

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

- - - - -X
In the Matter of: :
CAROLINA POWER & LIGHT :
COMPANY :
- - - - -X

Southern Human Resources Center
Main Meeting Room, 2505
Homestead Road
Chapel Hill, North Carolina

Wednesday, December 8, 1999

The above-entitled meeting commenced, pursuant to
notice, at 1:05 p.m.

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P R O C E E D I N G S

(1:05 p.m.)

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3 JUDGE BOLLWERK: Good afternoon. I'd like to
4 begin this afternoon by introducing ourselves. In
5 accordance with the provisions of the Atomic Energy Act, and
6 the Regulations of the Nuclear Regulatory Commission, we are
7 three administrative judges appointed to sit as atomic
8 safety and licensing Board, to conduct an adjudicatory
9 proceeding in connection with the pending challenge of
10 intervenor Board of Commissioners of Orange County North
11 Carolina, to the application of Carolina Power and Light
12 Company to amend its 10 C.F.R. Part 50 License to operate
13 the Shearon Harris Nuclear Power Plant, to expand the
14 facility's spent fuel pool capacity. To my left is
15 Frederick J. Shon. Judge Shon, a nuclear engineer, is a
16 full-time member of the Atomic Safety and Licensing Board
17 Panel. To my right is Dr. Peter Lam. Judge Lam is also a
18 nuclear engineer and a full-time member of the Panel. My
19 name is Paul Bollwerk, I'm an attorney and the Chairman of
20 this Licensing Board.

21 As part of our judicial function relative to the
22 Carolina Power and Light Company proceeding, we are here
23 this afternoon to entertain oral limited appearance
24 statements. So there will be a common understanding about
25 what is involved in the Carolina Power and Light Company

1 proceeding and with respect to the limited appearance
2 process, I'd like to take a few moments to provide some
3 background about both.

4 In response to a notice of opportunity for a
5 hearing published in the Federal Register on January 13,
6 1999, which can be found in volume 64 of the Federal
7 Register at pages 2,237 to 2,241, intervenor Board of
8 Commissioners of Orange County, North Carolina, requested a
9 hearing to challenge the December 23, 1998, application of
10 Carolina Power and Light Company to amend its operating
11 license for the Shearon Harris facility to add spent fuel
12 rack modules to spent fuel pools "C" and "D" and place those
13 pools in service.

14 Thereafter, in early April and May 1999, the Board
15 of Commissioner's submitted eight proposed issues for
16 hearing, and CP&L and NRC staff filed responses to those
17 issue statements, as well as the Board of Commissioner's'
18 arguments about why it had legal standing to be a party to
19 this proceeding.

20 On May 13, 1999, we conducted a daylong prehearing
21 conference in Chapel Hill, North Carolina, during which
22 these participants had an additional opportunity to make
23 oral presentations regarding the issues of petitioner Orange
24 County's standing to intervene and the admissibility of its
25 eight proffered contentions. Based on the parties filing

1 and this oral argument, on July 12, 1999, in a ruling
2 reported in Volume 50 of Nuclear Regulatory Commission
3 Issuances beginning at Page 25, we concluded that Orange
4 County had standing to intervene and had provided two
5 admissible contentions or issues so as to warrant its
6 admission as a party to this proceeding.

7 Generally following such a ruling, the parties
8 would proceed under the Agency's Rules in Title 10 of the
9 Code of Federal Regulations, Part Two, Subpart Counsel for
10 the General Counsel, which provide for a formal, trial-type
11 hearing. In this instance, however, because the CP&L
12 Amendment request involves the expansion of its spent fuel
13 pool capacity, any of the parties could invoke a separate
14 set of procedural rules found in Subpart K of Part Two, of
15 the Commission's Regulations. These rules provide for a 90
16 day period for discovery among the parties, followed by
17 simultaneous written submissions by the parties and an oral
18 argument before the Board addressing the central issue of
19 whether, relative to the admitted contentions, there are any
20 disputed issues of fact, or law that require an evidentiary
21 hearing. Considering the parties' fillings and the oral
22 argument, the Board is then to issue a decision that
23 designates those matters that require an evidentiary hearing
24 and disposes of any issues that do not require such a
25 hearing.

1 As was its right, CP&L invoked the use of Subpart
2 K procedures. As a consequence, pursuant to a
3 Board-established schedule, the parties have engaged in
4 discovery regarding the admitted contentions and will proved
5 the Board with their written submissions in late December.
6 That is what the current schedule calls for. Then Counsel
7 for the parties will appear before the Board on Tuesday,
8 January 4, 2000, in the Licensing Board Panel's Rockville,
9 Maryland, hearing room to present oral argument regarding
10 the substantive validity of the admitted contentions and
11 whether any further evidentiary proceedings are required.
12 And I should mention on the record that we have pending
13 before us a motion to extend some of those time deadlines,
14 which the Board will probably be ruling on in the next
15 several days. But at this point we have not made any
16 definitive ruling. We are considering it.

17 A Board ruling will follow sometime after the oral
18 presentations. If the Board determines that additional
19 evidentiary proceedings are in order, those likely would be
20 held in A North Carolina location in the vicinity of the
21 Shearon Harris facility.

22 This in a nutshell describes the NRC adjudicatory
23 process relating to this proceeding. And this naturally
24 prompts the question, "What then are the limited
25 appearances' in which the Board has invited public

1 participation. Under Section 2.715(a) of the Commission's
2 rule of Practice, the Board has the discretion to entertain
3 from any person "who is not a party" a written or oral
4 statement of his or her position on the issues in the
5 proceeding. This provision, which was first adopted as part
6 of the Agency's hearing rules back in 1962, recognizes there
7 is a need to provide an opportunity for input from members
8 of the public who, despite not having sought party status,
9 have an interest in the subject matter of the proceeding.

10 As we indicated in the October 14, 1999 Federal
11 Register notice scheduling this and other sessions here and
12 in Raleigh, and I should mention that copies of that Federal
13 Register notice are available over on the table over on the
14 side where we have also our sign-up sheet, limited
15 appearance statements do not form part of the evidentiary
16 record of the proceeding upon which the Board must rely in
17 making any decision on the merits of the issues proffered by
18 Orange County.

19 Nonetheless, as we also recognized in that notice,
20 the public's limited appearance statements "may help the
21 Board and/or the parties in their deliberations in
22 connection with the issues to be considered in this
23 proceeding." Indeed, as you can see, like the Board, the
24 parties to this proceeding - - Orange County, Carolina Power
25 and Light Company, and the NRC staff - - are here to listen

1 to what is said this afternoon.

2 In this regard, I'd like to take a second now, to
3 have the representatives of the parties identify themselves
4 for the record. Why don't we begin with Orange County, then
5 go to CP&L, and finally the NRC staff.

6 MS. GORDON: I'm Alice Gordon, representing the
7 Orange County Board of Commissioners.

8 JUDGE BOLLWERK: Thank you.

9 MR. THOMES: Paul Thomes, Orange County Engineer.

10 JUDGE BOLLWERK: Thank you, Sir.

11 MR. O'NEILL: John O'Neill, with Shaw Pittman,
12 Counsel for Carolina Power and Light Company.

13 JUDGE BOLLWERK: All right.

14 MR. CAVES: John Caves, Carolina Power and Light,
15 Regulatory Affairs.

16 JUDGE BOLLWERK: All right.

17 MS. UTTALL: Susan Uttall, NRC Staff Counsel.

18 MR. LAWFER: Richard Lawfer, NRC Project Manager.

19 JUDGE BOLLWERK: All right. Thank you. Let me
20 emphasize again that this is an opportunity to hear from
21 those interested individuals who are not formally involved
22 in this proceeding as parties. Consequently, the admitted
23 parties will not be making statements here this afternoon;
24 rather, like the Board, they are here to listen.

25 Finally, let me say just a word about the

1 procedure for making a statement. We had some individuals
2 who preregistered and will be afforded an opportunity to
3 speak first at this session. Once we have heard from those
4 individuals, we will move on to anyone who registers here
5 this afternoon. For anyone who wishes to make a statement,
6 on the table in the corner, as I have indicated previously,
7 there is a clipboard with a sheet to write your name and
8 affiliation (if any). We will collect those sheets from
9 time to time and call the speakers in the order as they sign
10 in. You must sign in if you wish to speak.

11 We will also keep watch on the time each speaker
12 is taking and will advise you when you need to conclude your
13 remarks. Given the number of preregistrations and the size
14 of the audience presently, we will begin by permitting
15 statements of up to five minutes. However, if we see that
16 the list of speakers is growing, we reserve the right to
17 shorten the time allotted for each presentation to ensure
18 that everyone who wishes to speak has an opportunity to do
19 so.

20 Also, I think it is important to allow the Board
21 and the parties to hear fully the remarks of each speaker
22 without intrusions. Accordingly, I'd ask that you respect
23 each individual's right to address the Board by not
24 interrupting with verbal comments or other sounds either
25 supporting or opposing the viewpoint being espoused. I

1 would also mention that the remarks in this proceeding that
2 are being presented to the Board are being transcribed.
3 That transcript will be made part of the docket of this
4 proceeding, and be available to the parties and the Board to
5 review as they deem necessary and see appropriate. I would
6 also ask that anyone that has a prepared statement that they
7 are going to read, if you have an extra copy, or you can
8 provide a copy to the Court Reporter, who is sitting at the
9 table over in the corner here, as you finish, he would very
10 much appreciate that.

11 At this point, why don't we begin with our first
12 speaker of the afternoon. We have two speakers that have
13 preregistered this afternoon. The first is Judy Hogan, H -
14 O - G - A - N. Ms. Hogan?

15 MS. HOGAN: Thank you. Although this hearing is
16 to have no direct effect on the decision the Nuclear
17 Regulatory Commission is to make concerning CP & L's
18 proposed doubling of "spent" fuel at its Shearon Harris
19 Nuclear Plant, I would like to urge you to consider the
20 risks, not only to the citizens within fifty miles of this
21 plant, which CP&L wishes to make the single largest site for
22 hot nuclear waste in the country, but for all North Carolina
23 residents.

24 Recently, when I was taking a walk in the vicinity
25 of Jordan Lake, which is within ten miles of the Harris

1 plant, I got to talking to a man who was considering buying
2 land and wanted to know what it was like here. I live in
3 Moncure, and I have an evacuation sign across the street
4 from where I live. I told him that Moncure was a nice
5 little town; people have lived here for generations, and
6 it's a settled, family town. I like it. It's lovely to be
7 near Jordan Lake and all the rivers that meet near here to
8 form the Cape Fear River Basin, with the water continuing on
9 to the ocean. The only disadvantage, I told him, is the
10 Harris plant, which wants to increase its hot waste storage.
11 I said we had already been able to stop the low-level
12 nuclear dump planned for the Wake-Chatham border. Now we
13 were working on CP&L.

14 He was from Apex, even closer to this plant, and
15 said that, in his opinion, the plant was "an accident
16 waiting to happen." He knew about the earthquake fault it
17 sits on. He is one of many people, from whom you will
18 probably not hear at these hearings, who live in my area and
19 are very worried. They are convinced that CP&L simple
20 doesn't care about their lives. Most of us in Moncure, Apex
21 and New Hill are not rich. We have invested our life
22 savings in our houses, farms, businesses. I would like to
23 speak for those who worry but do not peak out.

24 Why should citizens in North Carolina, concerned
25 simply about their safety, and that of future generations,

1 who want to prevent a serious nuclear accident in their
2 backyard, which would affect the earth, air, and water, for
3 fifty miles around, even need to ask the Nuclear Regulatory
4 Agency to consider safety?

5 The government exists to serve the people, and
6 this is a Federal Government Agency. It is my understanding
7 that the only reason why CP&L will not choose the much safer
8 option of dry cask storage for these spent fuel rods is
9 simply that it would cut a very small amount into their
10 profits.

11 but I think the reason for their taking up a
12 position counter to the best interests of us all goes
13 deeper. It isn't just money. It's fear. In the late
14 Seventies, I saw that movie, "China Syndrome," which came
15 out at the time of the Three-Mile Island accident. What
16 struck me then, and still strikes me, as I deal with the
17 executives and staff at CP&L, and, I've had several E-mail
18 exchanges with Mr. Caves, is that the staff of the company
19 that owns a nuclear plant are apparently so afraid to risk
20 losing face or losing their jobs, that they can't do what
21 they think is right, even when their own children and
22 grandchildren's lives and health are at stake.

23 It's a sad commentary on American society, the
24 most prosperous in the world, that those who supply our
25 electricity no longer see themselves as serving us, but as

1 outwitting our concerns for safety. We have for centuries
2 been so proud of our democracy, and yet our large
3 corporations more and more often show their contempt for
4 people's health and safety. Eleven local governments within
5 this fifty mile radius requested a formal hearing where the
6 safety issues raised by top nuclear experts could be
7 reviewed. This may be denied.

8 Yet wherever human beings are involved, there is
9 always hope for change. I ask you to listen to your hearts,
10 to examine your consciences. Why haven't you already told
11 CP&L that they can't put more spent fuel rods in their
12 pools, that they can't crowd them, because, should there be
13 any problem, there would not be enough water circulating to
14 cool all the material that could set off a nuclear reaction,
15 making even a meltdown of the plant itself possible?

16 Once an accident occurs, we can't fix it. We
17 simply live with nuclear pollution in our air, water, and
18 earth for the next ten thousands years or more. We leave
19 the Triangle area. We leave North Carolina. Where do we
20 go? Will the Federal government re-settle us, pay for our
21 care as our health deteriorates?

22 CP&L has slogan words: "Good neighbor" and
23 "corporate citizen." Let them spend their budget for
24 corporate donations on safe storage. Then they'd be good
25 neighbors and citizens. Thank you for listening.

1 JUDGE BOLLWERK: Thank you for being with us up
2 here, Ms. Hogan. Thank you for being with us this
3 afternoon. The next pre-registered speaker is David L.
4 Morrison, M - O - R - R - I - S - O - N. Mr. Morrison?

5 MR. MORRISON: Judge, Bollwerk, Judge Shon, and
6 Judge Lam, my name is David Morrison, a resident of Cary,
7 North Carolina. I appreciate the opportunity to make
8 remarks in support of the application by Carolina Power and
9 Light for a license amendment to increase the spent fuel
10 storage capacity at its Shearon Harris Nuclear Power Plant
11 which is located less than ten and a half miles from my
12 home.

13 With regard to my credentials, I have a Ph.D. in
14 Nuclear Chemistry from Carnegie-Mellon University. I spent
15 thirty six years in research, and research management with
16 emphasis on energy and environmental issues at Battelle in
17 Columbus, Ohio; the IIT Research Institute in Chicago; and
18 the MITRE Corporation in McLean, Virginia.

19 In 1995, I joined the US Nuclear Regulatory
20 Commission as Director of the Office of Nuclear Regulatory
21 Research. While at the NRC, I chaired the International
22 Committee on Safety of Nuclear Installation of the Nuclear
23 Energy Agency in Paris. I have been a member of Boards and
24 Committees of the National Research Council, the most recent
25 of which was serving as Chair of the Committee to Review the

1 Research Strategy for Biomass-Derived Transportation Fuels.
2 I have an appointment as an Adjunct Professor at North
3 Carolina State University. I am a Fellow of the American
4 Nuclear Society and concur with the resolution of support
5 for spent fuel storage that will be presented at this public
6 appearance by the East Carolina Section of the ANS.

7 When I retired two and a half years ago, my wife
8 and I chose the Research Triangle area, as have many others,
9 for our retirement. We were impressed by the vibrant
10 economic growth in the area bolstered by high-tech
11 enterprises, the wide range of residential areas available
12 to us, and the wealth of cultural and educational
13 opportunities throughout the Triangle. One of the
14 underlying assets that contribute to the attractiveness and
15 success of the region is the assured availability of
16 electricity generated by the Harris Plant.

17 In light of the challenges facing the Triangle
18 from deteriorating environmental quality, I am puzzled by
19 the intervention related to the license amendment to
20 increase the spent fuel storage capacity at the Harris
21 Plant. Nearly half of the electricity in North Carolina
22 that is consumed, comes from nuclear power that does not
23 emit greenhouse gases and other pollutants such as SO₂, and
24 NO_x. If CP&L's nuclear operations are prematurely curtailed
25 by lack of spent fuel storage capacity, air quality in the

1 Triangle will further deteriorate due to emissions from
2 additional fossil-fired generating stations that would be
3 needed to provide replacement electric power. Nox emissions
4 from fossil-fuel fired replacement plants would further
5 compound the air quality problem caused by ever increasing
6 motor vehicle use in the Triangle.

7 This situation was discussed in detail in
8 Raleigh's Sunday News and Observer where it was reported
9 this week that Governor Hunt will formally propose new
10 regulations to cut, and I quote: "by two-thirds the
11 nitrogen oxide pollution bellowing out of fourteen
12 coal-fired plants ringing the Triangle, Triad, and
13 Charlotte."

14 If we in this region are serious about arresting
15 global climate change, we must do our share under the Kyoto
16 Protocol to reduce greenhouse gas emissions to seven percent
17 below the 1990 levels over the next decade. If the use of
18 nuclear power is curtailed or abandoned, it will be
19 necessary to reduce, at great expense to us ratepayers, more
20 than ninety percent of the CO2 emissions from coal-fired
21 plants through efficiency improvements.

22 Since the Harris Plant came on line in 1987, it
23 has been operated safely. It is one of nine plants chosen
24 to participate in a pilot program to evaluate the new
25 reactor oversight and assessment procedures initiated by the

1 US Nuclear Regulatory Commission. Data on nine performance
2 indicators has been submitted by CP&L to the NRC for its
3 evaluation and integration with the findings of the NRC's
4 staff. Through the end of October 1999, all these
5 indicators are in the highest performance category. They
6 are labeled "Green," which signifies that the objectives
7 established by the NRC are fully met. To me, this indicates
8 that CP&L is conforming to the highest operational and
9 safety standards needed to maintain safe operations.

10 I have made a cursory review of the documents
11 submitted by CP&L, and by the intervenors to the USNRC that
12 are available in the Cameron Village Library. Based on this
13 review, I do not see any compelling argument that would
14 negate the prior finding of no significant hazard. The risk
15 to the public from spent fuel storage that was assessed in
16 WASH-1400 and succeeding reviews is extremely low. Spent
17 fuel has been safely stored at nuclear plant sites
18 throughout the country since the 1950's. There has never
19 been a release to the public of radioactivity from spent
20 storage pools. Although the number of spent fuel elements
21 in storage will increase, under the proposed amendment, the
22 already insignificant risk to the public will continue to
23 remain insignificant.

24 I applaud the efforts of the intervenors to force
25 this public appearance. In assessing risks to the public,

1 there is a need to have the views of all responsible and
2 affected parties heard. We cannot live in a risk-free
3 society. We are fortunate, however, to live in a
4 risk-conscious society which, through its democratic
5 processes, has established agencies such as the USNRC to
6 deal with these complex issues of public health and safety.

7 As a former Director of the Office of Nuclear
8 Regulatory Research I have had great respect for the
9 confidence - - in the confidence - - and confidence in the
10 thoroughness of the technical evaluations that the staff
11 makes of all of all the issues that arise during power plant
12 licensing. I also know that NRC has a process whereby any
13 dissenting positions and views by the staff members will be
14 addressed. I am certain that the staff will carefully weigh
15 any new information pertaining to the risks of increasing
16 the amount of used fuel stored at the Harris plant, and will
17 render its judgment in accordance with the risk-informed,
18 performance-based approach that has been adopted by the
19 Commission after many, many thoughtful deliberations.

20 I thank you for the opportunity to make these
21 remarks.

22 JUDGE BOLLWERK: Thank you, Mr. Morrison. At this
23 point, that was our last pre-registered speaker, why don't
24 we take a five-minute break here, and allow any one that
25 wants the opportunity to line up over at the sign up sheets,

1 and we'll proceed in about five minutes. Starting with the
2 folks that put their names down on the sign up sheets.

3 (Off the Record.)

4 JUDGE BOLLWERK: The first speaker we have for
5 sign-ups is R. E. Morgan, Sr., M - O - R - G - A - N, with
6 REM Consulting.

7 Thank you, Mr. Chairman. My name is Richard E.
8 Morgan, Sr. I reside at 106 Buckden Place, Cary, North
9 Carolina.

10 I have been a resident of Cary for almost ten
11 years, and a resident of CP&L's service area for forty
12 years. This is a very progressive, and high growth area,
13 and has been for years, as everyone knows.

14 Through strategic and contingency planning,
15 Carolina Power and Light Company has repeatedly
16 demonstrated, not only the technical capability, but the
17 will and commitment to safe and reliable service to the
18 communities they serve. This has been witnessed by us in
19 the service area on many occasions, during the Carolina Blue
20 sunshine we see out there today, as well through
21 thunderstorms, ice storms, hurricanes, tornadoes, and
22 floods.

23 Harris Plant personnel, as members of this
24 utility, have and continue to demonstrate their ability to
25 perform their core business in a commendable manner, which

1 is in itself in the best interest of the community.
2 Industry regulators such as the Nuclear Regulatory
3 Commission and the Institute for Nuclear Power Operations,
4 (their own watchdogs), have routinely given Harris Plant
5 good marks for their operation.

6 From discussions in which I have been involved,
7 CP&L's desire to expand their spent fuel capability is based
8 on sound engineering practice, regarding design,
9 construction and testing. A proven technology regarding
10 handling and storage; and as previously mentioned,
11 documented good performance from a business and community
12 standpoint.

13 Also, as previously mentioned, this is a high
14 growth area which represents significant present and future
15 revenue to CP&L, in which they have invested a large amount
16 of capital and human resources. It would seem ludicrous to
17 me for a company to bite the hand that feeds it by pursuing
18 new and untested, or ventures with a failure history that
19 would not only jeopardize its customers from a business and
20 health standpoint, but its own workers and their families.

21 Even though there are those that would propose no
22 change, except for changes that they personally support,
23 change will occur. Even though there are those that support
24 zero growth, expect the growth that they propose, growth
25 will occur. A balanced view of what the growth and changes

1 represent to all the stakeholders from an economic, health,
2 and welfare standpoint is crucial to community success.
3 That is the value of these hearings.

4 Carolina Power and Light has been open and candid
5 with its plans for the future, and one only has to ask the
6 question to be enlightened on the subject,

7 It is imperative that the infrastructure for
8 change and growth that impacts the community is founded on
9 strategic planning for the future, clear internal and
10 external communication for understanding and support of that
11 plan, sound engineering and business practice for internal
12 installation, and implementation, and strong external ties
13 for community stewardship.

14 I believe this to be the case regarding the
15 requested expansion of the spent fuel pools at Harris Plant
16 by Carolina Power and Light Company. This methodology has
17 long been practiced by CP&L, and is well recognized by
18 Regulators, the utility industry, business leaders and the
19 community itself.

20 Thank you for allowing me to address this Board.

21 JUDGE BOLLWERK: Thank you for being with us this
22 afternoon, Mr. Morgan. Our next speaker is, I have the name
23 Idleman. I think it's been crossed out. Does this
24 individual wish to say anything, or is that - -

25 MR. EIDLEMAN: I'm going to wait.

1 JUDGE BOLLWERK: All right. Then, Mr. John
2 Runkle, R - U - N - K - L - E, with the Conservation Counsel
3 of North Carolina.

