

RELATED CORRESPONDENCE

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April 7, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	
AND NORTH CAROLINA EASTERN	)	Docket Nos. 50-400 OL
MUNICIPAL POWER AGENCY	)	50-401 OL
	)	
(Shearon Harris Nuclear Power	)	
Plant, Units 1 and 2)	)	

APPLICANTS' INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS  
TO INTERVENOR WELLS EDDLEMAN (THIRD SET)

Pursuant to 10 C.F.R. §§ 2.740b and 2.741 and to the Atomic Safety and Licensing Board's "Memorandum and Order (Reflecting Decisions Made Following Prehearing Conference)" of September 22, 1982, Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency hereby request that Intervenor Wells Eddleman answer separately and fully in writing, and under oath or affirmation, each of the following interrogatories, and produce and permit inspection and copying of the original or best copy of all documents identified in the

DSQ3

responses to interrogatories below. Under the Commission's Rules of Practice, answers or objections to these interrogatories must be served within 14 days after service of the interrogatories; responses or objections to the request for production of documents must be served within 30 days after service of the request.

These interrogatories are intended to be continuing in nature, and the answers should promptly be supplemented or amended as appropriate, pursuant to 10 C.F.R. § 2.740(e), should you or any individual acting on your behalf obtain any new or differing information responsive to these interrogatories. The request for production of documents is also continuing in nature and you must produce immediately any additional documents you, or any individual acting on your behalf, obtain which are responsive to the request, in accordance with the provisions of 10 C.F.R. § 2.740(e).

Where identification of a document is requested, briefly describe the document (e.g., book, letter, memorandum, transcript, report, handwritten notes, test data) and provide the following information as applicable: document name, title, number, author, date of publication and publisher, addressee, date written or approved, and the name and address of the person or persons having possession of the document. Also state the portion or portions of the document (whether section(s), chapter(s), or page(s)) upon which you rely.

Definitions: As used hereinafter, the following definitions shall apply:

The "ER" is the Environmental Report - Operating License Stage for the Shearon Harris Nuclear Power Plant, as amended.

"Applicants" is intended to encompass Carolina Power & Light Company, North Carolina Eastern Municipal Power Agency and their contractors for the Harris Plant.

"Document(s)" means all writings and records of every type in the possession, control or custody of Wells Eddleman or any individual acting on his behalf, including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings and all other writings or recordings of any kind; "document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of Mr. Eddleman; a document shall be deemed to be within the "control" of Mr. Eddleman or any individual acting on his behalf if he has ownership, possession or custody of the document or copy thereof, or has the right to secure the document or copy thereof, from any person or public or private entity having physical possession thereof.

### General Interrogatories

1(a). State the name, present or last known address, and present or last known employer of each person known to you to have first-hand knowledge of the facts alleged, and upon which you relied in formulating allegations in the contention which is the subject of this set of interrogatories.

(b). Identify those facts concerning which each such person has first-hand knowledge.

(c). State the specific allegation in the contention which you contend such facts support.

2(a). State the name, present or last known address, and present or last employer of each person, other than affiant, who provided information upon which you relied in answering each interrogatory herein.

(b). Identify all such information which was provided by each such person and the specific interrogatory response in which such information is contained.

3(a). State the name, address, title, employer and education and professional qualifications of each person you intend to call as an expert witness or a witness relating to the contention which is the subject of this set of interrogatories.

(b). State the subject matter to which each such person is expected to testify.



4(a). Identify all documents in your possession, custody or control, including all relevant page citations, pertaining to the subject matter of, and upon which you relied in formulating allegations in the contention which is the subject of this set of interrogatories.

(b). Identify the contention to which each such document relates.

(c). State the specific allegation in each contention which you contend each document supports.

5(a). Identify all documents in your possession, custody or control, including all relevant page citations, upon which you relied in answering each interrogatory herein.

(b). Identify the specific interrogatory response(s) to which each such document relates.

6(a). Identify any other source of information, not previously identified in response to Interrogatory 2 or 5, which was used in answering the interrogatories set forth herein.

(b). Identify the specific interrogatory response(s) to which each such source of information relates.

7(a). Identify all documents which you intend to offer as exhibits during this proceeding to support the contention which is the subject of this set of interrogatories or which you intend to use during cross-examination of witnesses presented

by Applicants and/or the NRC Staff on the contention which is the subject of this set of interrogatories.

(b). Identify the particular page citations of each document applicable to the contention.

Interrogatories on Contention 64(f)  
(Valves on Spent Fuel Transportation Casks)

64-1(a). In your reference to "casks used for spent fuel transport" in Contention 64(f), are you referring to the IF 300 series spent fuel shipping cask owned by Carolina Power & Light Company?

(b). If the answer to (a) above is affirmative, is there any other cask(s) to which you are referring in Contention 64(f)? If so, describe each such cask.

(c). If the answer to (a) above is other than affirmative, identify and describe each cask to which you refer in Contention 64(f).

64-2. You allege that "pressure valves on the cask used for spent fuel transport are likely to unseat." Identify and describe in detail the pressure valves on spent fuel cask(s) to which you are referring.

64-3. Contention 64(f) states "the plastic components of such valves could and would melt in a fire less severe than the test basis for spent fuel casks." Identify each "plastic component" to which you refer.

64-4. State in detail the basis for your allegation that a fire less severe than the test basis for spent fuel casks could result in "valves on spent fuel casks melting." Include in your response your definition of the "test basis" fire and the parameters of the "fire less severe" that could result in "valves ... melting."

64-5(a). Attached hereto is § 6.5.2.2 of the Consolidated Safety Analysis Report for the IF 300 shipping casks. This section analyzes the 30-minute fire and post-fire period in terms of the integrity of the shipping cask under fire conditions. Do you contend that this analysis is inadequate for the IF 300 spent fuel shipping casks?

