

7/22/81

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION



Ex Parte: PALMETTO ALLIANCE,)

Petitioner,)

In the Matter of:)

DOCKET NOS. 50-413

DUKE POWER COMPANY, ET AL.
(Catawba Nuclear Station,
Units 1 and 2),)

Applicants,)

and
50-414



PETITION TO INTERVENE AND REQUEST FOR HEARING

Palmetto Alliance, on its own behalf, on behalf of its members, and on behalf of other persons who are similarly situated, hereby petitions for leave to intervene in the above-captioned license proceedings as a party of record, requests that public hearings be conducted at which it will be afforded an opportunity to be heard, and requests this Application for Operating License be denied, or be so conditioned, as Petitioner will hereafter demonstrate, in order that the operation of the facility will be consistent with the terms and underlying policy of the anti-trust laws of the United States and with the protection of the health and safety of the public. This relief is sought under provisions of the Atomic Energy Act of 1954, as amended, 42 U.S.C.A. §§ 2135 and 2239; 10 C.F.R. § 2.714; and pursuant to Notice of Receipt of Application for Facility Operating Licenses, published June 25, 1981, 46 F.R. 32974. In support of this Petition and Request for Hearing, Palmetto Alliance would respectfully show:

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1. That Palmetto Alliance is a not-for-profit membership organization incorporated under the laws of the State of South Carolina, with its principal offices at Columbia. It has a state-wide membership which has organized for the purposes of promoting the development of safe and renewable energy sources to meet human needs, and educating the public about the dangers and costs of commercial nuclear power and radioactive wastes. Its members include persons who live, work, engage in recreational activities, and participate in civic affairs in York County, South Carolina.

2. Members of Palmetto Alliance live, work, engage in outdoor recreational activities including fishing, boating, swimming, hunting, hiking and camping; consume vegetables, dairy products and meat, and breathe the air in close proximity to the Catawba Nuclear Station, Units 1 and 2, now under construction on Lake Wylie in York County. Members of Palmetto Alliance are consumers of energy for residential, recreational and business uses. All now purchase electric energy from commercial sources and would make use of energy sources which are reasonably interchangeable with electricity such as solar, wind, bio-mass, and conservation techniques if such energy sources were more readily available and competitively priced. Petitioner's members include retail electric customers of Duke Power Company, York electric cooperative, and City of Rock Hill municipal system.

3. That Petitioner's interest in protecting its members from probable harm to their health, safety, and economic interests can only be protected through full participation as a party to this proceeding with the right to offer evidence and to confront evidence offered by other parties. No other party can represent Petitioner's interest including the State of South Carolina whose participation is expected to be limited, the Commission

Staff which cannot represent the individual interests of Petitioner's members, and the Applicants, whose interest is believed to be adverse to Petitioner's.

4. That Petitioner is informed and believes that a reasonable probability exists that the granting of the license sought by the Applicants and their joint ownership and operation of the Catawba Nuclear Station, Units 1 and 2, will contravene the anti-trust laws of the United States and the policies clearly underlying those laws. That significant changes attributable to the Applicants have occurred since the issuance of the construction permit for this facility warranting the conduct of an anti-trust review and hearing in this matter and either the denial of the application for the operating license or the conditioning of such license on such terms as are necessary to minimize adverse anti-trust impacts.

Petitioner is informed and believes that the Applicants Duke Power Company, et al., have engaged individually and together in acts and conspiracies in restraint of trade, to acquire and maintain monopoly power, and to commit unfair trade practices to the direct injury of Petitioner's members who are consumers of electric energy sold by Duke Power Company, rural electric cooperatives and municipal power systems in South Carolina. Petitioner's members are forced to pay higher prices for such electricity and are denied access to reasonably interchangeable alternate energy sources or must pay higher prices for such alternatives because of such conduct.

5. Petitioner is informed and believes that the grant of an operating license to Duke Power Company, et al., and the operation of the facility will result in direct physical harm to the health, safety, and economic

interests of its members, their families and other persons similarly situated.

