



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 19, 2000

LICENSEE: Carolina Power & Light Company (CP&L)

FACILITIES: Shearon Harris Nuclear Power Plant, Unit 1 (HNP)

SUBJECT: SUMMARY OF FEBRUARY 28, 2000, PUBLIC MEETING TO DISCUSS THE
NRC REVIEW OF CP&L'S REQUEST TO EXPAND THE SPENT FUEL
STORAGE CAPACITY AT HNP

On February 28, 2000, from 7:00 pm to 9:30 pm, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting at the Jane S. McKimmon Conference Center in Raleigh, North Carolina. The purpose of the meeting was to provide the status of the NRC's review of CP&L's December 23, 1998, amendment application to expand the spent fuel storage capacity at HNP by placing existing fuel pools C and D in service.

The NRC staff presented brief opening remarks that included an overview of the mission and role of the NRC, the license amendment process, the status of the staff's review, and the status of the ongoing Atomic Safety and Licensing Board (ASLB) hearing. The remainder of the meeting was used for public comments and questions. A copy of the NRC staff's presentation is included as Enclosure 1. The meeting was transcribed and a copy of the transcript is included as Enclosure 2. Due to technical difficulties, the transcript does not include the earlier part of the staff's opening remarks.

Approximately 50 people attended the meeting, and 14 people made comments or asked questions. One person asked a question concerning the NRC staff's proposed determination that CP&L's amendment request involves a no significant hazards consideration in accordance with Title 10 of the *Code of Federal Regulations*, Part 50, Section 92 (10 CFR 50.92). The NRC staff's proposed determination was published in the *Federal Register* (FR) on January 13, 1999 (64 FR 2237). Specifically, the person questioned how the NRC staff defines "significant" when determining that a proposed license amendment does not "Involve a significant increase in the probability or consequences of an accident previously evaluated." At the meeting, the NRC staff stated that it would address this question in the meeting summary.

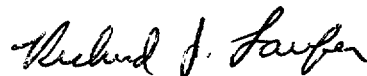
In responding to this question, it is important to look at the Commission's statements in the "Final Procedures and Standards on No Significant Hazards Considerations," (Final Rule), published in the *Federal Register* on March 6, 1986 (51 FR 7744). In the background section, the Commission pointed out that "...the 'no significant hazards consideration' standard is a procedural standard which governs whether an opportunity for a prior hearing must be provided before action is taken by the Commission...." The Commission further stated that "...there is no intrinsic safety significance to the 'no significant hazards consideration' standard.... Whether or not an action requires prior notice or a prior hearing, no license and no amendment may be issued unless the Commission concludes that it provides reasonable assurance that the public health and safety will not be endangered and that the action will not be inimical to the common defense and security or to the health and safety of the public."

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In responding to a comment relating to the definition of the term "significant," the Commission stated: "The advantage of the notice provisions ... is that they provide an opportunity for comment on proposed determinations. Based on a particular proposal in an amendment request, the Commission welcomes any and all persons' comments about the 'significance' of the proposed action. Aside from using examples as guidelines, it believes that the term 'significant' should not be defined in the abstract, but should be left to case-by-case resolution."

In the case of the HNP amendment request, the NRC staff, in keeping with the Commission's statements, reviewed CP&L's no significant hazards determination submitted as part of the amendment request, and looked for precedents with other similar amendment requests. The NRC staff considers the CP&L amendment for HNP comparable to spent fuel pool rerack amendments. Rerack amendments are listed in the March 6, 1986, *Federal Register* notice as an example of an amendment that is considered not likely to involve a significant hazards consideration. Based on its review of the relevant documents, the staff issued a proposed no significant hazards determination on January 13, 1999 (64 FR 2237). The NRC staff received several comments on its proposed determination, which will be considered in making any final determination.



Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosures: As stated

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/RA/

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NRC Public Meeting on the Harris Nuclear Plant Spent Fuel Pool Amendment



Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C.

Agenda

- Who we are
 - License Amendment review process
 - Status of review
 - Status of hearing
 - Public question / comment period
-

Who we are ...

- The Nuclear Regulatory Commission is an independent agency established by the U.S. Congress under the Energy Reorganization Act of 1974 to ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States.
-

The NRC fulfills its responsibilities through a system of licensing and regulatory activities that include:

- Licensing the construction and operation of nuclear reactors and other nuclear facilities.
 - Licensing the possession, use, processing, handling, and export of nuclear material.
 - Licensing the operators of nuclear power reactors.
 - Inspecting licensed facilities and activities.
 - Developing and implementing rules and regulations that govern licensed nuclear activities.
 - Investigating nuclear incidents and allegations concerning any matter regulated by the NRC.
 - Enforcing NRC regulations and the conditions of NRC licenses.
-

Harris Operating License

- The NRC issued the original Operating License for the Harris Plant on 1/12/87. The license will expire on October 24, 2026.
 - The original License allows CP&L to receive and store spent fuel from its Brunswick and Robinson plants at the Harris site.
-

Review Process

- How can a licensee change its facility after it is licensed?
 - Is NRC review necessary?
 - Any change that affects the license must be reviewed and approved by the NRC through a license amendment.
-

CP&L's application for the Harris plant requests NRC review and approval for:

- Storing fuel in spent fuel pools C and D;
 - The acceptability of the cooling system piping for pools C and D;
 - The additional heat load on the cooling system needed for pools C and D.
-

NRC Review

- Technical review by engineers in all relevant technical disciplines.
 - The proposed changes are evaluated against established codes and safety standards to ensure they are safe.
 - Public notice of amendment application and procedures for requesting a hearing.
 - In this case the staff also issued an Environmental Assessment.
-

Status of Review

- Review is ongoing.
 - The NRC has asked CP&L several questions on their application and CP&L has provided responses.
 - Headquarters and Region II staff conducted an onsite inspection of the cooling system piping in November.
 - Region II staff conducted a follow-up inspection of spent fuel pool cooling equipment in January.
-

Status of Hearing

- 2/12/99: BCOC filed Petition to Intervene
 - 4/5/99: BCOC submitted 8 contentions
 - 5/5/99: Responses to contentions by NRC and CP&L
 - 5/13/99: ASLB held prehearing conference
 - 7/12/99: ASLB ruled that BCOC had standing and submitted two admissible contentions
 - 8/99 -10/99: Discovery
 - 12/7-8/99: ASLB Limited Appearance Statement Sessions
 - 1/4/00: Written summaries filed
 - 1/21/00: Oral arguments
 - 1/31/00: BCOC submits 4 environmental contentions
 - 3/3/00: Responses to contentions by NRC and CP&L
 - 3/10/00: BCOC can address NRC and CP&L responses
-

ORIGINAL

**OFFICIAL TRANSCRIPT OF PROCEEDINGS
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: PUBLIC MEETING TO DISCUSS
CAROLINA POWER AND LIGHT
COMPANY'S AMENDMENT REQUEST TO
EXPAND THE SPENT FUEL
STORAGE CAPACITY AT ITS
HARRIS NUCLEAR PLANT**

Case No.:

Work Order No.: ASB-300-1162

LOCATION: Raleigh, NC

DATE: Monday, February 28, 2000

PAGES: 1 - 59

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Enclosure 2

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING TO DISCUSS
CAROLINA POWER AND LIGHT COMPANY'S
AMENDMENT REQUEST TO EXPAND THE SPENT FUEL
STORAGE CAPACITY AT ITS HARRIS NUCLEAR PLANT

Jane S. McKinnon Conference Center
North Carolina State University
Raleigh, North Carolina
Monday, February 28, 2000

The above entitled meeting commenced,
pursuant to notice, at 7:00 p.m.

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P R O C E E D I N G S

[7:00 p.m.]

1
2
3 MR. BERKOW: Headquarters of the Region 2 staff
4 conducted an on-site inspection of the cooling system piping
5 in November.

6 The Region 2 staff conducted a follow-up
7 inspection of the spent fuel equipment in January.

8 As I said earlier, we did publish the Federal
9 Register notice notifying the public that the amendment
10 request had been issued, I mean had been applied for, and
11 that it gave the procedures that were filed for hearing.

12 The Board of Commission of Orange County filed a
13 Petition to Intervene using the procedures outlined in that
14 Federal Register notice. They submitted eight contentions
15 before the Commission. The Staff and CP&L provided a
16 written responses to the contentions in early May.

17 On May 13th, the ASLB held a pre-hearing
18 conference in Orange County to hear arguments on the
19 contentions from the three parties.

20 In July, the agency ruled that the Board of
21 Commissions of Orange County had standing and had two
22 admissible contentions. One had to deal with general design
23 of Criteria 62 relating to criticality, and the other one
24 had to do with quality assurance requirements associated
25 with the piping system.

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1 From August through October there was a discovery
2 period where the three parties exchanged information
3 relevant to the hearing.

4 Then, in early December the ASLB held limited
5 appearance statements both here in Raleigh and also in
6 Orange County, Chapel Hill, and took limited appearance
7 statements from members of the public.

8 On January 4th, all three parties filed written
9 summaries with the ASLB, and on January 21st oral arguments
10 were held at NRC headquarters in Washington, and the ASLB
11 has not yet ruled on the -- after concluding the oral
12 arguments.

