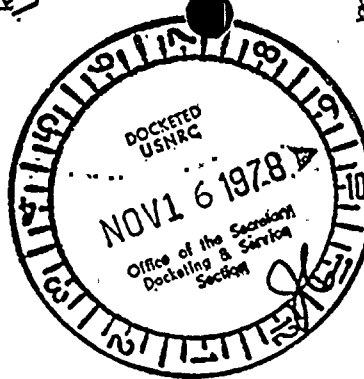


8 7 November 1978

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Reg. Filed

Atomic Safety & Licensing Board  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

11/7/78

Dear A.S.L.B.

By postcard received 6 November 78, Kudzu Alliance and I are advised that our requests to become intervenors on the Shearon Harris Nuclear Power Plant being built near New Hill NC has been referred to you. While we are unable to list all possible grounds for intervention (because, for example, a crucial question may never have been asked yet; we cannot be expected to predict accurately all the problems that may beset a nuclear power plant) our concern for our health, safety, power bills (which nuclear power raises), water resources (which nuclear power wastes), environment, lives, civil liberties, and our right to pursue happiness by creating safe, clean alternative energy systems with our money which will otherwise be seized by construction-work-in-progress to build nuclear plants, prompt usx (Kudzu) as an organization of several hundred persons living within 30 miles of the plant site (including one whose farm was partly taken for the site), and I as an individual so situated, feel we must make our views on nuclear power count now before this wasteful and dangerous plant is built.

With regard to the upcoming hearings on CP & L's ability to ~~mx~~ properly manage and finance the Shearon Harris Nuclear Power Plant (NRC dockets 50-400 through -403), we again are unable to predict all issues, now known or yet to be revealed, that will substantially affect CP & L's finances or the safe management of a nuclear plant. Therefore we (Kudzu Alliance and I individually) request that CP & L finance and management personnel including those responsible for the fiscal planning of the Harris plant, the actual operation and maintenance of the ~~Bxx~~ Brunswick 1 and 2 plants and the H.B. Robinson 2 plant, be called to testify at this hearing so that we may determine exactly how they have assured themselves of their ability to ~~mx~~ properly finance and safely operate nuclear power plants, and so that we (Kudzu Alliance and I) ~~mx~~ may cross-examine them regarding their contention that they can safely finance and operate the Shearon Harris plant as proposed.

We (Kudzu Alliance and I) wish to raise at least the following specific issues in addition:

(1) Need for power. With Roxboro #4 on line, CP&L will have a generating capacity 50% above its alltime peak demand. Power sales by CP & L grew only 1.9% in the last year reported (ending 9/30/78) and no new summer peak was reached. Thus, with no nuclear plants operating, CP & L would have adequate generating capacity and reserve. We will raise further arguments on this issue also.

(2) Improper design, verification, construction and maintenance of the electrical systems at the Brunswick reactors, and the Robinson reactor.

(3) Setting trip setpoints of instruments outside the safe operating ranges approved by the NRC for those instruments.

(4) Failure to prepare safety analyses and proper plans for maintenance work performed at reactors.

(5) Inadequate verification of pipe cracks in the reactor systems,



and the NRC's granting variances to verification requirements, inspection requirements, safety standards, inspection by independent persons and agencies not profiting from the nuclear reactor, and any other exceptions which the NRC has made to its normal rules, regulations and procedures at the request of CP & L.

(6) Employment of unqualified and underqualified personnel as workers, supervisors, safety inspectors and ~~xx~~ use of such personnel in other responsible positions.