(b). If the answer to (a) above is affirmative, set forth in detail those aspects of the analysis with which you contend is inadequate and describe in detail the basis for your allegation.

(c). If the answer to (a) above is other than affirmative, state how your response is consistent with the allegations set forth in Contention 64(f).

64-6(a). You contend that four spent fuel transportation casks were "removed from service by GE in 1981." Does this statement refer to the voluntary limitation by General Electric and owners of IF 300 casks of the use of General Electric Company's four model IF 300 shipping casks for shipments only with a dry cask cavity?

(b). If the answer to (a) above is affirmative, do dry shipments only with the IF 300 shipping cask resolve the concerns that you have with respect to pressure valves "likely to unseat"? (See the attached April 6, 1982 revision to the IF 300 shipping cask certification.)

(c). If the answer to (b) above is affirmative, are you willing to withdraw this aspect of Contention 64(f)?

(d). If the answer to (b) above is other than affirmative, describe in detail how a pressure valve is "likely to unseat" with a dry shipment of spent fuel.

(e). If the answer to (b) above is other than affirmative, describe in detail how "coolant -- radioactive contamination -- followed by fuel overheating and melting, Cs-137 boiling" could occur with dry shipments?

64-7(a). Do you contend that Carolina Power & Light Company's IF 300 shipping cask, or any other cask(s) that might be used in the future by Applicants, fails or will fail to meet NRC regulatory requirements as set forth in 10 C.F.R. § 73.31 and 32 and 10 C.F.R. Part 71 Appendices A and B?

(b). If the answer to (a) above is affirmative, state in detail which regulatory requirements you contend such spent fuel shipping cask(s) fails or will fail to meet.

(c). If the answer to (a) above is other than affirmative, state how your response is consistent with the allegations set forth in Contention 64(f).

Interrogatories on Eddleman Contention 67  
(Low Level Waste Disposal)

67-1. Define "assured disposal site" as you use that phrase in Contention 67.

67-2. Describe in detail how and why you contend the health and safety of the public is endangered by the lack of an "assured disposal site" to isolate low-level radioactive waste produced by normal operations at the Harris Plant.

67-3. You state that "the lack of such an assured disposal site, endangers the health and safety of the public under AEA ...." Does "AEA" mean the Atomic Energy Act of 1954, as amended? If so, explain under which provision(s) of such Act, you rely in making the assertion quoted above.

67-4(a). Do you contend that the existence of an "assured disposal site" for low-level radioactive waste is required by regulations of the Nuclear Regulatory Commission?

(b). If the answer to (a) above is affirmative, state the applicable section(s) of the Commission's regulations upon which you rely and explain in detail why you contend such section(s) require an "assured disposal site."

(c). If the answer to (a) above is other than affirmative, explain how your response is consistent with the allegations set forth in Contention 67.

67-5(a). You provide as basis for Contention 67 the "refusal of SC, NV and WA states to continue to accept



unlimited amounts of low-level radioactive waste." Assuming that the states of South Carolina, Nevada and Washington will not, in fact, accept "unlimited" amounts of low-level radioactive waste, state in detail how this will impact on the ability of Applicants to ship low-level waste from the Harris Plant to a low-level waste facility.

(b). Do you contend that the state of South Carolina will not permit Applicants to ship low-level radioactive waste from the Harris Plant to a waste disposal facility within the state of South Carolina? If so, state the basis for such an assertion.

(c). Do you contend that the state of Nevada will not permit Applicants to ship low-level radioactive waste from the Harris Plant to a disposal facility within the state of Nevada? If so, state the basis for such an allegation.

(d). Do you contend that the state of Washington will not permit Applicants to ship low-level radioactive waste from the Harris Plant to a disposal facility located within the state of Washington? If so, state the basis for such an allegation.

(e). If the answer to either (b), (c), or (d) above is other than affirmative, state how your response is consistent with the allegation set forth in Contention 67.

67-6(a). You provide as the basis for Contention 67 "the enactment by Congress of laws allowing states to form compacts for low-level rad. waste disposal and to exclude waste such as

SHNPP low-level radioactive waste from states not members of such compacts." Does your reference to "laws" in the above cited allegation include the Low-Level Radioactive Waste Policy Act, 94 Stat. 3347, Pub. L. 96-573, 42 U.S.C. 2021?

(b). Other than the statute identified in (a) above, are there any other "laws" which you believe supports your allegation that there is no "assured disposal site" to isolate the low-level radioactive waste produced by normal operation at the Harris Plant?

67-7(a). Section 4 of the Low-Level Radioactive Waste Policy Act provides that each state "is responsible for providing for the availability of capacity either within or outside the state for disposal of low-level waste generated within its borders except for waste generated as a result of defense activities ...." Do you contend that the state of North Carolina or other states in the southeast region will not comply with the Low-Level Radioactive Waste Policy Act, and, in particular, Section 4 of that Act?

(b). If the answer to (a) above is affirmative, set forth in detail the basis for your response.

(c). If the answer to (a) above is other than affirmative, state how your response is consistent with the allegation set forth in your Contention 67.

67-8(a). In passing the Low-Level Radioactive Waste Policy Act, the Congress found that "low-level radioactive

waste can be most safely and efficiently managed on a regional basis". See 42 U.S.C. 2021(d). Do you contend that the state of North Carolina is not cooperating with other states in the southeast region to manage low-level radioactive waste safely and efficiently on a regional basis?

(b). If the answer to (a) above is affirmative, set forth in detail the basis for your response.

(c). If the answer to (a) above is other than affirmative, state how your response is consistent with the allegations set forth in your Contention 67.

67-9(a). Attached hereto is Senate Bill 196, introduced in the General Assembly of North Carolina on March 6, 1983. This bill, if adopted by the State of North Carolina, would ratify the "Southeast Interstate Radioactive Waste Management Compact," to which representatives of each of the participating states have already agreed. If Senate Bill 196 is passed by the North Carolina State Legislature and signed into law, and if other states of the southeast region similarly ratify the Southeast Interstate Low-Level Radioactive Waste Management Compact, will this satisfy your concern regarding an assured disposal site to isolate low-level radioactive waste produced by normal operation at Harris?