13 On January 31st, Orange County submitted
14 environmental contentions. The environmental contentions
15 that were originally submitted as part of the eight - in the
16 ruling in July - , the ASLB had dismissed them as premature
17 because the staff had not yet issued its environmental
18 assessment, so they made the late filed contentions on
19 January 31st.

20 Under the current time line, the CP&L staff
21 responses, the contentions are due on March 3rd, and then
22 Orange County will have an opportunity to respond to the
23 reflective responses by March 10th.

24 And having said that, I think we're ready to open
25 it up for any questions anybody may have on a review process

1 or on the status of the review.

2 Could you bring the list up and see who is on our
3 list?

4 Herman Jaffee. Did you sign up to make a
5 statement or ask a question?

6 SPEAKER FROM AUDIENCE: That was not an attendance
7 list. The list was for those people who wanted to either
8 ask a question or make a comment.

9 MR. BERKOW: We would ask that you come to the
10 microphone to acknowledge that - so that the transcription
11 can pick it up and it can become a part of the record of
12 this meeting.

13 SPEAKER FROM AUDIENCE: Before I make my own
14 comments, I just have one quick question. How was this
15 meeting publicized?

16 MR. BERKOW: Can you hear him in the microphone?

17 COURT REPORTER: I can pick him up a little bit.

18 MR. BERKOW: Could you speak into the microphone,
19 please?

20 SPEAKER FROM AUDIENCE: Just off the cuff, how was
21 this meeting publicized?

22 MR. BERKOW: The NRC issued a meeting notice. It
23 was noticed on the NRC's web page. Region 2 issued a press
24 release. The press release was issued, I believe February
25 2nd or February 3rd. The meeting summary was issued --

1 SPEAKER FROM AUDIENCE: I'm very old fashioned and
2 I depend on newspapers for that information. I have not
3 seen anything in the major newspaper here about this
4 meeting, and I'm just curious.

5 MR. BERKOW: February 2nd. The NRC press release
6 was issued February 2nd.

7 UNKNOWN: And the meeting notice was issued on
8 January 19th.

9 SPEAKER FROM AUDIENCE: -- get tremendous
10 response.

11 MR. BERKOW: Ken, do you have any input as to how
12 meetings like this are normally advertised?

13 KEN: Usually through the press release. The
14 Associated Press carried this story in North Carolina all
15 last week. I don't know whether the News & Observer picked
16 it up or not. I don't have access to it. I'll check and
17 see if they ran it.

18 MR. BERKOW: We have our own procedures for
19 noticing meetings, and I guess whether or not it's picked up
20 in the newspaper is - depends on the local, the local media.

21 SPEAKER FROM AUDIENCE: Catch 22. I was here on
22 December 7th and you didn't even have enough people to keep
23 the meeting running at that time. I thought maybe you had
24 learned a lesson and would publicize more effectively.
25 Apparently you haven't.

1 MR. BERKOW: Did you have any other comments or
2 questions? We apologize for not getting the word out, but
3 we follow our normal procedures for noticing --

4 SPEAKER FROM AUDIENCE: My statement will take
5 about three or four minutes to read to you folks.

6 MR. BERKOW: Go right ahead.

7 SPEAKER FROM AUDIENCE: If this is the proper
8 time.

9 MR. BERKOW: Yes.

10 SPEAKER FROM AUDIENCE: Do you want me to stand up
11 by that microphone?

12 MR. BERKOW: Please.

13 SPEAKER FROM AUDIENCE: Huh?

14 MR. BERKOW: Please do.

15 SPEAKER FROM AUDIENCE: Well, sir, I have been
16 following CP&L's requests to use both C and D at Harris for
17 only 11 months. I'm new to this area, but not to nuclear
18 safety. I see no CP&L's request to make Harris the largest
19 nuclear waste stock in the world.

20 Harris is in the middle of the east coast with a
21 population of about a million people within a hundred miles
22 and tens of millions of people within several hundred miles.
23 To put in the largest nuclear dump there will attract
24 terrorists from all over the world. An international
25 airport is near the dump.

1 This is the year 2000. You can travel around the
2 world in less than 24 hours.

3 When CP&L requested to ship their fuel to Harris
4 pools A and B, I didn't foresee the design to use Pools C
5 and D at that time. The four pools were built around 1980
6 for four reactors, rising cost made CP&L scale back to one
7 large 900 megawatt reactor.

8 CP&L is a multi-billion dollar company and
9 reported a net profit in 1998 of about 333 million dollars.
10 Can they afford to use dry cask storage at each reactor?
11 Yes, that is what they asked for.

12 CP&L is known to be reimbursed for the extended
13 storage of the waste when you can taste the waste.

14 I think that CP&L runs Harris in a careful and
15 prudent way? No, not on their record and on the on-going
16 action since 1999.

17 In 1999, there were two successive days -- they
18 could have checked and replaced the other one as the plant
19 was shut down because of the broken valve.

20 Then, they were checking the whole system one day
21 and Harris wanted to shut down because someone threw the
22 wrong switch. Brilliant, I must say.

23 Finally, the fourth and final shutdown in '99 was
24 a short and a pump, an electrical short. This time the
25 plant was shut for three days as they couldn't adjust the

1 water levels as quickly as they should normally be able to.

2 And now, let's look at the plant security. The
3 plant security at CP&L contracts out that important function
4 to a security guard company. The guard company supplies low
5 paying personnel similar to the guards that we see at stores
6 in malls. Terrorists could do damage at Harris.

7 I have visited the site and know this from my own
8 experience. All those - are sitting in water in one
9 building and would be no problem to explode. But, an
10 individual cement dry cask units, it would take much to
11 start an explosive reaction.

12 In 1961, an SL1 reactor in Idaho, by exploding raw
13 in accident and killing three people. We were lucky then.

14 Mr. Hughes, your CP&L spokesman has stated
15 recently that even if we get to use pools C and D, we will
16 have to go to dry cask storage by the year 2004. So, why
17 not now since we are only a couple of years away?

18 A recent retired professor, Mr. David Martin from
19 UNC, whose field was nuclear physics and safety, heard of
20 CP&L's request last year and said, "Because of a possible
21 penalties on the mistake or an accident, we simply have to
22 go through the safest direction. Dry cask storage is the
23 safest at each site. We are living with a very risky
24 situation. Everything has to keep going just like no one is
25 going to avoid a serious problem."

1 What is saying is that an accident will devastate
2 all of North Carolina, probably killing 45,000 people and
3 costing about 300 billion dollars.

4 At a study that came from the National
5 Laboratories in New York concluded back in 1957 that our
6 Federal Congress set up the Nuclear Regulatory Commission to
7 inspect and insure everyone's protection from facilities
8 using radio active material.

9 This is a very important challenge for you as an
10 individual for a moral responsibility to protect the whole
11 human race is in your hands. Here in North Carolina, please
12 protect us from CP&L's follies by denying their request in
13 this technologically dangerous 21st Century.

14 Thank you, folks.

15 MR. LAUFER: The next person on our list is Hugh
16 Little.

17 NRC SPEAKER: If I could just make one comment in
18 response to that. You are certainly correct in that dry
19 cask storage is an alternative to activation of spent fuels
20 Pools C and D. This was apparently a business decision that
21 was made by CP&L. We, at the NRC, cannot tell a Licensee
22 what options to choose. We can only review what they submit
23 to us and we can only approve it if it satisfies, you know,
24 protection of public health and safety. So, this will not
25 be approved unless we are satisfied that there is reasonable

1 assurance that the health and safety of the public will be
2 assured. We cannot tell CP&L to go with dry cask storage
3 instead of spend fuel pools.

4 SPEAKER FROM AUDIENCE: I'm sorry. I disagree
5 with you on that. It is your job to tell them things like
6 that.

7 NRC SPEAKER: We can reject their current
8 application.

9 SPEAKER FROM AUDIENCE: True. And by rejecting
10 it, you are telling them something.

11 NRC SPEAKER: But, we have to review what they
12 submit to us and make a finding on that. It is either
13 accepted or it is rejected. If we reject it, then they will
14 have other alternatives to consider.

15 SPEAKER FROM AUDIENCE: Thank you. I thought that
16 I would learn something by coming here tonight, but so far
17 it is only very little, but we have the whole night in front
18 of us.

19 Thank you.

20 MR. LAUFER: The next on the list was Hugh Little.

21 MR. LITTLE: Yes, thank you. My name is Hugh
22 Little and I represent Capitol Associates, a commercial real
23 estate development firm headquartered in Cary. We have been
24 there since 1983 and our location is about ten miles from
25 the Shearon Harris Nuclear Power Plant.

1 I, personally, also live near by, about the same
2 distance. And, for the fourteen years preceding, lived
3 about fifteen plus miles further away in northeast Raleigh
4 and the last, little less than four years, moved to the
5 present location much closer to the plant.

6 I certainly don't have any expertise in the
7 nuclear field, but from just being a barometer for our
8 neighborhood and since our business potentially is impacted
9 by concerns or people are fearful of what is happening or
10 might happen at the plant, we can be adversely impacted.

