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Date: Mon, Jan 22, 2001 3:59 PM  
Subject: Fw: NUCLEAR SECURITY BREACH

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More interesting information! Judy  
-----Original Message-----

From: NC WARN <ncwarn@pobox.com>  
To: WARN <nc-warn@pobox.com>  
Date: Monday, January 22, 2001 3:07 PM  
Subject: NUCLEAR SECURITY BREACH

OFFICE OF SECRETARY  
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ADJUDICATIONS STAFF

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NEWS RELEASE

January 22, 2001

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NUCLEAR SECURITY LAPSES LEAD TO FEDERAL LAWSUIT

Contact: Jim Warren

Scapegoating of Security Official Raises Concerns About CP&L Waste Expansion

DURHAM – A former high level security official for Carolina Power & Light is suing the company for more than \$150,000, saying he was wrongfully discharged following a two-pronged security lapse in 1999 which led to unauthorized employees gaining clearance to enter CP&L's nuclear power plants. The incident follows a far more serious security breach – which also originated in corporate headquarters – when four people worked at the Shearon Harris plant despite failed qualifications in 1997.

Both breakdowns in security protocols surface as more concern is being raised about terrorism and sabotage at nuclear plants. Last week, the Nuclear Regulatory Commission released a study on safety risks at nuclear waste pools which indicated that cooling pools are more vulnerable to attack than are reactors. Also, the NRC has for several years found nuclear plants to be vulnerable to invasion at a rate of about 50%.

The case will begin at 9am sharp on Tuesday, January 23rd on the 5th floor of the Terry Sanford Federal Courthouse, 310 New Bern Ave, Raleigh, under Judge Richard Malamphy.

Richard Kester, a decorated Vietnam war veteran and 18-year specialist in nuclear security, was fired in 1999, allegedly for poor performance but only days after receiving a glowing formal evaluation and higher than average pay raise. As head of CP&L's Access Authorization Unit, which secures clearance for the company's nuclear plants, Kester found – and reported to his supervisor – that background checks had been falsified which authorized three employees to be cleared for unescorted access to the Harris and Robinson nuclear plants.

The problem was compounded when another employee in the department failed to withdraw the clearances for several days. After learning that his supervisor, Bob Gill, intended to force Kester to take the blame in order to avoid being fired himself, Kester reported the situation to CP&L management. He was soon fired. The access clearances were eventually caught before the employees actually began work at the plants.

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SECY-02

The security lapse followed a series of 1997 security failures which drew a \$55,000 fine from the NRC. Four people were improperly allowed to work in the Shearon Harris Nuclear Plant for up to a month despite one with criminal convictions and three who failed psychological evaluations. Fourteen other workers gained access before technically qualifying for security clearance.

NC WARN Director Jim Warren said today, "This reveals serious problems with CP&L's ability to ensure the safety of its nuclear plants." Warren explained that every 18 months, nuclear plants are shut down several weeks for refueling, which leads to a large influx of temporary contract employees requiring expeditious background checks. "CP&L's system is not fail-safe. It would only take one malicious or deranged person slipping through the system to wreak havoc with a spent fuel pool and cause a very large nuclear accident."

Since losing his \$74,000 job, Kester says he has been blackballed from the nuclear industry and forced to work as a security guard for a third of his former salary. He is suing under the Energy Reorganization Act, which prohibits retaliatory action against employees for reporting internal problems. Kester is being represented by attorney Stewart Fisher of the Durham law firm Glenn, Mills and Fisher.

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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 NC WARN have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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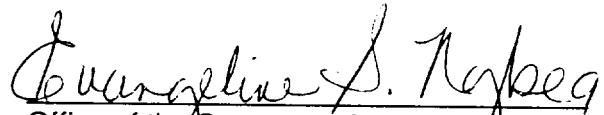
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Docket No. 50-400-LA  
LIMITED APPEARANCE STATEMENT  
OF NC WARN

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 23<sup>rd</sup> day of January 2001