(b). If the answer to (a) above is affirmative, will you withdraw your Contention 67 in such event?

(c). If the answer to (a) above is other than affirmative, state in detail the basis for your response.

(d). If the answer to (b) above is other than affirmative, state in detail the basis for your response.

67-10. During the pendency of consideration of the Southeast Interstate Low-Level Radioactive Waste Management Compact by the state legislatures in the southeast region, what other action(s) do you contend that Applicants should be taking to provide for an "assured disposal site" to isolate the low-level radioactive waste produced by normal operation at Harris?

67-11. Do you contend that the technology does not presently exist to store low-level radioactive waste safely at any of a number of sites within the southeast region of the United States? If so, state in detail the basis for your response.

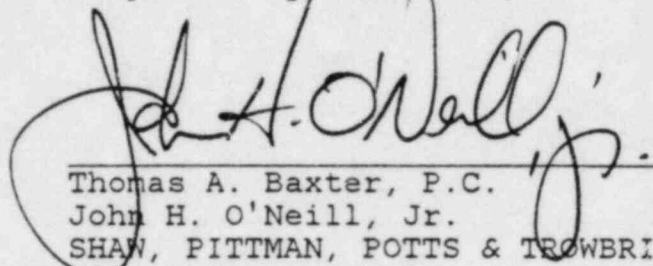
67-12. If necessary, do you contend that storage of low-level radioactive waste cannot be accomplished temporarily (for periods up to five years) at the Harris Plant site? If so, state in detail the basis for your response.

#### Request for Production of Documents

Applicants request that Wells Eddleman respond in writing to this request for production of documents and produce the original or best copy of each of the documents identified or

described in the answers to each of the above interrogatories  
at a place mutually convenient to the parties.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "John H. O'Neill, Jr.". The signature is written over a horizontal line.

Thomas A. Baxter, P.C.  
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Dated: April 7, 1983



At the relief pressure of 375 psig, the internal energy change from liquid to steam is 698.6 Btu/lb. Dividing 105,000 Btu/hr by this value yields a maximum possible steam flow of 150 lb/hr. The valve has a full-open flow of 275 lb/hr which is more than adequate to accommodate the cask pressure relieving requirements.

b. Water

Transient calculations show that the internal coolant maximum temperature increase rate is 4°F/minute. From the steam tables, the water volume increase as a function of temperature change is 0.0284 ft<sup>3</sup>/°F. The resulting volume expansion rate of the coolant is, therefore, 0.85 gal/min. This also becomes the maximum water flow rate through the relief valve. The valve capacity is 3 gpm, thus, there is more than adequate water venting capability.

## 6.5.2 Valve Functioning Under Accident Conditions

### 6.5.2.1 30-Foot Drop and Puncture

The cavity relief valve is protected from mechanical damage by the structural members surrounding the valve box (see Section V).

The valve manufacturer has stated that the only effect of the 30-foot drop "G" loadings on the unit may be a slight and momentary lifting of the valve disk as long as the valve is protected from direct impact. The valve body and components are quite rugged. Those components which are the most highly stressed are either Stellite faced (valve seat and disk) or fabricated from Inconel X-750 (yield strength = 84 ksi at 1000°F) which has excellent high temperature strength.

### 6.5.2.2 30-Minute Fire and Post-Fire Period

An exact analytical determination of the valve temperature during the fire was not made. Due to its location within a valve box, the unit is

not subjected directly to the fire. A good estimate of the valve maximum temperature can be made by examining the cask body surface temperature at the valve box location (Figure VI-5, node 2020). The maximum expected valve temperature is 420°F. This occurs under post-fire steady-state conditions.

As the cask body is protected from the fire radiative heat input by the external containment, so is the valve protected by the valve box lid and fins. Furthermore, the valve box components are thermally joined to the cask body, hence heat does not have to flow through the valve into the cask. Thus the post-fire equilibrium condition, not the fire itself produces the highest valve temperature.

Data on Inconel-X 750 bellows and spring material show it to have a maximum service temperature of 1300°F. There is less than 2% relaxation in the spring after 100 hours at 1100°F. The 1-hour relaxation is 0.6% at 1100°F. A bellows or spring deteriorates as a function of temperature and time. Thus, using the maximum temperature of 420°F, we can see that this is less than half of the spring service temperature and substantially less than the 0.6% 1-hour relaxation temperature. Tests on bellows such as this have been conducted by Target Rock at continuous temperatures of 750°F. Such tests showed no loss of bellows characteristics. Valve performance will be unaffected by the temperatures produced in or following the fire.

### 6.5.3 Valve Usage and Fabrication

#### 6.5.3.1 Valve Applications

The functioning principle of the relief valve shown in Figure VI-25 is based on that of the pilot section of the Target Rock large safety valve which has been used extensively in power plant applications, including nuclear. Approximately 114 units have been built and tested. The basic design is also used in all Target Rock-supplied Navy nuclear safety and safety relief valves.

U.S. Nuclear Regulatory Commission  
Transportation Certification Branch  
Approval Record  
Model No. IF-300 Package  
Docket No. 71-9001

By application dated March 15, 1982, General Electric Company requested an amendment to Certificate of Compliance No. 9001 to permit the use of a rupture disk device for dry shipments.

The rupture disk device would seal the cask cavity to the environment as an alternative to the current pressure relief valve. The use of a rupture disk device should not effect the safety of the cask, but should simplify cask maintenance and operation.

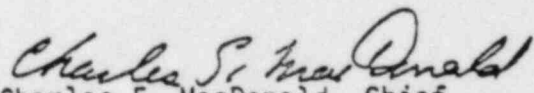
The NRC staff is in agreement with the applicant's assessment and find no decrease in the safety of the packaging.

