

## NRC Public Meeting on the Harris Nuclear Plant Spent Fuel Pool Amendment



Office of Nuclear Reactor Regulation  
 U.S. Nuclear Regulatory Commission  
 Washington, D.C.

### Agenda

- NRC mission
- License amendment review process
- Status of review
- Status of hearing
- Public question / comment period

### NRC mission

- The Nuclear Regulatory Commission is an independent agency established by the U.S. Congress under the Energy Reorganization Act of 1974 to ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States.

### The NRC fulfills its responsibilities through a system of licensing and regulatory activities that include:

- Licensing the construction and operation of nuclear reactors and other nuclear facilities.
- Licensing the possession, use, processing, handling, and export of nuclear material.
- Licensing the operators of nuclear power reactors.
- Inspecting licensed facilities and activities.
- Developing and implementing rules and regulations that govern licensed nuclear activities.
- Investigating nuclear incidents and allegations concerning any matter regulated by the NRC.
- Enforcing NRC regulations and the conditions of NRC licenses.

### Harris Operating License

- The NRC issued the original Operating License for the Harris Plant on 1/12/87. The license will expire on October 24, 2026.
- The original License allows CP&L to receive and store spent fuel from its Brunswick and Robinson plants at the Harris site.

### Review Process

- How can a licensee change its facility after it is licensed?
- Is NRC review necessary?
- Any change that affects the license must be reviewed and approved by the NRC through a license amendment.

*B/102*

**CP&L's application for the Harris plant requests NRC review and approval for:**

- Storing fuel in spent fuel pools C and D;
- The acceptability of the cooling system piping for pools C and D;
- The additional heat load on the cooling system needed for pools C and D.

**NRC Review**

- Technical review by engineers in all relevant technical disciplines.
- The proposed changes are evaluated against established codes and safety standards to ensure they are safe.
- Public notice of amendment application and procedures for requesting a hearing.
- In this case the staff also issued an Environmental Assessment.

**Status of Review**

- Review is ongoing.
- The NRC has asked CP&L several questions on their application and CP&L has provided responses.
- Headquarters and Region II staff conducted an onsite inspection of the cooling system piping in November.
- Region II staff conducted a follow-up inspection of spent fuel pool cooling equipment in January.

**Status of Hearing**

- 2/12/99: BCOC filed Petition to Intervene
- 4/5/99: BCOC submitted 8 contentions
- 5/5/99: Responses to contentions by NRC and CP&L
- 5/13/99: ASLB held prehearing conference
- 7/12/99: ASLB ruled that BCOC had standing and submitted two admissible contentions
- 8/99 -10/99: Discovery
- 12/7-8/99: ASLB Limited Appearance Statement Sessions
- 1/4/00: Written summaries filed
- 1/21/00: Oral arguments
- 1/31/00: BCOC submits 4 environmental contentions
- 3/3/00: Responses to contentions by NRC and CP&L
- 3/10/00: BCOC can address NRC and CP&L responses

For Immediate Release

> February 25, 2000

>

> Contact: Jim Warren

> 919-490-0747

>

> NC WARN Rejects NRC "Informational" Meeting

>

> An Insulting Substitute for Scientific Debate of Nuclear Waste  
Expansion

>

>

> An Open Statement to the Nuclear Regulatory Commission:

>

> NC WARN will not attend your meeting Monday, February 28 in Raleigh.

> Furthermore, we will not encourage our members, other citizen groups  
or

> the general public to attend.

>

> The announced purpose of the meeting is to explain the NRC's process  
for

> reviewing CP&L's request to double its spent fuel storage at the  
Harris

> Nuclear Plant. However, this is a belated and meaningless response to  
the

> State's request over a year ago for such an informational meeting.

During

> that time, your review has already been underway, and the process has  
been

> revealed as entirely undemocratic and dangerously biased. In short,  
it is

> clear that the NRC's efforts have been to support CP&L's request,  
instead

> of critically reviewing it.

>

> Having such a meeting at this time would serve little purpose except  
as a

> diversion to mislead the public and the media into believing there is  
some

> semblance of a fair, open or objective review process by NRC. NRC  
staff

> admitted to us that you are doing nothing to publicize the meeting  
except

> for a single news release to selected media; the announcement was not  
even

> sent to us or other citizen groups. Apparently you either do not want  
the

> public to attend or you prefer to leave the burden to NC WARN and its  
> allies to generate attendance.