6. Petitioner is informed and believes that such adverse impact will result to its members, in part, because; and that the Commission should deny or condition the operating license for reasons including:

- a) The long term somatic and genetic health effects of radiation releases from the facility during normal operations and from the uranium fuel cycle, even where such releases are within existing guidelines, have been sufficiently underestimated by the Applicants and Commission Staff so as to compromise the validity of the cost-benefit balance struck at the construction permit phase of this license proceeding. The work of K.Z. Morgan, Bernd Franke of Heidelberg, and others calls into serious question the analysis relied upon including that of the BEIR III report and the Commission's food chain analysis, strongly suggesting that the health effects of ionizing radiation have been seriously underestimated.
- b) The Applicants and Commission Staff have failed to adequately assess the impact of a serious accident, beyond design basis, on both the cost-benefit balance struck at the construction permit phase of this proceeding and the ability of Applicants, and local and state officials, to implement radiological emergency response plans sufficient to protect residents living in proximity to the plant. The probabilistic analysis employed in the Reactor Safety Study (WASH 1400) has been so seriously criticized as to make its use in licensing proceedings as a basis for decision-making entirely inappropriate. "The consequence model used in WASH - 1400 should be substantially improved, and its sensitivities explored, before it is

used in the regulatory process." NUREG CR 0400, "Risk Assessment Review Group Report to the U.S. Nuclear Regulatory Commission, H.W. Lewis, Chairman", p. xi.

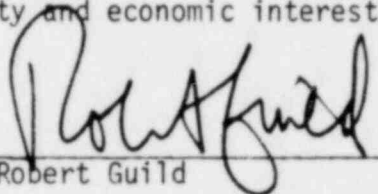
c) Substandard workmanship and poor quality control strongly suggest that actual plant construction is substantially below NRC standards in many safety related areas. A number of former Duke Power Company construction workers, including a certified Quality Control Inspector, have complained of systematic deficiencies in plant construction and company pressure to approve faulty workmanship.

7. Petitioner reserves the right, and hereby asserts its intention, to hereafter file a supplement to this Petition to Intervene under provisions of 10 C.F.R. § 2.714 (b) including a list of the contentions which it seeks to have litigated in this proceeding together with the bases therefor. It further reserves its right if admitted as a party to this proceeding, to amend this Petition in such manner as is deemed necessary and proper.

WHEREFORE, having set forth its interest which will be affected in this proceeding, having alleged at least one litigable contention and the basis therefor with reasonable specificity, and having annexed hereto the Affidavits of more than one of its members who will suffer injury in fact from the operation of this facility, which Affidavits are incorporated herein by reference, Palmetto Alliance respectfully requests leave to intervene in these proceedings, the conduct of hearings, and the denial

of this Application for Operating License unless so conditioned as to prevent injury to Petitioner's health, safety and economic interests.

July 22, 1981


Robert Guild

314 Pall Mall
Columbia, South Carolina
29201

803-252-0929

Attorney for Petitioner
Palmetto Alliance

Ex Parte: PALMETTO ALLIANCE,
Petitioner,
In the Matter of:
DUKE POWER COMPANY, ET AL.
(Catawba Nuclear Station,
Units 1 and 2),
Applicants,

DOCKET NOS. 50-413
and
50-414

1. That she, Anne Springs Close, resides at Highway 160, Box 100, immediately west of Fort Mill, South Carolina, at a distance of approximately 8 miles from the Catawba Nuclear Station, Units 1 and 2. She operates a farm adjacent to her residence which farm she leases from a trust established for the benefit of her children one of whom is her daughter, the affiant Frances Close Hart. This farm consists of approximately 6,000 acres of land, about 2/3 of which is forested and 1/3 of which is under cultivation. On this land she grows peaches, corn and other produce for sale and personal consumption, as well as various feed grains and about 250 head of beef cattle for sale and for some limited personal consumption. That numerous ponds and streams are located on this land from which cattle and horses drink. Potable water for her residence is pumped from a source on the Catawba River downstream of the nuclear station.