In June 1981, the General Electric Company and Carolina Power and Light Company notified the NRC that it was voluntarily limiting the use of their four Model No. IF-300 shipping casks. Future shipments would only be made with a dry cask cavity; no coolant (water) would be present in the cavity during shipment. This was because of a problem with a relief valve.

The valve is designed to open in the event of an accident and, after relieving internal pressure within the cask, to reseal and reseal. The problem with the valve centered upon whether it would meet specified leakage limits after reseating.

When liquid coolant is excluded from the cavity (i.e., dry shipment), the internal pressures would not be sufficient to cause the relief valve to open and thus its reseating performance is not important to safety. Liquid coolants will not be used in the cask until NRC agrees the problem has been satisfactorily resolved.

In a telecon between L. E. Fisher of the General Electric Company and R. H. Odegarden of my staff, it was agreed that wet shipments would be deleted from the certificate until such time as a revised valve design is approved by the NRC staff.

  
Charles E. MacDonald, Chief  
Transportation Certification Branch  
Division of Fuel Cycle and  
Material Safety, NMSS

Date: APR 06 1982

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1983



SENATE BILL 196

Short Title: Nuclear Waste Compact.

(Public)

Sponsors: Senator Walker.

Referred to: Human Resources.

March 16, 1983

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROVE THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE  
3 WASTE MANAGEMENT COMPACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. A new Chapter is added to the General  
6 Statutes to read:

7 "Chapter 104F.

8 "Southeast Interstate Low-Level  
9 Radioactive Waste Management Compact.

10 "§ 104F-1. Compact entered into; form of compact.--The  
11 Southeast Interstate Low-Level Radioactive Waste Management  
12 Compact is enacted into law and entered into with all other  
13 jurisdictions legally joining therein in the form substantially  
14 as follows:

15 Southeast Interstate Low-Level  
16 Radioactive Waste Management Compact

17 ARTICLE I. Policy and purpose

18 There is hereby created the Southeast Interstate Low-Level  
19 Radioactive Waste Management Compact. The party states recognize  
20 and declare that each state is responsible for providing for the  
21



1 availability of capacity either within or outside the state for  
2 disposal of low-level radioactive waste generated within its  
3 borders, except for waste generated as a result of defense  
4 activities of the federal government or federal research and  
5 development activities. They also recognize that the management  
6 of low-level radioactive waste is handled most efficiently on a  
7 regional basis. The party states further recognize that the  
8 Congress of the United States, by enacting the Low-Level  
9 Radioactive Waste Policy Act (P.L. 96-573), has provided for and  
10 encouraged the development of low-level radioactive waste  
11 compacts as a tool for disposal of such waste. The party states  
12 recognize that the safe and efficient management of low-level  
13 radioactive waste generated within the region requires that  
14 sufficient capacity to dispose of such waste be properly  
15 provided.

16 It is the policy of the party states to: enter into a regional  
17 low-level radioactive waste management compact for the purpose of  
18 providing the instrument and framework for a cooperative effort,  
19 provide sufficient facilities for the proper management of low-  
20 level radioactive waste generated in the region, promote the  
21 health and safety of the region, limit the number of facilities  
22 required to effectively and efficiently manage low-level  
23 radioactive waste generated in the region, encourage the  
24 reduction of the amounts of low-level waste generated in the  
25 region, distribute the costs, benefits and obligations of  
26 successful low-level radioactive waste management equitably among  
27 the party states, and ensure the ecological management of low-  
28



1 level radioactive wastes.

2 Implicit in the congressional consent to this compact is the  
3 expectation by the Congress and the party states that the  
4 appropriate federal agencies will actively assist the Compact  
5 Commission and the individual party states to this compact by:

- 6 1. expeditious enforcement of federal rules,  
7 regulations and laws; and
- 8 2. imposition of sanctions against those found to be in  
9 violation of federal rules, regulations and laws;  
10 and
- 11 3. timely inspection of their licensees to determine  
12 their capability to adhere to such rules,  
13 regulations and laws; and
- 14 4. timely provision of technical assistance to this  
15 compact in carrying out their obligations under the  
16 Low-Level Radioactive Waste Policy Act, as amended.

17 ARTICLE II. Definitions

18 As used in this compact, unless the context clearly requires a  
19 different construction:

20 (a) "Commission" or "Compact Commission" means the Southeast  
21 Interstate Low-Level Radioactive Waste Management Commission.

22 (b) "facility" means a parcel of land, together with the  
23 structures, equipment and improvements thereon or appurtenant  
24 thereto, which is used or is being developed for the treatment,  
25 storage or disposal of low-level radioactive waste.

26 (c) "generator" means any person who produces or possesses  
27 low-level radioactive waste in the course of or as an incident to  
28

1 manufacturing, power generation, processing, medical diagnosis  
2 and treatment, research, or other industrial or commercial  
3 activity. This does not include persons who provide a service to  
4 generators by arranging for the collection, transportation,  
5 storage or disposal of wastes with respect to such waste  
6 generated outside the region.

7 (d) "high-level waste" means irradiated reactor fuel, liquid  
8 wastes from reprocessing irradiated reactor fuel and solids into  
9 which such liquid wastes have been converted, and other high-  
10 level radioactive waste as defined by the U.S. Nuclear Regulatory  
11 Commission.

12 (e) "host state" means any state in which a regional facility  
13 is situated or is being developed.

14 (f) "low-level radioactive waste" or "waste" means radioactive  
15 waste not classified as high-level radioactive waste, transuranic  
16 waste, spent nuclear fuel or by-product material as defined in  
17 section 11e.(2) of the Atomic Energy Act of 1954, or as may be  
18 further defined by federal law or regulation.

19 (g) "party state" means any state which is a signatory party  
20 to this compact.

21 (h) "person" means any individual, corporation, business  
22 enterprise or other legal entity (either public or private).

