

RAS 2582

DOCKET NUMBER

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

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USNRC

From: "Judy Hogan" <judyhogan@mindspring.com>
 To: "Raleigh News & Observer" <forum@nando.com>
 Date: Wed, Jan 3, 2001 11:00 AM
 Subject: Fw: NRC GRANTS CP&L EXPANSION

01 JAN -4 P4:19

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF
 SERVED JAN - 5 2001

Dear friends, there are things we can do:

Here are some thoughts from Mark Marcopolos of Warn:

Consider:

- 1) Orange County is appealing the NRC's "ruling".
 - 2) The ASLB (NRC licensing board) will still rule on the contentions. Will they feel insulted by the NRC staff's arrogant end-run? Will they (Gasp!) rule on the overwhelming merits of Orange County's case?
 - 3) Diane Curran, Orange County's lawyer, made an important point. This "ruling" came from lower-level NRC staff and not from the Commissioners. This is an important point to make with Edwards, Price, the media (letters, etc.), and the public. We can with very good reason cast doubt on the legitimacy of this "ruling".
 - 4) Chatham County appears ready to call on CP&L to drop the flawed pool plan and go to on-site dry cask storage.
 - 5) Edwards & Price have been receiving many calls & need to receive more. Call if you haven't yet and get your friends, mailman, kids, etc. to call. Will they respond? In 1986 citizens calls to Sen. Sanford prompted him to contact the NRC and this resulted in CP&L's premature attempt to do low-power testing at SH to be postponed. The NRC pays attention to Congress.
- Sen. John Edwards Raleigh office: Ph: 919-856-4245 Fax: 919-856-4408

Rep. David Price Chapel Hill office: Ph: 919-967-7924 Fax: 919-967-8324

If you give 5-10 minutes to this, you can make a difference! Why not? Cheers, Judy

-----Original Message-----

From: NC WARN <ncwarn@pobox.com>
 To: WARN <nc-warn@pobox.com>
 Date: Thursday, December 21, 2000 4:08 PM
 Subject: NRC GRANTS CP&L EXPANSION

NEWS RELEASE
 December 21, 2000
 919-490-0747

Contact: Jim Warren

NRC THWARTS OWN LICENSING BOARD, GRANTS CP&L WASTE EXPANSION

DURHAM - In a curious move, even by nuclear industry standards, the staff of the Nuclear Regulatory Commission today overruled its own Atomic Safety and Licensing Board (ASLB) by granting approval to a controversial high-level waste expansion by Carolina Power & Light. The ruling allows CP&L to begin using two additional cooling pools at the Shearon Harris Nuclear Plant as soon as it can complete construction and other preparations. Orange County indicated that it would appeal to the full NRC commission to seek a suspension of the approval.

NRC's move astounded observers because the ASLB is ordinarily considered the approval arm of the federal agency, and has allowed a legal challenge by Orange County to proceed based on concerns about increased risks of severe nuclear accidents. Following a Dec. 7th legal session in Raleigh, the ASLB is currently considering whether to allow safety hearings and an environmental impact study, which the County argues are required by federal law. The NRC staff ignored that legal process in granting the license amendment today.

Template = SECY-038

SECY-02

"CP&L stomped its foot, pounded on the table - and got exactly what it wanted," said NC WARN director Jim Warren. NC WARN charged last Monday that CP&L's attorney threatened the ASLB judges on Dec. 7th by warning repeatedly that Congress is looking over their shoulders. "The NRC has again gone the extra mile to protect its industry allies - this time by subverting the actions of its own licensing board!" Critics across the nation have long complained that the NRC and the rules it follows are heavily rigged in the industry's favor.

NC WARN added that CP&L was getting more desperate because it had wanted to begin the project more than a year ago and is running very low on space in the two existing pools at Harris.

Orange County Commission Chair Steve Halkiotis said, "I'm very disappointed but not surprised because of the NRC's past track record and connection to the industry." He added that Orange County had previously approved an appeal to the full NRC board in the event of an adverse decision by the ASLB.

Diane Curran, an attorney representing Orange County, said, "It's outrageous that the NRC did this when an environmental contention is pending before the ASLB. By issuing an approval before the case is resolved, they're thumbing their nose at the County and at the process which is supposed to ensure the protection of the public." She said the NRC ruling could prejudice the ASLB's decision regarding the environmental study, because federal doctrine would allow CP&L to claim that, since it's now spending money to complete the pools, it should be allowed to continue.

The NRC's own advisory board recently warned of serious uncertainties regarding storage of the highly irradiated nuclear rods in cooling pools. Experts for Orange County argue that CP&L's plan would substantially increase the risk of a major waste accident; Dr. Gordon Thompson estimates a 1 in 2,000 chance over 30 years, of one class of waste pool accident. Union of Concerned Scientists recently learned that loss of waste pool cooling at two nuclear plants in the U.S. went undetected for 48 hours, with temperatures rising to damaging levels.

Warren added, "This would be entirely unbelievable if we weren't dealing with the NRC. One branch of the agency considering the technical aspects of the expansion, and another branch of pro-industry hacks leapfrogging over the ASLB to do exactly what CP&L wants. More tales from Nuclear Wonderland."

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ACTION ALERT: If you didn't call Sen. Edwards and Rep. Price on Monday - now is the time to call.

Please make a very short call or fax to Sen. Edwards and Rep. Price and urge them to do all possible to ensure the safety hearings are held. (Emails are not assured of getting through)

Sen. John Edwards Raleigh office: Ph: 919-856-4245 Fax: 919-856-4408

Rep. David Price Chapel Hill office: Ph: 919-967-7924 Fax: 919-967-8324

NC WARN
Waste Awareness and Reduction Network
PO Box 61051
Durham, NC 27715-1051
Phone: (919) 490-0747
Fax: (919) 493-6614

Email: NC-WARN@POBOX.COM
Website: <http://www.ncwarn.org>

CC: "Senator Jesse Helms" <jesse_helms@helms.senate.gov>

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 OF JUDY HOGAN DATED 01/03/01 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 20555-0001

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 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

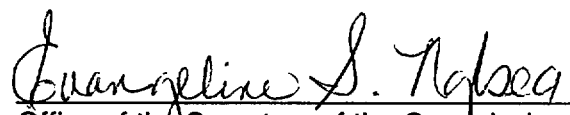
Susan L. Uttal, Esq.
Robert M. Weisman, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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.
Douglas J. Rosinski, Esq.
Shaw Pittman
2300 N Street, NW
Washington, DC 20037

Docket No. 50-400-LA
LIMITED APPEARANCE STATEMENT
OF JUDY HOGAN DATED 01/03/01


Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of January 2001