4 MR. RUNKLE: Good afternoon, members of the
5 Licensing Board. My name is John Runkle. I am a Board
6 member for the Conservation Council for North Carolina. We
7 are a statewide environmental group. In the early, well,
8 the late seventies and early eighties, we were intervenors
9 in the licensing for the Shearon Harris Nuclear Power Plant.
10 And we spent a lot of time and money looking at both the
11 records of CP&L to operate licensing plants, the safety of
12 those plants, and had a lot of contentions, and spent a lot
13 of time and effort on it.

14 In this go round, we strongly supported Orange
15 County intervention in this matter, and to bring, we felt,
16 very strong and real contentions to the licensing Board for
17 their consideration. And we are, of course, find it
18 troublesome that not all the contentions will be heard in a
19 hearing. And I think it is very important that in these
20 kind of matters, that they are not settled by oral arguments
21 and attorneys talking back and forth, but actually have
22 testimony before you that is under oath, under cross
23 examination, and that you can really get to the real issues
24 that Orange County has raised.

25 We feel that the NRC's position is fairly

1 troublesome, that they are in a fighting safety contentions
2 that this time before the NRC staff has finished their
3 analysis. As I understand it, the environmental assessment
4 is due out in January. It makes a lot more sense to have
5 atomic period on the whole matters of safety and
6 environment, since I can't see how you can separate those
7 two issues apart.

8 Certainly, having public hearing on whether the
9 environmental assessment is sufficient, or whether there
10 needs to be an environmental impact statement. But things
11 like the analysis of which routes the waste will be
12 traveling throughout North and South Carolina very important
13 considerations. And certainly those routes may influence
14 the quality of the casts they're building to withstand
15 accidents, and certainly the, those kind of areas of just
16 volume, and how much we're going to go, and what the time
17 frame is for a lot of different kind of things, so we would
18 urge you to have a series of public hearings. And certainly
19 the formal public hearings. The formal hearings on the
20 contentions, and I would imagine new contentions that arise
21 after the NRC staff finishes their environmental assessment.

22 Most of what I came here today is just to find
23 more facts. I probably will be writing the next week or so
24 some written comments on it. And I'm really having a
25 difficulty. I get stuck on this limited appearance hearing.

1 And you've said it twice, and it's been in the notice, and
2 it's been in the paper, and I just don't understand it.
3 What we say here today is not part of the evidentiary
4 record. And you cannot consider it but it may help the
5 Board and parties in their deliberations. Is that the
6 correct message of this 2.715A limited appearance hearing?

7 If that's so, I find these limited appearance
8 hearings, to use a legal word, I think it's pretty silly.
9 To have people come out, and to prepare testimony that you
10 cannot consider; and then at the same time that you say may
11 help you in the deliberations. I don't see how you can at
12 all put those two things together. It just does not make
13 sense. So, although I appreciate the opportunity to talk
14 about my concerns. If you're not going to consider them,
15 it's really - - (Mr. Runkle walks away from the microphone).

16 JUDGE BOLLWERK: All right. Thank you, Sir. The
17 next speaker is Judy Hogan.

18 MS. HOGAN: I already spoke.

19 JUDGE BOLLWERK: Oh, I'm sorry. You signed up
20 twice. My fault. I'm not paying enough attention here.

21 VOICE FROM AUDIENCE: Can we have more volume on
22 the microphone?

23 JUDGE BOLLWERK: More volume on the microphone?
24 That's something I cannot control. I don't know if Mr. - -
25 All right. The next speaker - - is it this microphone here,

1 or the one at the podium? The speaker microphone. Just a
2 moment.

3 The next speaker will be Gerald Drake, D - R - A -
4 K - E, from the Physicians for Social Responsibility.

5 MR. DRAKE: I am an MD, and a member of the North
6 Carolina Triangle Chapter of Physicians for Social
7 Responsibility, and I represent them here. My personal
8 interest in this problem begins back in the late 1950's when
9 a small nuclear plant at Big Rock Point just ten miles from
10 where I live was under construction. And we all thought it
11 was just great.

12 Here we are getting in on the ground floor of this
13 safe, cheap, limitless source of energy. However, the
14 course of events changed fairly soon. In Monroe, Michigan,
15 the first and only attempt at a commercial, liquid metal
16 fast breeder underwent a partial meltdown. It sat there for
17 weeks. The engineers didn't know what to do with the thing
18 for fear of setting off a more complete melt down. It
19 finally was managed safely but never operated as an
20 effective source of electricity.

21 Then in 1975, the Energy Research and Development
22 Administration wanted to develop a high level dump in the
23 salt beds of northern lower Michigan, where I lived and
24 where I grew up. And many of us felt that was a really dumb
25 thing to do, to put this waste in a water soluble medium, in

1 a body of water that is the largest one on Earth.

2 Basically, this is part of where I come from on
3 the nuclear power issue. Our National Organization, in the
4 1960's recognized that the development of nuclear power
5 could present humanity with an insoluble radioactive waste
6 problem. James B. Conant, Harvard President and a Manhattan
7 Project Administrator, called it the systematic poisoning of
8 our descendants.

9 Now, North Carolina Power and Light, granted that
10 they've done a good job of managing the Shearon Harris
11 Plant, and their other facilities, as many utilities have,
12 with nuclear power. They plan to complete the two
13 unfinished pools at Shearon Harris for storage of high level
14 radioactive waste, that is the irradiated fuel rods, from
15 the Brunswick and Robinson plants using technology which
16 increases the density of the rods. We believe this creates
17 unnecessary risks from additional transportation, and
18 increased density of the fuel rods. Dry Cask storage at
19 each of the reactors where it is produced would be a safer
20 option.

21 David Lochbaum, of the Union of Concerned
22 Scientists, and physicist Gordon Thompson, have shown that
23 the possibility of a catastrophic accident at Shearon Harris
24 is real. The probability is unknowable, but they can be
25 avoided by using dry cask storage at minimal added expense.

1 Rustum Roy, was given the title of Professor of
2 Science and Society at Penn State University. He was a
3 member of the National Academy of Sciences Committee on
4 Radioactive Waste. He said that high level waste should be
5 left at nuclear plants for fifty years, to allow time for
6 thermal and radioactive decay and safer handling.

7 Other independent experts, Marvin Resnikoff,
8 President of Radioactive Waste Research Associates, and
9 Arjun Makhijani, President of the Institute for Energy and
10 Environmental Research agree. Both are Ph.D. nuclear
11 physicists who have researched nuclear waste problem.

12 There is no need to rush a solution to this
13 problem. Yale sociologist Kai Erickson said, "The rush to
14 bury nuclear waste doesn't take it off future generations'
15 hands, as much as it takes a solution out of their hands."

16 Previous speakers here today have praised nuclear
17 power, generally. And CP&L, and it's justified. But on the
18 other hand, there are problems developing, not just locally,
19 but on a world wide scale. France has called a moratorium
20 on the construction of any more nuclear plants, although
21 they get seventy-five percent of their electricity from
22 them.

23 Germany is introducing legislation to phase out
24 their nineteen reactors. And Sweden plans to phase their
25 twelve reactors by two thousand ten. The executive director

1 of the electric power research institute, the research arm
2 of the utilities, has said that hydrogen fuel cells has been
3 the energy of the future. So there are reasons to believe
4 we can get around the need for nuclear power.

5 Nuclear power has taken two thirds of the
6 Department of Energy research and development dollars since
7 the nuclear age began. It's time to give that type of
8 funding to alternatives, and particularly to the more
9 efficient end use of electricity.

10 I'll close here with just one more thought from an
11 expert on the problem of waste, and this come from Alvin
12 Wineberg, who is, I am sure you all know, is director of the
13 Oak Ridge National Laboratories for a good many years, and
14 then President of the Oak Ridge Associated University. One
15 of his associates asked him, "What right does this
16 generation have to make tons and tons of plutonium, (and I
17 would add other high and low level waste), but probably the
18 most poisonous material the world has ever known, without at
19 the same time having a totally reliable and fool proof way
20 of sequestering it from the biosphere." Wineberg answered,
21 "No sensitive, or partly sensitive technologist may escape
22 this feeling of guilt, nor should he. The problem is that
23 tat the time we first unleashed nuclear energy, it was the
24 last question that occurred to us. We are only human
25 beings, and our crystal balls are dreadfully clouded. From

1 now on, we must make sure we have a consensus of the whole
2 public. The entire society can share the guilt. Thank you.

3 JUDGE BOLLWERK: Thank you for being with us this
4 afternoon, Mr. Drake. The next speaker is James Olson O - L
5 - S - O - N, from S. E. Warren.

6 MR. OLSON: I'm James Olson. We live in
7 Farrington Village. We also have four daughters and five
8 grandchildren living within the area that we're concerned
9 about today. I'm a retired Regular Army Colonel. I've been
10 trained and qualified and served as a nuclear weapons
11 employment officer.

12 I realize that we're not talking about dropping
13 bombs on Shearon Harris, but that actually could be, if we
14 had an accident, could be tantamount to the same thing. We
15 are concerned for the safety of our family, all the citizens
16 of this area, and ask that every consideration be given to
17 do anything within the power of this group to reduce, not
18 only, not to expand, but to reduce any possibility of any
19 accident occurring. Thank you.

20 JUDGE BOLLWERK: Thank you, Mr. Olson. The next
21 speaker is Laura Wimbish, of Vanderkede? If I mispronounced
22 that, I'm sorry. You can correct me if you would. It's W -
23 I - M - B - I - S - H dash V - A - N - D - E - R - K - E - D
24 -E?

25 MS. WIMBISH: B - E - C - K.

1 JUDGE BOLLWERK: B - E - C - K.

2 MS. WIMBISH: Sloppy handwriting.

3 JUDGE BOLLWERK: I have the same problem. Go
4 ahead.

5 MS. WIMBISH: I have not prepared a statement.
6 I'm just going to speak directly as a resident of the area,
7 and I speak from the heart. I appreciate the opportunity to
8 speak with you, but I think when we talked about an open,
9 public process, my hope was that CP&L would sit down with
10 citizen groups and with residents and basically address the
11 safety issues that some of the experts have raised.

12 I don't see that. They did say they would do
13 that, but I don't see any effort on their part. And things
14 like opening up the visitor's center really don't address
15 our concerns. And you know, CP&L might say, this isn't
16 real. This is safe. But I don't feel that way. I don't
17 believe that. And I've got to sleep in my bed under the
18 shadow of a nuclear power plant that could possibly be the
19 strength of twenty nine Chernobyls. I've to go to sleep
20 every night under that. I'm not going to be able to do
21 that.

22 This is my home. And it's all these other
23 people's homes. And we beg you, to please give us the
24 right, or give us the opportunity to get the answers that we
25 need if this is as safe as CP&L is saying it is, why won't

1 they sit down with us, hear our concerns, answer our
2 questions? We really need to hear that before any of us are
3 going to feel comfortable with any decision to move ahead.
4 Thank you.

5 JUDGE BOLLWERK: Thank you for being with us this
6 afternoon. Our next speaker is H. A. Bullard, Jr., from the
7 Eastern Carolina Section of A & S.

8 MR. BULLARD: My name is A. G. Bullard, I am
9 appearing as the Chairman of the Eastern Carolina Section of
10 the American Nuclear Society. I appreciate the opportunity
11 to do this, and I am going to read a statement of support by
12 the Eastern Carolina Nuclear Society for the spent fuel
13 storage proposal. This will be a statement in the form of a
14 resolution which has been drawn by the officers of the
15 elected officers and members of the executive committee of
16 the Eastern Carolina section.

17 The Eastern Carolina Section of the American
18 Nuclear Society is a not-for-profit scientific and
19 educational organization comprised of approximately 300
20 members who represent over fifteen companies, educational
21 institution, and government agencies located in the
22 Carolinas. The society's main objective is to promote the
23 advancement of science and engineering related to the atomic
24 nucleus and the allied sciences and arts. The local section
25 of the American Nuclear Society fosters professional and

1 personal alliances among members and among the faculty and
2 students of nearby colleges and universities, cooperates
3 with other scientific and professional groups with similar
4 objectives, and encourages public understanding of the
5 present and future value of applied nuclear science to the
6 community.

7 To this end and, whereas nuclear power provides
8 approximately fifty per cent of the electricity generated in
9 North Carolina, which has been used for the economic benefit
10 of millions of North Carolinians, and thereby serves as a
11 critical resource for the economy of North Carolina,

12 and Whereas, nuclear power serves as an
13 environmentally superior energy source alternative that does
14 not generate greenhouse gasses and, therefore, reduces the
15 production of ozone, and

16 Whereas, a substantial delay in the opening of the
17 Federal repository for permanent storage of spent fuel has
18 extended on-site accumulation and storage of nuclear fuel,
19 thereby challenging the capacity for spent fuel storage at
20 operating nuclear plant, and,

21 Whereas, CP&L has a demonstrated record of safety
22 in its handling and storage of spent nuclear fuel during the
23 operations of its Brunswick, Robinson, and Harris Plants,
24 and,

25 Whereas, CP&L proposes to continue the use of the

1 technology and procedures inherent to this safety record as
2 it provides safe and interim storage of nuclear fuel, and

3 Whereas, the Harris Plant uses numerous and
4 redundant safety instrumentation systems, with trained
5 engineers and staff, to provide extensive and continuous
6 monitoring of spent fuel storage,

7 Now, therefore, be it resolved that the elected
8 officers and executive committee members of the Eastern
9 Carolinas Section of the American Nuclear Society to hereby
10 proclaim their support of CP&L's plan for interim on-site
11 storage of used nuclear fuel this eighth day of December,
12 1999.

13 Thank you for this opportunity to read this
14 statement.

15 JUDGE BOLLWERK: All right, thank you for being
16 with us, Mr. Bullard. The next speaker we have signed up is
17 Liz Cullington, C - U - L - L - I - N - G - T - O - N, a
18 Chatham County resident.

19 MS. CULLINGTON: Could I just ask if the lady who
20 spoke from the heart, after I get through speaking, if I
21 haven't quite finished my statement in my five minutes, if
22 she would yield me the remainder of her time?

23 JUDGE BOLLWERK: Why don't you just go ahead, and
24 we'll watch the time, and I think you'll be all right.

25 MS. CULLINGTON: All right. I'll try to go

1 quickly. I would like to thank you for allowing the public
2 a chance to address you on this issue, and for granting a
3 later legal hearing for Orange County on the issues of
4 criticality and quality control.

5 The quality control issue is of extreme importance
6 because it is, in fact, the major reason why this is far
7 from a routine license amendment that has been brought to
8 your attention.

9 It is of course, not a routine matter in many
10 other ways. Firstly because it would create the largest
11 interim spent fuel repository in the United States at a
12 commercial reactor.

13 Secondly, because it would be located upwind of a
14 vast and dense concentration of people, wall to wall houses,
15 and daily traffic jams.

16 And thirdly, because it involves the reactivation
17 of systems that were abandoned and converted to other uses
18 over fifteen years ago.

19 To refocus attention on this last aspect, I must
20 remind you that the unique cluster design of the Shearon
21 Harris plant meant that the centrally located waste handling
22 building was designed to serve four reactors,

23 JUDGE BOLLWERK: Wait a minute. I think that's
24 the Court Reporter's. He needs that back. There you go.
25 You might want to make sure it's okay.

1 MS. CULLINGTON: All right, I just wanted to
2 diagram. It's like the potato of a Mr. Potato Head. With
3 the four reactors and associated buildings stuck out on all
4 four corners. When only two reactors were to be built, it
5 was the cooling system for unit number two that was to cool
6 the two unused pools that CP&L now wants put into service.

7 CP7L seems to think that the use of these pools
8 was granted in the operating license, because the operating
9 license was granted in unites one and two. However, the use
10 of these pools was dependent on unit number two being
11 constructed, and the cooling system from unit two being
12 constructed. And neither unit two nor its cooling system
13 are there. They exist on paper, but they've never been
14 built.

15 So CP&L wants NRC to approve extending the cooling
16 system from unit one to cool all four pools, and to merely
17 promise not to actually fill up the pools until after an
18 upcoming steam generator replacement outage. At which time
19 they have said they will upgrade the extended unit one
20 cooling system.

21 Right here we are terrible far out on a limb,
22 because the requested license amendments would allow them to
23 rerack and fill up the pools as quickly as they can. And
24 the additional heat load has been identified by both the
25 company and the NRC staff as an unresolved safety issue.

1 This makes me extremely nervous.

2 However, that would be the most important issue if
3 the vacant pools were in tip top shape, and if the NRC had
4 had an inspector standing by when the original embedded
5 cooling pipes were installed, welded, and then concrete
6 poured, but they didn't.

7 As a matter of historical context, y you should be
8 aware that CP&L knew before the waste handling building was
9 constructed, that they did not need to build all four
10 reactors. But they did not want to go back and revise their
11 construction permit application, partly to avoid delay, and
12 partly to avoid the imposition of new safety regulations.
13 Particularly those requiring wider separation between
14 redundant or rather duplicate runs of electrical cables.

15 And this was the finding of the North Carolina
16 State Utilities Commission. I go on to talk about them
17 further on.

18 It is simply a matter of common sense that those
19 pipes and welds that have to be in place before a concrete
20 slab is poured, even in a small project such as a house, are
21 under much more significant time and completion pressures
22 than are those which remain out in the open.

23 Thus the possibility of error or incomplete work
24 is much greater in just those systems that will be
25 inaccessible to later inspection, or reinspection, or

1 repair. That is why, in a house project, the building
2 inspector comes to check that piping that is going to be
3 imbedded before the concrete pour.

4 But at Harris, there was no outside independent
5 inspector to sign off on the piping before the concrete was
6 poured. CP&L has stated that QA documents related to the
7 embedded welds were inadvertently destroys. So that you can
8 have no true confidence that even construction or in house
9 inspection staff found these welds adequate before they were
10 buried.

11 In 1988, the North Carolina Utilities Commission
12 issued its final order regarding the cost of Harris, after
13 the most extensive prudency audit and rate case in the
14 state's history. Design, error and rework were all issues
15 in this case, because of their impact on final cost. The
16 commission was obviously not concerned with safety.

17 However, in finding of Fact Number Ten, which was
18 not appealed, the Commission stated on page eighty six,
19 quote: "Careful consideration of the whole record in this
20 case leads the Commission to conclude that there is
21 credible, substantial, and competent evidence of an
22 unreasonable and imprudent level of errors on the Harris
23 project." Unquote.

24 The order goes on to cite, quote "incomplete
25 record-keeping by CP&L of errors and their costs." Unquote.

1 The Commission also found CP&L, not its
2 contractor, primarily at fault, saying on page ninety five,
3 quote: "A fundaments cause of imprudence was the myopic
4 focus of construction management on fast construction at the
5 expense of quality construction. This management flaw was
6 observed early in the Harris construction process in a 1979
7 CP&L memo." Unquote.

8 Please note the early date, one year after the
9 start of construction in 1978. While there is ample
10 evidence of this problem throughout the years, I do not want
11 you to be misled either now or later that it was only a
12 problem in the last rush to finish the plant. To resume
13 quoting the Commission, quoting the CP&L memo, quote quote:
14 "when the field troops only hear production from both sides
15 of management, and engineers and inspectors are continuously
16 challenged for limiting production, the stage is set to play
17 catch me if you can."

18 And this is a private memo from a CP&L executive
19 to another. However, once concrete is poured, you can't
20 catch me. To continue from that CP&L memo, quote: "During
21 our initial operations, cases were reported where
22 superintendents signed off concrete pour cards when
23 initially placed in the pour box." Unquote. That pour as
24 in p - o - u - r.

25 The Commission continues on page ninety nine, in

1 its findings, that quote: "during the first three years of
2 construction" unquote, there was a quote: "lack of
3 qualified construction inspectors. In 1981 the NRC cited
4 CP&L for a violation of Federal regulations in this regard."
5 Unquote.

6 In the interests of public safety, under these
7 circumstances, I feel that you must conclude during your
8 upcoming consideration quality control issues, that lacking
9 solid and credible evidence that these old welds are good,
10 you must conclude that they are bad, and that the surplus
11 two fuel pools cannot be activated.

12 And remember, that the Commission found that CP&L
13 could have designed, redesigned for two not four reactors,
14 two not four pools, as early as 1975. When these welds were
15 done, everyone knew they'd never be used. Right?

16 Lastly, and most important, I would encourage to
17 re-read the very short section of CP&L application where
18 they propose their alternative plan to qualify these welds.
19 The imbedded welds, with the missing documents.

20 Three things seem most significant to me.
21 Firstly, CP&L wants to construct a halo of paper showing
22 things were all right elsewhere, other people, other
23 welders, other times. In this situation, as described
24 above, like trying to fight a speeding ticket with the
25 defense that one wasn't speeding on any other day of the

1 year, although CP&L's record shows that they were speeding.

2 Secondly, CP&L proposes various pressure and video
3 tests, inside the piping. Personally, I am not comfortable
4 with CP&L doing any of these tests, rather than the NRC.
5 But I must point out that the most important part of the
6 weld, the one that QA inspectors normally look at, is on the
7 outside. The outside is buried in concrete. There is no
8 way to check the outside of the welds. There is no way to
9 qualify these welds.

10 Lastly, CP&L is asking you to approve not the
11 license amendment after satisfactory results of the test,
12 but simply to approve the method. So that neither the
13 public nor intervenors can quibble with the method or actual
14 results.

15 Lastly, I would like to support other speakers who
16 have called for CP&L to instead opt for dry cask storage at
17 the plant of origin, not shipment and re-racking in these
18 dicey fuel pools at Harris. By quoting from CP&L's own
19 brochure from the Robinson plant.

20 Dry cask storage does not rely on water or other
21 liquids for cooling and shielding. Dry cask storage is a
22 promising alternative method for storing spent nuclear fuel.
23 Sorry, I didn't read this right. "Unlike storage in pools,
24 dry storage does not rely on water or other liquids for
25 cooling and shielding. Since there are no moving parts such

1 as fans, pumps or blowers, the dry storage facility is less
2 expensive to maintain. There is no risk of mechanical
3 breakdowns." Unquote.

4 Regarding comparative costs of dry cask storage,
5 versus opening up these two very dicey fuel pools, CP&L
6 claims that pool storage is cheaper, but they have not
7 included any operating costs, only the cost of the racks.
8 They have already written off the cost of the engineering.
9 They have not included the cost of repackaging the waste for
10 shipment to a repository.

11 Regarding worker doses, CP&L states that the
12 worker doses, or the fuel pool option would be zero. Zero.
13 That's the dose during installation of the racks. They have
14 refused to include in their comparison of options the worker
15 doses during all the loading and maintenance tasks over the
16 next five, ten, or twenty years. Workers diving in, among
17 the racks, to do repairs, installing new fuel, and so on.

18 In fact, CP&L is assuming that it's discussion of
19 alternatives is purely pro forma, and that since they have
20 advanced a certain distance down this road, that they just
21 need to jump over this little problem of the missing
22 documentation, they just need to perform some calculations
23 regarding the heat load, and everything will be fine.

