intervene be allowed until and including 30 days after the actual delivery of the FSAR and Environmental Report to the Wake County Library, which upon information and belief was 5 February, 1982 and treated as timely if so filed, since the information made available to the public even for the brief period of 30 days was not actually there until at least 9 of those 30 days had expired, to the detriment of all persons (myself included) who might seek to review the information on which CP&L et al seek their operating license. I further move the Chairman to order immediate publication of notices to the effect that the time for filing interventions has been extended and that the materials on the Harris plant are actually available at the Wake County Library, promptly, before February 26, or in the event that is impossible, to extend the intervention deadline to and including 9 days after the publication of such notices just specified above, to undo the harm to the public interest caused by the NRC's and Applicant's failure to provide the information specified in 47 FR 3900 for public inspection during a 30-day period.

* * *

I ^{heretofore} ~~request~~ request that I be allowed to intervene pro se in the hearing on the Operating License application for the Shearon Harris Nuclear Power Plant. In support of this request to intervene as a matter of right, I show the following:

1. I reside well within 50 miles of the Harris nuclear plant site. I work at Carolina Friends School, Route 1, Box 183, Durham NC 27705 and operate an energy consulting business also at that address, which is also within 50 miles of the Harris plant site. I have personal property at ~~located within 50 miles of the Harris plant site, particularly at my home address.~~ located within 50 miles of the Harris plant site, particularly at my home address.

2. If an operating license for the Shearon Harris Nuclear Power Plant is issued, my interests may be adversely affected in that: my physical health and safety may be harmed by "routine" radioactive emissions, nuclear waste transportation, radon emissions from uranium mining to fuel the plant, and nuclear accidents; my property and information and materials used in my teaching and consulting work, may be contaminated by nuclear material, rendering them less valuable, and possibly unfit, or unsafe to use; I might not be able to get to my job at Friends School due to radioactive contamination or accident or evacuation; I might have to (or choose to, for health & safety) leave the area during an evacuation caused by a nuclear accident (including transport), and while I was gone, my property would be subject to theft, looting, fire or other damage as well as radioactive contamination; I might not be able to get my assets out of my local bank; and I might never be able to return to my home or use my possessions again. In addition, if the Harris plant is licensed to operate, I will be subject to psychological stress due to fear of the above-listed adverse consequences, fear for loved ones at similar risk, including my sister and numerous friends residing within 50 miles of the Harris nuclear plant site, and other fears occasioned by the operations of the plant, the actions or omissions of its operators, possible genetic damage, effects of nuclear waste on future generations, waste transport and storage for the Harris plant, etc. I also believe that genetic damage may result from exposure to emissions from an operating nuclear power plant, which is an adverse consequence to me and to any of my descendants.

3. At my current address in Durham, NC, and kept with me are most of my personal property and everything necessary to conduct my teaching and consulting work (except what the School supplies). Most of my assets are banked in Durham, within 50 miles of the Harris plant site. My health and safety are presently intact. I believe all of this would

be at risk, for the reasons cited above, should the Harris nuclear plant be licensed to operate.

4. Specific aspects of the subject matter which I wish to litigate in this proceeding include, but are not limited to:

- Unresolved safety issues pertaining to pressurized water reactor TMI "lessons learned" reactors.
- The ability of CP&L to construct & safely operate the Harris plant without undue risk to my health & safety or public health & safety
- Validity of any risk analysis methods used for the plant
- Validity of any & all assumptions used in cost-benefit analyses for the Harris plant in operation
- Validity of any results of such risk & cost-benefit analyses and whether their results should be written into the Technical Specifications in the Operating License should one issue, to guarantee that they are complied with.
- Validity of power demand, risk, health & safety & other projections used in analysis of the Harris plant
- Expected life of Harris plant, components & safety-related equipment including steam generators, meters & controls
- Need for power
- Alternatives to produce, or eliminate need for, portions of the Harris plant's projected output, or all of it, and effect of these alternatives on cost-benefit and risk of operating the plant, including construction from this date forward (Feb. 24, 1982)
- Financial responsibility of CP&L to clean up after an accident at least as severe as that at Three Mile Island
- Financial responsibility of Agency (NCEMPA, NCMPA#3) for same Thermal shock (46 FR 57381, etc);
- Environmental impacts: on water quality, quantity of water available; waste transport, waste storage including qualification of storage facilities and vehicles against earthquake, accident, tornado, terrorism & other risks
- "Routine" radioactive material releases in operation
- Any failure of Technical Specifications to require that the plant operation actually meet at all times any dose limits, concentration limits, or consequence limits postulated by Applicant, NRC Staff, or ASLB in these hearings
- Adequacy of emergency response & evacuation plans; preparation for Class IX accidents
- Radiation monitoring, including adequate baseline data before operation, continuous monitoring offsite in operation, independent monitoring, and funding for all of these
- Quality assurance, quality control, and proper qualification of the reactor vessel(s), steam generators, piping, wiring and all safety-related equipment whether so designated by NRC or necessary to the function of safety-related equipment, or to shut the plant down & keep it shut down
- Qualification of safety-related equipment to withstand Class IX accidents (greater than design basis) and to shut down the plant under all such conditions and keep it in safe shutdown indefinitely