23 (i) "region" means the collective party states.

24 (j) "regional facility" means (1) a facility as defined in  
25 this Article which has been designated, authorized, accepted or  
26 approved by the Commission to receive waste or (2) the disposal  
27 facility in Barnwell County, South Carolina, owned by the state  
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1 of South Carolina and as licensed for the burial of low-level  
2 radioactive waste on July 1, 1982, but in no event shall this  
3 disposal facility serve as a regional facility beyond December  
4 31, 1992.

5 (k) "state" means a state of the United States, the District  
6 of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands  
7 or any other territorial possession of the United States.

8 (l) "transuranic wastes" means waste material containing  
9 transuranic elements with contamination levels as determined by  
10 the regulations of (1) the U.S. Nuclear Regulatory Commission or  
11 (2) any host state, if it is an agreement state under section 274  
12 of The Atomic Energy Act of 1954.

13 (m) "waste management" means the storage, treatment or  
14 disposal of waste.

15 ARTICLE III. Rights and obligations

16 The rights granted to the party states by this compact are  
17 additional to the rights enjoyed by sovereign states, and nothing  
18 in this compact shall be construed to infringe upon, limit or  
19 abridge those rights.

20 (a) Subject to any license issued by the U.S. Nuclear  
21 Regulatory Commission or a host state each party state shall have  
22 the right to have all wastes generated within the borders stored  
23 treated, or disposed of, as applicable at regional facilities  
24 and additionally shall have the right of access to facilities  
25 made available to the region through agreements entered into by  
26 the Commission pursuant to Article IV (e) (9). The right of  
27 access by a generator within a party state to any regional  
28

1 facility is limited by its adherence to applicable state and  
2 federal law and regulation.

3 (b) If no operating regional facility is located within the  
4 borders of a party state and the waste generated within its  
5 borders must therefore be stored, treated, or disposed of at a  
6 regional facility in another party state, the party state without  
7 such facilities may be required by the host state or states to  
8 establish a mechanism which provides compensation for access to  
9 the regional facility according to terms and conditions  
10 established by the host states and approved by a two-thirds vote  
11 of the Commission.

12 (c) Each party state shall establish the capability to  
13 regulate, license and ensure the maintenance and extended care of  
14 any facility within its borders. Host states are responsible for  
15 the availability, the subsequent post closure observation and  
16 maintenance, and the extended institutional control of their  
17 regional facilities, in accordance with the provisions of Article  
18 V, section (b).

19 (d) Each party state shall establish the capability to enforce  
20 any applicable federal or state laws and regulations pertaining  
21 to the packaging and transportation of waste generated within or  
22 passing through its borders.

23 (e) Each party state shall provide to the Commission on an  
24 annual basis, any data and information necessary to the  
25 implementation of the Commission's responsibilities. Each party  
26 state shall establish the capability to obtain any data and  
27 information necessary to meet its obligation herein defined.

28



1 (f) Each party state shall, to the extent authorized by  
2 federal law, require generators within its borders to use the  
3 best available waste management technologies and practices to  
4 minimize the volumes of wastes requiring disposal.

5 ARTICLE IV. The Commission

6 (a) There is hereby created the Southeast Interstate Low-Level  
7 Radioactive Waste Management Commission, ("the Commission" or  
8 "Compact Commission"). The Commission shall consist of two  
9 voting members from each party state to be appointed according to  
10 the laws of each state. The appointing authorities of each state  
11 must notify the Commission in writing of the identity of its  
12 members and any alternates. An alternate may act on behalf of  
13 the member only in the member's absence.

14 (b) Each Commission member shall be entitled to one vote. No  
15 action of the Commission shall be binding unless a majority of  
16 the total membership cast their vote in the affirmative, or  
17 unless a greater than majority vote is specifically required by  
18 any other provision of this compact.

19 (c) The Commission shall elect from among its members a  
20 presiding officer. The Commission shall adopt and publish, in  
21 convenient form, by-laws which are consistent with this compact.

22 (d) The Commission shall meet at least once a year and shall  
23 also meet upon the call of the presiding officer, by petition of  
24 a majority of the party states, or upon the call of a host state.  
25 All meetings of the Commission shall be open to the public.

26 (e) The Commission has the following duties and powers:

27 (1) to receive and approve the application of a non-

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- 1 party state to become an eligible state in  
2 accordance with Article VII (b); and
- 3 (2) to receive and approve the application of an  
4 eligible state to become a party state in  
5 accordance with Article VII (c); and
- 6 (3) to submit an annual report and other communications  
7 to the governors and to the presiding officer of  
8 each body of the legislature of the party states  
9 regarding the activities of the Commission; and
- 10 (4) to develop and use procedures for determining,  
11 consistent with considerations for public health  
12 and safety, the type and number of regional  
13 facilities which are presently necessary and which  
14 are projected to be necessary to manage waste  
15 generated within the region; and
- 16 (5) to provide the party states with reference  
17 guidelines for establishing the criteria and  
18 procedures for evaluating alternative locations for  
19 emergency or permanent regional facilities; and
- 20 (6) to develop and adopt within one year after the  
21 Commission is constituted as provided for in  
22 Article VII, section (d), procedures and criteria  
23 for identifying a party state as a host state for a  
24 regional facility as determined pursuant to the  
25 requirements of this Article. In accordance with  
26 these procedures and criteria, the Commission shall  
27 identify a host state for the development of a  
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1 second regional disposal facility within three  
2 years after the Commission is constituted as  
3 provided for in Article VII, section (d) and shall  
4 seek to ensure that such facility is licensed and  
5 ready to operate as soon as required but in no  
6 event later than 1991.

7 In developing criteria, the Commission must  
8 consider the following: the health, safety, and  
9 welfare of the citizens of the party states; the  
10 existence of regional facilities within each party  
11 state; the minimization of waste transportation;  
12 the volumes and types of wastes generated within  
13 each party state; and the environmental, economic  
14 and ecological impacts on the air, land, and water  
15 resources of the party states.

