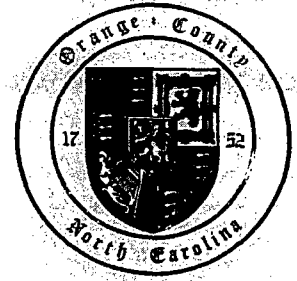


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BARRY JACOBS, CHAIR  
VALERIE P. FOUSHEE, VICE CHAIR  
MOSES CAREY, JR  
ALICE M. GORDON  
MIKE NELSON

ORANGE COUNTY BOARD OF COMMISSIONERS  
POST OFFICE BOX 8181  
200 SOUTH CAMERON STREET  
HILLSBOROUGH, NORTH CAROLINA 27278



August 1, 2008

DOCKETED  
USNRC

Office of the Secretary  
ATTN: Docketing and Service  
Mail Stop 0-16C1  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

September 4, 2008 (2:36pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dear Secretary,

The Orange County Board of Commissioners, at a Special meeting on July 31, 2008, adopted the attached resolution entitled, "A Resolution in Opposition to the Progress Energy Plan and Permit Application to the US Nuclear Regulatory Commission and Opposition to any Application for a Certificate of Convenience and Necessity to the NC Utilities Commission for the Expansion of the Shearon Harris Nuclear Power Plant by the Construction of One or More Additional Nuclear Reactors and Associated Storage Pools for Spent Fuel Rods."

Please consider the information in this resolution and if you have any questions, please contact me at (919) 732-4941.

Thank you.

Sincerely,

Barry Jacobs, Chair  
Board of County Commissioners

[WWW.CO.ORANGE.NC.US](http://WWW.CO.ORANGE.NC.US)

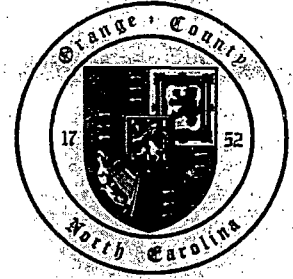
PROTECTING AND PRESERVING - PEOPLE, RESOURCES, QUALITY OF LIFE  
ORANGE COUNTY, NORTH CAROLINA - YOU COUNT!  
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BARRY JACOBS, CHAIR  
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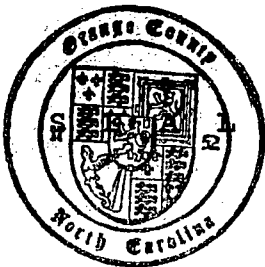
### CLERK'S CERTIFICATION

I, Donna S. Baker, Clerk to the Board of County Commissioners of Orange County, North Carolina, do hereby certify that the attached is a true and correct copy of, "A Resolution in Opposition to the Progress Energy Plan and Permit Application to the US Nuclear Regulatory Commission and Opposition to any Application for a Certificate of Convenience and Necessity to the NC Utilities Commission for the Expansion of the Shearon Harris Nuclear Power Plant by the Construction of One or More Additional Nuclear Reactors and Associated Storage Pools for Spent Fuel Rods," as approved by the Orange County Board of Commissioners on July 31, 2008.

This the 1st day of August 2008.

A handwritten signature in black ink, appearing to read "Donna S. Baker", is written over a horizontal line.

Donna S. Baker  
Clerk to the Board



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## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **A Resolution**

#### **In Opposition to the Progress Energy Plan and Permit Application to US Nuclear Regulatory Commission and Opposition to any Application for a Certificate of Convenience and Necessity to the NC Utilities Commission for the Expansion of the Shearon Harris Nuclear Power Plant by the Construction of One or More Additional Nuclear Reactors and Associated Storage Pools for Spent Fuel Rods**

**WHEREAS**, the Orange County Board of Commissioners has a long and well-established practice of opposing activities that could prove harmful to the public health, safety and welfare, particularly in regard to feasible threats to that health, safety and welfare; and

