RAS 1804

DOCKETED USNRC

DOCKET NUMBER
PROD. & UTIL. FAC. 50-400-LA

'00 JUN 13 A8:45

OFFICE OF SECRETARY
RULEMAKINGS AND ADJUDICATIONS STAFF

SERVED JUN 13 2000

From: "Judy Hogan" <judyhogan@mindspring.com>
To: "Betty Hodges" <annahodges@hotmail.com>
Date: Mon, Jun 12, 2000 8:51 AM
Subject: Fw: NRC ABUSE

Dear friends and allies,

If you haven't written to Price and Edwards, now's the time. I'll be meeting Price with others from the CANIT group (Coalition Against Nuclear Imports to the Triangle) on Monday, June 19. Also, could you cc me any letters you send. We're at a crossroads. We need our Congresspeople to insist on a hearing (Edwards already has) and to continue to insist, because the NRC is so far (only one Orange County contention left) ruling in favor of CP & L.

It will take you five minutes to send Edwards an e-mail thanking him for his stand and Price, urging him to join Edwards. Thanks! Judy

Urge Sen. Edwards and Rep. Price to stand up to the NRC

Senator Edwards senator@edwards.senate.gov

Rep. Price david.price@mail.house.gov

News Update
June 8, 2000
Orange County Commissioners

Appeal NRC Ruling

NRC Seeks to Freeze Senator Edwards Out of Nuclear Expansion Debate

The Orange County Board of Commissioners has asked the Commissioners of the U.S. Nuclear Regulatory Commission to review a May 5th decision by the NRC*s Atomic Safety and Licensing Board. The decision determined that there will be no evidentiary hearing on phase one of the County*s legal challenge of Carolina Power & Light*s proposal to double its capacity to store "spent" fuel in pools at the Harris Nuclear Power Plant. That decision reverses the Licensing Board*s own ruling from last July about the issue of whether Carolina Power & Light violates NRC safety regulations. CP&L had used a special NRC rule to appeal the July ruling; the Licensing Board reversed itself without allowing testimony or oral presentation by two nuclear experts working for the County.

CP&L is proposing to ship the waste to Harris from other CP&L reactors in the Carolinas. In order to store such a large volume of spent fuel in the pools, CP&L must pack it very densely, a process which raises the risk of a criticality accident, or runaway nuclear chain reaction, according to Dr. Gordon Thompson, a nuclear scientist retained by the County. The Licensing Board*s decision approves CP&L*s proposal to prevent criticality by relying on plant personnel to keep fresh or partially-burned fuel out of the new, high-density spent fuel racks.

Orange County argues that such a plan contradicts the plain language of NRC safety regulations, which acknowledge that human beings are too fallible to rely on for such an important safety measure.

The County has also challenged CP&L*s plan to rely on a portion of the Harris spent fuel pool cooling system that was abandoned over 15 years ago. The cooling piping and equipment were not maintained in accordance with NRC safety requirements, and thus were subject to corrosion and degradation. Some of the piping is embedded in concrete and is difficult to inspect. Instead, CP&L used a remote video camera to view the welds inside the embedded cooling system, but the record shows it never took a close look at the piping itself. Orange contends that the Licensing Board*s decision completely ignores this major problem.

Dr. Thompson commented that "CP&L may be saving a comparatively small amount of money by packing

Template = SECY-038

SECY-02

spent fuel into its storage pools as tightly as possible, but this very dense storage raises the risk of a runaway chain reaction * or a much worse accident." Thompson noted that such risks could be completely avoided if CP&L were to elect dry storage for at least some of the spent fuel, and that "the additional cost would be minor in comparison to the devastating consequences of a radioactive release from the spent fuel pools at Harris." The expansion would give Harris the greatest high-level waste capacity in the U.S.

NC WARN complained that the Licensing Board*s reversal of its own ruling is just another example of the Meltdown of Democracy. "CP&L and NRC lawyers worked together, utilizing the pro-industry NRC rules, to overturn last July*s ruling and once again block the experts from making their case," said WARN Chair Carol Childs. "It*s a travesty that lawyers are undermining scientific debate."