11 Years ago, in '83, when we first went down there,
12 there was practically no traffic and two lane roads. And,
13 not too long after we were there and began our work in
14 McGregor Park, the system put up evacuation signs, permanent
15 signs that point right into the medium of our entry way to
16 the business park, which we were developing. I had some
17 concern that people would be put off by that. Fortunately,
18 I have never had anybody ask about it. I'm sure that they
19 had their concerns, but they seemed to have no anxiety about
20 that.

21 We completed that park, which is about 400 acres,
22 and moved to the Crescent, where we presently are located,
23 which is about a mile away and about the same distance from
24 Shearon Harris. We will probably complete that park in
25 another three years or so. In total, that is about 550

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1 acres. We have moved about sixty plus companies there
2 employing well over 5000 employees. I have never yet had
3 anybody express any concern about being that close to
4 Shearon Harris.

5 So, I feel very comfortable with that. I commuted
6 all that time myself and then later moved down there for
7 reasons of reducing my commute. Although I focused on the
8 fact that I was moving much closer to Shearon Harris didn't
9 bother me in particular.

10 I also fish occasionally at Harris Lake. I find
11 it a very desirable place and don't hear any concerns down
12 there from others who are in the area.

13 We do have, when companies move here, requests
14 about schools, concerns, roads, traffic and a number of
15 things. The heads of the companies always ask us about
16 whether we have reliable, affordable, clean power. It is
17 imperative for them to come. Fortunately, I think that CP&L
18 has been a very positive influence for us in that regard and
19 that's why we have been able to do that.

20 Certainly, I think that the recent storms that we
21 have all been through, snow being the most recent, but we
22 can back up to Floyd and Fran and any number of other things
23 in the recent times since I have moved and seen the
24 tremendous response, almost unparalleled in my opinion, and
25 we are very appreciative of that.

1 So, I would have to say that, obviously, I am in
2 favor of them being granted this provision. It has not
3 shown, in our experience, over a fairly long period of time,
4 I guess close to seventeen years now, to have any problem.

5 I would also like to say that as far as
6 neighborhoods are concerned, while this wouldn't apply to my
7 house, there are some fairly expensive homes in our area and
8 some that would be from half a million to a million dollars
9 in price within two or three blocks. We have a very active
10 neighborhood. I have never heard anybody speak about
11 concerns about being there. And, certainly, the price of
12 these homes have gone up tremendously. Homes, now, are
13 higher than the same homes in Atlanta.

14 It does not seem from our prospective in the real
15 estate world to be any negative and all positive for what
16 CP&L has done for our community as well as Shearon Harris in
17 particular.

18 So, I would be in favor of granting the request
19 and I appreciate the opportunity to speak.

20 Thank you.

21 MR. LAUFER: Thank you.

22 The next speaker on the list is Scotty Hinneth.

23 MR. HINNETT: Good evening. I'm Scotty Hinneth.
24 I work for Carolina Power and Light. I am the Chief Nuclear
25 Officer for the company currently working out of our

1 corporate headquarters. However, my entire career has been
2 spent in various aspects of nuclear power in design,
3 construction, testing, operating and more recently in the
4 management area.

5 I did spend sixteen years at the Harris site
6 involved in the construction of the plant from an
7 engineering standpoint. I was the startup manager and plant
8 general manager for a period of time. So, I am familiar
9 with the construction of the plant. I am familiar with the
10 plans of CP&L had at the time that we constructed the fuel
11 handling building and we are carrying out those plans now,
12 which was, if needed, to activate the C and D pool for use
13 in storing spent fuel.

14 Our preference would be that we had the ability to
15 ship the spent fuel, as Congress mandated the Department of
16 Energy, and store it at a central facility such as Yuka
17 Mountain, which is being studied.

18 As we have filled our storage pools at our
19 existing plant sites including adding denser storage racks
20 to allow other fuel to be stored there, we found it
21 necessary to be able to utilize the pools and so that is
22 really what has driven our decision to apply for a license
23 change to allow us to activate the C and D pool.

24 We have extensive experience in shipping spent
25 fuel, shipping it safely. We have been doing it to Harris

1 for over eleven years. I was involved while I was there in
2 receiving that fuel. We also shipped fuel back in the '70's
3 from our Robinson Plant to our Brunswick Plant as storage
4 needs dictated the necessity to do that.

5 We are focused as a company on serving the
6 communities that we do business. We are focused on safely
7 operating our facilities and I am really here tonight to
8 just ascertain to the public that safety is foremost in our
9 planning. We are a business. We do focus on carrying out
10 our activities in a business like way, but certainly we are
11 very independently regulated as you know as one of our many
12 regulators. And, so it is our goal to follow the processes
13 that have been laid out, to submit whatever technical data
14 is necessary to give an adequate and independent review of
15 our application and then to involve whatever decision you
16 have reached in this matter.

17 Thank you.

18 MR. LAUFER: Thank you.

19 The next speaker signed up is Joe Bryan.

20 MR. BRYAN: Good evening. Thank you for hosting
21 this public comment meeting. My name is Joe Bryan. I am
22 the mayor of Knightdale.

23 Knightdale is a small town about six miles east of
24 Raleigh, about 5000 people.

25 I have been in elected office there for thirteen

1 years and my comments here this evening are really more
2 directed at what would be corporate citizen that Carolina
3 Power and Light has been, not only in the large communities,
4 but obviously in a smaller communities of how consistent
5 their service has been.

6 On a kind of a side note, I used to be in the Navy
7 and actually used to recruit power officers for the Navy and
8 had the opportunity to know that if you were getting the
9 best and the brightest that were going through work overs
10 programs, several of which have fallen through and worked
11 for many of the utility companies here in the United States,
12 the best and the brightest. These engineers were 3.6, 3.7
13 grade point averages and, again, I think, reflects the high
14 quality of individuals that are in the different power
15 industry at this time.

16 CP&L has consistently supported our community,
17 both financially as well as the stars east for education.
18 Also, serving on our Chamber of Commerce Board and providing
19 needed leadership in this community. They have consistently
20 communicated with our community. They have been to our
21 Council Meetings and they have explained their requests for
22 the expansion of spent fuels.

23 I would say that this company represents a five
24 star service.

25 They are always available, particularly in the

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1 event of a catastrophe, as mentioned earlier, like Hurricane
2 Fran. They were out there working tirelessly. And, again,
3 in communications, seemed to have plans in effect for being
4 able to address the loss of power.

5 I find that this company to be very open, very
6 honest. I believe that they will do what is necessary for
7 the public safety, for their employees, for their
8 shareholders and most importantly for the citizens that live
9 in this area.

10 And, again, I am here this evening to support
11 their application.

12 Thank you very much.

13 MR. LAUFER: Thank you.

14 The next speaker on the list is Herb Council.

15 MR. COUNCIL: I am Herb Council. I live in
16 Raleigh, North Carolina. I have an insurance business in
17 Cary and I am also a county commissioner.

18 I have a few prepared remarks that I would like to
19 read to you tonight, if possible.

20 I came here, really, to express my appreciation to
21 the NRC for their efforts to educate the public with this
22 public meeting. As we know, this is a very highly technical
23 subject and one that I have had the opportunity in my
24 capacity as a county commissioner to read about and study.

25 I would like to make the distinction between a

1 public meeting and a public hearing. In the context of our
2 county commissioners, when we have a public hearing, it is
3 very different than the NRC expression of a public hearing,
4 which in my understanding is a trial to present evidence. I
5 don't feel as though that this is warranted on this
6 particular case.

7 In every step of the way, as a county
8 commissioner, CP&L has kept us informed of everything that
9 is happening. Basically, they have given us tours of the
10 plant. I have actually been in the fuel storage facility
11 personally, looked at it, asked questions. Because, I, as
12 most citizens, have a concern about it and want to make sure
13 that the safety is adhered to there.

14 In conclusion, I feel as though the Harris Plant
15 employees have shown a great deal of diligence in providing
16 safety to this community in the operation of a nuclear power
17 plant and I would urge the NRC to support their proposal.

18 Thank you.

19 MR. LAUFER: Thank you.

20 Then next name on the list is Wells Eddleman.

21 MR. EDDLEMAN: Good evening. I am Wells Eddleman.
22 I am staff scientist with North Carolina Citizens Research
23 Group and those of you who have been around the Harris Plant
24 probably know that I have been investigating and trying to
25 deal with this thing for a long time.

1 I didn't make any prepared remarks, but I was
2 struck by some of the statements that were made here. I'd
3 like to first start with the educational comments made by
4 the last speaker. If this is the way the NRC educates the
5 public, then I think that everybody who decries the state of
6 public education in America may be right because, really,
7 and I don't know that you are actually speaking under legal
8 constraint or not, but practically nothing having to do with
9 this was addressed at all. You know. You could probably
10 learn more from, probably, two stories in the newspaper,
11 which have come out. If it takes a year for state
12 government and others to get the NRC to do this much, Heaven
13 only knows what it would take to get some actual substance
14 out of them.