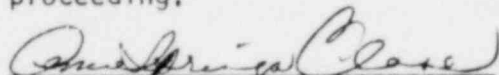
2. That she, Frances Close Hart, resides at 2430 Terrace Way, Columbia, South Carolina. She and her minor children often visit her mother the affiant, Anne Springs Close at the aforementioned property near Fort Mill, South Carolina about 8 miles from the nuclear plant.

3. That both she, Anne Springs Close, and she, Frances Close Hart, have an ownership interest in Springs Mills, Inc., a manufacturer of textiles with properties in York, Chester, and Lancaster Counties.

4. That both affiants live, work, and engage in outdoor recreational activities including running, riding, hiking, camping, swimming and tennis throughout York County and in areas in close proximity to the Catawba Nuclear Station, Units 1 and 2.

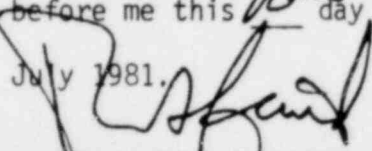
5. That both affiants are informed and believe that the grant of an operating license to Duke Power Company, et al. and the operation of this facility will result in direct physical harm to the health, safety and economic interests of themselves and their families.

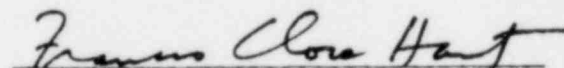
6. That both affiants are further informed that their interest in this matter can only be protected through participation in this operating license proceeding, and that this interest will not be adequately represented by any of the other parties to the proceeding. They authorize Palmetto Alliance, of which they are members, or its representative, to protect their interest in this matter through participation in this proceeding.


Anne Springs Close

SWORN to and subscribed

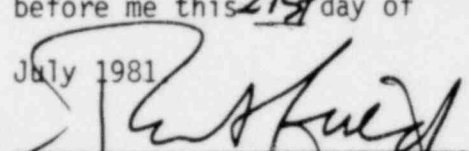
before me this 22nd day of
July 1981.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires July 29, 1985


Frances Close Hart

SWORN to and subscribed

before me this 21st day of
July 1981


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: July 29, 1985

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

Ex Parte: PALMETTO ALLIANCE,)
) Petitioner,)
In the Matter of:)
))
DUKE POWER COMPANY, ET AL.)
(Catawba Nuclear Station,)
Units 1 and 2),)
) Applicants,)

A F F A D A V I T

DOCKET NOS. 50-413
 and
 50-414

PERSONALLY APPEARED before me, Mary F. Freeman, who being duly sworn,
says:

1. That she resides at Banks Street Extension, Post Office Box 682, Fort Mill, South Carolina 29715, together with her husband Palmer and two minor children, John and Will, at a distance of approximately ~~twenty~~ ^{NINE 797} miles from the Catawba Nuclear Station, Units 1 and 2. That she has lived at this residence for about seven years.
2. That she and her family live in a home situated on approximately 9 acres of land which they own.
3. That she and her family live, work, and engage in outdoor recreational activities throughout York County, including areas in close proximity to the Catawba Nuclear Station, Units 1 and 2 on Lake Wylie. Her outdoor activities include running, swimming, hiking, boating, tennis and camping. She and her family consume vegetables, meat, produce and dairy products raised in the area including vegetables from a garden on their land.

She and her family breathe the air and drink the water in the area in close proximity to the nuclear plant.

4. That she and her family are residential electric customers of Duke Power Company.

That she is informed and believes that the grant of an operating license to Duke Power Company, et al. and the operation of this facility will result in direct physical harm to the health, safety and economic interest of herself and her family.