(7) Financial responsibility to the CP & L stockholders (I, Wells Eddleman, own 92 shares of CP & L common stock) including dilution of stock to finance the plant in the face of mounting evidence that it will not be needed; assumption of unwarranted and excessive debt to finance a plant which, if not used, will be perhaps an untenable loss to a heavily mortgaged company such as CP & L, and which, if used, will necessitate such higher power rates that many customers will tend to generate their own power (particularly office complexes, malls and industries) thus reducing power sales while the rate base, inflated with \$4.2 billion (CP & L estimate) of nuclear power (compared to \$3 billion or less total investment in all CP & L's current generating capacity) is more than doubled, thus causing ever-higher power prices which will cause ever more conservation and cogeneration measures which will reduce demand for electricity still more, leading to further rate increases to maintain the company's rate of return on investment, or to no rate increases and substantial losses to the company, or possibly to legislate of utilities commission action to remove CP & L's franchise as a public utility due to mismanagement and excessive power rates. Further financial issues include imposition of construction-work-in-progress rates which force consumers to finance nuclear power which will not increase the value of their homes and buildings, instead of having the money available for insulation, conservation, waste heat recovery, solar-assist heating and cooling and other sources of energy which do increase the value of homes and buildings which incorporate them; consistent misrepresentation of the need for power and consistent underestimation of the costs of the Shearon Harris plant, leading to reasonable doubt as to the accuracy of information supplied by CP & L; inaccurate or incomplete reporting of the tax credits and depreciation allowances for nuclear construction; et cetera.

(8) Fitness, responsibility and reliability (or the lack of all these) on the part of contractors Daniel International and Research-Cottrell, including Daniel's mismanagement of nuclear construction in Missouri, deaths and injuries on that job, firing of a general foreman who revealed improper construction there, and the NRC's apparent failure to have this worker reinstated, and Daniel's attempts to cover up or deny improper construction practices and other improper, unsafe, untruthful practices on any of their construction jobs. CP & L's award of the cooling tower contract for Shearon Harris Plant to Research-Cottrell so soon after one of their towers collapsed killing 51 workers is particularly suspect. Did CP & L re-evaluate their decision in the light of this disturbing and grievous news? How will Research-Cottrell's plans and work be independently supervised by CP & L, the NRC, and local building inspectors to assure that no such tragedy or other serious problem occurs in building four towers at the Harris Plant site? Research-Cottrell's management, supervisors and foremen on that job that had the collapse should be present at this hearing to be cross-examined by the intervenors, since their reliability is called into serious question by 51 unnecessary deaths which government investigators have already blamed on numerous deliberate safety violations by Research-Cottrell.

(9) The lifetime of operation that can be expected for nuclear power plants in general, and the Harris plants in particular, due to the buildup of radioactive material inside the reactor and primary coolant loops (and elsewhere), the increasing radioactivity and thermal, radiation and other stress on the metal in reactor vessels, pipes and other systems; the radiation hazard to workers repairing, maintaining, ~~and refueling~~ refueling and operating reactors, particularly in light of recent data indicating exposure limits should be lowered 50% to 90% in order to minimize cancer risk to workers; failure of systems in older reactors; increasing costs of repairs; and the cost of greater downtime for repairs. Considering steam tube leaks at the Brunswick reactors, and numerous generic issues raised in a report by MHB Technical Associates concerning BWR's and PWR's such as those planned for the Harris site, there are serious questions whether these reactors will have a lifetime of operation of 30 to 40 years. Yet many cost-benefit calculations assume such lifetimes of operation (as they formerly assumed 80% capacity factors). To what extent have the NRC, CP & L, the NC Utilities Commission and other responsible parties calculated the marginal costs and benefits of shorter operating lifetimes of reactors? What contingency plans are available if one Harris unit must be decommissioned after only 15 to 20 years' operation? What assurances have we that reactors will last 30 or 40 years, without extensive and expensive (and hazardous) repairs such as are being made now on certain reactors due to denting, buildup of radioactive crud, and need to replace steam generators (and other issues requiring refits, modifications and alterations). Many other questions on these points can be raised.