15 I also was very struck by the comment that CP&L is
16 always available especially during a catastrophe. I hope
17 you will take that statement very seriously because this
18 proposal, which I think that the NRC is failing to exercise
19 its oversight of. Here is a proposal that creates a
20 potential for an amazing catastrophe.

21 The way that I found this out was that David
22 Loudbaum knew about this report from Brookhaven National
23 Laboratories. I didn't know about it. It is looking at
24 what can happen with spent fuel. And, actually, they were
25 mostly looking to plants that had shut down so they didn't

1 have their station service availability, the power and the
2 coolant and all that, except for on-site power and maybe
3 their diesel generators. But, also looked for the
4 consequences of the accidents.

5 I have got to tell you about the mistake that I
6 made when I was reading this thing. The figures for that
7 are parted so that the exponents run about 3. Type and I had
8 trouble reading them. So, at first, when I saw the figure
9 566 x 10 to the whatever, I assumed that that little figure
10 must be a 6. Five hundred and sixty six million dollars in
11 property damage excluding health damage is still quite a
12 figure. But, I was very sadly mistaken. It is five hundred
13 and sixty six billion dollars for property damage. Now, if
14 we started out with all of the property around here, I don't
15 think that we have got five hundred and sixty six billion
16 dollars in Wake County and Durham County and Orange County.
17 We might. I don't know. I haven't looked at the property
18 evaluations. But, this is an extremely serious thing.

19 The study also lists figures for damage out to
20 five hundred miles away. When they were licensing the
21 nuclear plant down here, the Harris Plant, a number of
22 people objected that the NRC staff probably felt like they
23 were safe because even if the plant had a bad accident, they
24 would be around NRC headquarters up toward northern Virginia
25 and Washington, D.C. and Maryland. Well, five hundred miles

1 from here is a lot north of there.

2 I do think that this is the key issue here, is
3 that squeezing that much fuel into a pool creates the
4 potential for an absolutely catastrophic accident. Our
5 experts are trying to raise this issue and the NRC staff
6 gets in there with CP&L and says, "No, we won't look. We
7 won't look. We won't look." I think that this is
8 atrocious. I think that everyone of you should be ashamed
9 that you are around them to go ahead with something this
10 dangerous without even looking, not even investigating any
11 of this. I can't find any evidence of anybody having to do
12 with the NRC staff has even looked at this issue, except to
13 deny it.

14 I want to tell you that I have zero qualifications
15 or formal qualifications, anyway, in psychology. I have
16 taught school and done consulting work, which you have to do
17 something with people about, but when it was stated that the
18 NRC was an independent Agency, that may be the formality in
19 Law, but in reality, the NRC is a coded ended Agency. It's
20 chief priority, it appears to be, avoiding embarrassing the
21 nuclear power industry. This is a real good example. And,
22 it is very scary.

23 Let me touch a couple of examples. One of the
24 statements that was made was that the NRC reviews things
25 according to their scientific and engineering disciplines

1 and I am just wondering how the NRC learned to calculate
2 probabilities. One of the things that the NRC is
3 maintaining in here and you all haven't backed off from it
4 even though the error was called to your attention by Mr.
5 Lodbaum and called to the attention of the commissioners
6 themselves. One of whom I happen to know was a commissioner
7 at that time because she got her Ph.D. from MIT and I know
8 that she knows how to calculate probability. But, the NRC
9 maintains that no matter how many times you do the
10 activities, say move these fuel assemblages around in these
11 pools, it won't increase the probability of an accident.
12 This is like saying that he rolled dice forever and the
13 probability of throwing a six in all that time is the same
14 as if you had only threw it once. Mr. Lodbaum, of course,
15 made the analogy to Russian Roulette instead. See, we are
16 not holding the nuclear waste to our own heads, CP&L is and
17 they are asking you to help them steady their aim. I find
18 it appalling.

19 It was very interesting, the statement that the
20 original license allowed CP&L to receive and store spent
21 fuel from its Brunswick and Robinson Plants to the Harris
22 site. I think that if you will take a look at the original
23 license, that actually it only permitted them to possess the
24 spent fuel from that. And, at that time, the attorney for
25 the Conservation Council, John Runkel objected and said - If

1 they claim, as they did, you can look it up on the record -
2 that they have "...no present plans" - This is very careful
3 language on those - "...no present plans to bring this fuel
4 to Shearon Harris as spent fuel." Well, if they had no
5 present plans to bring it, why should they be licensed to
6 possess it.

7 Now, of course, the NRC Licensing Board did
8 license them to possess it. But, I think that if you look
9 at the actual shipment, it had to be authorized later. And,
10 of course, this permitted litigation of the shipping, which
11 is pretty interesting.

12 CP&L, as they said early on, decided that they
13 were going to build a wall of lawyers, those are the exact
14 words of one of their attorneys said around that time. And
15 I think, still, if we look the primary containment of their
16 nuclear business is consisting primarily of lawyers and
17 public relations.

18 I really can't understand why - . I take that
19 back. I guess I can understand why the NRC does what it
20 does, because the nuclear industry has lots of money and
21 lots of lobbyists and they can put pressure on them. They
22 can lean on you all of the time. Ordinary members of the
23 public or very concerned members of the public can do much
24 less than that.

25 But, I kind of wonder, you know, about the

1 process. I mean, I was just talking to someone today who
2 said, "Well, the staff was decided that they won't issue the
3 actual approval of this until the hearing process is over.
4 They'll write it up, but they won't issue it."

5 This goes back to the very beginning of this,
6 because when CP&L filed their proposal, which they filed on
7 December 23, 1998, just a little holiday present and, of
8 course, making it harder for people to take the time to
9 react to it since most people like to celebrate their
10 holidays instead of looking at nuclear waste documents.

11 When they started this out, the NRC almost
12 immediately said, "Well, we preliminary decreed that there
13 is no safety hazard." Well, let's see, as far as I know,
14 they still haven't designed the cooling system modification
15 they intend to use to cool this stuff. When the NRC looked
16 at the heat calculations, they only looked at the first
17 million BTUs which is another little bureaucratic trick.
18 How much extra is going to be in there? Well, CP&L
19 information says 15 million more than we can handle with our
20 present configuration. That is what it said. But, all of a
21 sudden, they come out with all of this stuff which the NRC
22 apparently hasn't looked at most of and they still haven't
23 investigated the details, as far as I am aware. Maybe you
24 have, I don't know.

25 But, it amazes me that the NRC can look at this

1 thing and in a matter of a few working days, maybe ten or
2 fifteen working days or so, conclude - yeah, this, you know
3 they are going to pile up this enormous amount of highly
4 radio active material and yet we can conclude romanarily, no
5 significant impact. Why? I got to wonder. What is a
6 significant impact? Nations privately owned spent fuel
7 storage, one building.

8 This is another interesting thing to me. When
9 CP&L was talking with you guys before they filed their
10 application, they actually weighed out in their view graphs
11 all these other options, because as you know, I'm sure that
12 you guys know, that spent fuel in Pools C and D were suppose
13 to be cooled by the system associated with Harris unit 2,
14 which, of course, was never completed. Those systems would
15 have included two independent fire supplies all through the
16 reactor systems. It also included the diesel generator,
17 back up generators to back up the reactor systems for unit
18 two. They would have been treated a different cooling water
19 supply and quite a few other things. CP&L decided not to do
20 any of these things but to shoehorn this load onto the two
21 trains that existed to take care of the cooling of fuel
22 pools A and B.

23 Well, there is an old comedy record that I keep
24 coming back to even though this is far from funny. In
25 dealing with nuclear and other high risk issues and

1 basically it was trying to instruct people as a kind of mock
2 university course in how to be a failure. And it said, and
3 I think that this is important because we know that
4 everybody is human, so everybody makes mistakes. So, it
5 says, "You won't be able to make yourself a failure just by
6 making mistakes. You have to compound your errors."

7 So, let's see, you avoid looking at the enormous
8 amount of waste that is dumped out.

9 You avoid the basic probability calculation and
10 then you call it sophomore mistake has been made.

11 You think that just the opposite is true and
12 refuse to correct it.

13 By the way, I think that I know why that is. If
14 you keep an honest probability calculation you would trigger
15 legal requirements that you want to avoid and of course CP&L
16 wants you to avoid.

17 Then you allow the system to be hooked up so that
18 the most waste is cooled by the least system that you could
19 have unless you arrived or confirmed one of the existing
20 co-existams all for taking a part. And this is how we are
21 far fetched possibility to give them that, the NRC allowed a
22 plant they dropped poem, dock weary for some thirteen years
23 with both of its emergency cooling systems completely
24 severed, completely, chopped right in half.

25 Well, we got lucky. I guess we are going to have

1 to continually rely on luck.

2 I hope that the NRC will both do a better job of
3 protecting the public health and safety and a better job of
4 educating the public about what you really do in the future.

5 Thank you.

6 MR. LAUFER: There is one more speaker signed up.
7 We will go ahead and let him speak and then we are going to
8 address some of Mr. Eddleman's concerns.

9 Mr. Baird.

10 MR. BAIRD: I'm Frank Baird. I live in Raleigh,
11 North Carolina. I would like to thank you for the
12 opportunity of speaking tonight.