The County is seeking to have the NRC Commissioners order full evidentiary hearings on the criticality and piping issues. Orange County is also awaiting a ruling from the Licensing Board regarding its request for a hearing on whether the environmental risks posed by the spent fuel pool expansion proposal warrant the preparation of an Environmental Impact Statement. An EIS is required by federal law, but NRC staff contends that a much less detailed Environmental Assessment is adequate, and that the Assessment shows there is no increased risk from the CP&L plan.

Meanwhile, the NRC appears to be ignoring Sen. John Edwards* May 5th letter urging the Commission to use its authorized discretion to hold hearings for the unique and highly controversial waste plan. A May 16th letter from the NRC ignored the discretionary powers issue, and claimed to Edwards that the Commission must remain "impartial." Staff from Rep. David Price*s office said that the NRC told them it cannot consider input from Congress, a claim NC WARN notes as ludicrous: Sen. Pete Domenici is threatening budget cuts to make NRC even more industry-friendly, while the industry itself has a well-demonstrated influence over the whole process.

"Who are they kidding!" said NC WARN*s Childs. "We don*t think Sen. Edwards and Rep. Price will settle for that." Price has not yet called for the hearings, but members of CANIT, a coalition opposing the expansion, will meet with him on June 19th to seek his further involvement.

**

In a related matter, it is not yet known how the NRC will respond to its own science advisory board*s criticism of the agency. The Advisory Committee on Reactor Safeguards sent a sharply worded letter in April to NRC Chairman Richard Meserve, pointing to serious deficiencies in NRC*s understanding of potentially devastating accidents in waste cooling pools.

The ACRS complained that the NRC has ignored the potential for various causes of waste pool fires, and that the agency has done an "unacceptable" job in analyzing accidents which are "dominated by sequences involving human errors and seismic events which involve large uncertainties." Orange*s consultant Thompson pointed out that the ACRS letter "reinforces Orange County*s claim that the NRC staff does not properly understand the potential for exothermic reactions (fires) in spent fuel pools," and that it bolsters the argument that there should be a full Environmental Impact Statement performed for the Harris expansion.

Importantly, the ACRS letter refutes a key claim by CP&L and NRC staff, that waste over five years old * what is euphemistically called "older and colder" fuel * would not catch fire when exposed to air.

CC: "Yvonne Brannon Wake" <ybrannon@co.wake.nc.us>, "W...

Dear friends and allies, If you haven't written to Price and Edwards, now's the time. I'll be meeting Price with others from the CANIT group (Coalition Against Nuclear Imports to the Triangle) on Monday, June 19. Also, could you cc me any letters you send. We're at a crossroads. We need our Congresspeople to insist on a hearing (Edwards already has) and to continue to insist, because the NRC is so far (only one Orange County contention left) ruling in favor of CP & L. It will take you five minutes to send Edwards an e-mail thanking him for his stand and Price, urging him to join Edwards. Thanks! Judy

Urge Sen. Edwards and Rep. Price to stand up to the NRC

Senator Edwards senator@edwards.senate.gov Rep. Price david.price@mail.house.gov News Update June 8, 2000

Orange County Commissioners

Appeal NRC Ruling

NRC Seeks to Freeze Senator Edwards Out of Nuclear Expansion Debate

The Orange County Board of Commissioners has asked the Commissioners of the U.S. Nuclear Regulatory Commission to review a May 5th decision by the NRC's Atomic Safety and Licensing Board. The decision determined that there will be no evidentiary hearing on phase one of the County's legal challenge of Carolina Power & Light's proposal to double its capacity to store "spent" fuel in pools at the Harris Nuclear Power Plant. That decision reverses the Licensing Board's own ruling from last July about the issue of whether Carolina Power & Light violates NRC safety regulations. CP&L had used a special NRC rule to appeal the July ruling; the Licensing Board reversed itself without allowing testimony or oral presentation by two nuclear experts working for the County.

CP&L is proposing to ship the waste to Harris from other CP&L reactors in the Carolinas. In order to store such a large volume of spent fuel in the pools, CP&L must pack it very densely, a process which raises the risk of a criticality accident, or runaway nuclear chain reaction, according to Dr. Gordon Thompson, a nuclear scientist retained by the County. The Licensing Board's decision approves CP&L's proposal to prevent criticality by relying on plant personnel to keep fresh or partially-burned fuel out of the new, high-density spent fuel racks.