That she is further informed that her interest in this matter can only be protected through participation in this operating license proceeding, and that this interest will not be adequately represented by any of the other parties to the proceeding. She authorizes Palmetto Alliance, of which she is a member, or its representative, to protect her interest in this matter through participation in this proceeding.

Mary F. Freeman
Mary F. Freeman

SWORN to and subscribed
before me this 22 day of
July 1981.

[Signature] (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: July 29, 1985

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

Ex Parte: PALMETTO ALLIANCE)	
PETITIONER)	
	)	AFFADAVIT
In the Matter of:)	
DUKE POWER COMPANY, ET AL.	)	DOCKET NOS. 50-413
(CATAWBA NUCLEAR STATION, UNITS 1 and 2).	)	and
APPLICANTS	)	50-414

PERSONALLY APPEARED before me, Nolan R. Hoopingarner, II, who does affirm and says:

1. That he resides at Route 5, Box 227, Clover, South Carolina in York County, South Carolina, together with his wife and two minor children, at a distance of about 4 miles from the Catawba Nuclear Station, Units 1 and 2. He has lived at this residence about 4 years.
2. That he owns the above premise where he resides and from which he conducts his business which includes operation of a kennel for breeding and handling show dogs, in addition to Son-Light Services, which offers home improvements.
3. That he was employed by Duke Power Company at the Catawba Nuclear Station, Units 1 and 2 as a builder and scaffold builder for about 3 years and through this experience became aware of negligence on all levels of the construction department management. He approached the resident inspector for the Nuclear Regulatory Commission with concerns about worker safety and management negligence of construction commitments and later became convinced that a cover-up of plant safety problems and construction deficiencies was in progress.
4. That he and his family live, work and engage in outdoor recreational activities throughout York County including swimming in Lake Wylie, bicycling, walking, hunting, fishing and camping in areas in close proximity to the Catawba Nuclear Station, Units 1 and 2. He and his family grow vegetables for personal use and for sale to others and consume produce grown on their land. He and his family raise chickens

for food for themselves and for sale to others and keep about 24 chickens for laying eggs for personal use and for sale to others. He and his family raise hogs for personal use and for market sale. He and his family raise beef cattle for their own personal consumption.

5. That he and his family are residential customers of the York Electric Cooperative.
6. That he is a member of the Palmetto Alliance and has been active in the organization since about July 1981. That through his participation in the programs of the organization he has become educated on the subject of the design and operation of nuclear power plants and the probable effects of the operation of the Catawba Nuclear Station, Units 1 and 2.
7. That he is informed and believes that the grant of an operating license to Duke Power Company and the operation of this facility will result in direct physical harm to the health, safety, and economic interest of himself and his family, the community and God's environment.
8. That he is further informed and believes that the interest of himself and his family can only be protected through participation in this operating license proceeding. He authorizes Palmetto Alliance, or its representative, to protect the interest of himself and his family.

AFFIRMED and subscribed to
before me this ²² day of
July 1981.

Reed S. Lott

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires February 27, 1990

Nolan R. Hoopingarner
Nolan R. Hoopingarner, *IN*

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

Ex Parte: PALMETTO ALLIANCE)	
PETITIONER)	
	)	AFFADAVIT
In the Matter of:)	
DUKE POWER COMPANY, ET AL.	)	DOCKET NOS. 50-413
(CATAWBA NUCLEAR STATION, UNITS 1 and 2).	)	and
APPLICANTS	)	50-414
)	
)	

PERSONALLY APPEARED before me, Ruth S. Love, who does affirm and says:

1. That she resides at Route 1, Box 381, Rock Hill, South Carolina in York County, South Carolina at a distance of about 9 miles from the Catawba Nuclear Station, Units 1 and 2 and that she has lived at this residence about 20 years.
2. That she owns the above premise where she resides on about 96 acres of land and she is employed by The York County Council on Aging.
3. That she lives, works, and engages in outdoor recreational activities throughout York County, including areas in close proximity to the Catawba Nuclear Station, Units 1 and 2. She raises vegetables (and fruit) in a garden on the above premises and consumes produce from this garden. She rents about 20 acres to a local farmer for the production of soybeans and grain.
4. That she is residential electric customer of York Electric Cooperative.
5. That she is a member of Palmetto Alliance and has been active in the organization since about July 1981. That through her participation in the programs of the organization she has become educated on the probable effects of the operation of the Catawba Nuclear Station, Units 1 and 2.
6. That she is informed and believes that the grant of an operating license to Duke Power Company and the operation of this facility will result in direct physical harm to her health, safety and economic interest.

7. That she is further informed that her interest in this matter can only be protected through participation in this operating license proceeding. She authorizes Palmetto Alliance, or its representative to protect her interest in this matter through participation in this proceeding.

AFFIRMED and subscribed to
before me this ^{22nd} day of
July 1981.

[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA

My Comm Exp'd July 29, 1985

Ruth S. Love

Ruth S. Love

Ex Parte: PALMETTO ALLIANCE,
PETITIONER

DOCKET NOS. 50-413
and
50-414

DUKE POWER COMPANY, ET EL.
(CATAWBA NUCLEAR STATION, UNITS 1 and 2).
APPLICANTS

1. That she resides at Route 3, Box 66, Clover, South Carolina in York County, South Carolina together with her teenage son, at a distance of about 15 miles from the Catawba Nuclear Station, Units 1 and 2 and that she has lived at this residence about 16 years.

3. That she and her family live, work, and engage in outdoor recreational activities throughout York County, including the Carowinds theme park and other areas in close proximity to the Catawba Nuclear Station, Units 1 and 2.

5. That she is a member of the Palmetto Alliance and has been

active in the organization since about July 1981. That through her participation in the programs of the organization she has become educated on the subject of the design and operation of the Catawba Nuclear Station, Units 1 and 2.

6. That she is informed and believes that the grant of an operating license to Duke Power Company and the operation of this facility will result in direct physical harm to the health, safety, and economic interest of herself and her family.
7. That she is further informed that her interest in this matter can only be protected through participation in this operating license proceeding. She authorizes Palmetto Alliance, or its representative, to protect the interest of herself and her family in this matter through participation in this proceeding.

AFFURNED abd sybscribed to
before me this²² day of
July 1981.

Ruth S. Love

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires February 27, 1990

Alice S. McAfee

Alice S. McAfee

1. That he resides on Highway 5, west of York, in York County, South Carolina at a distance of approximately 15 miles from the Catawba Nuclear Station, Units 1 and 2. He has lived at the above residence about 2 years and in York County about 20 years.
2. That he and his father own the above premise where he resides and about 60 acres of farmland. He is self employed as a sub-contractor for local companies involved in the installation of polyurethane insulation.
3. That he holds a Bachelor of Arts (Biblical Literature and LANGUAGES) degree from Gardner-Webb College in Boiling Springs, North Carolina and has done post graduate study at Vanderbilt University in Nashville, Tennessee. He worked at the Catawba Nuclear Station, Unit 1 and 2 for about 2 years. As Utility worker, he poured concrete and later became a pre-pour runner who helped coordinate concrete placement in all areas of the

plant. He was trained and certified as an Electrical Quality Control Inspector and as a result of this job and previous experiences became aware of the poor workmanship and inadequate quality control in the construction of the plant.

4. That he lives, works, and engages in outdoor recreational activities including walking, bicycling, and fishing throughout York County, South Carolina, including areas in close proximity to the Catawba Nuclear Station, Units 1 and 2. He grows vegetables and consumes produce grown in a garden at his residence.
5. That he is a residential electrical customer of the York Electric Cooperative.
6. That he owns 6 shares of Duke Power Company common stock.
7. That he is a member of the Palmetto Alliance and has been active in the organization since about July 1981. That through his participation in the programs of the organization he has become educated on the subject of the design and operation of nuclear power plants and the probable effects of the operation of the Catawba Nuclear Station, Units 1 and 2.
8. That he is informed and believes that the grant of an operation license to Duke Power Company and the operation of this facility will result in direct physical harm to his health, safety and economic interest.
9. That he is further informed and believes that his interest in this matter can only be protected through participation in the operating license proceeding. He authorizes Palmetto Alliance, or its representative, to protect his interest.