13 I am here in support of CP&L's proposed use of the
14 existing infrastructure.

15 I come to you tonight as someone who has developed
16 and leased millions of square feet in Wake County and one
17 that has always been concerned with values and quality of
18 life issues.

19 Whether it be tenants in North Raleigh, Cary,
20 downtown Raleigh or out in the RTP, we have never had
21 prospects voice any concerns over nuclear power or any
22 relative closeness to Shearon Harris or the storage of
23 material at that location.

24 The most important factor that we find in dealing
25 with some of our tenants is that our clients need clean,

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1 dependable power. And, the more high tech companies that we
2 have located here in Raleigh, the more important this issue
3 is.

4 Using nuclear power in this community creates a
5 very clean environment and one that, I think, enhances the
6 quality of life that we so enjoy.

7 CP&L has demonstrated its commitment to safe
8 operations of this facility since it has begun and I firmly
9 believe that they will commit to that in the future.

10 Thank you for this opportunity to speak and I am
11 in favor of their proposal. Thank you.

12 MR. LAUFER: Thank you.

13 MR. SCHRENCREST: I did not get a chance to sign
14 in, but if I might speak.

15 MR. LAUFER: Sure.

16 MR. SCHRENCREST: I am Harvey Schrencrest of the
17 Greater Raleigh Chamber of Commerce and I am pleased to
18 speak on behalf of Carolina Power and Light's plan for
19 storing spent nuclear fuel rods at the Harris Plant. I
20 represent an organization of over 5000 business members in
21 the greater Raleigh area and I can assure you that they want
22 public health and safety to be the first priority in any
23 discussion about spent nuclear fuel rod storage.

24 I can also assure you that we are convinced that
25 this is CP&L's foremost concern with their plan.

1 This process began, as I think has been mentioned
2 tonight, in 1998 and CP&L has been very forth coming in its
3 communications with the public and its neighbors. They have
4 opened their facilities for inspection and review. There
5 have been appropriately many public meetings on this
6 subject.

7 The Atomic Safety and Licensing Board has reviewed
8 the plan and, in fact, this marks the second time that I
9 have had personally an opportunity to speak on behalf of
10 CP&L's plan.

11 However, now, in interest of what is best for our
12 region and, indeed our country, it is perhaps time to allow
13 CP&L to continue what it has done very well and that is to
14 provide power safely and efficiently. Those of us who live
15 and work in Wake County and eastern North Carolina, those
16 who know CP&L best, have great confidence in this company.

17 We have had the pleasure of working with men and
18 women at CP&L through thick and thin, whether it is economic
19 development or community projects or has been mentioned the
20 effects of hurricanes, floods and snow storms.

21 One thing that appears to be crystal clear to us
22 is that this is a fine organization made up of quality
23 people who make CP&L a world class deliverer of electric
24 power and an exemplary corporate citizen.

25 CP&L has met all technical and safety requirements

1 over the past eleven years and will continue to do so in the
2 future. This is a company that lives up to its
3 responsibilities and its commitments.

4 In the interest of the citizens of our great
5 region, it is time to move on. CP&L has been put under a
6 microscope and it is passing the test. Allowing the company
7 to proceed with the approval of its successful plans is both
8 just and prudent. Failure to do so will be at the expense
9 of the over whelming majority of our citizens to satisfy
10 those who, perhaps, will never be satisfied.

11 Thank you.

12 MR. LAUFER: Are there any other - does anybody
13 else want to make any comments or --

14 DR. NEWTONHARDT-PEPPY: I'm sorry I didn't sign
15 in. I'm Dr. Roseanne Newtonhardt-Peppy. I own a farm in
16 southeast Floyd County. I would like to say that in the
17 benefit - for the benefit of folks of Wake County who have
18 great concerns about the safety and well-being of both our
19 land and the individuals that live here.

20 I urge you to put a halt to this plan and urge
21 CP&L, who I have great respect for as the corporate
22 citizens, they've certainly done a good job in Wake County
23 rallying people to their side.

24 But I think that there is significant risks
25 associated with this plan. I think there are a lot of

1 people in Wake County and all over Wake County, Orange
2 County and Chatham County that feel the same way, who are
3 willing, when the time is necessary, to come and be heard.
4 I don't think you see many of them here tonight. I think
5 people are feeling very much as though this process is not
6 in favor of the citizenry of this area, but only the
7 corporate citizens in this area, and the people haven't
8 shown, and you can see that in the statement issued by M.C.
9 Warren, and it's just an open protest and that's why you see
10 no one here. But, I came to tell you that that is why you
11 don't see anyone here, and that there are many, many of us
12 who feel this way, threatened by a plan that does not
13 consider us; threatened by a plan that has not fully
14 disclosed the error, the risk, and the future potential for
15 damage to the area and to the citizenry here. And, I urge
16 you to look very carefully at that and understand why you
17 don't see citizens here. We're very, very fed up with the
18 process and want something very different to happen like a
19 safer plan for dry cask storage, which is what's happening
20 in other parts of the country.

21 Thank you.

22 MR. LAUFER: At this point, we've been going for
23 almost an hour now, we'll take a 10 minute break and when we
24 come back we're going to address Mr. Eddleman's concerns and
25 then listen to any other speakers. If you haven't signed up

1 and wish to speak, please do so. There's a sign up sheet at
2 the back of the room. So, we'll reconvene at 10 after 8:00
3 by that clock on the wall back there.

4 (OFF THE RECORD)

5 MS. UTALL: The Staff basically reviewed that
6 particular analysis and as part of the process to let the
7 public know that the application was pending, issue a notice
8 of receipt of application, a notice of proposed finding of
9 no significant hazard, a notice of opportunity for hearing
10 and instructions on how to apply for a hearing and become a
11 party to the hearing. The no significant hazards is not the
12 safety finding. It was issued prior to the safety review
13 and has - really has no effect on what the final safety
14 findings will be once the application has been thoroughly
15 reviewed.

16 MR. EDDLEMAN: So if they tell you that two plus
17 two is five, will you approve that too, because that's what
18 you did in approving this application with this analysis.

19 MS. UTALL: We have not approved the application.
20 All we have done is published a proposed finding of no
21 significant hazards.

22 MR. EDDLEMAN: But what I'm saying --

23 MS. UTALL: Proposed. We have not issued the
24 safety finding in this case.

25 MR. EDDLEMAN: What I'm saying is if they tell you

1 that the probability of an accident is not increased and
2 they told you worse than that, they told you that they
3 didn't have any kind of accident potential there, and you
4 haven't analyzed that partial unrecovery and spent fuel
5 fire. So, when they tell you things like that, these are
6 greatly false, and when you say you preliminary approve of
7 them, what does that say about you?

8 MS. UTALL: I provided the legal explanation of
9 how the process works, and that's all I can comment on.

10 MR. BERKOW: There are all ready specific criteria
11 in 5092 to make these findings. The licensee's
12 responsibility is to do that evaluation and submit it to us.
13 We do a brief review, and if it looks reasonable to us, if
14 the argument that they present looks reasonable, we publish
15 it as a proposed no significant hazard consideration. I
16 stress again it is not a safety finding. It does not mean
17 that we're going to approve the amended application.

18 Similarly, there are cases where we cannot make a
19 proposed no significant hazard consideration finding up
20 front and we don't and we publish a different kind of
21 Federal Register notice. That conversely does not mean that
22 we will not ultimately approve the amendment. It really -
23 it does not have a relationship, a direct relationship to
24 whether or not we approve the amended request.

25 It's a legal necessity and it defines how we

1 proceed, the kind of Federal Register notice that we
2 publish, and how the hearing would progress vis-à-vis the
3 granting of the application if there is a hearing.

4 MR. EDDLEMAN: But, again, if you approve - you
5 said it was reasonable. Now, I want to understand exactly
6 what the word reasonable means here to you, because to me
7 you just don't have a reason because you say it is a reason.
8 The reason has to have some validity for you to accept it or
9 else that's just something absolutely horrible about the
10 quality of your review.

11 Now, I want to ask you again, if someone says that
12 the probability of something does not increase something
13 going on with a fixed probability which is the way you
14 analyze it, as I understand it, does not increase the more
15 times you do it, do you think that's an accurate statement
16 of the probability?

17 MR. BERKOW: Yes. Well, the term is significantly
18 increased, but yes, we apparently felt that it was a
19 reasonable statement because we agreed and we made a
20 proposed finding of no significant hazards consideration.

21 MR. EDDLEMAN: Well you say you apparently agree.
22 Who are --

23 MR. BERKOW: We did agree.

24 MR. EDDLEMAN: Who agreed?

25 MR. BERKOW: The Staff did.

1 MR. EDDLEMAN: Okay. So now we're down to what
2 the word significantly means. What does the word
3 significantly mean? How much of an increase do you have to
4 have?

5 MS. UTALL: I don't have --

6 MR. BERKOW: I can't give you a numerical answer
7 to that.

8 MR. EDDLEMAN: Can you give me any answer to it?

9 MR. BERKOW: I personally cannot. I'm not a risk
10 expert.

11 MR. EDDLEMAN: Anybody else?

12 MR. BERKOW: Not that is here tonight, no, but we
13 can - we can take that back and address that in our meeting
14 summary.