16 The Commission shall conduct such hearings;  
17 require such reports, studies, evidence and  
18 testimony; and do what is required by its approved  
19 procedures in order to identify a party state as a  
20 host state for a needed facility; and

21 (7) in accordance with the procedures and criteria  
22 developed pursuant to section (e) (6) of this  
23 Article, to designate, by a two-thirds vote, a host  
24 state for the establishment of a needed regional  
25 facility. The Commission shall not exercise this  
26 authority unless the party states have failed to  
27 voluntarily pursue the development of such  
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1 facility. The Commission shall have the authority  
2 to revoke the membership of a party state that  
3 willfully creates barriers to the siting of a  
4 needed regional facility; and

5 (8) to require of and obtain from party states,  
6 eligible states seeking to become party states, and  
7 non-party states seeking to become eligible states,  
8 data and information necessary to the  
9 implementation of Commission responsibilities; and

10 (9) notwithstanding any other provision of this  
11 compact, to enter into agreements with any person,  
12 state, or similar regional body or group of states  
13 for the importation of waste into the region and  
14 for the right of access to facilities outside the  
15 region for waste generated within the region. Such  
16 authorization to import requires a two-thirds  
17 majority vote of the Commission, including an  
18 affirmative vote of both representatives of the  
19 host state in which any affected regional facility  
20 is located. This shall be done only after an  
21 assessment of the affected facilities' capability  
22 to handle such wastes; and

23 (10) to act or appear on behalf of any party state or  
24 states, only upon written request of both members  
25 of the Commission for such state or states, as an  
26 intervenor or party in interest before Congress,  
27 state legislatures, any court of law, or federal,  
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1 state or local agency, board or commission which  
2 has jurisdiction over the management of wastes.  
3 The authority to act, intervene or otherwise appear  
4 shall be exercised by the Commission only after  
5 approval by a majority vote of the Commission; and  
6 (11) to revoke the membership of a party state in  
7 accordance with Article VII (f).

8 (f) The Commission may establish such advisory committees as  
9 it deems necessary for the purpose of advising the Commission on  
10 any and all matters pertaining to the management of low-level  
11 radioactive waste.

12 (g) The Commission may appoint or contract for and compensate  
13 such limited staff necessary to carry out its duties and  
14 functions. The staff shall serve at the Commission's pleasure  
15 irrespective of the civil service, personnel or other merit laws  
16 of any of the party states or the federal government and shall be  
17 compensated from funds of the Commission. In selecting any  
18 staff, the Commission shall assure that the staff has adequate  
19 experience and formal training to carry out such functions as may  
20 be assigned to it by the Commission. If the Commission has a  
21 headquarters it shall be in a party state.

22 (h) Funding for the Commission shall be provided as follows:

23 (1) each eligible state, upon becoming a party state,  
24 shall pay twenty-five thousand dollars (\$25,000) to  
25 the Commission which shall be used for costs of the  
26 Commission's services.

27 (2) each state hosting a regional disposal facility  
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1 shall annually levy special fees or surcharges on  
2 all users of such facility, based upon the volume  
3 of wastes disposed of at such facilities, the total  
4 of which:

5 (a) shall be sufficient to cover the annual budget  
6 of the Commission; and

7 (b) shall represent the financial commitments of  
8 all party states to the Commission; and

9 (c) shall be paid to the Commission, provided,  
10 however, that each host state collecting such  
11 fees or surcharges may retain a portion of the  
12 collection sufficient to cover its  
13 administrative costs of collection, and that  
14 the remainder be sufficient only to cover the  
15 approved annual budgets of the Commission.

16 (3) The Commission shall set and approve its first  
17 annual budget as soon as practicable after its  
18 initial meeting. Host states for disposal  
19 facilities shall begin imposition of the special  
20 fees and surcharges provided for in this section as  
21 soon as practicable after becoming party states,  
22 and shall remit to the Commission funds resulting  
23 from collection of such special fees and surcharges  
24 within 60 days of their receipt.

25 (i) The Commission shall keep accurate accounts of all  
26 receipts and disbursements. An independent certified public  
27 accountant shall annually audit all receipts and disbursements of  
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1 Commission funds, and submit an audit report to the Commission.  
2 Such audit report shall be made a part of the annual report of  
3 the Commission required by Article IV (e) (3).

4 (j) The Commission may accept for any of its purposes and  
5 functions any and all donations, grants of money, equipment,  
6 supplies, materials and services (conditional or otherwise) from  
7 any State or the United States or any subdivision or agency  
8 thereof, or interstate agency, or from any institution, person,  
9 firm or corporation, and may receive, utilize and dispose of the  
10 same. The nature, amount and condition, if any, attendant upon  
11 any donation or grant accepted pursuant to this paragraph  
12 together with the identity of the donor, grantor or lender, shall  
13 be detailed in the annual report of the Commission.

14 (k) The Commission shall not be responsible for any costs  
15 associated with (1) the creation of any facility, (2) the  
16 operation of any facility, (3) the stabilization and closure of  
17 any facility, (4) the post-closure observation, and maintenance of  
18 any facility, or (5) the extended institutional control, after  
19 post-closure observation and maintenance of any facility.

20 (l) As of January 1, 1986, the management of wastes at  
21 regional facilities is restricted to wastes generated within the  
22 region, and to wastes generated within non-party states when  
23 authorized by the Commission pursuant to the provisions of this  
24 compact. After January 1, 1986, the Commission may prohibit the  
25 exportation of waste from the region for the purposes of  
26 management.

27 (m) (1) The Commission herein established is a legal entity  
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1 separate and distinct from the party states,  
2 capable of acting in its own behalf, and shall be  
3 so liable for its actions. Liabilities of the  
4 Commission shall not be deemed liabilities of the  
5 party states. Members of the Commission shall not  
6 be personally liable for action taken by them in  
7 their official capacity.