Orange County argues that such a plan contradicts the plain language of NRC safety regulations, which acknowledge that human beings are too fallible to rely on for such an important safety measure.

The County has also challenged CP&L's plan to rely on a portion of the Harris spent fuel pool cooling system that was abandoned over 15 years ago. The cooling piping and equipment were not maintained in accordance with NRC safety requirements, and thus were subject to corrosion and degradation. Some of the piping is embedded in concrete and is difficult to inspect. Instead,

CP&L used a remote video camera to view the welds inside the embedded cooling system, but the record shows it never took a close look at the piping itself. Orange contends that the Licensing Board's decision completely ignores this major problem.

Dr. Thompson commented that **"CP&L may be saving a comparatively small amount of money by packing spent fuel into its storage pools as tightly as possible, but this very dense storage raises the risk of a runaway chain reaction – or a much worse accident**." Thompson noted that such risks could be completely avoided if CP&L were to elect dry storage for at least some of the spent fuel, and that **"the additional cost would be minor in comparison to the devastating consequences of a radioactive release from the spent fuel pools at Harris."** The expansion would give Harris the greatest high-level waste capacity in the U.S.

NC WARN complained that the Licensing Board's reversal of its own ruling is just another example of the Meltdown of Democracy. **"CP&L and NRC lawyers worked together, utilizing the pro-industry NRC rules, to overturn last July's ruling and once again block the experts from making their case,"** said WARN Chair Carol Childs. **"It's a travesty that lawyers are undermining scientific debate."**

The County is seeking to have the NRC Commissioners order full evidentiary hearings on the criticality and piping issues. Orange County is also awaiting a ruling from the Licensing Board regarding its request for a hearing on whether the environmental risks posed by the spent fuel pool expansion proposal warrant the preparation of an Environmental Impact Statement. An EIS is required by federal law, but NRC staff contends that a much less detailed Environmental Assessment is adequate, and that the Assessment shows there is no increased risk from the CP&L plan.

Meanwhile, the NRC appears to be ignoring Sen. John Edwards' May 5th letter urging the Commission to use its authorized discretion to hold hearings for the unique and highly controversial waste plan. A May 16th letter from the NRC ignored the discretionary powers issue, and claimed to Edwards that the Commission must remain "impartial." Staff from Rep. David Price's office said that the NRC told them it cannot consider input from Congress, a claim NC WARN notes as ludicrous: Sen. Pete Domenici is threatening budget cuts to make NRC even more industry-friendly, while the industry itself has a well-demonstrated influence over the whole process.

"Who are they kidding!" said NC WARN's Childs. **"We don't think Sen. Edwards and Rep. Price will settle for that."** Price has not yet called for the hearings, but members of CANIT, a coalition opposing the expansion, will meet with him on June 19th to seek his further involvement.

**

In a related matter, it is not yet known how the NRC will respond to its own science advisory board's criticism of the agency. The Advisory Committee on Reactor Safeguards sent a sharply

worded letter in April to NRC Chairman Richard Meserve, pointing to serious deficiencies in NRC's understanding of potentially devastating accidents in waste cooling pools.

The ACRS complained that the NRC has ignored the potential for various causes of waste pool fires, and that the agency has done an "unacceptable" job in analyzing accidents which are "dominated by sequences involving human errors and seismic events which involve large uncertainties." Orange's consultant Thompson pointed out that the ACRS letter **"reinforces Orange County's claim that the NRC staff does not properly understand the potential for exothermic reactions (fires) in spent fuel pools,"** and that it bolsters the argument that there should be a full Environmental Impact Statement performed for the Harris expansion.

Importantly, the ACRS letter refutes a key claim by CP&L and NRC staff, that waste over five years old – what is euphemistically called "older and colder" fuel – would not catch fire when exposed to air.

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 LIMITED APPEARANCE STATEMENT 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
LIMITED APPEARANCE STATEMENT

Adrian T. Byrdsong
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 13th day of June 2000