24 Once again, I would like to thank you for the
25 opportunity to speak to you, and I hope that you will

1 remember a few of the things that I said when you come to
2 the legal hearings in January or whenever they are. Thank
3 you.

4 JUDGE BOLLWERK: Thank you, Ms. Cullington, for
5 being with us. The next speaker is Mr. Joe Capowski, C - O
6 - W - S - K - I, from the town of Chapel Hill. I had you
7 listed as a speaker for this evening. Is that,

8 MR. CAPOWSKI: Yes.

9 JUDGE BOLLWERK: You're the Mayor Pro tem, is that
10 right?

11 MR. CAPOWSKI: Yes. I'll address that in a
12 minute. I sent an e-mail letter in, asking to speak this
13 evening. But a new commitment came up, and so I would like
14 to speak this afternoon, if possible.

15 To whom do I give a Council Resolution? I have
16 several copies of this.

17 JUDGE BOLLWERK: Give it to the Court Reporter, I
18 think. That would be - -

19 MR. CAPOWSKI: Good afternoon. My name is Joe
20 Capowski. Until this past Monday night, I was the Mayor Pro
21 tem of Chapel Hill. And an eight year member of the Chapel
22 Hill Town Council. I did not run for reelection, so I am
23 history, as they say. I am also an electrical engineer,
24 practicing electrical engineering. I have been involved in
25 many uses of electricity for my whole career.

1 I want to recognize Bill Strom who is in the
2 audience who is another newly elected member of the Chapel
3 Hill, who is a newly elected member of the Chapel Hill Town
4 Council. And I understand that Bill is going to say a few
5 words in a few minutes.

6 I want to thank Carolina Power and Light for
7 giving us a tour of the spent fuel rod pools this past
8 spring. I found that the tour they gave us was a superb
9 one, factual, and open, and they were wonderful in answering
10 our questions. Now, one, a half a dozen of us elected
11 officials went on that tour including Hillsboro's Mayor,
12 Horace Johnson.

13 Hillsboro is Orange County's Seat. It's about
14 thirteen miles north of here. Horace Johnson and I still
15 could not get a satisfactory answer to our question, and
16 this will show the meat of my request. My question is, why
17 move spent fuel rods, or any toxic material for that matter
18 from rural areas to an urban area that is growing like a
19 weed. Common sense is that this move is backwards. That we
20 should move bad stuff from urban areas to rural areas, not
21 vice versa.

22 And by this way, we minimize the risk to the most
23 number of people. The CP&L answer was, we already do it
24 this way, and it is extremely safe. But that is not really
25 a direct reply to the question we asked. The Chapel Hill

1 Town Council, this past April passed a resolution that
2 states our concern about the matter. The resolution is
3 three pages long, and I've given a copy to the Clerk, and I
4 won't read all three pages, but I'll just read the two "be
5 it resolved" clauses.

6 Now therefore, be it resolved that the Council of
7 the Town of Chapel Hill calls on Carolina Power and Light to
8 meet its responsibilities as a corporate citizen by, one,
9 withdrawing its application to license waste pools c and d
10 for expanded storage at the house plant, and two, to
11 immediately begin to phase out the import of high level
12 waste to Harris, so as to minimize additional risks placed
13 on the public by storage in high density pools, and to
14 revert to the safer option of dry cask storage at the
15 generating reactors.

16 Now, we passed this resolution unanimously. And
17 that itself is a substantial - - that has meaning, because
18 there are a couple members of our Council who absolutely
19 love businesses, and they would be - - the last thing they
20 would ever do would be to hinder free enterprise and even
21 they voted for this resolution.

22 A note about the process. I'm still a little
23 confused. Senior CP&L vice-president, Scotty Hinnant writes
24 in a letter to the editor, and he's quoting the NRC, Atomic
25 Safety Licensing Board, quote: "Our statements here do not

1 constitute testimony, or evidence." Close quote. Mr.
2 Hinnant then goes on to say, this is similar to how elected
3 Councils and commissioners hear and consider limited citizen
4 comment before making decisions.

5 Well, I'm sorry, ladies and gentlemen, and
6 especially Mr. Hinnant, but that is not the way it's done in
7 Chapel Hill. Prior to a town council decision on any
8 permit, the Chapel Hill does very much receive bonifide
9 evidence from anyone who comes to our lectern, including,
10 and especially local citizens who are impacted by whatever
11 proposal we are considering. This is one of the basic
12 principles that undergirds our local process.

13 And finally, I'd like to close with a personal
14 story. I finished grad school in the early seventies, and I
15 went down to Los Alamos for a job interview. I was there
16 for a week. And one of the things I did was to visit the
17 nuclear museum there, and there I saw the mock ups of Little
18 Boy, and Fat Man, the bombs that were dropped on Japan in
19 World War II. And I stood there in awe that so much
20 destructive force could be contained in such a small volume.
21 These things looked like over sized beach balls with tail
22 fins. And the kids in the tennis clinics use the word
23 awesome in every third sentence, so I'll use it. This was
24 an awesome concentration of really bad stuff.

25 Now, last April, as I stood looking at the

1 apartment complex-sized swimming pools at the Shearon Harris
2 power plant, I had the same feeling. This was all of the
3 spent fuel rods that had generated a quarter of the
4 electricity in the whole state of North Carolina in the past
5 twenty years. What an awesome concentration of really bad
6 stuff. Okay?

7 Sirs, it makes no sense to bring this stuff to an
8 urban area. It's got to go to the rural areas, as the Los
9 Alamos was designed to be rural, and the place selected for
10 its remoteness, it just - - it is beyond my understanding
11 how we should move a high concentration of really bad stuff
12 of any form into an urban area.

13 Thank you very much for your time.

14 JUDGE BOLLWERK: Thank you for being with us this
15 afternoon, Mr. Capowski. We appreciate your comments. We
16 now have Carl Woodard, W - O - O - D - A - R - D, from
17 Woodard Corporation.

18 MR. WOODARD: I don't have a prepared statement,
19 but I would like to say a few words.

20 JUDGE BOLLWERK: All right.

21 MR. WOODARD: I am a licensed engineer, architect
22 engineer. (Backfeed from the public address system, speaker
23 was drowned out for a few words). I had an injection to
24 check my heart. And about twenty feet before I got to a
25 portable monitor, I heard bells ringing and alarms going

1 off. I had one of those injections that they give routinely
2 in medical when they want to check your blood vessels. I
3 was amazed at the fact that, here I am, I'm setting off the
4 alarms, and I'm twenty feet away from the portable monitor,
5 almost that. I thought it was somebody else that they were
6 after.

7 I had two guards come up and grab me by the arms,
8 and said, Mister, what are you carrying in. I said, I'm
9 carrying nothing in. I have nothing on me. They said,
10 you're radioactive. They monitored me. And I was amazed at
11 the safety with which this plant was being operated, and the
12 class I had been in was operated.

13 I've been in many plants in my architectural
14 engineering career, chemical, petroleum, I've done work in
15 pharmaceutical, I've done work in nuclear. I must say, the
16 safest plants I've ever been in without question, are the
17 nuclear plant. I'd walk in a nuclear plant, around a
18 nuclear reactor, and around the swimming pool, the pool any
19 day, to go into a chemical plant.

20 That's not to say that they couldn't be made
21 safer. I'm just saying my experience, and my feeling of
22 well being, you talk about the fuel pool, and what you see.
23 I was at PPG industries in Lake Charles, Louisiana, when a
24 cloury vessel ruptured. How many people? Two people were
25 killed. Several people's lungs injured. It didn't even

1 make the New Orleans news paper. I called my wife that
2 night in New Orleans. I was living in New Orleans. I said,
3 did you see the accident? No.

4 You don't hear about these accidents at all, but
5 the health and safety of the public in these plants is so
6 much - - it's not what it should be, I agree. But nuclear
7 plants, including the storage of spent fuel, from what I've
8 seen, is far safer than many of the things you should have
9 around you.

10 If CP&L would be firing these plants with coal,
11 let's say, they'd be burning tremendous quantities of the
12 air you breathe, and emitting tremendous quantities of
13 sulfur dioxide, carbon dioxide, and also, they have waste.
14 Many thousands of tons of ashes. Any fuel you burn,
15 including nuclear, you have waste. This fuel, I've seen it
16 in Idaho, I've seen it in other places stored. I've seen it
17 in some of the power plants, and I've gone through some of
18 the procedures for their storage.

19 I have yet to see anything of any consequence, or
20 concern in the way that it is stores. However, I'm not a
21 spent fuel storage expert by any means. I don't specialize
22 in that. I specialize primarily in my retired consulting
23 business, and diesel generators of one sort or another.
24 That generate power for utilities. Like in the nuclear, the
25 emergency diesels, but one of my big clients is down in

1 Florida; Homestead Florida. Where they have eighteen diesel
2 generators. They generate prime power with.

3 But I do go into the nuclear plants, and I feel
4 very safe in the nuclear plants. I feel that the proposal
5 to store this fuel in this location, and fuel pools that are
6 built, designed for that application, it appears to me, that
7 with appropriate safety review, it can be done, and it can
8 be done safely. It is done routinely in other plants.

9 Licensing, of course, you can't guarantee absolute
10 safety. I go get my driver's license. Am I safe? Hell no.
11 Can I guarantee I'm not going to go out and kill somebody?
12 No. I'm not going to hurt somebody? No. Not at all. CP&L
13 can't guarantee nobody's not going to get hurt from this,
14 absolutely. You're not going to find anything safe.

15 Solar power isn't safe. We look up at that
16 nuclear power plant in the sky, it's raining radioactivity
17 on us every day. I look at TMI, what happened at TMI,
18 people try to compare it to I guess Chernobyl, things like
19 that. But instead of being headlines, and run as being a
20 bad thing that happened, of course it was very bad. I did
21 read the Government's report on it. But everything worked.
22 What amazes me, is the Nuclear Regulatory Commission, and
23 people at, where is it, TMI, were not jumping up and down on
24 top of tables, saying look, everything worked. We had a
25 meltdown. Everything worked. Nobody got excessive

1 radioactivity. Maybe as much as a chest xray, or a little
2 more.

3 I'm just stalling off. That's all I've got to
4 say.

5 JUDGE BOLLWERK: Thank you, Mr. Woodard for being
6 with us this afternoon. The last name I have on the present
7 list is the Reverend Frances Olson. And I believe Reverend
8 Olson you gave a statement yesterday in Raleigh. Do you
9 want to say a few things this afternoon?

10 MS. OLSON: I did. I prefer to let people speak
11 who haven't had a chance to speak today.

12 JUDGE BOLLWERK: When we get to the end, we'll
13 come back to you if you still want to say something, all
14 right?

15 MS. OLSON: I would still like to speak today.

16 JUDGE BOLLWERK: All right. At this point, why
17 don't we take a break. There is a sign up sheet for anyone
18 who came in the middle of the proceeding. If you want to
19 speak, you need to sign up over there. Let's take about a
20 ten minute break. And we'll come back at about twenty five
21 till.

22 OFF THE RECORD

23 JUDGE BOLLWERK: Be seated please, and come to
24 order. We'll begin again. All right, the next speaker, and
25 I'm going to have some trouble with the handwriting here.

1 Is it Sandra Marlowe? M - A - R - L - O - R - E from the
2 National Association of Atomic Veterans?

3 VOICE FROM THE AUDIENCE: She's here.

4 JUDGE BOLLWERK: She's here? But not ready?

5 VOICE FROM THE AUDIENCE: She's outside.

6 JUDGE BOLLWERK: Why don't we go to the next
7 person, and we'll come back to her then. All right. We'll
8 come back to her. R. Hayes, A - W - N, is it Awn? R.
9 Haymann? I apologize Sir.

10 MR. HUYMANN: I apologize for my awful
11 handwriting.

12 JUDGE BOLLWERK: Can you spell your last name for
13 us?

14 MR. HUYMANN: H - U - Y - M - A - N - N.

15 JUDGE BOLLWERK: Thank you.

16 MR. HUYMANN: Gentlemen, I appreciate the
17 opportunity to address you very briefly, and I shall take
18 very little of your valuable time. As I said, my name is
19 Ralph Huymann. I live in Farrington Village. About sixteen
20 miles from this proposed nuclear concentration. And as
21 such, this meeting, and your decisions are of utmost concern
22 to my wife, myself, our neighbors, and our community.

23 In fact, it is of such concern, that should
24 permission be granted to store more nuclear rods at the
25 proposed site, we would definitely leave this area. Since

1 as I said, we are only sixteen miles away from a potential
2 disaster of sorts. And I would like you to reflect for one
3 moment on the economic impact on this area. Which your
4 decision will have.

5 This is a very heavily populated area, and as a
6 former speaker pointed out, this is hardly the place to
7 bring in more nuclear waste. Your decision will have, as I
8 said, an impact on the very heavily populated area. And my
9 question is, will industry flock to the Triangle, will more
10 people be anxious to move into this area? I doubt this very
11 much indeed, and I would like to thank you for your time.

12 JUDGE BOLLWERK: Thank you, Sir, for coming before
13 us today. The next speaker is James Carnahan, C - A - R - N
14 - A - H - A - N, from the, I believe, the Orange Chathams
15 Sierra Club?

16 MR. CARNAHAN: That is correct. Good afternoon
17 and thank you for the opportunity to speak.

18 Given that, in the event of an accident which
19 cannot be absolutely ruled out; I should say I am speaking
20 on behalf of Orange Chatham Sierra Club, also as a
21 twenty-plus year resident of Chatham County, I live within
22 fifteen miles of the reactor.

23 Given that, in the event of an accident which
24 cannot be absolutely ruled out, an accident that could
25 result in catastrophic loss of life, and inconceivable

1 degradation of property, given that such a possibility, no
2 matter how remote, the continuing refusal of CP&L to let
3 this proposal be subject to a full and open public review is
4 unconscionable, and for you to license the proposal without
5 such a review is unthinkable.

6 In the event such an accident were to occur, an
7 accident of possibly biblical proportions, keep in mind, we
8 beg you, that responsibility will rest on your shoulders.
9 We have seen before in this century the results of human
10 presumption of infallibility. The Challenger disaster, the
11 Johnstown Flood, and the Titanic come to mind, and they
12 would pale to nothing next to the consequences if CP&L is
13 wrong about this proposal.

14 It doesn't get any more serious than this. And
15 if it is true that our statements here today cannot be used
16 in your decision, then you make a mockery of the democratic
17 process, you squander our tax dollars on a "Southern"
18 outing, and you condemn this community to the most serious
19 jeopardy imaginable.

20 How in good conscience can you sit there, in a
21 sham proceeding, if that's what this is, fostering the
22 appearance of due process, when in fact, scrutiny of this
23 dangerous proposal is being avoided with such arrogant
24 determination?

25 If CP&L were confident of the complete safety of

1 this proposal, then we would expect they would welcome its
2 examination in a public review process. We can only
3 conclude however, from their continuing obstruction of the
4 public's desire for the review, that in fact, they are not
5 confident of its safety. What we have witnessed here since
6 last spring is a corporate citizen doing everything in its
7 power to prevent a democratic process taking place.

8 We find the proposal for increased storage
9 particularly senseless given that less risky alternatives
10 are available. On site storage at each reactor, and dry
11 cask storage. How can this company even contemplate putting
12 a price on all human life this proposal puts at risk. How
13 many pennies per share will be saved to initiate an
14 operation that could cost thousands of lives, and render
15 uninhabitable hundreds of square miles of our landscape?

16 In our courts of law, we have a concept of
17 reasonable doubt. We don't convict an accused person until
18 we have eliminated every shred of doubt of their guilt.
19 Given the potentially appalling consequences, if CP&L and
20 their experts are wrong, we have no choice but to consider
21 this proposal with the same strict diligence. It is simply
22 prudent civic practice to subject the proposal to the most
23 detailed and methodical scrutiny.

24 Let CP&L demonstrate what they would have us
25 believe, that they are truly a responsible corporate

1 citizen. Let them show clear good faith; let them demand a
2 full public review on all the issues. All the issues. Let
3 them insist the statement taken in these hearings be counted
4 as testimony. Otherwise, there is too much here at stake,
5 and we urge you, we pray you to rule to open this matter to
6 a full legitimate public deliberation. Thank you very much.

7 JUDGE BOLLWERK: Thank you for being with us this
8 afternoon. The next speaker is Heidi Zehnal, Z - E - H - N
9 - A - L. Did I mispronounce that? You may correct me.

10 MS. ZENAL: Z - E - N - H - N - A - L.

11 JUDGE BOLLWERK: Thank you.

12 MS. ZENAL: My name is Heidi Zehnal, I'm with the
13 Chatham Nuclear Action Group, and I live in Chatham County
14 about fifteen miles from Shearon Harris, near Chapel Hill.
15 And I'm here today because I do not feel safe with the plan
16 proposal by CP&L to store the largest amount of nuclear
17 waste in the country just a tiny distance apart, the nuclear
18 fuels racks less than a half inch apart, in pools that have
19 not been used for sixteen years, and for which the piping
20 diagrams were thrown out years ago.

21 And where they want to have only one cooling
22 system for four pools, that were originally designed to have
23 two cooling systems for the four pools. This also does not
24 make me feel safe. The fact that there is no containment,
25 no real containment building over the pools, like there is

1 over a reactor, is also of concern, because as you know if
2 there is a criticality incident, where the water didn't stay
3 cooled, or there was an accident with loading of fuel rods,
4 etc., radioactive gases released could be many times greater
5 than Chernobyl, with the amount of waste that's going to be
6 there.

7 And the research coming out of Chernobyl, with
8 what I've seen, is that many people are sick. Like ninety
9 percent of the children are sick in that area, and that's
10 not very encouraging. And there is an alternative. We
11 could use movable dry cask storage for older waste, as is
12 used in plants in Europe, to store the waste at individual
13 plants until if, and when, there's a Federal site, which is
14 being fought at this time in other communities; if there was
15 a site, then it could be moved.

16 And this would eliminate many bad scenarios. CP&L
17 has said itself, in its literature, that this is safe,
18 involving less pumps, blowers and fans, with no risk of
19 mechanical breakdowns. And there's also the piping issues,
20 and the possibilities of accidents with the water. It would
21 be a safer and more responsible way to handle the
22 radioactive waste that will be with us for tens of thousands
23 of years.

24 Now, I wish this was a perfect world, where we
25 could be one hundred percent sure that nothing would ever go

1 wrong, where equipment was perfect, people were perfect,
2 etc., but unfortunately, it is not.
3 No matter what anyone thinks about this issue, there's
4 literally nothing in this world that's completely
5 infallible. We could all be in denial, and say there's no
6 chance at all of something going wrong. Just because
7 nothing's happened yet in the pools doesn't mean nothing
8 will happen. This much waste has never been accumulated in
9 one place in all of history either.

10 Shearon Harris has had four accidental shut-downs
11 this year. Things do go wrong, and can go wrong. And the
12 Brookhaven Labs has said that a waste pool accident near a
13 highly populated area is likely, and where will it be? Will
14 it be where most of the waste is stored, like in this area?
15 And I think it's a sad commentary about the world we live in
16 today, if money and profits are valued more than life
17 itself, or the health of millions of people in North
18 Carolina, and this beautiful environment we live in here.

19 If something did go wrong, no one will win. CP&L
20 would be out of business, and destroyed with lawsuits, the
21 NRC would have failed at its job of safeguarding the health
22 of American's citizens, and we would lose property, and
23 many, many lives. Whether or not CP&L, or the NRC wants us
24 this responsibility, due to the hazardous nature of the
25 byproducts of the industry you are in, you are responsible

1 for the health and well being of North Carolina residents,
2 and beyond.

3 So even if there's any chance of a problem, we
4 need to all try and win, and do the safest possible thing
5 that's technically available. We are all one family, one
6 human race, and we need to take care of each other for
7 things to work, and to me, taking care of each other
8 involves doing the safest possible think you can do. And
9 CP&L and NRC both exist because of customers.

10 And I hope you will take your customers' needs and
11 concerns into account even if there is a law saying you
12 don't need to listen to us, in this talk today. The public
13 will continue to push for scrutiny on these issues no matter
14 what happens. And I hope the CP&L and the NRC will choose
15 what will make themselves look good to the people of North
16 Carolina, which is taking the customers health and safety
17 concerns into account, and choosing the safest method of
18 storage. Which I believe the dry cask at individual plants,
19 and not waste packed to closely together in pools that if
20 the bottom of the pond, or something broke down, or a fire
21 or other problems would ensue, a major disaster would be on
22 our hands.

23 I hope the NRC will set a safe standard for
24 nuclear waste storage for the entire country, because this
25 type of waste is piling up, and needs to be handled in the

1 safest way possible everywhere in the country. Thank you
2 very much.

3 JUDGE BOLLWERK: Thank you for being with us this
4 afternoon. The next speaker is Dr. Benjamin J. Leberoff?
5 Am I pronouncing that correctly? L - E - B - E - R - O - F
6 - F?

7 DR. LEBEROFF: That's correct. Let me qualify
8 myself first, if I may. My baccalaureate in chemical
9 engineering was awarded by the Coker Union, fifty years ago
10 this year. A school that is an old scholarship, unique
11 institution in New York that was a hundred and forty years
12 old when I got my degree. Columbia University awarded my
13 Doctorate in chemistry; the state of New Jersey certified me
14 as a professional engineer. I have since retired from my
15 license.

16 At that time I was director of research of the
17 Lonus Company, it was then City Lonus of Western
18 Engineering, Ltd. And at that point the American Chemical
19 Society gave me the privilege of creating a new magazine for
20 innovative professions, called GemTech. It's still in
21 existence, I'm pleased to say. And I still write for it.
22 And as soon as I receive my responsibility, and began to
23 think about nuclear energy, I wrote an editorial that is in
24 the Congressional Record. It was read here by the Senator,
25 then Senator from Alaska, and I made this point.

1 That whenever an engineer sees a fatal flaw, no
2 matter how good the rest of the project is, he drops it.
3 And I enumerated three fatal flaws that I saw in nuclear
4 power in general. First, the fact that we are creating
5 something with a half-life measured in thousands and
6 thousands of years, without any intention of knowing how we
7 are going to deal with that. As a matter of fact, one of my
8 correspondents wrote back and said, "The country is only two
9 hundred years old. And we're worried about what's going to
10 happen thousands of years", something that was on this
11 Earth, much of it in a very dilute form, and I'll come back
12 to that.

13 The second thing was, what are we going to do with
14 terrorists, if they gain control of this material, and of
15 course since Nineteen seventy something, a great deal of
16 that has happened.

17 And the third one is what I'd really like to
18 address. A statement made by Edmond Teller. He said, "The
19 potential damage that would be done by nuclear meltdown is
20 the large number approaching infinity even though the
21 probability of that happening is a small number approaching
22 zero. We do not know the product of zero times infinity.
23 He concluded by saying they should not ever build another
24 nuclear power plant on the face of the Earth. The next
25 sentence is, they should all be built underground."