AFFIRMED and subscribed to
before me this ²² day of
July 1981.

William R. McAfee

William R. McAfee

Ruth S. Love

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires February 27, 1990

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

Ex Parte: PALMETTO ALLIANCE)	
PETITIONER	)	AFFADAVITS
)	
In the Matter of:	)	DOCKET NOS. 50-413
	)	and
DUKE POWER COMPANY, ET EL.)	
(CATAWBA NUCLEAR STATION, UNITS 1 and 1).	)	50-414
APPLICANTS)	

PERSONALLY APPEARED before me, Susan B. Smith, who does affirm and says:

1. That she, with her husband and two minor children, resides at 4 Bratton Avenue, York, South Carolina in York County, South Carolina at a distance of about 9 miles from the Catawba Nuclear Station, Units 1 and 2. She and her family have lived in the above residence for 3 years and in the immediate area for about 7 years.
2. That she is a homemaker and her husband works at Bojangles Restaurants.
3. That she and her family live, work, and engage in outdoor recreational activities throughout York County, including areas in close proximity to the Catawba Nuclear Station, Units 1 and 2. She and her family grow vegetables and consume produce grown in a garden near her home and within 10 miles of the Catawba Nuclear Station, Units 1 and 2.
4. That she and her family are residential electrical customers of Duke Power Company.
5. That she is a member of the Palmetto Alliance and has been active in the organization since July 1981. That through her participation in the programs of the organization she has become educated on the subject of the design and operation of nuclear power plants and the probable effects of the operation of the Catawba Nuclear Station, Units 1 and 2.
6. That she is informed and believes that the grant of an operating license to Duke Power Company and the operation of this facility will result in direct physical harm to the health, safety, and economic interest of herself and her family.

7. That she is further informed that her interest in this matter can only be protected through participation in this operating license proceeding. She authorizes Palmetto Alliance, or its representative, to protect the interest of herself and her family.

AFFIRMED and subscribed to
before me this ^{2nd} day of
July 1981.

Ruth S. Love

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires February 27, 1990

Susan B. Smith

Susan B. Smith

Ex Parte: PALMETTO ALLIANCE,
Petitioner,
In the Matter of:
DUKE POWER COMPANY, ET AL.
(Catawba Nuclear Station,
Units 1 and 2),
Applicants,

50-414

July 23, 1981
Columbia, South Carolina

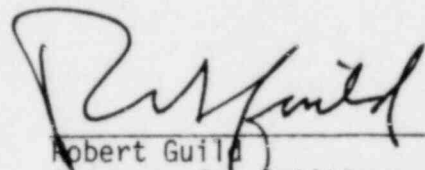
CERTIFICATE OF SERVICE

I hereby certify that I have this day served upon the persons below named at the addresses set forth the affached Petition to Intervene and Request for Hearing by depositing same in the United States Mail, postage prepaid, this 23rd day of July 1981.

Secretary of the Commission
United States Nuclear Regulatory
Commission
Att: Docketing & Service Section
Washington, D.C. 20555

Michael McGarry, III, Esq.
Debevoise and Liberman
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Robert Guild
Attorney for Petitioner
Palmetto Alliance

NOTICE FOR SERVICE

Notice is hereby given pursuant to 10 C.F.R. § 2.708 that service upon Petitioner should be made at the following addresses:

Robert Guild
Attorney at Law
314 Pall Mall
Columbia, South Carolina 29201

Palmetto Alliance
2135 ½ Devine Street
Columbia, South Carolina 29205