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Date: Thu, Jan 11, 2001 4:00 PM
Subject: Fw: Protesters win vs CP&L

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Good news for a change! Judy

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

From: NC WARN <ncwarn@pobox.com>
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Date: Thursday, January 11, 2001 3:42 PM
Subject: Protesters win vs CP&L

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PROTESTERS WIN ROUND VS. CP&L

CP&L, WAKE PROSECUTOR DROP CHARGES AT 11th HOUR

DURHAM – Nuclear safety advocates won a legal round today against Carolina Power & Light when the company's attorneys asked that charges of criminal trespassing be dropped minutes before three protesters were brought before a Wake County judge. The group had been arrested for an October 17th act of nonviolent civil disobedience – protesting the nuclear giant's avoidance of safety hearings on plans to create the nation's largest stockpile of high-level nuclear waste.

CP&L attorneys assisting the Wake County district attorney decided to dismiss the charges by saying that maybe the protesters didn't realize they were on CP&L property when they sat down in the entry of the company's Raleigh headquarters. The group had refused to leave without seeking CEO William Cavanaugh's agreement to stop using legal maneuvers to block the safety hearings.

Chatham County pastor Carrie Bolton said today, "Nobody believes CP&L dropped this case over a technicality about where we were sitting. This was damage control to prevent further exposure of the regional safety risks of CP&L's gigantic waste expansion at the Shearon Harris Nuclear Plant."

But CP&L's move to dismiss the case runs a risk of leaving the protesters available for more civil disobedience, as Rev. Bolton confirmed: "We and our coalition of citizens will indeed be back!"

Stewart Fisher, a Durham attorney representing the protesters, made it clear to the prosecution team that the issue wasn't where the group sat down. Fisher explained afterward, "This is a first amendment issue. CP&L is a public utility and my clients had every right to seek a discussion with its CEO over an issue with such important regional safety ramifications." Fisher added, "Make no mistake: My clients were not afraid of this case going to trial."

The group had planned to argue that they were compelled to violate the law to protect themselves and the public. Lawyer Lewis Pitts and NC WARN director Jim Warren joined Bolton in insisting that CP&L's plan is far too dangerous to proceed without full safety hearings and an environmental impact study.

They point to the recent revelation that in the past year, waste pools at two U.S. nuclear plants lost cooling for 48 hours, unnoticed, with temperatures rising well above levels where safety systems are

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damaged. In that time, the pools' water could have begun to boil away; waste assemblies will ignite if exposed to air, leading to a large radioactive release into the atmosphere.

CP&L's pools, if expanded, would contain over 50 times the cesium-137 released in the 1986 Chernobyl disaster. A worst-case accident could devastate the U.S. East Coast.

For two years, Orange County has sought hearings and the environmental study, relying on two prominent nuclear experts who argue that the risk of a major nuclear waste accident would increase under CP&L's plan, and that a safer storage method is proven, available, and would cost CP&L little more than the cooling pools.

A New England utility president argued emphatically last month that dry storage is safer.

The controversy surrounding CP&L's waste expansion was heightened in late December when a high level bureaucrat with the Nuclear Regulatory Commission approved CP&L's expansion. The move which subverted a two-year review process by an NRC licensing board, which is currently considering whether to order hearings and the environmental study. Orange County filed a scathing appeal of the NRC staff decision.

** Also, Sen. John Edwards and Rep. David Price sent a letter to the NRC Friday questioning the propriety of the NRC ruling, and whether it compromises the integrity of the overall review process. Editorial boards have also challenged the validity of the ruling. Opponents have long claimed that the NRC is beholden to the nuclear industry, which exerts constant pressure on the agency via its campaign-financed congressional allies.

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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 01/11/2001 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-400-LA
LIMITED APPEARANCE STATEMENT
OF JUDY HOGAN, DATED 01/11/2001

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of January 2001