1 Let me talk to that issue for just a minute,
2 because my colleague, also a professional engineer spent a
3 great deal of time talking about relative risk. Now the
4 first thing I'd point out to you is the fact that something
5 is operated for ten or fifteen years without an accident
6 tells us really very little. I have lived for seventy five
7 years, without having as you can see, a fatal automobile
8 accident. That tells you nothing about what will happen to
9 me when I drive out this driveway.

10 The second thing is, the talked a great deal about
11 risk, but he spoke not at all about the benefit. Whatever
12 we do, nature has a better idea. So whatever we do, there
13 will be risk of injury. He did not talk about benefits, so
14 one of the things I'm seeking in my paradigm here, is where
15 is the benefit to this community in which we're talking
16 about putting additional risk? He also mentions the horrors
17 of a chlorine leak. I've live through, as I recall, three
18 such chlorine leaks. They flow away.

19 He mentions sulfur dioxide. Well, that's a
20 problem, but it blows away too. He's talking about the kind
21 of chemistry that happens outside the nucleus. The kind of
22 chemistry that happens inside the nucleus is in a whole
23 different category. He also confused us a little bit by
24 talking about sulfur dioxide and carbon dioxide in the same
25 breath. They're not in the same league. So when we talk

1 about risk and benefit, we have to begin to think about such
2 things as concentration. Now, there's lots of uranium on
3 this planet. Lots of radioactive uranium on this planet.
4 But it's dispersed. When you begin to put it together and
5 concentrate it, if you concentrate it enough, we get - - we
6 talked about that earlier. If you concentrate it not quite
7 that much, you get nuclear power.

8 Now that's something I don't think we should ever
9 have done. But having done it, we've got to live with the
10 result. And we've got to live with the result right here in
11 Chapel Hill in this area. The question then before you, is
12 how concentrated you want that storage thing to be. Do you
13 want it all here in one place, highly concentrated, or are
14 you willing to disperse it as nature did, by leaving some of
15 it where it is? I think that's something that really is the
16 significant thing you have to consider.

17 The second aspect, the greatest, is not only what
18 can happen, but what the probability of it doing harm is.
19 And we've already talked about the population density. If
20 you sit down and make a map of North Carolina, there are
21 very few areas where the population density is as high as
22 this one. And I cannot believe that a plant was put here in
23 the first place. When we moved here recently, and when I
24 told the people, they said, "Oh, yes, we told them, we told
25 them, we told them. They're not listening." That's why

1 they're not here today. "We've been to meetings. We've
2 been to meetings. They don't listen." I don't believe
3 that. I believe you listen. I believe you listen; you have
4 a tremendous responsibility. I respect it immensely.

5 So I guess the question before you is, do we want
6 to increase the concentration, and de facto the risk and
7 don't let anybody tell us that the more stuff there is the
8 risk is not increased. That's not true.

9 The second thing is, is this the place to put that
10 concentration. I think that the thing that we really should
11 be doing are a bunch of comparative environmental studies.
12 Whenever we design a plant, as engineers, we do a best case
13 estimate, but we also do a worst case and a best case. We
14 do the best estimate we can, and we do a worst case/best
15 case.

16 So far as I know, I've not seen an environmental
17 impact statement, nor a financial statement. That goes to
18 the alternative of leaving the stuff where it is. And that,
19 incidentally, Gentlemen, is the recommendation made in an
20 article in a magazine for which I write in London called,
21 "Chemistry Industry" in which they discuss worldwide, the
22 long, long term storage of these things, and the concluding
23 sentence in that is, I'll paraphrase, leave the stuff where
24 the people who've benefited from it live.

25 That's all we're suggesting you do here. Now, I

1 am presumably the father of the petition that you heard
2 about, that's telling CP&L, we won't buy it. If you don't
3 consider our well being, we won't buy it. And how will that
4 solve the problem? Because there'll be so few people buying
5 CP&L's waste that they won't have to haul it here. And
6 incidentally, when they haul it here, they haul it past
7 hospitals, schools, churches, residences. So far we haven't
8 had an accident, but I haven't' had one either.

9 So the question then is, "Okay, if we can turn
10 this thing off, CP&L, I hope you hear, we can turn it back
11 on." We can see our loyalty to our community. If you do
12 the sensitive thing. I can't say we all would buy your
13 power, but I sure as the devil would. And the last thing I
14 would leave with you folks, is to do the same thing I did
15 when I was involved in the registration of pesticides with
16 the Federal Government. And I was involved with the
17 registration of two drugs. In each case, I asked myself:
18 "Would I take those drugs, would I use those pesticides
19 around my kids." So before you, Gentlemen, is the question:
20 "Would you buy a house in Clarendon Village where I live
21 twenty miles from Shearon Harris. Thank you.

22 JUDGE BOLLWERK: Thank you for your comments, Sir.
23 The next speaker we have listed is Bill Strom, S - T - R - O
24 - M, or S - T - R - O - W. I'm sorry.

25 MR. STROM: It's "M".

1 JUDGE BOLLWERK: "M", S - T - R - O - M, With the
2 Chapel Hill Town Council.

3 MR. STROM: Thank you for having me here. My name
4 is Bill Strom, I'm a newly elected member of the Chapel Hill
5 Town Council. I've been elected official for two days. And
6 I was going to make brief comments. I think I may make them
7 briefer, because Mr. Cowpowski tells me that I'm going to
8 have to read this resolution, that the Chapel Hill Town
9 Council passed into the record. So I am here to join my
10 colleagues on the Chapel Hill Town Council, and say that I
11 support the resolution. I support the work that the Orange
12 County Commissioners have done in bringing information to
13 the public, spending public money wisely to protect public
14 health, safety, and welfare.

15 And I believe that this process, the process that
16 we're involved in here must lead to CP&L giving direct
17 answers to the questions that are being raised by the
18 experts hired by Orange County, and the Chapel Hill Town
19 Council, and I understand, nine other governments; a total
20 of eleven governments who've supported this action.

21 As a public official, I'm charged with public
22 health safety and welfare, and it is important that the
23 corporation in charge of making these decision answer the
24 questions raised by experts in an area that very few of us
25 really have the technical expertise in. So, that said, I

1 need to get my son from school. I am going to read
2 resolution 99-4-26/R-88, Resolution on Nuclear Safety in
3 Central North Carolina.

4 Whereas Carolina Power And Light seeks a Federal
5 license amendment to double its high-level nuclear waste
6 storage at the Shearon Harris nuclear plant in Central North
7 Carolina, and admits the plat would become the nation's
8 largest approved storage site for highly irradiated used
9 nuclear fuel rods or high-level waste; and

10 Whereas used nuclear fuel is one of the deadliest
11 materials on Earth, and therefore, under Federal law must be
12 kept out of our environment for ten thousand years, and
13 whereas problems with storage of high-level waste in cooling
14 pools can lead to meltdowns, fires and other accidents,
15 causing radiation releases into the atmosphere, and,

16 Whereas, nuclear generating and waste storage
17 facilities rely on highly complex systems which are
18 susceptible to technical and human error, as evidence by the
19 three accidental shutdowns of the Harris reactor during a
20 six week period, ending Mid March 1999, and,

21 Whereas, even the Nuclear Regulatory Commission,
22 and agency with a well known history of bias toward the
23 industry, acknowledge in a 1997 study that the probability
24 of a high level waste pool accident is higher than
25 previously believed and could result in tens of thousands of

1 cancer deaths within fifty miles around a plant, and where
2 Nuclear Regulatory Commission information indicates the
3 cumulative probability of one type of severe accident is one
4 in one hundred twenty five, and,

5 Whereas, two of the world's top nuclear safety
6 experts, Gordon Thompson and David Lochbaum have raised
7 numerous specific concerns with Carolina Power and Light's
8 proposal, including its unprecedented plan to eliminate the
9 separate cooling and primary and emergency electrical
10 systems originally designed for the new pools, in order to
11 minimize costs, where such alteration places an additional
12 burden on safety systems for the reactor, and

13 Whereas, Thomason and Lochbaum agree, nor can the
14 company deny, that there are a number of initiating factors
15 including earthquakes, equipment failures or loss of
16 electrical power due to weather, or other reasons, which
17 could lead to full or partial loss of cooling water
18 resulting in spontaneous combustion of high level waste or
19 even meltdown type accidents, and

20 Whereas, Cesium, is that?

21 JUDGE BOLLWERK: Cesium.

22 MR. STROM: Cesium 137 is a powerful gamma
23 emitter, and the most dangerous, damaging substance released
24 from the 1986 accident at Chernobyl, and whereas Thompson
25 and Lochbaum conclude that an accident at Harris could

1 release into the atmosphere ten times, or more, Cesium 137
2 than released at Chernobyl; and,

3 Whereas, Carolina Power & Light's pool expansion
4 would cause at least a doubling of crane loading and
5 handling of multi-ton fuel rod assemblies and waste casks,
6 therefore at least doubling the probability of handling
7 accidents; and

8 Whereas, due to ongoing uncertainty as to whether
9 a permanent disposal option for high level waste will be
10 approved in the foreseeable future, there is a likelihood
11 that high level waste would be stored at Harris for a number
12 of decades, or possibly longer, in cooling pools intended
13 only for short term use, therefore increasing the risk of
14 accidents; and,

15 Whereas, terrorism is increasingly seen as a
16 legitimate threat in the United States, and nuclear
17 facilities are regarded as potential targets by the United
18 States Government, and,

19 Whereas, Carolina Power & Light has rejected
20 numerous requests to justify its proposal to the public or
21 to address safety concerns identified by Thompson and
22 Lochbaum, and additionally, Carolina Power & Light has even
23 moved legally to prevent a public hearing sought by Orange
24 County to air some of these issues with the Nuclear
25 Regulatory Commission, and

1 whereas, the current evacuation plan for the
2 Harris facility was controversial when first developed in
3 1986, and has not been updated to account for the tremendous
4 growth this region has experienced since that time, and thus
5 cannot assure the safe removal of residents during potential
6 accidents; and,

7 Whereas communities near Harris, and the greater
8 region, already bear an undeniable and significant risk from
9 the existing reactor and waste storage handling and
10 transport systems, and whereas the expansion is sought to
11 accommodate waste fro Carolina Power & Light's reactors in
12 other areas; and,

13 Whereas, dry cask storage at the generating
14 reactors is a safer storage option, as acknowledged by
15 Thompson and Lochbaum, and is even deemed by the Nuclear
16 Regulatory Commission to be less prone to failure than
17 cooling pools; and whereas Carolina Power & Light states
18 that dry casks are equally safe as pool storage, and that
19 its expansion is based on cost savings; and,

20 whereas, dry storage at the generating reactors
21 would cost Carolina Power & Light only an estimated Thirty
22 One Million Dollars, over a fifteen period, which is a small
23 fraction of Carolina Power & Light's net profit of Three
24 Hundred Thirty Nine Millions in 1998 alone, or even its
25 budget for public relations, image advertising, and lobbying

1 of elected officials, totaling many millions each year, and

2 Whereas, all citizens at risk of exposure to
3 radiation from accidental releases have a genuine voice in
4 such an important matter, and Whereas Carolina Power &
5 Light, by refusing and/or blocking efforts to justify its
6 plan to local governments, has chosen an adversarial stance
7 toward the public, despite the calls from nine local
8 governments, citizen organization North Carolina Waste
9 Awareness & Reduction Network, editorial boards from various
10 regional media, and members of the public nearest the
11 facility and throughout the region, encouraging Carolina
12 Power and Light to engage in an open examination of the
13 safety issues surrounding its proposal;

14 Now, therefore, be it resolved, that the Council
15 of the Town of Chapel Hill calls on Carolina Power & Light
16 to meet its responsibilities as a corporate citizen by:

17 1) withdrawing its application to license waste
18 pools C and D for expanded storage at the Harris Plant.

19 and 2) immediately begin to phase out the import
20 of high level waste to Harris so as to minimize additional
21 risks placed on the public by storage in high density pools,
22 and revert to the safer option of dry cask storage at the
23 generating reactors.

24 Thank you for your patience.

25 JUDGE BOLLWERK: Thank you, Sir. Thank you for

1 taking the time to be with us, and I hope you make it to get
2 your son on time. Let me mention, we have three speakers on
3 the list I have in front of me. The list is over there. It
4 is now 3:10. We've indicated we would probably conduct this
5 until 4:00. So if you wish to speak, you should go ahead,
6 take the time to go over now and sign up if you have not
7 already done so.

8 Also, at this time, we've had some additional
9 representatives from the Orange County Board of
10 Commissioners join us. Would you all like to identify
11 yourselves for the record please?

12 MS. BROWN: I'm Commissioner Margaret Brown.

13 JUDGE BOLLWERK: All right.

14 MR. JACOBS: I'm Commissioner Berry Jacobs.

15 JUDGE BOLLWERK: All right. As I've expressed to
16 Commissioner Gordon, we do appreciate the use of your
17 facility. Thank you very much.

18 MS. BROWN: You're quite welcome.

19 JUDGE BOLLWERK: The next individual is Barbara
20 Alotis, A - L - O - T - I - S, with N. C. Warren.

21 MS. ALOTIS: Thank you. My name is Barbara
22 Alotis. I did not plan to speak here this afternoon, but
23 after having listened to so many of my fellow citizens, I
24 felt I could not leave without making at least one comment.
25 I reside in Chatham County, a rural community that is fast

1 becoming a very urban one. We are very concerned about what
2 CP&L is attempting to do, in creating the largest repository
3 of fuel rods in the Nation.

4 What is at question is the manner in which they
5 want to store these rods. We urge you to consider the risks
6 of a severe nuclear accident, should CP&L be allowed to
7 store these rods in high density pool storage, rather than
8 dry storage. In addition, we're asking that you require the
9 waste at CP&L's other facilities to store this waste at
10 their own site.

11 The people in Chatham County fought for many years
12 against the proposed nuclear waste dump site, and we are
13 willing to fight this fight, and this battle, also. I just
14 pray and urge you to listen to the people whose lives could
15 be affected by what action you take. Thank you.

16 JUDGE BOLLWERK: Thank you very much for your
17 remarks. The next individual is Margarite Coyle, C - O - Y
18 - L - E, also with N. C. Warren.

19 MS. COYLE: Thank you Gentlemen. I'm here,
20 following the man from the Sierra Club, who spoke of a
21 catastrophe of biblical proportions, and of the young woman
22 who spoke about the children of Chernobyl, and also the
23 gentleman who spoke about Cesium 137. I would like to talk
24 about the research done by a professor Yuri Vandejewski, who
25 was Rector of the Medical Institute in Gomel, the Republic

1 of Bellaruse, in Russia.

2 Gomel is a region that was heavily polluted by
3 Chernobyl, thirteen years ago. Professor Vandejewski, who
4 himself is ill with heart and gastric diseases has written
5 of the contamination that has occurred in the Gomel region.
6 And indeed ninety percent of the children are not healthy.
7 There is a cancer epidemic. Cancer being only the tip of
8 the iceberg.

9 Cesium 137 is causing heart dysfunctions, and
10 other system impairments in human beings. The birthrate has
11 diminished by thirty percent. And of the children who are
12 born, many have genetic, and teratogenic birth defects, in
13 other words, children are being born who are monsters.

14 And, Gentlemen, I ask you to consider that many of
15 the best minds of our country are concentrated here in our
16 Triangle area. We have the universities, the research
17 universities, we have the research Triangle, we have, I
18 don't want to send the waste to the urban, to the rural
19 areas. We have wonderful, wonderful rural people here, as
20 well as a great urban concentration. And if an accident
21 were to occur, the very same things that I've quote you,
22 that happened in Chernobyl, and that are still happening,
23 still occurring, thirteen years later, would occur here.

24 And it would be our population that we are
25 speaking of. And it would be our children that would be

1 having birth defects. It would be our splendid minds who
2 would be deteriorating, and our healthy bodies that would be
3 cancerous, and have other impairments of the heart, and I
4 ask you that we do not bring any more waste in. That we do
5 not give ourselves any more risk of such an accident. Thank
6 you.

7 JUDGE BOLLWERK: Thank you for being with us this
8 afternoon. The next speaker is from the National
9 Association of Atomic Veterans. Is it, Sandra Marlow? M -
10 A - R - L - O - W.

11 MS. MARLOW: Please let me know when my time is
12 up.

13 JUDGE BOLLWERK: All right.

14 MS. MARLOW: I have a request, before I speak,
15 that I hope you will make available to the town and the
16 county the complete listing, a summary of incidents
17 involving USAEC, I guess now, NRC shipment of radioactive
18 materials the copy I have, I've got a dup., is from 57 to
19 61. I would like to see a complete series of these
20 reports, as well as the accidents published by the U. S.
21 Atomic Energy Commission, also with the Department of
22 Commerce. I would like to see the complete set, and I'm
23 sure the public would like to see the complete set, of what
24 is deemed an incident, and accident, both in the shipment,
25 and at the plants themselves.

1 This is December. I take cottage from my father.
2 I happen to be Jewish. Cottage is a prayer for the dead.
3 My father died twenty years ago from a form of cancer which
4 at that time was rare, polysifemavera is not as rare any
5 more. My father was one of maybe over two hundred and fifty
6 thousand American military personnel who participated as
7 volunteers, or guinea pigs in American nuclear weapons
8 testing sites. He also visited and took part as a U. S. Air
9 Force Colonel at the radioactive laboratory in San Francisco
10 to look at the contaminated ships brought back from the
11 testing in the Pacific. The Bikini tests of 1946.

12 In both incidents, after his death, I found his
13 letters describing the contamination on the ships. The fact
14 that they had to clean themselves. What does this have to
15 do with high level waste near a town where I have just
16 moved? A great deal. More than most of the people know.
17 Because in many ways, those of us who are now called
18 radiation survivors feel very much like Holocaust survivors.
19 The only difference is, the enemy is us. The enemy may be
20 you, without realizing it.

21 The veterans were told that they were only exposed
22 to low level radiation. They were told by every agency in
23 our great government. And they wanted to believe our great
24 government, just as the citizens here want to believe you.
25 And you want to believe the information that you've been

1 given from various agencies that have done research; some of
2 which has been clandestine.

3 Low level radiation, according to a letter that
4 was sent by William Howard Taft, Assistant Secretary of
5 Defense, about a law that the veterans were concerned about,
6 that their cancers and other illnesses, a lot dealing with
7 the immune system, were related to their exposure at the
8 test, if the public believed the atomic veterans, or the
9 veterans, it would seriously undermine the entire nuclear
10 weapons program. It would undermine NATO. It would cause
11 the destruction of the nuclear power industry and raise
12 serious questions about the use of low level radiation in
13 the isotopes in the use, in nuclear medicine.

14 And for that reason, it was recommended, any bill
15 helping the atomic veterans should not be passed. We have a
16 history, as families of these veterans of having our
17 government lie to us. I suspect it was to protect National
18 Security, and it was not to protect public health, because
19 the veterans were sent into dangerous situations. They were
20 an nuclear tests, some were working on nuclear weapons, and
21 nuclear plants, like the workers and like many of the
22 civilians.

23 But the people in this town and this county, they
24 are not here to be used. We are citizens of this great
25 country, and we have the right to the truth. And the truth

1 has been hid for twenty or more years, ever since the
2 Manhattan project. One of the veterans that was at the
3 H-bomb tests, I forgot if it was 51, or 54. But it was
4 one of those horrible tests, had leukemia, and he was trying
5 to get his medical records, as were many of the veterans.

6 And there was a fire in St. Louis, so they say.
7 Well, there was a fire. It destroyed the sixth floor. The
8 people were not told, or the VA did not tell the veterans,
9 that there were tapes, and that computers had set up various
10 lines. But this poor veteran, through the help of a lawyer,
11 discovered his record, and I bring here, a once secret
12 document. It was downgraded to confidential. So it's sort
13 of still secret. It's his medical chart. It's his blood
14 count. Why has this country kept the secrecy of the effects
15 of radiation hidden from the public, even from many doctors
16 and scientists?

17 V A hid radiation harms. Secret division created
18 to thwart veterans claims. Defense kept radiation policy
19 secret. I'm sure you know about finally the research that
20 the center for, I guess of cancer, releasing that there was
21 an increase in thyroid cancers. Basically, I ask, on behalf
22 of future generations, because we know that radiation
23 doesn't just effect cancer, or cause cancer. We know it
24 affects the central nervous system. How much, we can't tell
25 from mice alone.

1 But we must keep our community safe. I don't know
2 if this is a good alternative, but I recommend that the
3 Pentagon consider a holding tank of water. And let's place
4 the nuclear rods to the place where they were established
5 for their use. Thank you.

6 JUDGE BOLLWERK: Thank you for being with us this
7 afternoon. At this point, we're going to take a brief five
8 minute break. I'm going to hold very strictly to the five
9 minutes. We're at 3:30, just about. 3:25 will be at 3:30
10 by the time we start again. If you do want to sign up to
11 speak, please do so now, so that we can make sure we have
12 everyone listed who wants to speak, as we move toward 4:00.

13 JUDGE BOLLWERK: JURGELSKI? J - U - R - G - E - L
14 - S - K - I?

15 MS. JURGELSKI: Yes. Jurgelski.

16 JUDGE BOLLWERK: All right. With the Eno River
17 Association, right?

18 MS. JURGELSKI: Yes. I represent the Eno River
19 Association. We are a support and advocacy group for the
20 Eno River State Park. Our current membership includes about
21 one thousand citizens from Durham, Orange, and Wake
22 counties.

23 The Association elected to sign the Resolution on
24 Nuclear Safety in Central North Carolina, in consideration
25 of the potential environmental threat represented by the

1 proposed nuclear waste expansion at Shearon Harris. It made
2 this decision after consideration of the report to Orange
3 County by the Institute for Resource and Security Studies
4 and a letter from the Union of concerned Scientists to the
5 Chairman and Commissioners of the United States Nuclear
6 Regulatory Commission dated January 22, 1999. The
7 Association - - were you able to hear me?

8 JUDGE BOLLWERK: I could. It's the Court
9 Reporter.

10 MS. JURGELSKI: - - supports the suit by Orange
11 County to obtain a full hearing on this matter.

12 Our perception is that the public would be better
13 served if the nuclear waste expansion at the Shearon Harris
14 plant were denied. The proposed concentration of spent fuel
15 at the Shearon Harris plant will inevitably increase the
16 risk of accident there. And even if the odds for an
17 accident are not great, any degree of risk is unacceptable
18 if safer alternatives exist.

19 Carolina Power and Light plans to use a major part
20 of the expanded storage capacity at its facility in Wake
21 County to store nuclear waste from two relatively rural
22 counties, Brunswick, and Robinson. Please note that
23 Brunswick County has a current population of seventy one
24 thousand five hundred one, and Robinson County has a
25 population of one hundred eighteen thousand, six hundred

1 seventy eight. The total population of these two counties
2 is one hundred ninety thousand, one hundred seventy nine.

3 The expanded nuclear waste storage will place at
4 additional risk the citizens of Wake County, which has a
5 population of five hundred ninety six thousand, two hundred
6 forty one. The storage also constitutes a potential hazard
7 to two neighboring counties. Durham with a population of
8 two hundred nine thousand, eight hundred sixty one, and
9 orange with a population of one hundred twenty thousand,
10 five hundred forty eight. Thus, nine hundred twenty six
11 thousand, six hundred fifty citizens, almost a million, are
12 placed at risk by this decision to transport nuclear waste
13 from a relatively rural area to an urban center.