>

> NRC staff told us that you have no prepared agenda, and that the  
meeting

> is not meant to explain details of CP&L's expansion request, only to  
have

> a one-hour description of NRC's review process, followed by a public

> comment period. It is to be held by NRC staff - presumably public

> relations officials - not the NRC Licensing Board. It is hard to  
imagine

> a less substantive meeting. At least the December "limited public

> appearance" sessions were held in front of the Licensing Board -

although

> the comments could not be used in the Board's decision.  
>  
> We will not impose upon our members and allies to attend another  
> meaningless meeting. We will save our energy for mobilizing the  
public  
> for meetings and events which count, and for getting real information  
to  
> them. It is clear that NRC and CP&L would like for the public and  
media to  
> think that meetings like Monday's somehow constitute a meaningful  
process  
> where a scientific debate is being waged. Instead, NRC and CP&L  
lawyers  
> have worked together for over a year to suppress open hearings. Your  
> actions on this project have confirmed your agency to be dangerously  
> prejudiced in favor of CP&L.  
>  
> Some highlights of the NRC review process over the past year:  
> \*NRC staff waited barely three weeks after CP&L filed its extensive  
and  
> complex license amendment application before proclaiming that the  
> expansion presents "No Significant Hazard" (increased risk).  
>  
> \*NRC's written legal briefs consistently appear to be synchronized  
with  
> those of CP&L, as did your oral presentation at the May 1999 "pre-  
hearing  
> conference." At every step, NRC lawyers have worked in appalling  
> coordination with CP&L lawyers to argue against a full and open  
resolution  
> of the safety issues.  
>  
> \* In July 1999, the NRC Licensing Board broke its usual pattern of  
siding  
> with the industry, and ruled that Orange County had raised valid  
safety  
> concerns, thus qualifying for a formal evidentiary hearing on the  
CP&L's  
> plan being inadequate to prevent a nuclear reaction in the pools, a  
that  
> piping buried under the pools and abandoned for 17 years cannot be  
proven  
> safe since CP&L discarded key quality control documents.  
>  
> \* However, CP&L invoked a special NRC rule, creating yet another legal  
> barrier before Orange's experts can argue their case. At the January  
> non-hearing, NRC lawyers again sided with CP&L, arguing against formal  
> evidentiary hearings, where CP&L would have to answer questions about  
its  
> waste expansion under oath. At the various Licensing Board legal  
> non-hearings, Orange's experts have been prohibited from even  
speaking.  
>  
> \* NRC has refused to perform an Environmental Impact Statement (EIS)  
as  
> required by federal law, as noted in Orange County's environmental  
> contentions; CP&L and NRC also seek to prevent formal evidentiary  
> hearings and full evaluation of Orange's analyses of severe accident  
> scenarios - and the cost of CP&L's plan versus safer alternatives.  
NRC

> staff's Environmental Assessment - which it claims negates the need  
> for a  
> full EIS - is transparently shallow and a wholly unacceptable  
> substitute  
> for an EIS, and is clearly part of your rubber-stamp approval process.  
NC  
> WARN is confident that an honest cost-benefit analysis would confirm  
> our  
> estimate that a far safer storage option would require less than one-  
> half  
> of one percent reduction in CP&L's annual net profits.  
>  
> \* NRC has resisted repeated efforts by NC WARN, under the Freedom of  
> Information Act, to obtain documents regarding pool cooling capacity.  
> CP&L told the media that NRC did not ask for most of the calculations.  
>  
> \* We see no evidence that, in its closed-door review, NRC staff has  
> performed an adequate review of the safety concerns raised by Dr.  
Thompson  
> and David Lochbaum. In fact, it is clear that NRC seeks to continue  
> its  
> 20 year avoidance of one of the most dangerous problems with high-  
> density  
> pool storage of spent fuel: partial drainage of a pool leading to a  
> potentially catastrophic release of radiation into the atmosphere.  
>  
> We know there are good people within NRC who want to perform their job  
> properly, but they work within a climate which has been heavily  
> polluted  
> by political pressure from the industry via its allies in Congress.  
By  
> example, CP&L's attorney twice reminded the Licensing Board in  
January  
> that Congress wants to expedite licensing reviews; a thinly veiled  
> threat  
> of the pressure for NRC to become even more industry-friendly.  
>  
> We call on the NRC to stop advocating for the nuclear industry. Your  
> job  
> is to serve as an objective regulatory agency, but since the beginning  
> of  
> this project, you have remained true to your longstanding and  
> well-deserved reputation of bias favoring the nuclear industry.  
>  
> We caution you to take heed: Two world-class nuclear experts warn that  
> CP&L's plan would substantially increase the risk of a nuclear  
> accident  
> which - due to the enormous concentration of waste, and cost-cutting  
> measures proposed by CP&L - could far exceed the 1986 Chernobyl  
> disaster.  
> Should the NRC's automatic approval process continue, individuals from  
> the  
> NRC might well be involved in approving a license amendment which,  
> sooner  
> or later, could lead to a disastrous nuclear accident somewhere in the  
> U.S.  
>  
> We will not attend your dog and pony shows. We demand a full and open  
> scientific debate, including on-the-record evidentiary hearings to  
> resolve  
> all technical and environmental issues raised by Orange County.