(10) The safe and sound operation of any industry today includes protection for the environment. Considering the doubts expressed by many responsible authorities (see e.g. US Geological Survey Circular 779) as to the cost, safety and reliability of any proposed method for long-term disposal of radioactive waste, and considering the huge quantity of dangerous radionuclides (an enormous curie or radiation) produced in both high-level and low-level waste by nuclear power plants, and considering the 4-reactor size of the Harris Plant as proposed, it is improper and unsafe management to proceed with an investment of billions of dollars of consumers' and stockholders' money without a proved, mass-production, guaranteed and backed-up method to totally isolate radioactive waste from the point of production to an assured safe point of final long-term disposal. (See e.g. John Gofman's paper On the Way to the Bank, CNR 1977-7, which we would like read into the record of these hearings.) We believe the best way to safely dispose of the radioactive waste problem is not to create this deadly pollutant in the first place. We will argue among other things that without a compelling necessity to create nuclear waste or suffer the sort of genetic, health, environmental and property damage it can and has caused, any action to create more radioactive waste is irresponsible, unwise, unsafe, immoral, and quite possibly illegal.

(11) We ~~xx~~ wish to raise quite specifically the issue that limitations on topics to be discussed, who can ask questions, when issues may be raised, etc., though rationalized by legal and bureaucratic principles, may often tend to impede a ~~thorough~~ thorough and accurate examination of the wisdom of construction of nuclear power plants. Specifically, the suppression of Floyd Cantrell's views on CP & L's safe management abilities for nuclear plants as demonstrated by their operating record shows ~~why the NRC~~ that the NRC is making important decisions on incomplete and dishonestly presented information. Similar questions can be raised (and will be) about the proper limits on citizen intervention, on which



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statements will be included in hearing records, on when and how questions can be raised, on the information the NRC and CP & L are required to make public, on where such information is available, on the reversibility of decisions taken by CP & L, its contractors and the NRC and its boards and departments, independent verification of such things as the proper setting of concrete being poured now at the site (and all other matters relating to proper construction), on the support the NRC will give to employees and others who raise doubts about nuclear power (which the NRC is established to regulate, not promote), et cetera.

(12) The work history, financial holdings, and relationships of NRC personnel, CP & L officials, and others are clearly relevant to their current views, activities and the zeal (or lack of it) with which they verify the safety, financing, construction and all other aspects of nuclear power. I ~~am~~ therefore ~~am~~ willing as ~~individual~~ ~~an individual~~ to disclose my work history, financial holdings and contacts and relationships with power company and NRC and nuclear industry personnel as part of this hearing. Kudzu Alliance and I formally request that all other parties to this hearing, including the ASLB members who conduct it, all witnesses, and all NRC employees involved with the Shearon Harris Plant proposal, evaluation, or any other involvement with the Carolina Power & Light Company make as full a disclosure as possible to their knowledge and belief, of their work histories, financial holdings, consulting fees paid, and personal relationships with the nuclear industry and its employees. We will be prepared to question these personnel about ~~at~~ such matters if they do not make voluntary disclosure. We request that all parties to the hearing and all witnesses be advised of our disclosure request in advance of the hearing so that they may voluntarily comply with it if they freely wish to.

(13) Kudzu Alliance and I reserve the right to raise any question concerning any topic that may properly or improperly come before the ASLB, the NRC, or any other government entity, at any time. We recognize that some of our questions may be ruled out of order, but still reserve the right to ask if they would be accepted, to appeal any decisions made, and to file dissenting opinions or concurring opinions.

(14) Nothing above shall be interpreted as any acceptance in advance by us of the specifics of any ruling, decision, rule, etc. of the ASLB, the NRC or anyone else. In a democracy the people are entitled to know the full story of what is being done with their money and by their representatives and government agencies, and to question and peaceably attempt to change government policy,

Presented by Wells Eddleman, Rt. 1, Box 183 Durham NC 27705, phone 919-383-6602; and by the Kudzu Alliance, Box 3036 Chapel Hill NC 27514 phones 919-929-2141; 919-286-2276; 919-467-1693 by authority of the general membership meeting. Please address all communications to both Wells Eddleman and the Kudzu Alliance.