Environmental impact of nuclear waste disposal from unusable steam generators should these have to be replaced, once or more than once

Decommissioning safety, financial responsibility & environmental impacts, including early decommissioning, and effects of long-lived radioisotopes such as Ni-59 and Nb-79

Restraint of trade by CP&L and Agency with respect to tying up funds which might otherwise be used for insulation, weatherization, load management and other energy-saving or generating alternatives to Harris construction & operation; other restraint of trade & monopoly issues

Psychological stress occasioned by operation of the Harris Nuclear plant; its impacts on the local schools, population & economy

CP&L's financial and technical ability to clean up accidents at its other 3 nuclear units while retaining the necessary staff, oversight & financing to provide for fully adequate nuclear safety efforts at the Harris site, and for cleaning up a Class IX accident at Harris while another one has happened at another CP&L reactor

And other safety and environmental issues which I can only specify after having adequate time to review the FSAR and ER which I have requested copies of.

issues which can only be specified after I have had time to review the FSAR and environmental report (O.L. stage).

Because I am a 45 minute drive each way from the Wake County Library, and its hours of operation do not permit me to do my work and spend a great deal of time there, I request that a copy of the FSAR, true and complete, and of the Environmental Report, likewise, be delivered to me at my home address. I further request that I be allowed a minimum of 30 days from the time I receive them to file contentions, supplementation and amendments to this petition to intervene. This is only reasonable since CP&L, with far more resources than I have, took years to prepare the FSAR and ER, so I should be allowed fully 30 days, at minimum to review them and formulate contentions based thereon (and on other bases of information). I further request the NRC to deliver to the Wake County Library or the Durham County Library copies of all documents missing from the files in the Wake County Library relating to the Shearon Harris Nuclear Power Plant. It is not reasonable to expect intervenors to work with incomplete files such as to my knowledge exist there now. In my looking through the files at the Wake County Library, I have found that a large number of documents are missing, including motions to which responses are in the files (but not the motion), memoranda referred to in other documents in the file as being part of the file, etc.

I also request the NRC to provide funds pursuant to York Committee for a Safe Environment, etal, vs. US AEC (predecessor to NRC), DC Circuit Court of Appeals, ca. 1975, to assist me in providing a full defense of my interests and the public health and safety and environmental protection, all of which are valid purposes of intervention and which intervenors have contributed to, without undue financial penalty to myself.

I was allowed by the ABLB to sit at counsel table and advise the intervenors in the remanded hearings in this docket on CP&L's "safe management" capability in 1979. I appeared pro se in a hearing of the NC Environmental Management Commission (AH AQ 79-1). I have the ability to conduct cross-examination on technical issues.

I believe that my interests in this proceeding are not adequately protected by the Applicants due to their enormous financial interest in trying to save what may be a very unwise investment. My experience of the NRC Staff is that you can't count on them either. Their priority is getting licenses done, as evidenced by numerous statements in rule-makings published in the Federal Register in 1981 and 1982, even though they admit they haven't enough staff to finish dealing with the issues raised by the Three Mile Island Accident of 1979. Also, NRC has not implemented changes in its own organization, priorities and attitude, particularly with respect to safety and to public participation, that were seen as crucial to safety in the Kemeny Commission and Special Inquiry Group (Rogovin) reports. While there are NC environmental groups that may intervene, there is no assurance they will continue to exist to help defend my interests in this matter. They may disappear, as did Wake Environment when a CP&L employee got control of it. The Attorney-General of NC has made only very modest efforts in nuclear matters and lacks the staff and expertise and funds to effectively intervene. I asked the attorney for the City of Durham whether the City would be interested in intervening, and he informed me the City Council has made policy not to, in both federal and state proceedings.

