

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

May 1983

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Dockets 50-400 OL
50-401 OL

ASLBP No. 82-468-01
OL

CERTIFICATE OF NEGOTIATIONS

Wells Eddleman hereby certifies that he has negotiated with NRC Staff Attorney Barth as follows re the response to Staff's 1st set of interrogatories: 1. We agree that no separate answer is required to general interrogatories where the answer is the same for each contention.

2. We reached an impasse over the objection to identification of nonwitnesses who supplied information in these responses, and info identifying them. Barth desires only the identity of folks who agree with me. I believe that the identity of nonwitnesses is protected under Ager regardless of their opinions, because I am dealing with a small pool of potential information sources and experts who are subject to, and in many cases fear, harassment and intimidation by the nuclear industry or the NRC or its staff.

3. "normal operations" means in compliance with tech specs; however, I believe the proposed Harris tech specs have been deleted from the PSAR so this does not improve my ability to answer Staff interrogatories 14 through 19. 6 May 1983 Wells Eddleman

Note: 5-5-83 I also gave CP&L an additional 10 days (til 5-23-83) to answer my discovery re Eddleman 45. Atty Flynn said that was all the time they needed. & she'd get back to me if that changed.

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UPDATE RE Eddleman 29 and 37B; Joint 2

Wells Eddleman has received "Fallout and SAT scores: Evidence for Cognitive Damage During Early Infancy" by E.J. Sternglass and Steven Bell, Phi Delta Kappan, April 1983 pp 539-545. This shows that radioiodines, particularly I-131 which was monitored, are strongly associated with declines in SAT scores of persons exposed. It also includes evidence of radiation-caused malformations & mortality to the radioiodines in infancy, i.e. below two years of age. This is a health effect of radioiodines (Eddleman 29) and shows damage that needs to be taken into account in the environmental cost-benefit analysis of Harris operation under NEPA; it is a health effect under Joint Contention II and Eddleman 37B, this document being supporting evidence for an effect of radioiodines against normal brain development. So far as I know, neither Staff nor Applicants have analyzed or included the effect of radioiodines on brain development in the fetus and infants (e.g. below 2 years of age, as shown in the above article), in the ER or the DEIS. Exclusion of these effects would, of course, result in an underestimate of the damage done in the environment by radioiodines released from Harris under "normal" operating conditions, in minor and in major accidents. The health effects of accidental releases are a proper part of Joint II and Eddleman 37B in that they result from Harris operation, are effects under NEPA (whether intended or not, controlled or not), and have an impact on the environment. The cost of such damage, to individuals and society, can be quite substantial: witness prevalent concerns about the quality of education in America, the achievement of students, the SAT scores, and the availability of highly skilled labor for "high tech" industry which both the US and the State of NC seek to develop, and which is considered important for economic growth in the future.