**WHEREAS**, the Orange County Board of Commissioners has a long and well-established record of concern regarding security and safety issues at the Shearon Harris nuclear power plant and the potential magnitude and catastrophic consequences of a nuclear power plant fire leading to an airborne release of nuclear waste materials; and

**WHEREAS**, the Orange County Board of Commissioners, through the work of Dr. Gordon Thompson and Diane Curran, Esq., has established to the satisfaction of the scientific community the potential for combustion of spent nuclear fuel rods during low water conditions in the spent fuel rod storage pools; and

**WHEREAS**, the Shearon Harris nuclear power plant already has the largest quantity of pool-stored spent nuclear fuel rods in the United States; and

**WHEREAS**, the expansion of the pool storage of fuel rods at Shearon Harris nuclear power plant would be vastly increased by the addition of one or two new reactors, and associated fuel rod storage pools at the facility would only exacerbate the consequences of a fuel rod fire; and

**WHEREAS**, the vastly increased quantity of pool-stored spent fuel rods at Shearon Harris nuclear power plant will serve to enhance the attraction of this facility for terrorist attack; and

**WHEREAS**, regardless of the safety and security findings made by NRC inspections of the plant, NRC and Progress Energy policies and procedures promote inadequate security measures to protect the plant and spent fuel pool storage area from terrorist activities culminating in fire and airborne release of toxic nuclear waste materials; and

**WHEREAS**, absent terrorist attack, approximately 50 percent of the risks of catastrophic nuclear plant failure (as calculated by the NRC) are associated with fire-related accidents; and

**WHEREAS**, information has been presented to the community at large and the Orange County Board of Commissioners as to ongoing problems with fire safety practices at the Shearon Harris nuclear power plant; and

**WHEREAS**, Progress Energy has indicated that it will take seven to ten more years to bring the Shearon Harris nuclear power plant into compliance with the NRC's adopted fire safety standards and regulations; and

**WHEREAS**, Progress Energy has indicated that it has or will apply to the NRC for a twenty year extension of its operating license for the Shearon Harris plant while the plant is not in compliance with existing fire safety standards and regulations; and

**WHEREAS**, Progress Energy is in the process of evaluating, permitting, designing and constructing two nuclear power reactors at the Shearon Harris nuclear power plant while the existing plant is not in compliance with existing fire safety standards and regulations; and

**WHEREAS**, The permanent storage facility for spent nuclear fuel rods and other high level radioactive waste at the proposed federal Yucca Mountain facility in Nevada appears to be no closer to fruition than it was twenty years ago and will probably not be available for another twenty years, if ever; and

**WHEREAS**, the Orange County Board of Commissioners and the community have grave concerns about the NRC's objectivity in evaluating the nuclear power industry's proposals and programs related to the concerns outlined above; and

**WHEREAS**, numerous technical reports and papers by environmental groups, the utilities themselves and the NRC have shown that additional power generation capacity in this region may be unnecessary for the foreseeable future; and

**WHEREAS**, the US Nuclear Regulatory Commission has set a deadline of August 4, 2008 for submitting objections to the issuance of a permit for the construction of two new reactors at the Shearon Harris plant, even though

the Westinghouse Model AP4100 reactor technology proposed for use is not expected to be designed, reviewed and permitted by the NRC before 2011; and

**WHEREAS**, in the light of persistent drought conditions and demands for water, there are serious concerns about the adequacy of cooling water available for additional reactors at Shearon Harris.

**NOW, THEREFORE**, do we, that the Orange County Board of Commissioners, hereby resolve to:

- Oppose in the strongest terms possible the issuance of a permit by the NRC or of a Certificate of Convenience and Necessity by the NC Utilities for the Progress Energy plan to permit, design and construct one or more nuclear power reactors at the Shearon Harris nuclear power plant;

This is the 31 day of July, 2008.



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Barry Jacobs, Chair  
Orange County Board of Commissioners