15 MR. EDDLEMAN: I'd be very interested. Thank you.

16 MR. GRATTON: I'd like to address some of the
17 questions that you might have had, or some of the statements
18 you made regarding the heat loads and the configuration of
19 the CCW system at the plant.

20 First of all, the heat load that you mentioned,
21 you said that it was a difference between 1 million BTU's
22 and 15 million BTU's, you're correct. In the application,
23 the Staff did note that there was a 15 million BTU limit
24 noted in one of the appendices and it's considered in there,
25 but there are plant limitations on the maximum amount of

1 heat load that can be put in pools C and D and those are
2 controlled by administrative procedures at the plant. They
3 cannot exceed the amount of heat load that the Staff is
4 reviewing, okay. So even though there's that 15 million BTU
5 is in the application, the overriding document is the plant
6 administrative control that limits it to 15 - to 1 million
7 BTU's. So, it may be confusing to you when you read that,
8 but the Staff has considered both of those numbers and the
9 calculations that are performed are done on 1 million BTU.

10 MR. EDDLEMAN: Well, there's two comments that I'd
11 have to make about that. One is that, of course, those
12 limitations can be changed any time.

13 MR. GRATTON: Not without Staff approval.

14 MR. EDDLEMAN: Yeah, like the approval of those
15 cancellations presumably. The other problem is that by
16 allowing them to put the 15 million in here and not
17 reviewing it, you raise the possibility that they could get
18 approval in the legal sense from the licensing board for
19 doing something that you guys haven't approved and all they
20 have to do is come back and convince you guys.

21 MR. GRATTON: The Staff reviews the applications
22 as they come in. If they change the maximum BTU's that are
23 allowed in the pool by that administrative control, we will
24 re-review the calculations and see whether or not it's
25 appropriate for them to allow - to have the heat load go up

1 to 15 million BTU's. Right now the maximum they're allowed
2 to put in that pool if we approve the application would be 1
3 million BTU's.

4 MR. EDDLEMAN: And isn't it also true that
5 administrative controls and NRC regulations forbid them from
6 throwing away the quality documents on that piping that they
7 threw away?

8 MR. GRATTON: I can't answer that.

9 MR. EDDLEMAN: Thank you.

10 MR. GRATTON: I'd also like to address a point
11 about your CCW comments regarding unit one versus unit two.
12 The Staff is reviewing the changes that were made. You're
13 correct; the original design of those two pools were to be
14 supported by unit two, which was not constructed.

15 When the Staff looks at the thermal hydraulics of
16 the new system, the new unit one system, it will consider
17 how much heat load the CCW system for unit one can handle
18 and whether or not 1 million BTU's of additional coin can be
19 taken out by the unit one CCW system. That will be taken
20 into consideration, and there are, as we said in the opening
21 document, establish codes and safety standards. The codes
22 and standards are put in place in 10 C.F.R. and other
23 documents by which we measure these applications by. These
24 are not capricious standards. We don't just make them up.
25 There are scientific bases for all of these standards. And,

1 when an application comes in, we take the calculations and
2 we measure them against the codes and standards to insure
3 that they're safe because those are our safety standards.
4 As long as the calculations meet the safety standards, we
5 can approve them, okay.

6 So, when they changed the design of this system,
7 we take those calculations and re - the original CCW system
8 was measured against those standards, what we look at is the
9 change to this additional heat load. It wouldn't make any
10 difference if they were attempting to re-rack the pools in
11 adding a million BTU's or adding a new system. We would
12 have to look at the additional piping and consider the
13 changes that would come in with that piping. But, the heat
14 load that's associated with that, we measure against these
15 standards to insure that they're - they continue to be safe.

16 MR. EDDLEMAN: Well, you say the standards are
17 objective, but when I actually look, I spent a little while
18 over at the document room which we fortunately still have,
19 although you all are - somebody at the NRC is proposing to
20 get rid of it, and I observed that the interpretation of
21 these standards changes all the time. I saw quite a number
22 of documents and they are about various things that they
23 were applying for exemptions from 10 year requirements for
24 insured inspections and first they applied for them and then
25 they withdrew their application, they sent in a different

1 application which the NRC apparently has approved. So,
2 maybe you guys learn something and maybe you don't need the
3 pressure. I don't know because it's hard to review all
4 those documents in that amount of time.

5 MR. GRATTON: I understand.

6 MR. EDDLEMAN: Thank you.

7 MR. LAUFER: Does anybody else have anything to
8 say, and questions or comments, or --

9 MR. FRY: I'm Mel Fry. I'm the Director, Division
10 of Radiation Protection. Part of what I wanted to get out
11 tonight was a better understanding of what review has been
12 done.

13 Issues were mentioned as to transportation; issues
14 have been raised relative to the cooling, which that's the
15 kind of information I was looking for; the issue has been
16 raised relative to the quality control records on the
17 piping, the alternate qualification procedures, I'd like to
18 hear some about how that was reviewed. I'm not sure ongoing
19 exchange over, I like you and I don't like you, is getting
20 to what I was looking for and that was what's going on, what
21 has the -- issues been raised relative to if you increase
22 the number of movements of rods, does that change the
23 probability, does that change the risk? Intuitively, it
24 changes it, but what's the significance of it, and what's
25 the significance of the requalification of the piping

1 records as well?

2 MS. UTALL: I think that it's safe to say that the
3 review of the piping for the cooling system and review of
4 the -- by something, we have been finished by the Staff
5 filed document on January 4th indicating the extent of the
6 review and the Staff's conclusions. There was also an
7 inspection report that was published I think in December
8 where the Region and the headquarters Staff inspected the
9 piping and looked at the procedures that the licensee was
10 implementing to inspect the bedded piping. The - and it was
11 rather involved with you and the papers that the Staff filed
12 were many pages long, consisting of several Affidavits of
13 Staff people. I cannot synopsis that, but those --

14 MR. FRY: I saw both of those reports. I didn't
15 see a bottom line to them --

16 MS. UTALL: The bottom line --

17 MR. FRY: -- that says that the piping is okay or
18 it's still under question.

19 MR. UTALL: It's not - I don't - we found the
20 pipes to be acceptable for the service that they're intended
21 for, and that criticality will be prevented under the
22 configuration proposed by CP&L in the pool.

23 MR. CORRIEA: If I may. I have the inspection
24 reports. I can read you the executive summary if that would
25 help. This is summary from NRC inspection report

1 50-400/9912 dated December 28th, 1999.

2 The inspection found that the licensee had a
3 comprehensive program to control, inspect, and document
4 welding at the time of original construction in accordance
5 with Section 3 of the ASME, American Society of Mechanical
6 Engineers, boiler and pressure vessel code and NRC
7 requirements. So, that means the code standards and the NRC
8 requirements are satisfied.

9 The inspection also found that the licensees
10 alternative weld inspection program was adequate to provide
11 assurance that the welds for which documentation was missing
12 met design requirements. The licensee's program for
13 commissioning of the C and D spec fuel pull equipment should
14 insure that existing equipment meets design requirements and
15 will perform its design function.

16 And there was one inspector follow-up item
17 regarding to inspect implementation of the equipment
18 commissioning process. And that was addressed in a follow
19 up inspection in January. That was addressed in inspection
20 report 2000-05 which was issued February, 2000, and the
21 conclusion was that the inspectors found that the licensee
22 had a comprehensive program, again to control and inspect
23 piping installation and welding in accordance with Section 3
24 of ASME boiler and pressure vessel code and NRC
25 requirements.

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1 The inspectors also found that the licensee's
2 program for commissioning of the C and D spent fuel for
3 equipment was being adequately implemented and should insure
4 that existing equipment meets design requirement and will
5 perform in their design function, and there were no findings
6 as a result of that.

7 So, I think in summary everything that we looked
8 at regarding that system, the inspection, the missing
9 records, the alternative plan, then the commission under
10 spent fuel pools were acceptable, that all in accordance
11 with standards and requirements, met all codes and
12 requirements.

13 MR. LAUFER: I think Mel's comment was
14 appropriate. We probably in our initial slide but maybe we
15 didn't go into enough detail on what our view actually
16 entails.

17 As we've said, the licensee - license amendment
18 came in December 23rd, 1998. As part of our process, Susan
19 Utall mentioned that we do a proposed public notice,
20 proposed finding of no significant hazards was made in this
21 case, an opportunity for a hearing. We talked about the
22 proposed no significant hazards determination be a
23 preliminary review. The licensee makes a determination; we
24 look at it and decide if we're going to make a proposed
25 finding based on what they submitted.

1 The licensee is currently licensed to operate and
2 store fuel in pools A and B. They have fuel movements that
3 goes into pools A and B; they accept fuel from Brunswick &
4 Robinson that goes into pools A and B. That's all approved
5 currently under their license. None of that is changing.
6 What they're asking for is to put fuel in pools C and D.

