

RAS 2585

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

**From:** "NC-WARN" <NC-WARN@pobox.com>  
**To:** "Lam, Dr. Peter" <psl@nrc.gov>, "Bollwerk, Paul" <...  
**Date:** Fri, Jan 5, 2001 5:41 PM  
**Subject:** Opinion Editorial

DOCKETED  
USNRC

01 JAN -8 A8:53

The following opinion editorial was published in yesterday's Raleigh News & Observer

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

---

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>

SERVED JAN - 8 2001

Template = SECY-038

SECY-02

## OPINION PIECE

For The News & Observer

revised January 2, 2001

Rev. Carrie Bolton  
Alston Chapel United Holy Church  
Network  
Pittsboro

Jim Warren, Executive Director  
NC WARN: Waste Awareness & Reduction  
  
Durham

*"I submit to you that any individual who decides to break a law that conscience tells him is unjust, and willingly accepts the penalty for it, is at that moment expressing the very highest respect for law."*

Dr. Martin Luther King

What can citizens do when government fails them? Two years ago, NC WARN exposed Carolina Power & Light's proposal to create the nation's largest storage site for irradiated nuclear fuel – high-level waste – at its Shearon Harris Nuclear Plant in southwestern Wake County. So far CP&L has prevented safety hearings and an environmental impact study.

In early 1999, local governments and NC WARN sought roundtable discussions with CP&L. CP&L instead chose to rely on the Nuclear Regulatory Commission (NRC) and a closed-door process which requires legal action to even request a safety hearing.

Eleven local governments joined our call for an open review. Two prominent nuclear experts analyzed CP&L's plan: David Lochbaum of Union of Concerned Scientists and Dr. Gordon Thompson, an Oxford-trained specialist in nuclear accident risks. Both warn that the expansion would substantially increase the risk of a nuclear accident. Due to the massive volume of waste and cost-cutting measures proposed by CP&L, such an accident could far exceed the Chernobyl disaster.

Orange County legally intervened, seeking full hearings before an NRC licensing board. Local and state officials, thousands of citizens and Senator John Edwards called for hearings. But so far, there have only been legal sessions about whether safety hearings should be held, with CP&L and NRC lawyers arguing against hearings. No chance for Orange's experts to debate their concerns with CP&L. No testimony or cross-examination. No environmental impact study.

CP&L insists it supports an open process, but its public relations team blurs the distinction between legal sessions, informational meetings and scientific hearings.

Two recent federal studies confirm the potential for waste accidents involving disastrous consequences. In 2000, the NRC's own science advisors twice warned of serious uncertainties regarding waste pool storage.

Dr. Thompson estimates a 1 in 2,000 chance over 30 years of one type of major waste accident at Harris. CP&L claims it's less likely than an Ice Age. But waste pools at two U.S. nuclear plants recently lost

cooling for two days – undetected – with temperatures rising to damaging levels. The industry has long insisted that couldn't happen. Also, in September Lochbaum revealed that the NRC has allowed falsified safety studies of U.S. reactors.

CP&L and NRC have reversed their original primary defense of the expansion, now admitting that Thompson correctly calculates that "spent" fuel up to ten years old will ignite if the cooling pools are even partially drained and the waste exposed to air. Since 1979 NRC had insisted Thompson was wrong.

Frequent emergencies at U.S. reactors – including Harris – confirm that risks must be minimized to the fullest extent possible. Eight thousand bundles of fuel rods at Harris would be a potential target for terrorists, and NRC mock-invasions repeatedly prove nuclear plants to be highly vulnerable.

A far safer plan – dry storage at each plant – would cost CP&L less than one-half of one percent of its annual net profits. A Connecticut utility president recently argued repeatedly in an editorial that dry storage is safer than pools.

In short, the science is on our side in calling for decreased risks at Harris, but the regulatory system is a meltdown of democracy which fails the public. Orange County's valiant legal effort might succeed – but the NRC rarely refuses the industry because the agency is constantly pressured by the industry's campaign-financed allies in Congress. CP&L also uses financial muscle locally in various ways to silence criticism.

An August ruling by the licensing board would have finally led to hearings, but an NRC loophole led to another legal session in December where scientists were again prohibited from speaking. Nevertheless, Orange's attorney made such a solid case for hearings that CP&L's attorney resorted to repeatedly threatening the board that Congress insists on "expediting" such proceedings.

Regardless of the effect on the Licensing Board's pending decision, NRC staff heard the warning. Amazingly, they subverted the entire two-year process, bypassing the licensing board with a Christmas gift to CP&L – approval of the waste expansion. Orange is appealing to the full NRC panel.

So despite the frustrations of a pro-industry process, and much time, money and energy by local governments and citizens in a good faith effort to resolve legitimate safety concerns, the NRC buckled under CP&L pressure and knocked over the playing table, declaring "game over."

We have played by the rules. We made a reasonable request for CP&L to openly justify its plan, and urged consideration of dry storage. It is the height of injustice that CP&L lawyers have blocked Lochbaum and Thompson from even arguing their case.

We and a coalition of citizens feel the moral obligation to do all peacefully possible to pressure CP&L to drop its blockade against open scientific debate. CP&L leaves us no other recourse but to use nonviolent civil disobedience in the spirit of Martin Luther King and Gandhi. We feel so strongly, we are willing to be arrested – and have been once already, and will be tried January 11<sup>th</sup>.

How secure could the regional public feel living in the shadow of this unprecedented nuclear stockpile for an indefinite period, knowing that honest scientists warned against it but were prevented from openly pursuing their concerns?

We still would prefer to resolve this controversy, but will not stand by passively while CP&L

unnecessarily increases the risk to central North Carolina.

916 words

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear Power Plant)

)  
)  
)  
)  
)

Docket No. 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LIMITED APPEARANCE STATEMENT OF NC WARN 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

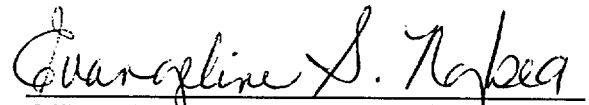
Susan L. Uttal, Esq.  
Robert M. Weisman, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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 NC WARN

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 8<sup>th</sup> day of January 2001