

January 3, 1985

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 No. 50-400 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

JOINT MOTION FOR APPROVAL OF
SETTLEMENT OF EDDLEMAN 227-S

In its October 4, 1984 "Ruling On Specification of Eddleman Offsite Emergency Planning Contention 215 and On The Admissibility of Eddleman Contentions On The Public Information Brochure," the Board admitted Eddleman 227-S (in a revised form):

The description of radiation omits any mention of specific harmful health effects -- genetic damage, cancer, and other diseases. This non-information is misleading and could lead to inappropriate actions. Persons who don't know risks may underestimate them.

In admitting the contention, the Board observed:

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[W]e read 227-S simply to be asking that the brochure give an accurate indication of what could be at stake in an emergency. In its present form, the brochure says only that radiation could be harmful, but not how harmful. We refer the parties to Big Rock, where the board was also concerned that the brochure be credible about possible consequences of radiation. That Board presided over the parties' agreement on a specification of the Big Rock brochure's discussion of health effects. See Big Rock, 16 N.R.C. at 544-46, esp. 545-46. We encourage the parties to come to a similar agreement on the Shearon Harris brochure. See also Duke Power Co. (Catawba, Units 1 & 2), LBP-84-37, 20 N.R.C. _____, slip op. at 19 (September 18, 1984).

October 4, 1984 Order, at 7-8.^{1/}

^{1/} In Big Rock Point, the Board approved the following language:

However, prudent emergency preparedness includes planning for less likely 'worst case' accidents in which larger, even life-threatening doses of radiation might be released within the five-mile EPZ.

16 N.R.C. at 546. Similarly, the Catawba Board ruled that "[t]he language used [in the brochure] should state directly that high levels of radiation are harmful to health and may be life threatening." Slip op. at 19.

In accordance with the Board's suggestion, the parties have reached an agreement on the language of the brochure, in settlement of Eddleman 227-S. Pursuant to that agreement, the first paragraph of the cover page of the brochure will be modified to read:

This booklet tells you what to do if there is an emergency at the Harris plant. An emergency is not likely. But you need to be prepared if a serious accident happens. A release of a large dose of radiation might threaten your life. To be sure that you will be safe * * *.

Similarly, the penultimate paragraph of page 11 of the brochure will be modified to read:

The higher the level of radiation and the longer you are exposed to it, the greater the harm will be. High levels of radiation are harmful to health and may threaten your life. That is why state and local officials have made this emergency plan.

Accordingly, Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency, Wells Eddleman, and the NRC Staff^{2/} jointly move the Board to approve the above-stated modifications to the Harris emergency

^{2/} FEMA was also consulted and has no objection.

public information brochure and the settlement of
Eddleman 227-S. A proposed Order granting the instant motion
is provided for the Board's consideration.

Respectfully submitted,

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Dated: January 3, 1985

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ORDER APPROVING SETTLEMENT
OF EDDLEMAN 227-S

On January 3, 1985, the Atomic Safety and Licensing Board was served with the "Joint Motion For Approval of Settlement of Eddleman 227-S," filed by the several parties to the captioned proceeding with an interest in that contention.

According to the Joint Motion, Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency, Wells Eddleman, and the NRC Staff^{1/} reached an agreement on the language of the brochure, in settlement of Eddleman 227-S. Pursuant to that agreement, the first paragraph of the cover page of the brochure will be modified to read:

This booklet tells you what to do if there is an emergency at the Harris plant. An emergency is not likely. But you need to be prepared if a serious accident happens. A release of a large dose of radiation might threaten your life. To be sure that you will be safe * * *.

^{1/} FEMA was also consulted and had no objection.

Similarly, the penultimate paragraph of page 11 of the brochure will be modified to read:

The higher the level of radiation and the longer you are exposed to it, the greater the harm will be. High levels of radiation are harmful to health and may threaten your life. That is why state and local officials have made this emergency plan.

The Joint Motion is hereby GRANTED and it is hereby ORDERED that the settlement of Eddleman 227-S is approved. That contention is now resolved and no further action on the contention is necessary in this proceeding.

THE ATOMIC SAFETY AND
LICENSING BOARD

James L. Kelley, Chairman
ADMINISTRATIVE JUDGE

Dr. James H. Carpenter
ADMINISTRATIVE JUDGE

Glenn O. Bright
ADMINISTRATIVE JUDGE

Bethesda, Maryland
January __, 1985