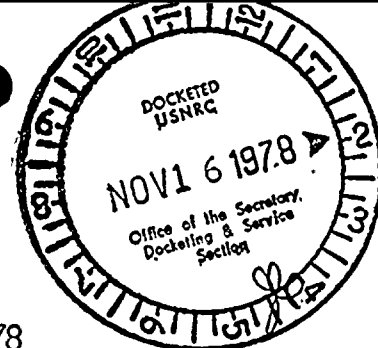
Signed on behalf of myself, and with the general membership meeting's authorization, on behalf of the Kudzu Alliance, a nonprofit organization,

*Wells Eddleman*  
Wells Eddleman



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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



SERVED NOV 16 1978

In the Matter of	)	Docket Nos. 50-400
CAROLINA POWER AND LIGHT COMPANY	)	50-401
(Shearon Harris Nuclear Power	)	50-402
Plant, Units 1, 2, 3 and 4)	)	50-403
	)	(Remanded Issues)

MEMORANDUM AND ORDER

The Board conducted a telephone conference among the parties on November 14, 1978. Participating were: Dennis P. Myers, Esq., for the State of North Carolina; Edwin J. Reis, Esq., for the Nuclear Regulatory Commission Staff; George F. Trowbridge, Esq., for the Applicant; Thomas S. Erwin, Esq., for the Intervenor, and Board members Ivan W. Smith and Dr. J. V. Leeds.

As a result of the conference the following provisions for prehearing activities in the remanded proceeding are directed by the Board or agreed upon by the participants:

1. The Board requests each party to file in advance of the hearing, written testimony, copies of proposed exhibits, and a memorandum of law setting forth that party's position, if any, on the legal standards to be applied to the remanded issues.





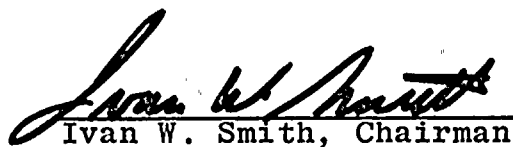
2. The NRC Staff intends to file its proposed evidence about December 1. The Board requests that the Staff file its memorandum of law with its proposed evidence, and to confer with the Board and parties if there will be a significant delay beyond December 1st.
3. The Board may request information in addition to the proposed evidence submitted by the parties. We will make any such request to the Staff soon after it files its proposed evidence. Staff counsel assured the Board that any Staff witness requested by the Board (presumably Inspection and Enforcement officials) will be available.
4. Within thirty (30) days after the Staff serves its proposed evidence, Applicant, Intervenor and the State will file their respective proposed evidence and memoranda of law, if any.
5. The Board will then make any requests for additional information from the Applicant, Intervenor and the State. The evidentiary hearing will be scheduled for a time at least two weeks after all proposed evidence, including the supplemental information produced at the Board's request, has been in the hands of the parties and the Board.
6. When the results of the inquiry by the Office of Inspector and Auditor are filed with the Board pursuant to the Commission Order of September 5, 1978 the Board will provide for a schedule and method by which all parties may assess the effect of the results of the inquiry upon the remanded issue.
7. Sessions of the evidentiary hearing will be held in Raleigh, North Carolina. If it appears that a large number of witnesses from NRC Region II in Atlanta will testify, the Board will consider holding some evidentiary sessions in Atlanta.



8. During the telephone conference the Board inquired whether the Intervenor and the State of North Carolina have any needs which are not being met by the procedures adopted by the Board. Except for a request that all evidentiary hearings be held in Raleigh, no procedural problems were reported.
9. The parties are requested to file any motions for correction or modification of this order within ten (10) days of its service.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Ivan W. Smith, Chairman

Dated at Bethesda, Maryland

this 15th day of November, 1978.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

CAROLINA POWER AND LIGHT COMPANY )

(Shearon Harris Nuclear Power )  
Plant, Units 1, 2, 3, and 4) )

Docket No.(s) 50-400  
50-401  
50-402  
50-403

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s)\* upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

16<sup>th</sup> day of Nov 1978.

Peggy T. Downing  
Office of the Secretary of the Commission

\* 1-Ltr Eddleman to ASLB dtd 11/7/78

2-Pd's Memo: Order dtd 11/15/78



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER AND LIGHT COMPANY	)	Docket No. (s) 50-400
	)	50-401
(Shearon-Harris Nuclear Power	)	50-402
Plants, Units 1-4)	)	50-403
	)	

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