8 (2) Except as specifically provided in this compact,  
9 nothing in this compact shall be construed to alter  
10 the incidence of liability of any kind for any act,  
11 omission, course of conduct, or on account of any  
12 causal or other relationships. Generators,  
13 transporters of wastes, owners and operators of  
14 sites shall be liable for their acts, omissions,  
15 conduct, or relationships in accordance with all  
16 laws relating thereto.

17 ARTICLE V. Development and operation of facilities

18 (a) Any party state which becomes a host state in which a  
19 regional facility is operated, shall not be designated by the  
20 Compact Commission as a host state for an additional regional  
21 facility until each party state has fulfilled its obligation, as  
22 determined by the Commission, to have a regional facility  
23 operated within its borders.

24 (b) A host state desiring to close a regional facility located  
25 within its borders may do so only after notifying the Commission  
26 in writing of its intention to do so and the reasons therefor.  
27 Such notification shall be given to the Commission at least four  
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1 years prior to the intended date of closure. Notwithstanding the  
2 four year notice requirement herein provided, a host state is not  
3 prevented from closing its facility or establishing conditions of  
4 use and operations as necessary for the protection of the health  
5 and safety of its citizens. A host state may terminate or limit  
6 access to its regional facility if it determines Congress has  
7 materially altered the conditions of this compact.

8 (c) Each party state designated as a host state for a regional  
9 facility shall take appropriate steps to ensure that an  
10 application for a license to construct and operate a facility of  
11 the designated type is filed with and issued by the appropriate  
12 authority.

13 (d) No party state shall have any form of arbitrary  
14 prohibition on the treatment, storage or disposal of low-level  
15 radioactive waste within its borders.

16 ARTICLE VI. Other laws and regulations

17 (a) Nothing in this compact shall be construed to:

18 (1) abrogate or limit the applicability of any act of  
19 Congress or diminish or otherwise impair the  
20 jurisdiction of any federal agency expressly  
21 conferred thereon by the Congress;

22 (2) abrogate or limit the regulatory responsibility and  
23 authority of the U.S. Nuclear Regulatory Commission  
24 or of an agreement state under section 274 of the  
25 Atomic Energy Act of 1954 in which a regional  
26 facility is located;

27 (3) make inapplicable to any person or circumstance any  
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1 other law of a party state which is not  
2 inconsistent with this compact;

3 (4) make unlawful the continued development and  
4 operation of any facility already licensed for  
5 development or operation on the date this compact  
6 becomes effective, except that any such facility  
7 shall comply with Article III, Article IV and  
8 Article V and shall be subject to any action  
9 lawfully taken pursuant thereto;

10 (5) prohibit any storage or treatment of waste by the  
11 generator on its own premises;

12 (6) affect any judicial or administrative proceeding  
13 pending on the effective date of this compact;

14 (7) alter the relations between, and the respective  
15 internal responsibilities of, the government of a  
16 party state and its subdivisions;

17 (8) affect the generation, treatment, storage or  
18 disposal of waste generated by the atomic energy  
19 defense activities of the Secretary of the U.S.  
20 Department of Energy or federal research and  
21 development activities as defined in P.L. 96-573;

22 (9) affect the rights and powers of any party state and  
23 its political subdivisions to regulate and license  
24 any facility within its borders or to affect the  
25 rights and powers of any party state and its  
26 political subdivisions to tax or impose fees on the  
27 waste managed at any facility within its borders.  
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1 (b) No party state shall pass any law or adopt any regulation  
2 which is inconsistent with this compact. To do so may jeopardize  
3 the membership status of the party state.

4 (c) Upon formation of the compact no law or regulation of a  
5 party state or of any sub-division or instrumentality thereof may  
6 be applied so as to restrict or make more inconvenient access to  
7 any regional facility by the generators of another party state  
8 than for the generators of the state where the facility is  
9 situated.

10 (d) Restrictions of waste management of regional facilities  
11 pursuant to Article IV (1) shall be enforceable as a matter of  
12 state law.

13 ARTICLE VII. Eligible parties, withdrawal, revocation, entry  
14 into force, termination

15 (a) This compact shall have as initially eligible parties the  
16 States of Alabama, Florida, Georgia, Mississippi, North Carolina,  
17 South Carolina, Tennessee and Virginia.

18 (b) Any state not expressly declared eligible to become a  
19 party state to this compact in section (a) of this Article may  
20 petition the Commission, once constituted, to be declared  
21 eligible. The Commission may establish such conditions as it  
22 deems necessary and appropriate to be met by a state wishing to  
23 become eligible to become a party state to this compact pursuant  
24 to the provisions of this section. Upon satisfactorily meeting  
25 such conditions and upon the affirmative vote of two-thirds of  
26 the Commission, including the affirmative vote of both  
27 representatives of a host state in which any affected regional



1 facility is located, the petitioning state shall be eligible to  
2 become a party state to this compact and may become a party state  
3 in the same manner as those states declared eligible in section  
4 (a) of this Article.

5 (c) Each state eligible to become a party state upon enactment  
6 of this compact into law by the state and upon payment of the  
7 fees required by Article IV (h) (1). The Commission shall be the  
8 judge of the qualifications of the party states and of its  
9 members and of their compliance with the conditions and  
10 requirements of this compact and the laws of the party states  
11 relating to the enactment of this compact.

12 (d) (1) The first three states eligible to become party  
13 states to this compact which enact this compact  
14 into law and appropriate the fees required by  
15 Article IV (h) (1) shall immediately, upon the  
16 appointment of their Commission members, constitute  
17 themselves as the Southeast Low-Level Radioactive  
18 Waste Management Commission, shall cause  
19 legislation to be introduced in the Congress which  
20 grants the consent of the Congress to this compact,  
21 and shall do those things necessary to organize the  
22 Commission and implement the provisions of this  
23 compact.