7 The ability to remove fuel into pools A and B,
8 like I say it's currently approved, it's currently described
9 in the final safety analysis report as an accident analysis
10 supporting consequences if it happens, if a fuel rod happens
11 to drop. But, that approval is not based on how many times
12 they operate. Their current upstart doesn't say that, you
13 know, moving fuel is okay as long as you do it 'x' number of
14 times. It's based on using qualified procedures, qualified
15 equipment, qualified operators so that the - it's not a
16 random event when they move fuel, it's a pre-planned event
17 using qualified procedures, qualified operators.

18 So, to get into the probability and consequences
19 in an accident would increase, what they're doing in putting
20 pools C and D in service could be likened to a re-wrap
21 amendment. Numerous plants have come in and addressed the
22 problem of fuel storage capacity by rewrapping existing
23 pools. Most plants don't have the - have additional fuel
24 pools empty and available for fuel, so if they removed the
25 existing racks and replace them with high density racks,

1 they could store more fuel in the same general area.

2 Numerous re-recs have been submitted; the Staff
3 has approved them for simple licensees. And the Commission,
4 when it first came out with the rule making that allowed
5 public comment and opportunity for a hearing, there was a
6 Federal Register Notice and guidance on what types of
7 amendments would constitute a no significant hazard
8 determination, and re-racking was one that was listed as
9 constituting that.

10 So, those are the types of considerations we made
11 in making our proposed no significant hazard determination.

12 After we published that for the hearing, the
13 amendment was split up to be reviewed by the technical
14 review branches and the review - Chris Gratton's work and
15 plant systems is looking at the heat load capabilities of
16 the component -- cooling water system to be able to handle
17 the additional one million BTU's per hour, which is what
18 they're asking for in the text specs. The text spec is the
19 controlling document and anything that changes is what's
20 listed in the text specs. The current application, the text
21 specs are changing to allow fuel to be stored in pools C and
22 D and they're establishing limits on the type of fuel that
23 can be put in C and D and on the heat load, the one million
24 BTU's.

25 The other aspect of the application has to do with

1 the cooling system. As was pointed out, pools C and D
2 weren't completed as part of the original construction. The
3 cooling system was only 80 percent complete, and as Mr.
4 Eddleman pointed out, some of their weld records were lost.
5 The unfinished portion of the piping system wasn't in
6 service, so it wasn't subject to the NRC regulations at that
7 time, but now to bring it back into service they have to
8 prove to us that the welding is complete, that the systems
9 are capable for performing their designed functions before
10 they can bring it back into service.

11 And, what they proposed in their alternative plan
12 was various inspections, using cameras to crawl through the
13 pipes and check the welds, chemical analysis, those are all
14 reviewed by our reviewers. There's hours of videotapes they
15 looked at. Like I said, they came down and did an
16 inspection in November and the follow up inspection in
17 January, and the Staff put its whole analysis in response to
18 the contention that was filed January 4th.

19 We made our determination in response to the
20 contention that the plan they had proposed was adequate,
21 that the piping in question would perform its designed
22 function, and that -- the equipment as well. As far as the
23 rest of the review, the rest of the review is still ongoing
24 as people looking at the, like I said the cooling aspects,
25 and when we get all the pieces together, you know the Staff

1 will make a determination - a safety determination on
2 whether the amendment will be approved or not. Do you have
3 anything else to that?

4 MR. BERKOW: That says it.

5 MR. CORRIEA: And like anything else in a
6 commercial nuclear power plant, once the plant is licensed
7 and operating it's subject to a continuous NRC review.
8 Resident inspectors are there every day. They continuously
9 assess licensee's compliance with the regulations and codes
10 and standards; that the Region sends out inspectors; and
11 occasionally Headquarters does too if there's a particular
12 issue.

13 So, it's not like we grant them a license and we
14 walk away from it.

15 Our responsibility is to insure that they continue
16 their license to technical specifications and other
17 requirements.

18 MR. LAUFER: Another point to clarification is
19 that the Staff's review is really separate from the ongoing
20 hearing. We're not limiting our review only to the areas of
21 contention in the hearing. We're conducting our review the
22 same as we would even if there was no hearing.

23 MR. FRY: Can somebody speak to how the generic
24 report that CP&L did on spent fuel pools in general, how the
25 information in that report applies to this set of

1 circumstances?

2 MR. LAUFER: The Staff re-issued an environmental
3 assessment on this amendment on December 15th, and in it we
4 talked about some studies the Staff had done on severe -
5 beyond design basis - severe accidents, the type of
6 situations that Mr. Eddleman was referenced to. The staff
7 did a study in 1989 and issued a new reg that talked about
8 operating, as we stated in our environmental assessment,
9 that plant was looked at for operating reactors and that no
10 new regulatory requirements were warranted as a result of
11 that report. I should note that our environmental
12 assessment has been challenged now by additional
13 contentions, which the staff is going to have to address
14 some of the contentions, some of the things that Mr.
15 Eddleman raised. Because the staff's response isn't due
16 until March 3rd, we are not really in a position where we
17 can talk freely about what the status of this filing would
18 be in that case.

19 MR. FRY: But, that will be part of that -

20 MR. LAUFER: On March 3rd, the staff's opinion
21 will be part of the public record.

22 MR. JOHN CATES: One of the things that we have
23 heard around here a lot is that the NRC review has only been
24 cursory.

25 MR. LAUFER: Can you identify yourself for the

1 record?

2 MR. CATES: My name is John Cates. I work for
3 Carolina Power and Light as their manager over regulatory
4 affairs. One of the things that might help the public
5 understand a little bit about your review of this license
6 amendment and application. If you could possibly describe
7 either the number of people that you have got involved in
8 the review, how much time that they have spent on it, what
9 is the expertise of both the staff that is looking at this
10 and the expertise associated with the Atomic Safety and
11 Licensing Board. I think that would be useful to know for
12 the general public.

13 MR. BERKOW: We did elements of that earlier, but
14 perhaps we can elaborate a little bit about the types of
15 disciplines on the staff that are reviewing this
16 application.

17 Ms. Susan Utall, you may know the qualifications
18 of the Board.

19 MS. UTALL: As Judge Berkow said in his preamble
20 during the limited appearances, he is a lawyer and he has
21 been with the Atomic Licensing Board for a number of years.
22 He has been the Chief Administrative Judge over there and he
23 has served in various capacities. So, he has experience
24 with regulatory matters.

25 The other two judges, who have been judges for

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1 quite some time are both nuclear engineers. I don't know
2 their backgrounds, per se, but I know that they have served
3 as judges for ten years or more. I know that they started
4 long before I came to the NRC.

5 MR. LAUFER: I know from the depositions that were
6 taken, they would be experts who have worked on the piping
7 issues, Jim Davis and Don Norweack. Their qualifications
8 were all outlined in their depositions, but I know Mr. Davis
9 has a doctorate. Our reviewer on the criticality issues,
10 Larry Cobb, he also testified in the hearing and he is
11 highly qualified in his field. As far as how many people
12 are involved, I can't find my list right here, but there are
13 at least nine different technical review branches looking at
14 the various aspects of it. We mentioned the criticality
15 aspects, the piping aspects, there are people looking at the
16 rack design, the accident analysis and radiological
17 consequences of that, heavy loads and lifting aspects of it.

18 MR. BRADY: How about the inspection at Region
19 Two.

20 MR. BERKOW: The inspectors who did the particular
21 inspection that Rich Corriea mentioned; Phil Linahan
22 (speaker not near any microphone) - has done thousands of
23 inspections. He was the original licensing inspector for
24 Shearon Harris and probably if you ask him, he could tell
25 you that he saw some of those originals records that were

1 lost and what the qualities of those are. So, he has
2 experience both at the Shearon Harris Plant and with the NRC
3 for twenty some years.

4 Another inspector on there, Bill Pearley, is an
5 MEE in material expert and well recognized in his field.

6 Both of them are degreed engineers.

7 FEMALE VOICE FROM AUDIENCE: I don't know if I am
8 the appropriate place to ask this question, but I wonder if
9 you could put this into some kind of context within the
10 United States. For instance, are you as the NRC, are you
11 entertaining any similar requests for cool expansion
12 anywhere else. Is this a common thing? How many of these
13 have you done? Or is this the only place in the United
14 States that is looking at this kind of expansion?

15 MR. BERKOW: Well, the unique aspect of this one
16 is that there are two additional pools. It is probably the
17 only facility in the country that has two pools that are
18 available that have not been used or even one additional
19 pools. Most licensees, where they want to expand their
20 storage capacity, it is called re-racking. They replace the
21 racks with higher density racks which allows them to store a
22 larger number of fuel and we have reviewed and approved many
23 of those. That has been going on for many years.

24 MR. LAUFER: And then there are some licensees,
25 didn't have additional pools. If they were originally

1 planned for say a two unit site and they only built one,
2 some of them have larger than normal transfer canals and the
3 staff has even entertained putting racks in the extended
4 area of the transfer canal in order to give more space in
5 the pools.

6 MR. BERKOW: And some licensees have opted to go
7 the route of dry cask storage in addition to re-racking
8 pools.

9 FEMALE VOICE FROM AUDIENCE: So, if I understand
10 you correctly, the only place in the country that this kind
11 of request is being - happening. And, of course, with the
12 increased number of pools, we will look at a time when we
13 will - they will request to re-rack or probably - ?