Based on my interests that may be affected, my areas of concern to litigate, and other facts stated herein, I respectfully request that this petition to intervene pro se be granted, and that I receive copies of the FSAR and ER and 30 days from the time I receive them

in which to file contentions. I reserve the right to amend or supplement this petition as necessary to exercise my rights (including those under the Atomic Energy Act) and/or conform with any applicable rules or regulations.

I request that, to the extent not included in the FSAR, a complete copy of all proposed technical specifications and any draft of an operating license for the Shearon Harris Nuclear Power Plant which may be in the possession of NRC, NRC Staff, CP&L or Agency be delivered to me as soon as possible, and that I be allowed 30 days from receipt of same to file contentions based thereon.

I believe that the issuance of any operating license for the Harris nuclear plant to CP&L and Agency would contravene the antitrust laws of the United States and the policies underlying those laws.

I request that the Application for and Operating License for the Harris nuclear plant be denied, or be so conditioned as to prevent any injury to my (or public) health, safety or economic interests under the Atomic Energy Act. I further request that the NRC conduct this proceeding in full compliance with its own rules, making information available to me in a timely manner and granting extensions of time as appropriate whenever NRC or any other party fails to do so.

This 25th day of February, 1982

Wells Eddleman
Wells Eddleman
325 E. Trinity Ave.
Durham NC 27701
(919) 688-0347; (919) 383-6602

VERIFICATION

Today Wells Eddleman appeared before me and affirmed that the foregoing Petition to Intervene, Request for Hearing and Motions for Extensions of time are true of his own knowledge, except as to matters that may occur or are stated upon information or belief, and he believes those to be true.

Hilda V. Chappell, Notary
4424 Summit St. Durham 27705
EXPIRES 11-13-85

CERTIFICATE OF SERVICE



I hereby certify that the following parties have been served with a copy of the attached Petition to Intervene, Request for Hearing, and Motions for Extensions of Time, by depositing same in the United States mail, postage prepaid (first class), addressed as follows:

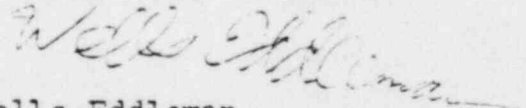
(certified mail) Secretary
Attn. Docketing & Service Branch, 50-400/491 O.L.
USNRC
Washington DC 20555

Executive Legal Director
USNRC
Washington DC 20555

George Fox Trowbridge
Shaw, Pittman, Potts & Trowbridge
1800 M Street NW
Washington DC

no zip code for Trowbridge is given in the public notice, attached.

This 25th day of February, 1982


Wells Eddleman

**FEET
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FITTING
WILL
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101

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**NOTICE OF OPPORTUNITY FOR PUBLIC
PARTICIPATION IN PROPOSED NRC
LICENSING ACTION ON
APPLICATION BY CAROLINA POWER
AND LIGHT COMPANY, ET AL FOR
SHEARON HARRIS NUCLEAR
POWER PLANT, UNITS 1 AND 2**

The United States Nuclear Regulatory Commission is giving public notice that it is considering issuance of operating licenses to Carolina Power and Light Company and North Carolina Municipal Power Agency Number 3 for operation of the Shearon Harris Nuclear Power Plant, Units 1 and 2 located in Wake and Chatham Counties, approximately sixteen miles southwest of Raleigh, North Carolina.

The notice provides that within 30 days after publication of notice in the FEDERAL REGISTER on January 27, 1982, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether operating licenses should be issued.

Petitions for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Such petitions must be filed in accordance with the above-referenced FEDERAL REGISTER Notice and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by February 26, 1982. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw-Pittman, Potts and Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036, attorney for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each.

All petitions will be acted upon by the Commission or the Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, that person becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, that person may present evidence and cross-examine witnesses.

A copy of the FEDERAL REGISTER Notice is available for public inspection at the Wake County Library, 104 Fayetteville Street, Raleigh, North Carolina 27601 between the hours of 10:00 a.m. and 8:00 p.m., Monday through Thursday and between 10:00 a.m. and 5:00 p.m. on Fridays. The Commission has arranged for other documents and correspondence relating to the licensing of these facilities to be kept at the

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