24 (2) All succeeding states eligible to become party  
25 states to this compact shall be declared party  
26 states pursuant to the provisions of section (c) of  
27 this Article.  
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1           (3)    The consent of the Congress shall be required for  
2                   full implementation of this compact. The  
3                   provisions of Article V, section (d) shall not  
4                   become effective until the effective date of the  
5                   import ban authorized by Article IV, section (1) as  
6                   approved by Congress. The Congress may by law  
7                   withdraw its consent only every five years.

8           (e)    No state which holds membership in any other regional  
9                   compact for the management of low-level radioactive waste may be  
10                  considered by the Compact Commission for eligible state status or  
11                  party state status.

12          (f)    Any party state which fails to comply with the provisions  
13                   of this compact or to fulfill the obligations incurred by  
14                   becoming a party state to this compact may be subject to  
15                   sanctions by the Commission, including suspension of its rights  
16                   under this compact and revocation of its status as a party state.  
17                  Any sanction shall be imposed only on the affirmative vote of at  
18                  least two-thirds of the Commission members. Revocation of party  
19                  state status may take effect on the date of the meeting at which  
20                  the Commission approves the resolution imposing such sanction,  
21                  but in no event shall revocation take effect later than 90 days  
22                  from the date of such meeting. Rights and obligations incurred  
23                  by being declared a party state to this compact shall continue  
24                  until the effective date of the sanction imposed or as provided  
25                  in the resolution of the Commission imposing the sanction.

26          The Commission shall, as soon as practicable after the meeting  
27                  at which a resolution revoking status as a party state is

1 approved, provide written notice of the action along with a copy  
2 of the resolution to the governors, the Presidents of the  
3 Senates, and the Speakers of the Houses of Representatives of the  
4 party states, as well as chairmen of the appropriate committees  
5 of the Congress.

6 (g) Any party state may withdraw from this compact by enacting  
7 a law repealing the compact, provided that if a regional facility  
8 is located within such state, such regional facility shall remain  
9 available to the region for four years after the date the  
10 Commission receives notification in writing from the governor of  
11 such party state of the rescission of the compact. The  
12 Commission, upon receipt of the notification, shall as soon as  
13 practicable provide copies of such notification to the governors,  
14 the Presidents of the Senates, and the Speakers of the Houses of  
15 Representatives of the party states as well as the chairmen of  
16 the appropriate committees of the Congress.

17 (h) This compact may be terminated only by the affirmative  
18 action of the Congress or by the rescission of all laws enacting  
19 the compact in each party state.

20 ARTICLE VIII. Penalties

21 (a) Each party state, consistently with its own law, shall  
22 prescribe and enforce penalties against any person not an  
23 official of another state for violation of any provision of this  
24 compact.

25 (b) Each party state acknowledges that the receipt by a host  
26 state of waste packaged or transported in violation of applicable  
27 laws and regulations can result in imposition of sanctions by the  
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1 host state which may include suspension or revocation of the  
2 violator's right of access to the facility in the host state.

3 ARTICLE IX. Severability and construction

4 The provisions of this compact shall be severable and if any  
5 phrase, clause, sentence or provision of this compact is declared  
6 by a court of competent jurisdiction to be contrary to the  
7 Constitution of any participating state or of the United States  
8 or the applicability thereof to any government, agency, person or  
9 circumstance is held invalid, the validity of the remainder of  
10 this compact and the applicability thereof to any other  
11 government, agency, person or circumstance shall not be affected  
12 thereby. If any provision of this compact shall be held contrary  
13 to the Constitution of any state participating therein, the  
14 compact shall remain in full force and effect as to the state  
15 affected as to all severable matters. The provisions of this  
16 compact shall be liberally construed to give effect to the  
17 purposes thereof."

18 Sec. 2. Chapter 104F of the General Statutes is amended  
19 by adding two new sections to read:

20 "§ 104F-2. Appointment of members to the Southeast Interstate  
21 Low-Level Radioactive Waste Management Commission.--The Governor  
22 shall appoint two members to the Southeast Interstate Low-Level  
23 Radioactive Waste Management Commission as established by Article  
24 IV of the compact. Members shall serve at the pleasure of the  
25 Governor. The Governor may appoint an alternate for each member  
26 who may serve at and for such time as each regular member shall  
27 designate and who shall have the same power and authority as the



1 regular member when so serving.

2 "§ 104F-3. Violation a misdemeanor.--Violation of the  
3 provisions of this compact by any person not an official of  
4 another state is a misdemeanor."

5 Sec. 3. This act is effective upon ratification.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

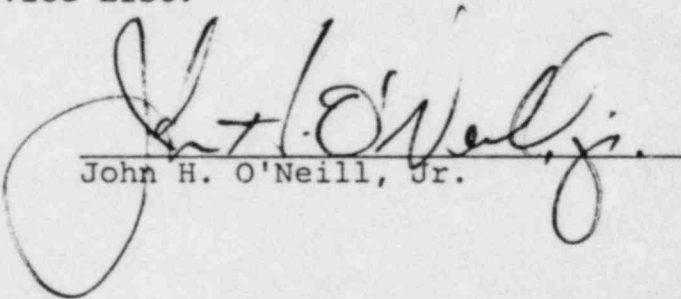
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	
AND NORTH CAROLINA EASTERN	)	
MUNICIPAL POWER AGENCY	)	Docket Nos. 50-400 OL
	)	50-401 OL
(Shearon Harris Nuclear Power	)	
Plant, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Interrogatories And Request For Production of Documents To Intervenor Wells Eddleman (Third Set)" were served this 7th day of April, 1983, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

  
John H. O'Neill, Jr.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

CAROLINA POWER & LIGHT COMPANY )  
AND NORTH CAROLINA EASTERN )  
MUNICIPAL POWER AGENCY )

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

Docket Nos. 50-400 OL  
50-401 OL

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