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> Jim Warren  
> Executive Director  
> NC WARN  
>  
> cc: NRC Chairman Richard Meserve  
> Sen. Jesse Helms  
> Sen. John Edwards  
> Rep. David Price  
> Governor Jim Hunt  
> DENR Secretary Bill Holman  
> Orange County Board of Commissioners  
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>  
> NC WARN )))  
>  
> North Carolina Waste Awareness & Reduction Network  
> P.O. BOX 61051  
> Durham, NC 27715-1051  
> Phone: (919) 490-0747  
> Fax: (919) 493-6614  
> Email: NC-WARN@POBOX.COM  
> www.ncwarn.org  
>  
> We must stop the accumulation of poisons in our environment.  
>

Joe

**Wills, Ed**

**From:** Pridgen, Wade  
**Sent:** Sunday, February 27, 2000 2:32 PM  
**To:** Edwards, Steven; Ionescu, Cristina; Kunita, Robert; Moses, Indira; Poston, Keith; Shaw, Kevin; Summers, Phil; Wills, Ed; Alexander, Donna; Borntrager, Alan; Burton, Chris; Choi, Caroline; Devoe, Michael; Dixon, Sally; Gerrish, Tim; Gower, Emerson; Hinnant, Scotty; Johnson, Bill; Jones, Mike; Jury, Keith; Massengill, Jim; McGehee, Bob; Morton, Terry; Poteralski, Daniel; Roberts, David; Scarola, Jim; Siphers, John; Upchurch, Gene; Warden, Richard; Battle, Susan; Carr, Steven; Caves, John; Dicus, Woody; Eudy, Ken; Hughes, Mike; Lee, David; Meehan, Steve; Norfolk, Craig; Pittman, Tim; Powell, Janet; Temple, Nancy; Thomas, Katherine; Walas, Sarah  
**Subject:** NC WARN to boycott NRC public meeting Monday  
**Importance:** High

fyi, Chapel Hill & AP stories on NC WARN plan to boycott NRC public meeting:

**Chapel Hill News, February 27, 2000**

## **Group urges boycott of NRC meeting**

By DAVID SCHULMAN, Staff Writer

**RALEIGH** -- The Nuclear Regulatory Commission calls it a public meeting. But NC WARN calls it a sham.

By the end of the year, Carolina Power and Light wants to double the spent uranium waste storage capacity of the Shearon Harris nuclear plant. And the NRC has scheduled an information session on the application for 7 p.m. Monday, in the McKimmon Conference Center at N.C. State in Raleigh.

The Orange County Commissioners have challenged on public health grounds CP&L's plan to use two spent fuel rods at Shearon Harris to store spent fuel rods shipped from its plants near Southport, N.C., and Hartsville, S.C. The pools are 17 years old and have never been used.

The NRC has invited the public to attend the meeting Monday and "provide relevant information" to NRC staff members.

The county's challenges to the plan are continuing in a legal process within the NRC. But public comments from Monday's meeting will not become part of the evidence in the county's ongoing challenge.

Jim Warren, executive director of watchdog group NC WARN, has blasted the meeting as a "meaningless . . . dog and pony show" in response to a year-old request by the state.

Saying the NRC has worked closely with CP&L to suppress truly open public hearings and has prohibited nuclear experts hired by Orange County from speaking during legal hearings on the challenge, Warren called on opponents of the plan to boycott the Raleigh meeting.

"It is clear that the NRC's efforts have been to support CP&L's request, instead of critically reviewing it," he said. "Having such a meeting at this time would serve little purpose except as a diversion to mislead the public and the media into believing there is some semblance of a fair, open or objective review process."

The Orange County Commissioners, who more than a year ago called for open hearings on the process, had already scheduled a public hearing on local planning issues Monday evening before the NRC announced plans for the meeting in Raleigh.

For details or directions to the Raleigh meeting, call the NRC's Roger Hannah at (404) 562-4417.

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**Environmental group won't participate in meeting****02/25/2000 Associated Press Newswires**

RALEIGH (AP) - An environmental group won't participate in a public meeting next week by the U.S. Nuclear Regulatory Commission to discuss a utility's request to store more spent fuel rods at a Wake County nuclear plant. Members of the NRC staff will hold a meeting Monday in Raleigh to discuss how they are reviewing Carolina Power & Light Co.'s application to use two additional spent nuclear fuel pools at the Harris plant. The meeting also will include a period for public comment.

But the N.C. Waste Awareness and Reduction Network says members won't attend the meeting because it claims the NRC has been done little to provide open scientific debate on the potential safety concerns of the project. Network executive director Jim Warren says NRC staff appears to be siding with CP&L on the project. Staff said last year its initial assessment showed there was "no significant hazard" regarding the utility's request. "Having such a meeting at this time would serve little purpose except as a diversion to mislead the public and the media into believe there is some semblance of a fair, open or objective," Warren said in an open letter. Some nuclear experts hired by Orange County warn the CP&L project would increase the risk of a nuclear accident. CP&L says there are plenty of safeguards in place at the plant and storing additional rods will pose no additional threat to safety. Orange County is seeking the NRC's licensing board to call a hearing to review more evidence and allow Orange County attorneys to cross-examine CP&L staff on safety issues.

**Wade Pridgen**  
Public Affairs Department  
919-546-4806; 919-546-3329 FAX