14 Carolina Power and Light has the alternative of
15 using dry storage to contain the waste generated at
16 Brunswick and Robinson. this alternative might be somewhat
17 more expensive, but our understanding is that the expense
18 would not be exorbitant.

19 The folder which I have here, contains the
20 signatures of seven hundred citizens in this area,
21 expressing their concern over this matter to the Wake County
22 Commissioners. These citizens are concerned about an
23 apparent sacrifice of public welfare to corporate
24 expediency. We hope that you will share this concern.
25 Thank you.

1 JUDGE BOLLWERK: Thank you very much for your
2 comments. The next speaker is Jim Warren, the Director of
3 M. C. Warren. All right, lets move on then, and come back.
4 Marty Mandell, M - A - N - D - E - L - L.

5 MS. MANDELL: Good afternoon. Thank you. You all
6 have been in this area for a while now, and you see and
7 understand what you've heard from some of us. That this
8 area is the intellectual, the environmental center of our
9 state, and that we are the mix of many different peoples.
10 We have changed a lot in the past ten or twenty years. We
11 are making great strides in the use of solar energy, and
12 alternative fueled vehicles.

13 And CP&L has been very active and very helpful in
14 this project, and we appreciate their Corporate
15 neighborliness in this very much. However, we do not feel
16 that their action is very neighborly, by putting us at the
17 great risk of increasing the fuel rod deposits at their
18 center. And that the fact that it was done without the
19 input of our public.

20 We feel that Government has had a great function
21 in opening this up to the public, and we want to thank our
22 County Commissioners for their effort, and thank you, as the
23 representatives of government. We hope that you will weight
24 these issues very carefully, and make a decision that's
25 healthy for all of us. Thank you very much.

1 JUDGE BOLLWERK: Thank you very much for coming to
2 speak with us this afternoon. The next speaker we have is
3 Stephen Shafroth, S - H - A - F - R - O - T - H, is that
4 correct, Sir?

5 MR. SHAFROTH: I'm a research professor at UNC
6 Chapel Hill. And worked for twenty years as experimental
7 nuclear physicist, using accelerators, and another twenty
8 years, in an accelerator based atomic physics, and now I'm
9 working on new x-ray sources.

10 I am pro nuclear power. And I - - provided it can
11 be safe. And what I feel is, that I'm also for maximizing
12 safety, at reasonable costs. And I'm not an expert on
13 either of these, the safety aspect, or the costs. But from
14 everything you can tell, the dry cask storage would be
15 safer. And this would avoid the problem of transportation
16 of radioactive material, which can be/have problems with
17 tornadoes, or floods, or whatever. It costs a lot of money,
18 I don't know if that's been figured in properly, with all
19 the insurance, and so on.

20 And in general, I think the problem is a matter of
21 risk assessment versus cost. And I hope the risk
22 assessment, and the transportation as well as the storage,
23 has been done. Thank you.

24 JUDGE BOLLWERK: Thank you, Sir for your comments.

25 MR. WARREN: Sir, I'm Jim Warren, you called my

1 name a moment ago.

2 JUDGE BOLLWERK: Right. I'm just going to put you
3 at the bottom. We're almost finished. We'll get to you
4 again. That's what I did with the other person. When they
5 weren't there, I put them at the bottom. But you will
6 definitely get a chance to speak. Trip Overholt? O - V - E
7 - R - H - O - L - T? From Sustainable Living, Inc.?

8 MR. OVERHOLT: I thank you. I've been living in
9 the community for about nine years. I have a farm about
10 twenty miles from the plant. And I consider this issue to
11 be the most important issue that faces certainly this
12 region, and maybe the state.

13 Right now, I should probably be earning a living,
14 in support of my family, but I'm here doing this, because I
15 don't think there's a more important issue than this,
16 really, to be had. I was telling the guys down at the
17 plant, when we were down there a few weeks ago, that there
18 is nothing that I would personally prefer, than for CP&L to
19 be as excellent a company as they can possibly be.

20 I moved to this area from the greater New York
21 area, and I knew there was a nuclear power plant here. The
22 Three Mile accident had occurred not to much prior to my
23 coming down here. So I wanted to know that CP&L was a good
24 solid company, and that they would be capable of taking care
25 of their plant, and everything.

1 There's nothing I would like to see than them have
2 all the money in the world, and all the expert technical
3 advice they can possibly have. And I think the thing that's
4 frustrating for me, and I haven't been like a big activist
5 in the nuclear arena. The thing that's frustrating to me is
6 that if you have an issue of this importance, where this
7 amount of nuclear waste is being stored, and even though the
8 chance of an accident is small, I think the chance of one in
9 twenty thousand, or something like that. Or one in twenty
10 four thousand.

11 But whatever, with the catastrophic consequences
12 so great, it's very frustrating for me to think that all of
13 the technical advice that the community that has to bear the
14 responsibility is capable of providing, and bringing to bear
15 at their own cost, isn't something that's invited. I think
16 that it's wrong that we shouldn't have an opportunity to
17 bring our intelligence to bear to this situation.

18 And there's nothing that I would prefer to see
19 than CP&L be shown, and have the opportunity to be as
20 excellent as they possibly can. So even though I'm here in
21 support of the people that want to open this process, and
22 everything, I'm totally in favor of CP&L doing a great job.
23 And if there's no harm that can come to the process being a
24 more open one where we can bring in our expert testimony,
25 and I would urge you to do so. Thank you very much.

1 JUDGE BOLLWERK: Thank you for being with us this
2 afternoon. The next speaker is Jennifer Miller, M - I - L -
3 L - E - R.

4 MS. MILLER: Hello, thank you. This one?

5 JUDGE BOLLWERK: Actually, one is for the Court
6 Reporter, and one is for - - just speak for both of them.

7 MS. MILLER: Okay. I'm Jennifer Miller. I live
8 in Orange County. And I'm speaking against the storage of
9 spent fuel at Shearon Harris. And I'm also speaking for my
10 family and for friends who couldn't be here because they had
11 to be at work. But they have the same concerns about the
12 safety issue. I want to echo some of the more technical,
13 and eloquent comments that have come before me, and to say
14 that I'm from North Carolina. And I've lived in this area
15 for almost thirty years. And I've seen a tremendous amount
16 of growth, and so one of the issues that comes to my mind
17 first is the evacuation problems. The lack of adequate
18 routes to get people out. The massive growth that's
19 happening.

20 The new Mayor of Raleigh, today I heard on the
21 radio saying, one of the three main things he wants to do
22 right off as new Mayor of Raleigh, is to promote the growth
23 of South Raleigh. And they've already had plenty of growth
24 without his help. They're building hundreds of new schools
25 in Wake County, and the growth there has been larger than

1 anything that the government or the school administrators
2 could have imagined. So they have a tremendous problem,
3 which just indicates how fast it's growing, how many new
4 children are there, living in this thirty mile radius, and
5 there's also Chatham County, Durham County, and of course,
6 Orange County, and the other surrounding communities. Where
7 a stopped school bus on one of these roads can back up
8 traffic for a mile. I mean, just stop and go, letting kids
9 out. You have one accident, and people can't get out.

10 When you think about what happened with the
11 hurricane, this season, and people learned, the nation
12 learned, they can't get people out of urban areas. The
13 roads just get jammed. And that's the end of it, and people
14 just get stuck. So the evacuation problem is a big one, I
15 think.

16 And I guess my only other thought on it is that
17 people that build a house on the beach, can't get private
18 insurance companies to underwrite that house, because they
19 know eventually that house will go. And if CP&L, if this is
20 a safe facility, why can't they go to State Farm and get an
21 insurance policy on it? They have to have Federal
22 Government underwriting it through this Price Anderson Act.
23 And so what are we supposed to think about that as a safety
24 issue? Thank you.

25 JUDGE BOLLWERK: Thank you very much for your

1 comments. The next speaker is Allan Spalt, S - P - A - L -
2 T, a Carrboro Alderman.

3 MR. SPALT: Thank you very much. I am Allan
4 Spalt. I have lived in this area since before Shearon
5 Harris was built. I'm a resident of the neighboring town of
6 Carrboro, director of the non profit agricultural resources
7 center, and a member of the Carrboro Board of Aldermen. I
8 really appreciate your holding this meeting, and I thank you
9 for that. And I thank the Orange County Commissioners in
10 particular for their role in pursuing this important
11 question and getting us to this point, where we have this
12 opportunity.

13 Exactly one year ago today, on December 8, 1998,
14 the Carrboro Board of Aldermen unanimously adopted a
15 resolution calling for public hearings and an open process
16 on the proposal to double the high level nuclear waste
17 storage at CP&L Shearon Harris Plant. We appreciate this
18 meeting as a part of the process.

19 Though I must say, I'm distressed with I read, and
20 I hope it's not true, that it's unclear what happens to the
21 comments at this meeting. That it's not really a public
22 hearing, that what we say may or may not be considered. I
23 can't really believe that anybody would participate, anybody
24 in this sense meaning the Commission, and representatives
25 would participate, and so I assume that we're not going

1 through some kind of sham process.

2 I'd be run out of town on a rail, if that's how we
3 conducted our public hearing in Carrboro before our elected
4 officials. If really, they weren't really hearings, we were
5 just there pretending to listen, so I'm working on the
6 assumption that you really are listening, and that you'll
7 carry back all that's been said, and that you'll carry back
8 to the Nuclear Regulatory Commission in a way that is really
9 taken into account.

10 It should take a nuclear scientist to tell that
11 doubling the amount of high level waste will increase the
12 risk. How high, I'm not the one to say. But it's clear,
13 it's an increased risk when you double the storage. And
14 however safe it may be, it is clearly less safe than storing
15 half the amount. And I think the increased risk is an
16 unnecessary risk. I deal with questions of risk a lot. And
17 risk is a lot related to what the alternatives are.

18 And in a case like this, where there are safer
19 alternatives, there's no reason to accept this. People
20 often ask the kinds of questions, would you jump off a
21 building if it was burning, in order to escape. Well, the
22 first thing you ought to do, is look and see if there's
23 another way down. If it's the only way down, yes. Perhaps
24 you would, but if there's a stairway right behind you, a
25 fire escape, then, obviously you wouldn't.

1 In this case we have a fire escape. We have dry
2 cask storage, on site at other nuclear plants, that would be
3 less risky, and ought to be taken as the better alternative.
4 I urge you to halt actual public hearings, if it turns out
5 this really is not one, to fulfill our request from a year
6 ago, and the request of numerous other citizens and bodies
7 in this area. And I thank you for your consideration.

8 JUDGE BOLLWERK: Thank you for taking the time to
9 be with us this afternoon. The next speaker is Jim Warren,
10 W - A - R - R - E - N, Director of N. C. Warren. And I
11 should mention, that we are coming to the end of the names I
12 have. If you have not signed up on the speakers list, you
13 need to do so. We're approaching four O'clock. So everyone
14 that's here, that wishes to speak should go ahead and sign
15 up on the speakers list, which is over in the corner, there.
16 Mr. Warren.

17 MR. WARREN: I appreciate it. I'm Jim Warren, I'm
18 director of NC Warren. I'd ask that you allow us the last
19 couple of speakers a little leeway for time. I know Rev.
20 Bolton and myself have been working on this project for well
21 over a year, I'm not sure we can do our stuff in less than
22 six minutes each, but I will say that the first thing I want
23 to do, I hope the public understands just how much that the
24 Orange County Commissioners deserves their appreciation. If
25 they don't realize that, we'll talk some more later, but

1 they have done a great job in bringing this issue out.

2 Now, what a horrible Federal system we have. I
3 know you Gentlemen did not create the system, but you're
4 playing by it. These meetings are barely even a pretense of
5 an open process. You look around here, CP&L's at the table.
6 You've got a Court Reporter, and a tape recorder, it's all
7 set up real nice. But it isn't fooling anybody. You've
8 heard from other people today. We understand. Mr. Spalt
9 came in late, he'll see more as we go. Alan, these comments
10 aren't part of the record. They aren't part of the
11 process.

12 This is truly a meltdown of democracy. This is
13 not the U. S. system is supposed to work. This whole NRC
14 system is poised right now to deny the public a chance to
15 even have the safety issues addressed openly in a formal
16 hearing, with two top international experts. That is the
17 most profound injustice today. That is the injustice. On
18 January Fourth, CP&L in Rockville, Maryland, is going to
19 argue against ever letting those Gentlemen be heard.

20 It's clear to me from yesterday's meeting, and
21 discussions with some of you Judges, you want to follow
22 rules, and you believe in the system. We appreciate that
23 you want to follow the rules, but it's obvious that this
24 very same system, it's not broken, it's diseased. It's
25 sick. Sick.

1 First, the whole expansion was hidden from the
2 public. CP&L then promised repeatedly, to openly justify
3 and resolve the safety issues. Then, they reversed that
4 promise, and it's no wonder. They knew that this process is
5 a labyrinth of confusion, it's totally rigged in their
6 favor, it's a thirty day comment period on a highly
7 technical issue, a quick preliminary rubber stamp by NRC
8 staff, eleven local governments joined the call for an open
9 and independent review.

10 Orange County brings in the top experts to review
11 the plan, prehearing in this same room in May, to determine
12 if they even get a chance to be heard, and you Gentlemen, to
13 your credit, agreed that they did deserve to be heard. But
14 then this amazing rule where CP&L is allowed one more chance
15 to try to prevent them from having their day in court. The
16 public is cheated by such a process.

17 CP&L's team of lawyers is going to try to stop
18 that again. The two top experts on January Fourth, will sit
19 quietly, while Orange County argues that they should be
20 allowed to fully explain their concerns about the increased
21 risk of a severe nuclear accident. And one of you told me
22 yesterday that Orange County can appeal any decision it
23 disagrees with. And then appeal again, and again. I mean,
24 this is ludicrous. It ignores the fact that CP&L can
25 outspend just about any entity in this state.

1 That's not the way democracy should work. The
2 very laws and rules that govern this process were created
3 over the years by the nuclear industry and its political
4 buddies in the Congress. There's no doubt about that. The
5 NRC and its staff, and even yourselves, are closely tied to
6 the industry. We heard speakers earlier today, and we heard
7 it some yesterday.

8 It's interesting to me that people criticize the
9 Government as anti nuclear. But these people we heard
10 today, yourselves, the NRC, you're all true believers. The
11 Pro nuclear at any cost mindset, is much less logical in my
12 mind than those of us who raise legitimate concerns but who
13 are denied even the chance to hear an honest debate to find
14 the answers.

15 Those people who spoke on CP&L's behalf, you heard
16 it over and over again. There's no discussion about the
17 spent fuel plan. They can't talk about the spent fuel plan.
18 They talk about "we're pro CP&L. CP&L's a good corporate
19 citizen. They do a good job. Environmentalists are always
20 wrong. CP&L, with CP&L hiding from the open debate, I'm
21 convinced that Thompson and Lochbaum are correct when they
22 warn about the risk of a severe accident.

23 You've got our statement, or I'll give you another
24 copy of it today. I'll just run down our requests, and I
25 urge you please, to consider the full breadth of this. CP&L

1 must be forced to submit an environmental impact statement.
2 They have acknowledged that they want to use Pools C and D,
3 primarily because of cost. Because they claim that wet and
4 dry storage are equally safe. But based on their license
5 application, we believe the extra cost for a safer storage
6 plan, low density storage, combined with dry storage at the
7 generating reactors, would cost less than one percent of
8 CP&L's annual net profit.

9 CP&L has been deceiving the public on this.
10 They've been claiming that the safer plan would cost five
11 times more. It's not true. I would think, and I would hope
12 that you all are curious about this. Environmental impact
13 statement would spell this out. CP&L must be required to
14 justify to the public how much money it would be saving its
15 shareholders to place North Carolina at a greater risk of an
16 accident.

17 Our estimate is on the blue sheet today. We've
18 been saying it since March. We want to see CP&L's numbers.
19 It's fair. You should require this, by the way, regardless
20 of the NRC Staff's upcoming rubber stamp with their
21 environmental assessment. And not require Orange County to
22 file an appeal. That's not the way it should work.

23 Number two: Orange County's experts must be
24 allowed to argue their technical and environmental concerns
25 in a full and formal hearing. It's clear that that the risk

1 of a severe accident is credible. NRC's own study from 1997
2 confirmed it. And that the consequences could range to the
3 truly disastrous. The NRC is not required to industry to
4 analyze the probability of a spent fuel accident. Wonder
5 why? Even though the B & L study did confirm that the risk
6 is real.

7 Now CP&L claims that their new pools will be a
8 continuation of what they've been doing. Well, we see that
9 as bogus. Packing these pools with the nation's largest
10 concentration of nuclear material with a questionable
11 cooling and power system, which has been rigged from the
12 original designed, altered in order to save money, but which
13 could overtax even the reactors' cooling system, is not the
14 same as what CP&L has been doing.

15 It would be the height of injustice if lawyers
16 decide this issue, instead of technical experts. We
17 challenge this Court please, to rise above the current
18 process, and to recognize the unique nature of CP&L's plan.
19 It's an entirely reasonable call that we make, and we urge
20 you to inject some common fairness into this process. I'm
21 concerned that if the pro industry bias of the NRC continues
22 over the years, some of you at the NRC, sooner or later may
23 well be involved in approving a licensing amendment that
24 could lead to a disastrous accident somewhere in the United
25 States.

1 Now, to sort of close out, this is a statement to
2 the CP&L. You've got it in writing from yesterday. Here's
3 more on it. You've kept claiming that yours is an open
4 process, but you don't fool anybody. It's in the News and
5 Observer yesterday, you keep saying it over and over, trying
6 to make it come true somehow. If you want an open process,
7 drop the legal barriers now. You have the right to call for
8 a formal public hearing. Do it. Answer the tough questions
9 instead of hiding from them. CP&L created this adversarial
10 process, not Orange County, not the other ten local
11 governments. Not N. C. Warren.

12 And I'll state once again. We would prefer to
13 work cooperatively to resolve this. We play by the rules,
14 which your industry created. But so far CP&L has used your
15 big money and the biased Federal system to cheat the public
16 out of an open process, and an honest justification of your
17 plan. We made a reasonable request for you to openly
18 address the risks of accidents. You've denied us. We have
19 called on you to reconsider the safer storage option, which
20 would cost you only a tiny amount of your profits, you have
21 denied us.

22 What do you expect us to do? Do you want the
23 public to bring thousands of people out in front of CP&L
24 headquarters to protest? Do you want the public to bring
25 hundreds or thousands of people to block the railroad tracks

1 into the plant? Do you want us to make this a big national
2 news story, and an even worse problem for CP&L's public
3 image?

4 You're pushing the public closer to a position
5 where our only recourse is to escalate our opposition and
6 create a major civil movement. If so, If so, we will do
7 that. And we will be peaceful, and we will be strong. If
8 you look around this room and you look at the past ten years
9 in North Carolina, you will know that we have the people we
10 have the organization, and the experience to do this, and we
11 have the experience to win.

12 We were formed, N. C. Warren, as twenty one groups
13 ran the Thermal Kem Toxic Waste incinerator out of North
14 Carolina. N. C. Warren helped with our allies to defeat Kem
15 Nuclear and its seven state nuclear waste dump.

16 Most importantly, we have the moral authority, and
17 the responsibility to do everything possible in a peaceful
18 manner, given the total absence of a democratic process.
19 The public is going to remember that CP&L put us at an
20 increased risk of a nuclear accident without even justifying
21 it. In order to save your shareholders a little money.

22 Now, the NRC, again, over the years, has betrayed
23 the public trust, and unfortunately, it seems to be getting
24 worse. We will continue to point out that the NRC is too
25 cozy with the industry, to the detriment of public safety.

1 We have Congressmen Price, and both U. S. Senators helping,
2 and they will be a factor, believe me.

3 And finally, the NRC decision here, and beyond is
4 one thing. But CP&L can again, choose a safer plan, and at
5 least a more open Democratic process. We're going to keep
6 running our boycott campaign as long as it takes; well
7 beyond any decision that NRC may have. And you're bound to
8 know, CP&L, that we have many thousands of people behind us,
9 and over ninety percent of the public totally agrees with
10 us. Maybe you will be able to sell your energy in other
11 areas after deregulation. But don't count on many customers
12 in Central North Carolina. And I remind you.

13 We would rather work this issue out in a fair and
14 open way. We don't want to continue and have a serial
15 process. But, we are not going to stand by passively and
16 let CP&L place Central North Carolina at the greater risk of
17 a catastrophic accident so that you can save one percent of
18 your profits. Thank you.

19 JUDGE BOLLWERK: Thank you for your comments, Sir.
20 All right, at this point, Ms. Hill, would you take a look at
21 the list, and see if we have any additional people signed up
22 over there? If anyone else wishes to speak, now is the time
23 to do so. We will be having another session tonight, but if
24 you wish to speak this afternoon, I'd appreciate it if you
25 would let us know right now. Raise your hand, I'll let you

1 sign the list right now. You want to speak? Go ahead. Why
2 don't we have Connie Bolton, B - O - L - T - O - N.

3 MS. BOLTON: I don't write too well this time of
4 day. That's Carrie, C - A - R - R - I - E.

5 JUDGE BOLLWERK: I'm sorry.

6 MS. BOLTON: That's all right. I'm Carrie Bolton.
7 I want to thank you, fellow citizens, corporate neighbors,
8 for the opportunity to come and say once again what I have
9 said over and over again. For the past several years. And
10 that is in addition to everything Jim Warren said, and the
11 previous speaker, I absolutely do not understand the logic
12 behind continuing with a proposal, with a process, that
13 unnecessarily puts at risk any number of citizens in Wake,
14 Chatham, and the surrounding region.

15 I left the day-care center where I serve as
16 director, in the middle of a health inspection, and I'm the
17 director. And I thought, I went up and said to the person,
18 "Would it count against me really badly, if scoot out of
19 here and go over to Orange County and say something about
20 the environment?" And she said, "Well, no. I think
21 everything is okay here."

22 The reason I felt so strongly and prioritized to
23 come over, is because even as a part of what that person and
24 other person who have come out does, at the day care center,
25 is tries to help us pin point areas that are potentially

1 hazardous to children and adults working there.

2 So rather than hear me talk about how little money
3 we have, and how challenging it is to meet a lot of
4 regulations, they say to me, "You must make sure that the
5 water temperature out here that is accessible to children is
6 a certain degree, period." It doesn't matter what it costs.
7 And I believe they do that because they recognize the
8 importance of making sure that children are safe, not just
9 because they're a staff supervising and willing to guard the
10 water temperature, but because it doesn't cost that much
11 more to put a gauge on those faucets, and other things to
12 make sure that temperature gets beyond a certain degree.

13 I respect that. And what I'm saying to CP&L, our
14 good corporate neighbor, and to this team, to the NRC, to
15 others who are involved, judges, and all the legal persons
16 who are involved, I believe it is time for us to say, as
17 citizens, I'm just a mother, I'm a daycare provider, I'm a
18 pastor of about two hundred members, and I have a lot of
19 influence all over the region, and look forward to talking
20 about deregulation, and the implications when it comes for
21 power usage.