14 MR. BERKOW: That depends on how long it takes for
15 a permanent repository to be licensed and be operational.
16 Yes.

17 MR. LAUFER: It is comparable to - . If pools at
18 CP&L were not available, they could just as well be in here
19 having a meeting about doubling the capacity in pools A and
20 B, which is what a typical re-rack does.

21 MR. BRADY: Excuse me. Are you saying that we
22 could get twice as much fuel in pools A and B?

23 MR. LAUFER: I'm not that familiar with the
24 re-racks or their type of racks. Doubling might have been
25 over stated. But, certainly, a lot of licensees have come

1 in to increase their capacity. I'm not sure exactly of the
2 percentage they increase it by.

3 MR. BERKOW: And some have done it more than once.

4 MR. TATE: Is it fair to say that the standard
5 practice for nuclear plants that need extended fuel storage
6 capacity, generally, they first utilize as much available
7 pool storage as possible and then it is only after the
8 abilities for further expansion of that pool storage is
9 exhausted, that they then go to dry cask storage? Is that
10 not a way of saying that what we are doing is actually
11 similar to what everybody else has done?

12 MR. BERKOW: I can't state without reservation
13 that everyone who has gone to dry cask storage has first
14 exhausted all of the expansion possibilities in their pool.
15 That may be so. I don't know that for a fact. But, in
16 general, your statement is correct.

17 MR. EDDLEMAN: I have just got a feeling and I am
18 going to tell you this, that you may be aware that -- dry
19 storage at the Robinson Plant and they had not exhausted all
20 the pool storage capacity in their system at that time.

21 MALE VOICE FROM THE AUDIENCE: What CP&L is
22 requesting, 7000 rods in those four pools. At most reactor
23 plants, they end up with about 1500 rods and then they have
24 to go to dry storage. The whole problem is because of the
25 Agency that you work for and of Congress. In 1993, when

1 they were suppose to start accepting at Yuka Mountain the
2 waste, which they will not probably accept until Congress,
3 the last of this month, they hope to get it set up by the
4 year 2007, but that is the handle there at this point. We
5 have only spent six billion dollars of rate payers money out
6 there at this point. So, there is hope for the future yet
7 because there is fifteen billion dollars still in the kitty,
8 which is the money that I referred to at CP&L that is
9 looking to get reimbursed from for the extended storage that
10 they are being subjected to as well as the other hundred and
11 eleven other plants in the United States.

12 This is just general information for you folks
13 that may not be aware of it.

14 I am kind of curious, getting back to what I spoke
15 to originally here.

16 Back in 1998, I believe NRC did a study of the
17 security at Harris Plant and said that it was adequate.
18 But, this is now the year 2000 and CP&L wants it, to make it
19 the largest facility in the world, has the NRC, your Agency,
20 contemplate going back in there to review.

21 Because at this point in time, they have put 7000
22 rods in that place that stands out like a sore thumb because
23 it is one large building with four pools in there. It is
24 like a small air craft hanger. It is a beautiful target and
25 that is my only concern is the security there, at this

1 point, because this is purely an exercise and a waste of our
2 time.

3 Since we are talking about money that CP&L is
4 going to get back anyhow whether they go to dry cask storage
5 now, some of the environmental people have said that it will
6 cost them about eight to nine million dollars more a year to
7 go to dry cask storage.

8 To CP&L, it is not that, it is a matter of
9 positioning themselves for a law suit. It is as simple as
10 that. They want to show that they have done everything
11 possible to avoid spending money.

12 So, where do we stand, sir, as far as the NRC
13 going back on review of the security, at this point? Do you
14 have any idea?

15 MR. BERKOW: The NRC continuously oversees the
16 security of all plants. I don't believe that this
17 particular amendment in itself will trigger a special
18 inspection with respect to security. But, security is part
19 of the regular inspection program of all plants.

20 MR. LAUFER: And the inspection that you are
21 talking about that was done in 1998 was the Operational
22 Safeguards Response Evaluation. Those are done
23 periodically.

24 MALE VOICE FROM AUDIENCE: Periodically? I am
25 asking for some straight plain talk. Understand?

1 MR. LAUFER: And your other comment about the 7000
2 additional fuel rods, this particular amendment that CP&L
3 has put before us is going to be implemented in stages
4 according to their submittal and over a 20 year period, give
5 or take, I don't remember completely from the submittal.
6 So, it is not an instantaneous change that we are talking
7 about here. So, the NRC security program will continue to
8 evaluate it as it does.

9 MR. CORRIEA: Could you help us understand what it
10 is exactly you were looking for regarding security
11 inspections? Are you looking for a specific date or time or
12 frequency that we do the inspections? I want to make sure
13 that we try to answer the question the best that we can.

14 MALE VOICE FROM THE AUDIENCE: I would like to see
15 security guards at the plant upgraded to be proper security
16 officers. At this point, they are the same type of security
17 guards I meet over at the local mall here, local shopping
18 center, that these real estate people love.

19 Four of five of them have come forward and told me
20 that CP&L is wonderful. Nobody questions us about it at the
21 plant there. Of course, they don't. 99.9 percent of them
22 don't know anything about it there.

23 What I am looking for here is an upgraded group of
24 men and women who can really be willing to put themselves on
25 the line for protecting their plant. And since that plant

1 has that unique four pools in one building that stands out
2 like a sore thumb when you drive over there. It would be
3 very easy to cause a tremendous accident there. That's why
4 I hate the idea of having 7000 rods sitting in those four
5 pools, ten, twenty or forty years down the line because the
6 NRC has not been able to complete the Yuka Mountain site
7 since 1987. They were suppose to have it operational by
8 1993.

9 MR. LAUFER: Just to clarify and not that this
10 changes anything, but it is not the NRC that is responsible
11 for developing the permanent repository. It is the
12 Department of Energy. The NRC would license the facility.
13 But, that doesn't change the situation, but just to clarify.
14 It is not the NRC.

15 MR. COLE: Yes. If I could. I am Jenks Cole and
16 I am vice president of the Harris Plant. My position is
17 accountable for all the fuel shipments, the operation of the
18 facility, the security force at the Harris Plant. I just
19 want to address a little bit for public information as far
20 as the security force there.

21 First of all, all of our guards are very highly
22 trained, most of them have a military background. They all
23 go through routine physical exams. They do have specific
24 training. I might mention that we have one of the finest
25 live shooting ranges in the area here. In fact, the local

1 police departments come to our facility to train their
2 people. I have just recently arranged for the Cary Police
3 Department to acquire some land next to our facility so that
4 they could train like we train our security guards.

5 Our security guards train with live ammunition.
6 Our security guards are tested on a routine basis and I, for
7 one, would take issue with the fact and the comparison to a
8 mall security guard. I assure you and assure the public
9 that the security at the Harris Plant is second to none in
10 the nation and has been recognized as a leader in security
11 for nuclear facilities.

12 So, I don't want a mis-perception to be left with
13 this audience today.

14 Thank you.

15 MALE VOICE FROM THE AUDIENCE: One quick question.
16 About what per hour do you pay these security guards there?
17 Because by answering that question, you have told me exactly
18 whether or not I am correct in my conception that you use
19 Brinks International Security Company to supply you with
20 manpower.

21 MR. COLE: The wages associated with the security
22 guards are comparable to what is necessary to attract them
23 at a military position and I assure you that we have no
24 problem with attracting top rate security personnel at a
25 military service.

1 MR. LAUFER: Is there anybody else who has
2 questions or comments about the license amendment?

3 MALE VOICE FROM THE AUDIENCE: The amendment that
4 CP&L is asking for, if it were approved, would that just
5 allow storage of their own rods or would they be allowed to
6 take waste generated from other company's facilities? And,
7 more generally, going back to the Yuka Mountain situation,
8 does your Agency view any pressure from the Department of
9 Energy and the Administration to approve this application
10 because of the lack of a central storage facility.

11 MR. BERKOW: The answer to your first question is
12 that they would only be able to accept fuel from other CP&L
13 Plants, not other companies. And, that has always been the
14 case.

15 As far as pressure is concerned, the answer is no.
16 We are an independent agency and we carry out our mandate
17 without any pressure from any other agencies.

18 A lot of the re-racks and expansions that become
19 necessary because there has been a delay in the operation
20 and licensing of the depository, but in no way is this
21 adversely impacting safety.

22 MR. LAUFER: No other questions or comments?

23 MR. BERKOW: Thank you all for participating. I
24 assume there are no more questions or comments? If not, we
25 will close the meeting.

[Whereupon, the meeting was concluded.]

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This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: PUBLIC MEETING TO DISCUSS
CAROLINA POWER AND LIGHT
COMPANY'S AMENDMENT REQUEST TO
EXPAND THE SPENT FUEL STORAGE
CAPACITY AT ITS HARRIS NUCLEAR
PLANT

CASE NO:

PLACE OF PROCEEDING: Raleigh, NC

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Bob Addington

Official Reporter

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