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2009 Chapel Hill Road
P.O. Box 61051
Durham, NC 27715-1051
Phone: (919) 490-0747 Fax: (919) 493-6614
E-Mail Address: NC-WARN@POBOX.COM

Waste Awareness and Reduction Network



May 15, 2000

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COPY
ADP

The Honorable Senator John Edwards
United States Senate

SERVED MAY 31 2000

Subject: Your Call for Hearings on Harris Nuclear Waste Expansion

Dear Senator Edwards,

On behalf of NC WARN members and allies across the region, I would like to thank you for your May 5th letter to Chairman Richard Meserve of the Nuclear Regulatory Commission calling for full evidentiary hearings on CP&L's proposed high-level waste expansion in central North Carolina.

Unfortunately, on the same day as your letter, the NRC's Licensing Board ruled against hearings on the first phase of Orange County's legal challenge to the plan. This was a reversal of the Board's July 1999 order, and comes not as a result of detailed technical discussions, but rather due to attorneys from CP&L and the NRC itself using a loophole in federal law to prevent open scientific debate. There was little substantive change since last July; CP&L won this round only by manipulating the federal system which favors the industry so heavily to the detriment of public safety and open democratic process. This overturned ruling is emblematic of the influence which the nuclear industry so heavily wields.

The most remarkable and appalling aspect of all the legal non-hearings so far is the fact that the two internationally-known nuclear experts working with Orange County have been prevented from even speaking. Instead, they sit muted while lawyers argue about whether a full technical debate of safety concerns should be held. In January, one of CP&L's lawyers openly reminded the Licensing Board - twice - that Congress expects the NRC to expedite the approval process of applications such as CP&L's. This clearly reflects the budget cutbacks threatened by Senator Domenici and others on behalf of their campaign financiers in the nuclear industry.

On the second phase of Orange County's quest for hearings, it appears that CP&L and NRC lawyers are continuing to work in appalling coordination to prevent an Environmental Impact Statement - even though an EIS is required by federal law - as well as evidentiary hearings on potential accident scenarios at Harris's waste pools. As you may know, a draft study by the NRC staff released in February confirms Orange County's concerns that a cooling pool accident could cause an extremely large release of radiation into the atmosphere, and more importantly, that much is unknown about the physics of spent fuel storage in cooling pools. As a result of this study, in any fair system the Licensing Board would surely agree that formal hearings are necessary in order to fully explore those issues, especially since they are highly relevant to Orange County's contentions. Also because of the national importance of resolving these issues which will increasingly come into play at numerous nuclear plants regardless of whether a federal repository is ever proven safe. However, it may well be that the industry's political influence might once again thwart fairness and common sense in favor of protecting CP&L's profits.

Senator Edwards, the public is cheated by such a system which allows a corporation to use its political,

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SECY-02

public relations and legal muscle to create the very rules it is regulated by and then to brazenly pressure the federal agency which is supposed to regulate it. Such a rigged system, if successful, leaves the public with little recourse except to resort to more vigorous protests, to challenge the companies which would place profits ahead of public safety instead of avoiding increased risks when feasible.

All across the nation, people are increasingly standing up to corporate arrogance and demanding that the public well-being must come first. I believe there is a commitment in this region to push this issue much further than we already have. You have a reputation as one who will stand up to corporations. I hope that your skill and action will help avoid greater confrontation between public and polluter, and instead facilitate a just resolution of this meltdown of democracy which is occurring in North Carolina.

The national dilemma of nuclear waste is one of the most troubling issues facing our society. NC WARN and its allies would prefer – and we have tried with CP&L – to work cooperatively with government and industry to resolve this mess created by the nuclear industry. However, we will not stand by passively and be abused by corporate tyranny which places millions of people at a greatly increased risk just so CP&L can avoid spending a fraction of its massive profits for a far safer waste storage plan.

You have called on NRC Chairman Meserve to exercise his discretion in calling for hearings. We also hope you will use your considerable influence to push beyond the federal barriers and persist in seeking not only full evidentiary hearings, but the Environmental Impact Statement required by law. This would cause CP&L to reveal cost benefit information about its plan versus the safer option of dry storage.

If the NRC and CP&L continue to successfully avoid full and open hearings on all safety issues, and refuse to perform the EIS, we would expect you to join the conclusion that NC WARN and many others have made: CP&L cannot openly justify its waste proposal and should therefore withdraw the plan. We trust that you will help watchdog this process and lead the demand that safety take priority over profits.

We request that you keep us, the media and the public closely apprised as to Chairman Meserve's reply and further developments regarding this issue. Thank you again for your action and for your staff's help over the past 18 months.

Sincerely,



Jim Warren
Executive Director
NC WARN

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY) Docket No. 50-400-LA
)
(Shearon Harris Nuclear Power Plant))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM JIM WARREN TO SENATOR JOHN EDWARDS DATED 05/15/00 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Frederick J. Shon
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

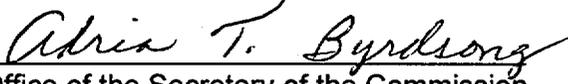
Susan L. Uttal, Esq.
Robert M. Weisman, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

William D. Johnson
Vice President and Senior Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, NC 27602

John H. O'Neill, Jr., Esq.
William R. Hollaway, Esq.
Shaw Pittman
2300 N Street, NW
Washington, DC 20037

Docket No. 50-400-LA
LETTER FROM JIM WARREN TO
SENATOR JOHN EDWARDS DATED 05/15/00


Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 31st day of May 2000