22 But it is time for us to say, we have been in this
23 big tub of water, and when we got in, the water felt okay.
24 We got used to it, it feels good. I'm speaking
25 environmentally. But gradually, the temperature in that

1 water has been rising, and it has been getting hotter, and
2 hotter.

3 More and more we have become distracted by the
4 fact that there is heat under the tub, and more intrigued
5 with the fact that the water feels good, and the bubbles are
6 going fine, and everybody is in their comfort zone. Someone
7 from an environmental standpoint needs to say wait. There
8 is a possibility we will get scalded. It is not worth it,
9 when we talk about the amount of money involved to stand and
10 watch. To pretend, or not notice that the water temperature
11 is getting higher.

12 It is not worth it. Someone must stop and do a
13 reality check. And say put your finger in here. And
14 someone from the outside can certainly, and I'm considered
15 an outsider. I'm not a part of a big network, so to speak.
16 Can certainly say, this water is getting hot, and it has the
17 potential to scald.

18 I urge you to consider the alternatives to what is
19 being proposed. Not because the majority necessarily has
20 said, let's stop. Let's not do this. But because even a
21 small minority, and I know it's more than that, has the
22 right not to be scalded. Let's stop. Let's invest. As good
23 corporate neighbors. In the welfare, the goodwill, the
24 peace of mind that just regular little citizens are asking
25 for. Give me some peace of mind. Put a few more dollars

1 there, and do what appears to be the safest and best
2 alternative at this point. Thank you very much.

3 JUDGE BOLLWERK: Thank you very much for your
4 comments, and for being with us this afternoon. We have one
5 more speaker, and then Rev. Olsen, do you wish to say
6 something?

7 REV. OLSEN: No.

8 JUDGE BOLLWERK: All right. Mollie McKinley, M -
9 C - K - I - N - L - E - Y.

10 MS. MCKINLEY: Good afternoon. My message is very
11 brief. I go to East Chapel Hill High School, one of the
12 area's most prominent high schools. I'm a senior, I'm
13 eighteen years old, and I represent the Class of 2000.

14 And I think that's very important for you guys to
15 understand that we're aware of this, and that we're
16 concerned. And we are today's youth. We're going off to
17 college very soon. And it is very vital for you to know
18 that this youth is not condoning this. We're not okay with
19 this. And we're aware.

20 And our parents are some of the wealthiest parents
21 in this area. And we have a lot of influence on what our
22 parents decide to put their money into. And our voice
23 matters. And this youth, is not everything the media says
24 we are. We do have concerns, and this is one of our big
25 concerns. East Chapel Hill High is aware of this.

1 I have written about this in our student
2 newspaper. I'm staff writer for the "ECHO". So I just want
3 you guys to know that we're aware, and we're concerned.

4 JUDGE BOLLWERK: Thank you very much for speaking
5 with us this afternoon. At this point, we'll bring this
6 proceeding to a close. It's now about 4:15. I want to
7 thank all the speakers we've heard today. There were twenty
8 eight individuals that addressed us. We appreciate you
9 taking the time to come before the licensing board. And
10 present us with your views on the Carolina Power and Light
11 proceeding, and their proposal.

12 We will be here this evening again, beginning at
13 7:00, to take additional statements from members of the
14 public who wish to come before the Board, and speak about
15 the proceeding.

16 Judge Lam, you wish to say something?

17 JUDGE LAM: I would like to add to Judge
18 Bollwerk's remarks, I certainly appreciate being here, and
19 listening to your statements. I consider your participation
20 extremely important. It's really an integral part of our
21 process and let you know that each word that is spoken here
22 has been transcribed. And each one of us here, on the
23 Panel, will have a copy of the transcript available for us
24 to examine and to do our deliberation.

25 I want you to know that I take my responsibility

1 very seriously. All the statements here today, as well as
2 yesterday will be considered in our deliberation.

3 JUDGE BOLLWERK: All right. If there's nothing
4 further, Judge Shon? All right then, at this point we stand
5 adjourned until 7:00 this evening. Thank you very much,
6 everybody.

7 (Off the Record.)

8 (Whereupon, at 4:15 p.m., the meeting was
9 recessed, to reconvene in evening session, this same day.)

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EVENING SESSION

(7:04 p.m.)

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3 JUDGE BOLLWERK: Good evening. I would like to
4 begin this evening by introducing ourselves. In accordance
5 with the provisions of the Atomic energy Act, and the
6 regulations of the Nuclear Regulatory Commission, we are
7 three administrative judges appointed to sit as an Atomic
8 Safety and Licensing Board to conduct an adjudicatory
9 proceeding in connection with the pending challenge of
10 intervenor Board of Commissioners of Orange County, North
11 Carolina, to the application of Carolina Power and Light
12 Company to amend its 10 C. F. R. Part 50 license to operate
13 the Shearon Harris Nuclear Power Plant to expand the
14 facility's spent fuel pool capacity.

15 To my left is Frederick J. Shon. Judge Shon, a
16 nuclear engineer, is a full-time member of the Atomic Safety
17 and Licensing Board Panel.

18 To my Right is Dr. Peter Lam. Judge Lam is also a
19 nuclear engineer, and a full-time member o the Pane.

20 My name is Paul Bollwerk, I'm an attorney, and the
21 Chairman of the Licensing Board.

22 AS part of our judicial function relative to the
23 Carolina Power & Light proceeding, we are here this evening,
24 to entertain oral limited appearance statements. So there
25 will be a common understanding about what is involved in the

1 Carolina Power and Light Company proceeding, and with
2 respect to the limited appearance process, I'd like to take
3 a few moments to provide some background about both.

4 In response to a notice of opportunity for a
5 hearing published in the Federal Register, on January 13,
6 1999, which can be found in volume 64 of the Federal
7 Register at pages 2,237, to 2,241, intervenor Board of
8 Commissioners of Orange County, North Carolina, requested a
9 hearing to challenge the December 23, 1998 application of
10 Carolina Power and Light Company to amend its operating
11 license for the Shearon Harris facility to add spent fuel
12 rack modules to spent fuel pools "C" and "D" and place those
13 pools in service.

14 Thereafter, in early April and May 1999, the Board
15 of Commissioner's submitted eight proposed issues for
16 hearing, and CP&L and NRC staff filed responses to those
17 issue statement, as well as the Board of Commissioners'
18 arguments about why it had legal stand to be a party to this
19 proceeding.

20 On May 13, 1999, we conducted a day long
21 prehearing conference in Chapel Hill, North Carolina, during
22 which these Participants had an opportunity to make oral
23 presentations regarding the issues of petitioner Orange
24 County's standing to intervene and the admissibility of its
25 eight proffered contentions.

1 Based on the parties filings and this oral
2 argument, on July 12, 1999, in a ruling reported in volume
3 50 of the Nuclear Regulatory Commission Issuance's beginning
4 at page 25, we concluded that Orange County had standing to
5 intervene and provided two admissible contentions or issues
6 so as to warrant its admission as a party to this
7 proceeding.

8 Generally following such a ruling, the parties
9 would proceed under the agency's rules in Title 10 of the
10 Code of Federal Regulations, Part 2, Subpart Counsel for the
11 General Counsel, which provide for a formal, trial-type
12 hearing.

13 In this instance, however, because the CP&L
14 amendment request involves the expansion of its spent fuel
15 pool capacity, any of the parties could invoke a separate
16 set of procedural rules found in Subpart K of Part 2 of the
17 Commission's regulations.

18 These rules provide for a 90 day period for
19 discovery among the parties, followed by simultaneous
20 written submissions by the parties and an oral argument
21 before the Board addressing the central issue of whether,
22 relative to the admitted contentions, there are any disputed
23 issues of fact or issues of law that require an evidentiary
24 hearing.

25 Considering the parties' filings and the oral

1 argument, the Board is then to issue a decision that
2 designates those matters that require an evidentiary hearing
3 and disposes of any issues that do not require such a
4 hearing.

5 As was its right, CP&L invoked the use of the
6 Subpart K procedures. As a consequence, pursuant to a
7 Board-established schedule, the parties have engaged in
8 discovery regarding the admitted contentions, and will
9 provide the Board with their written submissions in late
10 December. Then counsel for the parties will appear before
11 the Board on Tuesday, January 4, 2000, in the Licensing
12 Board Panel's Rockville, Maryland, hearing room to present
13 oral argument regarding the substantive validity of the
14 admitted contentions and whether any further evidentiary
15 proceedings are required.

16 A Board ruling will then follow sometime
17 thereafter. If the Board determines that additional
18 evidentiary proceedings are in order, those likely would be
19 held in a North Carolina location in the vicinity of the
20 Shearon Harris facility. And I should note that recently
21 the Board has received a request to extend the time for the
22 written submissions, and for the oral argument, and
23 anticipates ruling on that in the near future.

24 This in a nutshell describes the NRC adjudicatory
25 process relating to this proceeding. And this naturally

1 prompts the questions, what then are the "limited
2 appearances" in which the Board has invited public
3 participation. Under section 2.715(a) of the Commission's
4 rule of practice, the Board has the discretion to entertain
5 from any person "who is not a party" a written or oral
6 statement of his or her position on the issues in the
7 proceeding. This provision, which was first adopted as part
8 of the agency's hearing rules back in 1962, recognizes there
9 is a need to provide an opportunity for input from members
10 of the public who, despite not having party status, have an
11 interest in the subject matter of the proceeding.

12 As we indicated in the October 14, 1999 Federal
13 Register notice scheduling this and other sessions here and
14 in Raleigh, limited appearance statements do not form part
15 of the evidentiary record of the proceeding upon which the
16 Board must rely in making any decision on the merits of the
17 issues proffered by Orange County.

18 Nonetheless, as we also recognized in that notice,
19 and copies of that notice are available on the table over
20 there, for anyone who wants one, the public's limited
21 appearance statements "may help the Board and/or the parties
22 in their deliberations in connection with the issues to be
23 considered in this proceeding."

24 Indeed, as you can see, like the Board, the
25 parties to this proceeding - - Orange County, CP&L, and the

1 NRC staff - - are here to listen to what is said to what is
2 said this evening.

3 In this regard, I'd like to take a second now to
4 have the representatives of the parties identify themselves
5 for the record. Let's begin with Orange County, then CP&L,
6 and finally the NRC staff.

7 MR. THOMES: I'm Paul Thames, county engineer for
8 Orange County.

9 JUDGE BOLLWERK: Thank you, Sir.

10 MR. O'NEILL: I'm John O'Neill with the law firm
11 of Shaw Pittmann, I represent Carolina Power and Light
12 Company.

13 MR. CASE: I'm John Caves, manager of Regulatory
14 Appearance for Carolina Power and Light, and I'd also like
15 to introduce Scotty Hinnon who is our chief nuclear officer.

16 JUDGE BOLLWERK: Good evening, Sir.

17 MS. UTTAL: I'm Susan Utall, I am staff counsel
18 for the NRC.

19 MR. LAWFORD: Richard Lawford, NRC product
20 manager.

21 JUDGE BOLLWERK: All right. Thank you very much.
22 Let me emphasize again this is an opportunity to hear from
23 those interested individuals who are not formally involved
24 in this proceeding as parties. Consequently, the admitted
25 parties will not be making statement here this evening.

1 Rather, like the Board, they are here to listen.

2 Finally, let me say a word about the procedure for
3 making a statement. I've had some individuals who
4 preregistered and will be afforded an opportunity to speak
5 first at this session. Once we have heard from those
6 individual, we will then move on to anyone who registers
7 here this evening. For anyone who wishes to make a
8 statement, on the table in the corner over there, is a
9 clipboard with a sheet to write your name and affiliation,
10 if any. We will collect those sheets from time to time and
11 call the speakers in the order as they sign in. You must
12 sign in, if you wish to speak.

13 We will keep a watch on the time each speaker is
14 taking, and will advise you when you need to conclude your
15 remarks. Given the number of preregistrations, and the size
16 of the audience presently, we will begin by permitting
17 statements of up to five minutes. However, if we see that
18 the list of speakers is growing, we reserve the right to
19 shorten the time allotted for each presentation to ensure
20 that everyone who wishes to speak has an opportunity to do
21 so.

22 Also, I think it's important to allow the Board
23 and the parties to hear fully the remarks of each speaker
24 without intrusions. Accordingly, I would ask that you
25 respect each individual's right to address the Board by not

1 interrupting with verbal comments or other sounds either
2 supporting or opposing the viewpoint being espoused.

3 Two other things I will note. The remarks,
4 everyone's remarks in this proceeding this evening, are
5 being transcribed and made a part of the document of this
6 proceeding for the parties to review and use as they see
7 appropriate. I will also mention that if you have a
8 prepared statement that you are reading from, and you
9 wouldn't mind providing the Court Reporter with a copy of
10 that, or the original, if you don't need it any more, that
11 will help him in making sure the transcription is accurate.
12 And also you see that we have both a podium and a table
13 here. Feel free to sit, or whichever you feel more
14 comfortable at. It's really up to you.

15 With that explanation, let's begin with our first
16 speaker. And we actually had two preregistered speakers for
17 this evening, one of whom decided to speak this afternoon,
18 so at this point we have one, Mr. Hubert Garner, G - A - R -
19 N - E - R, Lee County Commissioner. Mr. Garner?

20 MR. GARNER: Thank you Mr. Chairman, and members
21 of the Nuclear Regulatory Commission. If you don't mind I
22 will sit, since I have a few aches.

23 JUDGE BOLLWERK: You just need to move that one
24 mike.

25 MR. GARNER: And I want to thank you for

1 scheduling a public hearing to get citizen input on matters
2 of substantive concern. The free speech clause in our
3 Constitution is one of the most cherished rights, and I'm
4 grateful for that opportunity to be heard tonight, as are
5 those who oppose the view that I espouse.

6 Most of you do not know me. I was introduced as a
7 Commissioner. I do not speak, repeat, do not speak tonight
8 for the Lee County Board of Commissioners. I do wish to
9 read from some minutes we have had a little bit later.

10 Let me introduce myself, just a little bit. After
11 high school, and three years in the Air Force, and about
12 five and a half years in college, I began a teaching career
13 as a ag teacher in Marion County, South Carolina, and I
14 retired in 1991 after having spent more than thirty years as
15 an educator; the last twenty five of which as dean of
16 students at Central Carolina Community College in Sanford.

17 And prior to going to CCCC in Sanford in 1964, I
18 was in the commercial world for about six years with Morton
19 Salt Company, and later Murr Chemical. I am in my last year
20 of the second term, four-year term, as a Lee County
21 Commissioner. Two of which were as Chair. As I indicated,
22 I do not speak for the Board of Commissioners, but only as
23 an individual who is interested in what I feel like is
24 right.

25 The concerns that we are addressing here tonight

1 were brought before the Board of Commissioners in January of
2 this year, and the Board of Commissioners asked in its
3 resolution, for the Boards of Nuclear Regulatory Commission,
4 and the State of North Carolina, and if I might, Mr.
5 Chairman, I'd like to refer to those and read from the
6 minutes of the meeting.

7 The Board considered recommendation from the
8 Environmental Affairs Board, assistant community director,
9 Travis Avery told the Board that the environmental affairs
10 board opposed the proposal by the technical committee of the
11 low level radio resonating management authority concerning
12 the decay in storage concept for the disposal of low level
13 radioactive waste. He asks that the board consider
14 resolution from environmental affairs board requesting that
15 more information be provided to the public and that public
16 appearance be held concerning the proposed expansion.

17 After some discussion, commissioner Adams moved to
18 approve the following resolution which was approved
19 unanimously and with your permission, I'll skip the
20 whereases, and therefores, and get to a couple or three
21 things that the board of commissioners did, because I assume
22 you have this document in your file with you.

23 We asked in that meeting that the hearings in
24 which Carolina Power and Light and their appropriate staff
25 explain the plans to expand storage facilities for high

1 level radioactive waste, and that they outline the risk, and
2 that they accept and consider public comments relative to
3 support for or opposition to expanding such a facility in
4 the area.

5 And they also passed unanimously. So I'm going to
6 reemphasize the fact that I speak only as a private citizen,
7 interested in what is going on in the world around us, and
8 whose family resides, including three children, and eight
9 grandchildren, a small farm, a few head of cattle within
10 three to five miles, maybe closer to seven miles from this
11 Shearon Harris Plant. The construction, operation, and
12 safety of Shearon Harris have been a concern of mine for
13 some time. I watched the plant from its very beginning to
14 the present. And earlier this year, I visited the public
15 hearing that was held at Shearon Harris. My first real
16 exposure was in the late 1983, when a representative spoke
17 to our Sanford Rotary Club explaining that contrary to what
18 we may have heard, the four cooling towers would not cause a
19 rain forest effect for the area.

20 And from my front porch, or my bedroom window, I
21 can see the operation of the single tower with its
22 condensation effect and I'm sure he was correct in that.
23 While employed at the college, I was able to visit Shearon
24 Harris on a number of occasions, and as a commissioner, I
25 attended several briefings on operations, safety, and

1 inspection, along with disaster preparation. It was after
2 the Three Mile Island incident, and the Chernobyl explosion
3 that I began to explore more fully the safety measures that
4 were being used, and planned for Shearon Harris. As I
5 understand the present Shearon Harris consideration, and
6 public concern, it is a storage of spent fuel rods, pellets,
7 in one of the vacant unused chambers until the Federally,
8 Congressionally mandated permanent storage facility is
9 constructed, and hopefully completed by the year 2010.

10 I would say, Mr. Chairman, and members of the
11 Board, that all new actions, and most of us are aware that
12 even travel itself involves some risk, but to me, this is a
13 case of doing more, of what has been done safely for a
14 number of years. And I believe every effort of precaution,
15 safety precaution, known and available is being observed at
16 the Shearon Harris Plant. And for my family and myself, I
17 feel no clear, present danger that any major explosion will
18 occur for the storage of these spent plants.

19 Finally, Mr. Chairman, but emphatically, members
20 of the Board, let me say to you, that no one in the employ
21 of CP&L or any other affiliates asked me to be present and
22 speak tonight. This was something that I felt I ought to
23 express. As I promised the voters of Lee County and the
24 last two times that I campaigned and was elected a Lee
25 County Commissioner, that I would do four things.

1 I would listen to the people and their concerns.
2 I would be honest and up front with them. That I would
3 endeavor thoroughly to get the facts before I voted on any
4 issue. And I would vote for those things that I felt would
5 be in the best interest for the most people of Lee County
6 over the longest period of time. I've tried to be true to
7 that promise by being here tonight.

8 Again, I thank you for holding these public
9 meetings, and allowing me to speak, and I would say again,
10 if CP&L is not allowed to store these pellets at the Shearon
11 Harris Plant, and it is not full opinion that most of us in
12 this area will pay a higher price for electricity because
13 they are going to have to do something with it, and if it's
14 not done here, it will have to be done somewhere else.
15 Thank you very much, Mr. Chairman.

16 JUDGE BOLLWERK: Thank you, Sir, for coming to
17 speak with us this evening. The next speaker we had signed
18 up was G. R. Quinn, Q - U - I - N - N.

19 MR. QUINN: Gentlemen, I appreciate the
20 opportunity to speak to you tonight. I represent the
21 Article Three Foundation, which is my own business. I'm
22 involved with environmental and other issues related to
23 where I live in Lee County, North Carolina.

24 I'd like to first off say, let's not believe what
25 environmentalists are putting out toward the nuclear storage

1 facility of the Shearon Harris Plant. It's what I call junk
2 science. No one person has ever died in a storage facility
3 of this nature that I'm aware of, and I've been to many
4 meetings, and not one of the environmental scientists that
5 they had on board, has ever come out and told me that one
6 person, any person has died because of storage of pellets
7 for this type of material inside the United States.

8 The tax payers of Chatham County has spend a
9 million dollars, nearly a million dollars fighting nuclear
10 waste storage sites, and it came as a shock to all of us,
11 because we found out now, that not just Chatham County is
12 going to pay for this fighting of waste sites, but all
13 citizens of North Carolina have to come up with this money.

14 Another thing the environmentalists are doing,
15 they are playing the race card, believe it or not. If you
16 read their literature, they're saying that the people that
17 work at the Allied Signal Plant down in Montpelier North
18 Carolina, which I live about six miles from, CP&L Harris
19 Plant, the Cape Fear Plant, and Cherokee Brick and warehouse
20 plants are all polluters, and these are all black, poor
21 black people working at these plants. Read their
22 literature. It will show you what they're saying about it.

23 They also don't like nuclear energy because it
24 attracts more people. Once you get electricity flowing
25 through the system, that invites more people to come in,

1 build homes. They don't want Hispanics, poor whites and
2 poor blacks moving into our neighborhoods, with the
3 electricity that's being provided for them.

4 In closing, I'd like to say, CP&L are good
5 neighbors to us. My neighbors work at CP&L. They are all
6 good, hard working, decent people. And I resent what the
7 environmentalists are saying about CP&L. Because when they
8 say something bad about them, that reflects on my neighbors.
9 These are good, decent people.

10 CP&L's safety record, as far as I'm concerned, is
11 unparalleled to any industry in North Carolina. They're
12 providing the service, they provide us electricity to our
13 hospitals, electricity to our schools, they're safe, it's a
14 safe, clean form of energy, and these storage sites will not
15 present a problem to anybody in our neighborhood.

16 And I just hope that everyone here will look at
17 the propaganda that they're putting out there, and that
18 they're being derogatory toward the NRC, they've called all
19 these hearings shams. It's in the paper also. And I do
20 want to thank CP&L for providing opportunities for our
21 children, and for being a good neighbor. Thank you for your
22 attention, and letting me speak.

23 JUDGE BOLLWERK: Thank you for coming this
24 evening. AT this point, why don't we take about a five
25 minute break. There are a number of people who came in.

1 Allow people to go over and sign up on the sign up sheet.
2 If you haven't done so, you need to do so in order to speak.
3 We'll take about five minutes right now, for folks to sign
4 up, and we'll come right back.

5 (Off the Record.)

6 JUDGE BOLLWERK: All right, come to order, and
7 we'll get started again. Let's go back on the record again.
8 Two administrative notes; I mentioned before, some folks
9 have come in after we discussed this, but if you do have
10 prepared remarks that you're reading from, and you don't
11 mind when you're done giving a copy of those to the Court
12 Reporter, or letting him have the original. It will help
13 him in terms of making sure that the transcription is very
14 accurate.

15 Also, I see we have another representative from
16 Orange County, if you'd like to identify yourself for the
17 record.

18 MS. BROWN: I'm Commissioner Margaret Brown.

19 JUDGE BOLLWERK: All right, thank you
20 Commissioner. All right, the next speaker we have this
21 evening is Wells Eddleman. E - D - D - L - E - M - A - N.

22 VOICE FROM AUDIENCE: Does that gentleman need to
23 go ahead?

24 JUDGE BOLLWERK: He needs to leave in about
25 fifteen minutes; I was going to let you go ahead, and then

1 perhaps put him in, but if you'd like to - -

2 VOICE FROM AUDIENCE: Why don't I defer to him?

3 JUDGE BOLLWERK: All right, Mr. Gold, if you'd
4 like to go right now, we can certainly do that.

5 MR. GOULD: I appreciate that.

6 JUDGE BOLLWERK: Thank you, Mr. Eddleman. This is
7 Mr. Dave Gould, G - O - U - L - D.

8 MR. GOULD: That is correct. I live about eight
9 miles from here, and when I drive down to work, I drive up
10 over a hill, and I see the Shearon Harris Power Plant, about
11 twenty five miles out in the distance. I have never really
12 minded the power plant being there, that much. I think in
13 some instances, nuclear power may be all right.

14 But it disturbs me greatly, when the original
15 design of a power plant is changed in order to bring in a
16 greater storage capacity, and therefore, down the road,
17 perhaps cause an incident, accidental, that might affect
18 both me and my family. I have been following this for
19 several months now. I have heard experts from both sides
20 talk, and I have no reason to believe that the experts on
21 either side are trying to pull the wool over anyone body's
22 eyes.

23 But I also must say, that if I hear someone who I
24 have a good amount of credence in, tell me that the chances
25 for a major accident are very real, then I get a little bit

1 disturbed, I get a little bit frustrated, and I need to say
2 something about it.

3 I think it's very important, that you folks when
4 you come down here, understand that there are a lot of
5 people in this area who are very concerned about the fact
6 that things just may go bump in the night. And I think the
7 problem really is, is when things go bump in the night, and
8 they affect us and our children, and perhaps our children's
9 children down the road, then somebody needs to take a real
10 serious look at just what is happening here.

11 I think CP&L over the years has done a fine job.
12 Sometimes I think CP&L tries to pull the wool over our eyes
13 a little bit. And when I read an article in the paper like
14 I read yesterday, from an official from CP&L in a letter to
15 the Editor section of the News and Observer, who essentially
16 says is that this is a safe exercise. I tend to believe
17 him. But he doesn't say anything about the accidental part
18 of this, and that's what bothers me.

19 I've been to Russia. I have seen the affects of
20 Chernobyl. I have certainly read about Three Mile Island,
21 and I've certainly been around here long enough to
22 understand that things go bump in the night. My only plea
23 to you folks is this: Listen to the experts on both sides.
24 Understand that an expert who errs on the side of caution,
25 when we're talking about something as catastrophic as

1 nuclear waste, needs to be listened to a little bit more
2 than that expert who is saying that this is really a safe
3 exercise.

4 I fear for the people of this region if something
5 goes wrong over there, and I think that you folks should
6 fear for the people of this region as well. We simply do
7 not want to live in a region that has anything like it down
8 the road, staring it in the face as that which happened in
9 Chernobyl. I am against the increased storage capacity. I
10 am against the whole idea that accidents don't happen.
11 Simply because, as I've already stated, I've been around
12 long enough to understand that accidents do happen. And
13 this type of an accident, in my way of thinking, and I think
14 in many other's way of thinking over here is absolutely
15 irreversible.

16 And if you cannot reverse something like this, it
17 strikes me that we need to err on the side of caution. And
18 if we're not willing to make the error, then we have to
19 pro-actively decide that we are simply not going to allow an
20 accident like that to happen, or we certainly are going to
21 minimize as much as we possibly can the risks of that; of
22 something going wrong.

23 Our logic, our rational minds, tell us that we
24 have the capacity to solve most problems, but we don't have
25 the capacity to solve problems that affect us genetically,

1 that affect our living style, that affect our living
2 condition. We need to look at the human side of this
3 equation. We cannot get stuck on the rational side of it
4 simply because, by staying on the rational side of things we
5 tend to think we can fix anything.

6 We cannot fix a nuclear accident of the
7 proportions that could happen, if we increase those storage
8 dumps out at Shearon Harris. Thank you.

9 JUDGE BOLLWERK: Thank you, Sir, for spending the
10 time with us, this evening. Mr. Eddleman, and thank you
11 again to let Mr. Gould go before you, so that he can get out
12 on time. This is Mr. Wells Eddleman, E - D - D - L - E - M
13 - A - N. And you need to take that silver microphone and
14 just put it down on the table in front of you. There we go.

15 MR. EDDLEMAN: Yes, Sir. Are we good? Can you
16 all hear me?

17 VOICES: Yes.

18 MR. EDDLEMAN: Good evening. I've been doing this
19 a long time. If you members are interested, you can take a
20 look at the transcript, and particularly, the Board order,
21 and how it got reversed on appeal from the remand hearing on
22 the Shearon Harris construction firm, that were heard in
23 February and March of 1979. I think you will particularly
24 find interesting the testimony of Mr. Floyd Cantrell, an NRC
25 inspector, and how those hearings came about has to do with

1 him. And you can look it up, since I've only got five
2 minutes, I'm going to try to move on.

3 I live in about twenty miles of Shearon Harris,
4 and I think we can thank CP&L here, because now, we don't
5 have to travel as far as they did, to ask nuclear related
6 questions of people that we're pretty are hiding a lot of
7 information. They attempt to control how much information
8 gets out. And this leads to lots of problems, as I'll
9 explain some more later. I'm also pretty impressed with
10 their public relations ideas.

11 They've had people saying things like, "Well, you
12 know, if you like having electricity, you must like this
13 nuclear waste, is to my way of thinking, about as logical as
14 saying, if you enjoyed the taste of pork, you'll love the
15 taste of hog manure. Which we raise a lot of here in North
16 Carolina. We don't the hog farmers do.

17 But, you know, they've had their people say so
18 many nice things to you, and I always think if you can say
19 something nice, legitimately, go ahead and say it. But I
20 need to warn you, that they're buttering you up. And once
21 you get buttered up, you may step onto a slippery slope.
22 And here's where they can go.

23 One of the things they've alleged is, that because
24 these people are conscientious, or their families live
25 around here, or just because they work for the power

1 company, they won't do anything dangerous. They won't cause
2 an accident. Well, I doubt the people who caused the Three
3 Mile Island, or Chernobyl accidents set out to cause them.
4 I doubt that very much. But what did happen was, they made
5 one mistake, and another mistake, and another mistake, and
6 another mistake, and another mistake, and so on, and after a
7 while, it got to the point where it was beyond their
8 capacity, and beyond the capacity of their nuclear facility,
9 to contain the damage, or to prevent the damage, rather.

10 Some of the damage at Three Mile Island was
11 contained, thank God. But this is the problem. You make
12 one mistake; you put the nuclear plant near a highly
13 populated area, you make another mistake, you locate it
14 upwind of the population concentration. You make another
15 mistake, well, you misestimated what they would be able to
16 do to handle the nuclear waste.

17 So you cram some more in, more than was designed.
18 Now, you cram some more in, and some more in, and some more
19 in. Well, it gets to be serious risk. And there's a lot of
20 danger, because it's a nonlinear process. It's not like
21 well, you run the stop sign one time, and then you run it
22 again, and there's not more additional risk. Especially if
23 you didn't look. It gets worse.

24 There's also this whole idea of trusting them.
25 I'd like to give you a North Carolina example of what

1 happened to some people who trusted CP&L. Our electric
2 cities. They operate their own city electric sales systems.
3 A good many years ago, CP&L invited them to buy into their
4 power plant, including, of course, the Shearon Harris plant.
5 And they trusted CP&L. They were very trusting, kind of
6 like these Chamber of Commerce people that have testified
7 how much they trust CP&L.

8 And because of that, their economics of their
9 electric systems is now destroyed. They have higher
10 electric rates, due to the high cost of power out of the
11 Shearon Harris plant. They have more power than they can
12 use contracted for, because they believed the erroneous
13 estimates provided by CP&L and their allies. And so now,
14 they've been destroyed economically, because they trusted
15 CP&L.

16 Well, being destroyed economically is bad enough.
17 But being destroyed radioactively is a lot more serious.
18 Now, I'd like to move on to some problems with the truth.
19 Of course, it's real difficult to arrive at truth. I don't
20 envy you your task here, but let me take one example of
21 fooling the public, or attempts to do so from CP&L's so
22 called facts. They say we're doing the same this, and the
23 same that and the same the other, and quote "storing them in
24 the same way". Now, this is not true.

25 This is false. They are storing them in a

1 different set of racks, closer together, more radioactivity.
2 It ain't the same. But there's more to be had along these
3 lines. Let's take Mr. Henick's statement published in the
4 News and Observer. I checked in with them to make sure CP&L
5 hadn't requested any corrections, and that this was as
6 submitted by CP&L; they told me it was, and they hadn't
7 requested any corrections.

8 Okay. Mr. Henick goes on and on about the review
9 process, saying its thorough, open, independent, as required
10 by law, yadda, yadda, yadda, yadda, yadda. Okay. Sounds
11 good. What's the truth problem here? The problem is in
12 what he omitted to say. He omitted any mention that
13 throughout this process CP&L has done everything they can to
14 prevent public hearings. They've lobbied against these
15 resolutions for open hearings. They've lobbied against
16 Orange County getting involved. They've challenged Orange
17 County's standing. They've challenged all their
18 contentions, and now they challenge them again under Subpart
19 "K".

20 Well, the problem is, it's hard to tell when
21 somebody's presenting something and falsifying by omission.
22 And I'd like to suggest to you that unless you consider that
23 their witnesses are like Bill Clinton, and the waste is name
24 Lewenski, and you investigate on that basis, you won't be
25 able to avoid the omissions that they put into their

1 information.

2 Let me give you another example. The so called
3 probability calculations, where you may have seen this
4 supposed finding of no significant hazard. I know it's not
5 under your jurisdiction. But I want to mention this for a
6 reason that you'll see. The claim is, that by doing this
7 process of moving the nuclear waste, and moving it back and
8 forth inside the fuel building, they won't create either a
9 greater probability, or a greater consequence of an
10 accident. Well, this is blatantly false.

11 In the first place, whenever you do something that
12 has a fixed probability, if indeed it had a fixed
13 probability, the more times you do it, the more times you do
14 it, the more chances there are that the wrong thing is going
15 to come up instead the right one. Moreover, the more waste
16 you have in there, the more serious an accident you can
17 have, particularly in the most serious types of accidents.
18 So, it's just plain wrong, and the statistical thing about
19 the more times you do it the more risk you have, is
20 something that anybody who's studied the most elementary
21 statistics knows.

22 Now why then, would CP&L make such a blatantly
23 false statement in their application, and why would the NRC
24 staff rubber stamp such a blatantly false statement, so
25 eagerly, and why would the Nuclear Regulatory Commission's

1 Commissioners, when this was brought to their attention by
2 David Lockbaum of the Union of Concerned Scientists, last
3 January have done nothing about it?

4 I'll bet everybody's mystified, except the
5 lawyers. Lawyers understand that if you avoid making this
6 false certification, then it triggers more kinds of detailed
7 reviews and legal requirements. And in order to avoid them,
8 they're willing to make false statements. And giving
9 they're willing to falsify that, you've got to watch out for
10 whatever else they say.

11 Finally, I'd like to refer to the references to
12 the accuracy and care with which things are done in the
13 nuclear industry, and I think we all endorsed the concept.
14 If you're going to do something, especially something
15 dangerous, it's a very good idea to do it with the best
16 accuracy and care. But here I'd refer to the calculations
17 of heat removal capacity for these spent fuel pools. All
18 during 1998, CP&L was telling the NRC, including in written
19 information, that they were going to be short of cooling
20 capacity.

21 Then, not at the eleventh hour, but at the
22 thirteenth hour, after all this stuff was filed, and Orange
23 County's experts had had to make their declarations, and so
24 on, CP&L brings in a new calculation, and suddenly there are
25 millions and millions and millions of extra Btu's available,

1 and not only that, but right here in this room, if I recall
2 correctly, Mr. O'Neill gets up and says, I know I can't
3 argue this. And Judges, I submit, that you could very
4 properly have said to him, that's right, Mr. O'Neill, so
5 please put it away and stop referring to it.

6 But instead, they were allowed to bring out this
7 thing, the roots of which have never been made public, as
8 far as I know, never been cross examined, never even been
9 examined in detail as far as we can find out. And argue
10 from it, and use it as a basis to avoid inquiry into the
11 heat removal issue, which is the key to the serious accident
12 potential of this. The most serious accident potential that
13 I'm aware of; there may be worse.

14 So it's very difficult to arrive at the truth.
15 And you look at these safety records, and they say, well,
16 you know, we've never had a mission to Mars crash until a
17 couple of years ago. And I've got to say, it looks like the
18 Martians are doing a better job of protecting their planet,
19 than we are of protecting ours.

20 Finally, I'd like to say one more thing. You've
21 heard a lot about process. I feel like, if I choose to
22 accept a risk and I'm the one who has to accept all the
23 consequences, it won't hurt anybody else if something goes
24 wrong, I have the right to do that. I have a problem when
25 somebody wants to impose a risk on me. And that's what I

1 believe CP&L is doing.

2 They're imposing a risk, not only on me, but on
3 all the property owners. And you can imagine what the
4 Chamber of Commerce is going to say. Radioactive waste
5 capital of eastern America? Not a very good slogan. And if
6 something goes wrong, of course, there will be no Chamber of
7 Commerce. You don't hear much from the Chernobyl Chamber of
8 Commerce these days.

9 Now, I know I've presented some these things in a
10 humorous context. But I emphasize to you that this is an
11 extremely serious matter. I know it, you know it, everybody
12 knows it. There is just one more thing I'd like to say. As
13 you all as judges are well aware: If CP&L would merely
14 request a public hearing on all these issues, it would have
15 to be implemented. I don't even see any time limitation. I
16 think if they stood up and did it now; said, we request a
17 public hearing, open, we waive Subpart "K" we've changed our
18 minds, it could be done. Now I think the probability of
19 them doing that is rather low. But I'd certainly encourage
20 them to do it. Because if we get a less than thorough
21 examination of these issues, we all lose.

22 JUDGE BOLLWERK: Thank you Mr. Eddleman. Our next
23 speaker is Elizabeth Curtis, C - U - R - T - I - S. You're
24 going to need to come up to the microphone, or it's not
25 going to get transcribed.

1 VOICE FROM AUDIENCE: (Inaudible).
2 COURT REPORTER: Ma'am, please come to the mike.
3 JUDGE BOLLWERK: Ma'am, I would suggest you come
4 to the front if you want to do it all together. We want the
5 transcription to show it all. That's all right. Not a
6 problem. You need to stay behind the microphones, here and
7 here. There you go.
8 I'm going to ask if you each could identify
9 yourselves, please?
10 VOICE: Yes. I'm Nancy Woods.
11 JUDGE BOLLWERK: Do you want to spell your last
12 name? Woods? W - O - O - D - S?
13 MS. WOODS: That's correct.
14 ELIZABETH CURTIS; QUINN BERJ, B - E - R - J; LIZA
15 FARMER; BETSY BRENDA, B - R - E - N - D - A; EMMA STEIN;
16 JUDGE BOLLWERK: S - T - E - I - N?
17 MS. STEIN: Correct.
18 RUTH ZALPH, Z - A - L - P - H; LORI HOYT, H - O -
19 Y - T;
20 JUDGE BOLLWERK: All right, very good. Mr. Court
21 Reporter, do you have all those?
22 COURT REPORTER: Yes.
23 JUDGE BOLLWERK: All right, very good.
24 EIGHT LADIES SINGING: (Camptown Races)
25 We're Ragin' Grannies, singing our

1 song
2 Doh dah, doh dah
3 We think your plan is terribly
4 wrong!
5 All the doh dah day.
6 Gonna rage and yell
7 Listen up, CP&L.
8 We've had enough
9 Of your secret stuff
10 All the doh dah day!
11 Radiation's unsafe
12 Don't bring more to this place!
13 Hear our voice
14 There's another choice
15 We speak for the human race!
16 We're Ragin' Grannies singing our
17 song
18 Doh dah, doh, dah
19 We think your plan is terribly
20 wrong!
21 All the doh dah day.
22 "Acceptable risk's" not right
23 For this we're going to fight:
24 Design your storage in a safer way!
25 Let's make a start today.

(Jingle Bells)

1 CHORUS: Will it be our safety
2 Or will it be their dough
3 This is what's at issue here
4 It's what we need to know
5 NRC, listen up
6 Don't throw our words away
7 You should decide in public
8 And hear what we have to say.
9 All safety issues answered
10 They promised us last year
11 But, hearing issues experts raised
12 They hide away in fear.
13 They really have no clue
14 Of what with it to do
15 So hide it out of sight today
16 Pretend it's gone away.
17 (Chorus repeated)
18 For less than one percent
19 Of profits that they make
20 They could use a safer way
21 To store that risky waste
22 The Danger from that stuff
23 Ten thousand years it stays
24 But CPL wants to make sure
25

1 It's the citizen that pays.

2 (Repeat Chorus)

3 JUDGE BOLLWERK: Thank you very much, ladies.

4 Seems like the local TV stations are never here when you
5 need them. All right. The next speaker we have is Tony
6 Overshaw, O - V - E - R - S - H - A - L - L, did I get that
7 correct, Sir?

8 MR. OVERSHAW: Yes. I'm Tony Overshall, a
9 resident of Chapel Hill, and it's going to be a hard act to
10 follow the Ragin' Grannies, even though I disagree with
11 them.

12 But I want to say I'm in favor of approving the
13 license of CP&L. And it's for the following reason. The
14 method of storage has a very long track record. There's
15 dozens, and dozens of nuclear power stations. They've been
16 in operation anywhere from twenty to forty years, now.
17 They've been storing these rods, not just a Shearon Harris,
18 but elsewhere in this particular manner.

19 I've been following this, these kinds of issues.
20 I've never heard of any problems that resulted from this
21 method of storage. So, I don't see that there's any risk
22 involved here, unless some of the previous speakers who
23 would like to live in truly a zero risk society. And I
24 wonder why they ever drive, or do other things that are at
25 higher risk than what this will involve as far as I'm

1 concerned.

2 Now the reason I speak is not to tell you what I
3 think. You've heard other people also approve. But there's
4 a very sorry development that occurred here for a little
5 over fifteen years involving the low level radiation waste
6 facility in Chatham Wake. Which, as you know, is still not
7 approved. I don't know what, and taxpayers have paid I
8 think, eighty to a hundred million dollars for it already.

9 And I don't want this kind of thing to repeat
10 itself every time something comes up with nuclear power. In
11 fact, when the Ragin' Grannies sang, the citizen pay, she is
12 right. That's how we pay, when nothing happens, because of
13 various delays. So that's why I'm speaking.

14 I think this license, the method of storage is
15 very reasonable, makes a lot of sense to me, based on past
16 performance in the record, and I don't want things to happen
17 with tens of millions, hundreds of millions of dollars being
18 spent by the taxpayers, and nothing resulting from it to
19 benefit anyone.

20 JUDGE BOLLWERK: All right, thank you, Sir, for
21 coming and making your presentation before us this evening.
22 All right, the next speaker we have is Cassie H. Wasko, W -
23 A - S - K - O. Did I pronounce it correctly?

24 MS. WASKO: And I do have some prepared remarks,
25 but I don't think they'll do the gentleman much good. And I

1 hope you'll pardon me if I'm a little disjointed, because
2 I've been making notes.

3 JUDGE BOLLWERK: All right. Before you start,
4 could I ask you to do one thing, take that silver mike and
5 put it up in front of you. I want to be sure we get your
6 remarks.

7 MS. WASKO: I am, first of all, Gentlemen, I'd
8 like to thank you for allowing us to come here and speak
9 tonight. It's a wonderful opportunity. I'm Cassie Horton
10 Wasko, and I also want people to know I'm here as an
11 individual. I'm Mayor Pro tem of Pittsboro, and I run a
12 human services agency in Chatham County. But I'm not here
13 representing either of those groups. I'm here representing
14 myself.

15 I'm fourth generation Chatham County, I come from
16 a long line of community spirited people. My grandfather on
17 one side was the publisher of the state magazine, and my
18 grandfather on the other side was Lieutenant Governor of
19 this great state. Both my father and my uncle served terms
20 in the Legislature. And I have worked for my community for
21 the better part of my life.

22 I think that we are wasting our time when we take
23 pot shots at each other. Every person in this room has the
24 right to live safely and comfortably. And whether it's
25 Orange County, or Chatham County, or wherever, but I don't

1 think we're getting anywhere by trying to sway you all by
2 our emotional pleas, because I think you all are probably
3 above that.

4 I was also here when Jordan Lake became a reality.
5 And there was much hurrah and much effort made to keep that
6 lake from becoming a reality. And there were lots of people
7 who said it would not work out well for the community, and
8 it did in fact take farmland. Some of the richest farmland
9 that our county had. But it is there. And I think that we
10 have heard a lot about the possibility of what I would call
11 conspiracy on the part of CP&L. And I think that that is
12 clearly erroneous, as well.

13 I think possibly, somebody could take what has
14 been happening around these spent fuel rods, and make
15 another "X-Files" out of it. It is so, there is so much
16 fiction there. I have to tell you that CP&L are good
17 corporate citizens. I was thinking about it on my way over
18 here this evening. I know that at one time in Chatham
19 County, they were certainly the largest taxpayer in the
20 county, because they used to come and get their picture
21 taken at the newspaper, with big checks showing that they
22 were paying their taxes.

23 And that was back in the days when I was working
24 for the newspaper, and when Shearon Harris was getting ready
25 to open, and some of the same people who are in this room

1 tonight, were there trying to keep Shearon Harris from
2 opening. The opening of Shearon Harris has done a great
3 deal for Chatham County. We have better law enforcement, we
4 have better training for emergencies, and as I am sure you
5 all know, we are much more at risk for having a hazardous
6 spill from the trucks that come through the county than we
7 are of having an accident with the nuclear power plant.

8 We recently had a spill of milk, and they
9 considered that hazardous, and I haven't figured that one
10 out yet. But at any rate, I don't presume to be an expert.
11 I cannot stand here and tell you what is safe and what is
12 not safe. I think that is why we have the NRC, I think
13 that's why CP&L has good scientists, and I think that is why
14 we have these public hearings, and have an opportunity to
15 speak. If there's somebody else out there that happens to
16 know more than those people, I'm sure you all will find them
17 out before you're done.

18 It does hurt me to hear people casting aspersions
19 on some of the good folks at CP&L. They're family people.
20 Whether they're in the big corporate tower in downtown
21 Raleigh, or whether they live in Moncure, and I do hope you
22 will notice that the people who live in New Hill, and
23 Moncure, and Merry Oaks, they're not here complaining. They
24 have not come to speak. They're not saying that they don't
25 want it, and they're the folks who live the closest to it.

1 But CP&L is a good employer. They have operated a
2 safe facility. They've had the steam plant down there in
3 Moncure since I was a little girl, and you can look at me
4 and tell that that was a pretty long time ago. And all of
5 that has always operated safely, and I think it is because
6 of their commitment to making sure that they're a good
7 corporate citizen./

8 They do things for the schools. They work with
9 human services, and non profit organizations they offer in
10 kind support for people. It's just the things they do are
11 more than commendable. And I hope you won't be swayed by
12 emotion, or anger, or people complaining about this has
13 happened, and that they're not satisfied with it. And that
14 they would like to see the fuels go somewhere else. I think
15 we will see those spent fuel rods go someplace else at some
16 point in time, but I think we just need to be a little bit
17 patient, and be grateful that that microwave oven with the
18 nuclear power in it still runs.

19 I appreciate the opportunity to speak to you
20 tonight. And I do want you to remember that I am pro CP&L.

21 JUDGE BOLLWERK: Thank you very much for your
22 comments. The next speaker is William L. Dunn, D - U - N -
23 N.

24 MR. DUNN: Good evening. And thank you for giving
25 me this opportunity to express my opinions. My name is

1 William L. Dunn. I live with my wife and two daughters in
2 Durham, North Carolina. I am President of a research firm,
3 there, which is also located in Durham. Although I have a
4 Ph.D. in nuclear engineering, and I worked for CP&L for
5 about years over twenty years ago, in the early 1970's, I do
6 not specialize in nuclear power, and I speak here as a
7 citizen, not as an expert, nor as a representative of any
8 group.

9 I come to speak, I hope rationally but firmly, in
10 favor of CP&L's request for a license amendment, on three
11 bases: Environment, costs, and global competitiveness. I
12 will also make a few points about real and perceived
13 radiation risks.

14 Number one, environment. Nuclear power is a
15 relatively clean energy source. When all factors are taken
16 into consideration, less risk to the public and less damage
17 to the environment is caused by nuclear power than by
18 competing fossil-fuel sources of power.

19 If we as a society wish to enjoy the unquestioned
20 benefits of a national electric infrastructure, we must
21 realize the necessity for large scale means of production.
22 If we require large scale means of production, nuclear power
23 must be a part of the production infrastructure.

24 I would prefer that CP&L be granted its request
25 for spent fuel storage at the Shearon Harris site, in order

1 to keep the nuclear option viable in the Carolinas, than to
2 suffer the risks to health and environment that would be
3 caused by increased reliance on fossil fuel production in
4 the region.

5 Number two, Cost. Despite the costs incurred by
6 complying with intense regulation, nuclear power is still
7 the most economic way to supply base power to the electric
8 grid. Nuclear power should remain of the several energy
9 sources until a better alternative is developed.

10 If we significantly reduce the nuclear component,
11 then all of us, individuals, manufacturers, retailers,
12 government, etc., will pay more for our electric power.

13 Number three, global competitiveness. If our
14 electric rates increase across the board because the nuclear
15 option is forfeited due to short sighted scare tactics by
16 opponent, our products will cost more, and our economy will
17 suffer.

18 As a citizen, and especially as a parent, I want
19 our country to remain an industrial and economic leader.
20 And this requires that we not put ourselves at an
21 unnecessary disadvantage with respect to other countries,
22 such as japan and France, who employ nuclear power.

23 Now, I wish to say a few words about radiation
24 risks. passion on a given side, does not in itself make an
25 argument correct. Just because proponents of a given

1 argument are loud, and even if they are well meaning, that
2 does mean that they are necessarily right. It is ludicrous
3 to avoid all uses of radiation.

4 There is an unmistakable reliance on radiation in
5 the form of sunlight. But the argument goes further. Even
6 ionizing radiation is beneficial, perhaps crucial to our
7 existence. Over forty percent of all cancer treatments in
8 the United States involve the use of radiation. My own
9 father was spared for some time the ravages of lung cancer
10 by radiation treatment. It is quite possible that ionizing
11 radiation was involved in the very formation of life itself
12 on earth. My conclusion, however, is not that radiation
13 should be used as much as possible, but that not all use of
14 radiation should be opposed.

15 You, as experts, should evaluate CP&L's request on
16 its merits. And please realize that there is a large but
17 unfortunately, not very vocal community of educated and
18 rational citizens in the Research Triangle Park area who
19 support the use of nuclear power. Thank you.

20 JUDGE BOLLWERK: All right, thank you, Sir, for
21 your comments. The next speaker is Elizabeth McLaughlin, M
22 - C - L - A - U - G - H - L - I - N.

23 MS. MCLAUGHLIN: Hi, I'm Elizabeth McLaughlin. I
24 just wanted to make a comment on the comments we've heard
25 tonight about emotion and passion, not signaling rational

1 thoughts, and being something that should be silenced, and I
2 would just warn you all that the passion and the motion
3 that's driving the very rational thought, and the very calm
4 and intuitive, inductive thinking that's gone on in this
5 community around this issue will in the end resolve whether
6 or not Shearon Harris is allowed to expand its waste
7 facility. Because we're not going to stop after these
8 hearings are finished. We are not going to stop until the
9 license is denied.

10 The other point that I wanted to raise is that the
11 bad faith of CP&L is evidence that there is no bad faith
12 then, they've unfortunately supplied us with belief that
13 there's some bad faith because they've refused to answer
14 questions that Orange County hired capable scientists to
15 raise and study earlier on in this process. And they have
16 repeatedly refused to answer the questions that were raised
17 by those scientific experts around the safety issues of this
18 proposal.

19 So we will just again call on them to address
20 those findings and give us some sort of response. I thank
21 you all for listening, and again, I would just remind you
22 that the people in this room, the citizens that oppose the
23 granting of this license are not going to go away. Thank
24 you.

25 JUDGE BOLLWERK: Thank you for coming to speak

1 with us tonight. The next speaker is listed as Sandra
2 Marlow, M - A - R - L - O - W.

3 VOICE FROM AUDIENCE: May I speak for a second
4 time?

5 JUDGE BOLLWERK: If you don't mind, could we take
6 some folks that we haven't heard from, and then we'll come
7 back to you, if that's acceptable to you? All right. We'll
8 put you sort of hold, and then we'll come back. The next
9 speaker is Rachel Elliott, E - L - L - I - O - T - T? All
10 right, we'll come back to them as well. We'll try their
11 name again. The next speaker, Allen B. MacIntyre, M - A - C
12 - I - N - T - Y - R - E? Mr. MacIntyre?

13 MR. MACINTYRE: Well, I feel a bit out of place
14 here, because I don't consider myself an entertainer, or any
15 of these other things, or writer, or any of those things.

16 I hope that your group will not be overly swayed
17 by the emotionalism we've seen here. But meeting in Chapel
18 Hill, you do risk that. I do recall the cesspool of Jordan
19 Lake. We'd laid I believe about twenty years on that one.

20 But what I'm here for is to suggest that I haven't
21 heard very much to justify all of this apprehension, because
22 it strikes me that there isn't a great deal of difference
23 between the expanded method of storage and the existing
24 method of storage, which has run for some time.

25 First, I will say I'm an older electrical

1 engineer. My father was an electrical engineer, my claim to
2 fame might be that Eugene Denton who calmed down Three Mile
3 Island for you people, was in North Carolina State
4 University the same time I was; he was a little older than I
5 was.

6 But I think we're seeing so much emotion going
7 this, and I do hope the meeting is getting the facts that
8 they need. I certainly, all I've seen here tonight, and the
9 previous, very attractive speaker, says no matter what you
10 are told, we're going to continue to fight. Facts have
11 nothing apparently to do, and I do hope you're getting the
12 fights, and the facts, and can reach a reasonable decision
13 on this. Thank you.

14 JUDGE BOLLWERK: Thank you, Sir, for coming this
15 evening to speak with us. The next speaker would be James
16 Willeford, W - I - L - E - F - O - R - D.

17 MR. WILEFORD: Hello, thank you for letting me
18 come up. Well, I thought you were quite factual. We'll
19 start off that way.

20 I'm a high school counselor in Raleigh, North
21 Carolina. I'm here with my wife and child, and we're here
22 to express our opposition to CP&L's plan. And I'd also like
23 to say that many of my students, I teach in social studies
24 classes at the high school there, are also following this
25 issue at this point. And they're watching the democratic

1 process, or the lack thereof, and that's basically what
2 we're focusing on, and will continue to do.

3 And I just want to say that we're going to be
4 there. Where ever this goes, and whenever it goes. We're
5 not going to forget about it. Awareness is increasing, and
6 it's going to grow, because we're going to make it grow.
7 Thank you very much.

8 JUDGE BOLLWERK: Thank you very much for coming to
9 speak with us this evening. The next speaker will be P. J.
10 Disclafani, I'm sure I'm mispronouncing it, D - I - S - C -
11 L - A - F - A - N - I. Was that close enough?

12 MR. DISCLAFANI: Pretty close. I'm a student at
13 the University of North Carolina here in Chapel Hill.

14 I heard that you were coming, but you weren't
15 officially listening to what people have to say. I don't
16 really know what that means, but I hope that it's not true.
17 Because there are a lot of other students and a lot of
18 citizens and local governments around the area that are
19 concerned about CP&L's plans to expand their waste storage
20 capacity. And they're concerned about the findings of
21 reputable scientists who have identified a real potential
22 for an accident.

23 And I just want to say that we plan to fight to
24 block the CP&L's planned expansion. Which isn't just a
25 request to store nuclear waste, but it's effectively a plan

1 to make Shearon Harris the largest nuclear waste dump in the
2 country. And nobody can attest to the safety to that,
3 because it's unprecedented.

4 I hope that you'll find that this proposal by CP&L
5 warrants an open process, because it affects the lives of
6 many people whose legitimate concerns deserve to be heard.
7 And because real risks have been identified. So I hope that
8 you will give full consideration to all the facts and find
9 that there should be an open process. Thank you.

10 JUDGE BOLLWERK: Thank you for coming this
11 evening, to speak to us. Let me see again, if Seth and
12 Rachel Elliott are here. All right, why don't we at this
13 point go ahead and take a break. Probably around five
14 minutes. Let me mention again, there is a sign up sheet
15 over in the corner. If you wish to speak and have not
16 signed up, you need to do so. That's how we'll know to put
17 you on as one of the speakers. But again, let's take about
18 five minutes.

19 (Off the Record.)

20 JUDGE BOLLWERK: All right, let me go back and
21 check again for Seth and Rachel Elliot, E - L - L - I - O -
22 T, are they not here, or not - - all right. The next
23 speaker we have is Monica Mulhern, M - U - L - H - E - R -
24 N.

25 MS. MULHERN: Hi, I've been an anti nuclear

1 activist for many years, beginning back in the seventies. I
2 come from Philadelphia, Pennsylvania, so I was very aware of
3 what was going on after the Three Mile Island nuclear
4 accident. And there was a lot of scary things that
5 happened, that didn't get reported by the media. And I had
6 a cottage in the country, and there were farmers who were
7 unable to sell their milk for an entire year. And there
8 were terrible deformities in the young born to the cows.
9 And I'm sure some of that is common knowledge.

10 One of the biggest concerns of many, many, many
11 concerns that I have regarding nuclear power is that none of
12 the fail safes are adequate to contain spent fuel, or
13 radiation in any of its forms. For hundreds of thousands of
14 years. So given that, as a reality, I don't see how anybody
15 can move forward with it at all, much less to expand an
16 existing plant.

17 The stockpile of nuclear waste is mounting, and
18 there is nowhere to put it that can be guaranteed safe,
19 period. End of story. No matter what else you want to say
20 on the pros and cons, we cannot assure our children and
21 their children and our children's children as the Native
22 Americans would say, for seven generations, we cannot
23 promise them that what we store in these pools, what we
24 bury, what we mine, however we release it, or however we
25 seek to contain it, humans are not perfect, and science has

1 proven itself to be wrong, time and time again.

2 Chernobyl, Three Mile Island, the Challenger
3 explosion. No matter how smart we get, there is always the
4 possibility for error. And when the risks involve a hundred
5 mile radius of a highly populated area, and if there is just
6 one minuscule chance that that radiation can leak, then why
7 is anybody is even considering it? And I think the place
8 should be closed.

9 JUDGE BOLLWERK: Thank you for your comments. The
10 next speaker is Mike Schiller, S - C - H - I - L - L - E -
11 R.

12 MR. SCHILLER: Hi, how are you doing. Thanks for
13 letting me speak tonight. My name is Mike Schiller, I live
14 in Chatham County. And I just want to state that I'm
15 opposed to CP&L's proposal to expand the nuclear, storage of
16 nuclear waste on site at their plant.

17 Some of the reasons being, the storage of the
18 waste in these pools; the pools, somehow they've misplaced
19 the documentation of the pools that they're proposing to put
20 into service. And just a note here. I moved into Chatham
21 County about six years ago. I bought a house in Chatham
22 County. And the waste disposal system in my house, the
23 septic system, the documentation was missing on it. And
24 that had to be found before we could move into the house.

25 And that's a system that would just affect a very

1 few people if it were to fail. This is a system that, if it
2 were to fail, would affect hundreds of thousands of people
3 if y you go with a hundred mile radius. And I was not
4 allowed to move into my house. The documentation was found,
5 but without that documentation, I would not even be allowed
6 to move into my house.

7 So I feel that the fact that the documentation is
8 not available for the plumbing systems, and the pools that
9 they're proposing to put into service seems irresponsible
10 for something so toxic, so potentially toxic as nuclear
11 waste.

12 Also, they're proposing to store this waste. I
13 know this waste is a big problem in the country. Some of
14 the permanent sites have not been approved that are supposed
15 to go into service recently. The waste is backing up, and I
16 know this is a problem, but that means that this waste is
17 going to be stored closer and closer together with neutron
18 absorbing material between the rods, and so forth. The
19 cooling systems to keep the water cool. These are systems
20 that need to keep working.

21 Systems that have plumbing, and so forth. Things
22 that can go wrong, and CP&L initially these four pools were
23 designed to have two cooling systems dedicated to them, and
24 CP&L is not proposing at this point in time, they only have
25 one cooling system for the pools they have in service.

1 And with these additional pools added, they still
2 not, they don't have a plan on the books right now for
3 another cooling system. So this also to me seems
4 irresponsible for something as sensitive, again as nuclear
5 waste. I feel that any precautions, additional precautions
6 you can take to make the system a more safer one, are steps
7 that should be taken. Its' just too sensitive, nuclear
8 waste is just too sensitive a thing not to take those extra
9 steps.

10 There are also alternatives to storing the waste
11 in pools where you have to have systems that have to keep
12 working in order for the waste to remain safe. You can put
13 the rods in dry cask storage, for instance, that doesn't
14 require plumbing. It doesn't require systems to keep
15 working, in order for this waste to remain safe. And you
16 can, maybe it requires a little more expense, maybe the
17 waste has to be stored a little farther apart, and so forth.

18 But again, in the interest of safety, if we're
19 really, truly interested in making this stuff as safe as
20 possible, it just to me it makes sense. Something like
21 nuclear waste, again. And you can say that there really
22 hasn't been these storage, a major storage accident. Most
23 of the accidents we know of have been in the reactors
24 themselves. Nuclear accidents like Three Mile Island and
25 Chernobyl.

1 But I really don't believe that just because we
2 have a good record in this area in the past doesn't
3 necessarily means it's going to be that way in the future.
4 When you sign up for your, put money in a money market
5 account, they say past performance is no indication of
6 future performance. So I really believe that this is a bit
7 of a gamble also.

8 The more we put, the more the system backs up,
9 with the absence of permanent storage facility, the more
10 tightly the waste is packed together, the risks are going to
11 increase. There is no arguing that point. The more waste
12 is put, the more waste has to be handled in the pools, and
13 so forth, the more tightly it's packed together, the more of
14 it there is in the pools, you can't argue with the fact that
15 the risk goes up. I just can't see that argument, so those
16 are some of the main points I'd like to make.

17 And I feel like the NRC is here to protect to put
18 in place as part of its charter to protect citizens such as
19 myself and my family, and so forth. And I feel like in
20 these situations, the safest alternative should be chose any
21 time they can be. Anyway, those are the main points I'd
22 like to make. Thanks for letting me speak tonight.

23 JUDGE BOLLWERK: Thank you for coming to speak
24 with us tonight. The next speaker is Rita Dealy, D - E - A
25 - L - Y.

1 MS. DEALY: Thank you for providing me this
2 opportunity. I'd just like to say I was a student at Penn
3 State University when TMI happened. And I was within the
4 hundred mile radius. And not having an evacuation
5 procedure, no one knew what to do. Fifteen to twenty
6 thousand students, so very much aware that nuclear accidents
7 happen.

8 I would also like to say that I'm disgusted with
9 CP&L, the process, their reluctance to have an open process,
10 denying me my opportunity as a concerned citizen to have all
11 the facts to make my decisions for supporting the expansion
12 or not. And I'm not supporting expansion because I feel
13 that I don't have the information that I need to make that
14 decision.

15 Lastly, I feel as a citizen of Upper North
16 Carolina, that if there is a safer option, that we deserve
17 that safer option. And I hope the NRC will provide us that
18 safer option. Thank you.

19 JUDGE BOLLWERK: Thank you very much for your
20 comments. The next speaker is Madeline Morreale. I'm sure
21 I'm mispronouncing that. M - O - R - R - E - A - L - E.

22 MS. MORREALE: Morreale.

23 JUDGE BOLLWERK: Morreale. I'm sorry.

24 MS. MORREALE: Good evening. My name is Madeline
25 Morreale. I'm a resident of Chatham County, and I came here

1 tonight to listen and to learn, and up to this point anyway,
2 I haven't been on anyone's mailing list. I'm just here as a
3 concerned citizen. I've been interested in the remarks that
4 have been made so far, and it seems to me that the question
5 tonight is not are the folks at CP&L good citizens? And the
6 question is not are we opposed to or supporting nuclear
7 power in general? But instead I think the question is do we
8 support or oppose CP&L's request to amend its storage plans.

9 For those who do not draw a paycheck that supports
10 a career in nuclear safety, it's difficult to know whether
11 the proposed plan is safe. And for those of us who aren't
12 professionally trained in economics, it's difficult to know
13 how to weigh the costs and benefits of the proposed plan
14 against alternatives. We've been admonished a couple of
15 times this evening to leave emotionalism and passions aside
16 for rationalism and facts. And I promise to leave here
17 tonight committed to learn more about both of those.

18 But given the fact that the current process has
19 permitted CP&L to proceed without making available the
20 company's analyses for public scrutiny, we have little to
21 rely on than our own instincts. And those aren't strong
22 enough for me to be reassured by the company's promises of
23 safety.

24 So let me just conclude by restating my opposition
25 to the proposal to date. My request that the NRC consider a

1 more open process, and wishing as the previous speaker did
2 safer alternatives be considered. Thank you.

3 JUDGE BOLLWERK: Thank you for your comments. The
4 next speaker is Verla Linsko, L - I - N - S - K - O.

5 MS. LINSKO: Thank you. My name is Ferla Linsko,
6 I'm a resident of Chapel Hill. I've live here in Chapel
7 Hill since 1965. I'm currently a state legislator, and I've
8 also served on a local board of education, and on a board of
9 county commissioners.

10 I'm here primarily to request that you hold a
11 formal public hearing where oral arguments can be made. I'm
12 not a scientist, and I can't stand here and argue the
13 scientific facts. But I can tell you that the public is
14 increasingly disenfranchised. They feel increasingly
15 isolated from their government. They feel increasingly
16 cynical about their ability to have input into their
17 government.

18 I think some important questions have been raised
19 that haven't been answered formally. And I think you have
20 the power to help us here in this area to feel that the
21 citizens have had full opportunity for input.

22 And a bit of comment I'd like to make is that I
23 think the passion of American people is very important to
24 our democratic form of society. I'm glad that we had
25 passion around the Boston Tea Party. I'm glad that

1 Elizabeth Katy Stanton and Susan B. Anthony felt passionate
2 about their cause. So I think that plays an important role
3 here, and I appreciate the opportunity to let me speak.

4 JUDGE BOLLWERK: Thank you for coming to speak
5 with us tonight. Let me go back in my list. Seth and
6 Rachel Elliott? The Elliot's still not here, or left?

7 All right, at this point, I've come to the end of
8 the list that I have, other than Ms. Marlowe, which I have
9 not forgotten. Let's go ahead again and take a five minute
10 break, and see if we have anyone else who wants to sign up
11 at this point. Again the list over there, if you have not
12 signed up yet, I would appreciate it very much. If you want
13 to speak, put your name on the list.

14 We'll take another five minute break and come
15 back, and if we haven't had any more signatures, then we'll
16 hear from Ms. Marlowe.

17 (Off the Record.)

18 JUDGE BOLLWERK: Let me check one more time about
19 the Elliot's. I think they may have left the building as
20 the saying goes. We have a couple of new speakers that have
21 not spoken before, and it appears to be two individuals we
22 have heard from before, we will take. Craig Hammond, H - A
23 - M - M - O - N - D.

24 MR. HAMMOND: Thank you for letting me speak. I'd
25 like to say that I've lived and worked in Durham and Orange

1 counties for about fifteen years, in construction trades,
2 and I have two sons one in middle school, one in high
3 school. And I'd just like to add my voice to that of other
4 people who've spoken before, and emphasize the fact that
5 what we're sensitive to is the truth.

6 It's what we go to Church to understand. It's
7 what we gather in small groups and large groups to emphasize
8 with our children and with our friends. It's what we read
9 our Bibles to understand. And I feel that this is maybe a
10 large example of truth in action, as it's reflected in your
11 actions, and in our actions as people.

12 I think there's a larger reality working here. It
13 maybe goes beyond human understanding, and I feel like it's
14 a time for all of us to look inside ourselves and to try to
15 bring the best of ourselves forward. Because we're talking
16 about the health of ourselves, and our children, and their
17 children. And not only that, but the honor, and the soul
18 and the way it moves, and the way that we show who and what
19 we are in the decisions that we make.

20 This may sound a little bit out there so to speak,
21 but I think it's definitely a time for understanding, and
22 some soulful self examination. There's things more
23 important than money, and I think it's a good time to bring
24 that to the forefront. To make sure we make some decisions
25 that we can stand by in our hearts, and our minds, and our

1 souls, for future generations.

2 JUDGE BOLLWERK: Thank you, Sir, for speaking with
3 us tonight. The next individual, Steve Fishman, F - I - S -
4 H - M - A - N.

5 MR. FISHMAN: Hi. My name's Steve Fishman. I
6 live in Chatham County. I've lived there for the last five
7 years. I plan on raising my family and making my life
8 there.

9 And someone told me on the way in here, that this
10 hearing really has no bearing, no bearing on what I guess
11 eventually will be a decision. And when I heard that, I was
12 quite surprised, and I guess one of the things I want to ask
13 is, is that true? I mean, how does this - - well, there's
14 an answer I guess.

15 I guess that's one question I have, and I didn't
16 really want to believe that that was true. And I don't know
17 if it is or not. There's not an answer here. But I just
18 want to, I guess I just want to say that if it's if it is
19 true, that I find it reprehensible that there's any faction
20 in our community, including the good corporate of CP&L.
21 That would put profit ahead of risk to our community.

22 We're asking for an open process with them, not
23 back room Bastille. That's what I have to say. Thank you.

24 JUDGE BOLLWERK: I thank you, Sir, for coming this
25 evening. All right, we have two additional speakers listed.

1 And both of whom I think the Board has heard from before.
2 Mrs. Marlow, M - A - R - L - O - W.

3 MS. MARLOW: I asked to speak again. I spoke from
4 the heart this afternoon. I want to speak from my head this
5 evening. I am a professional librarian. And as such, I
6 have been working on research. I am published in the
7 Bulletin of Atomic Scientists. And Library Journal article
8 called "Suppression of Nuclear Information." And it was
9 that kind of revelation that made me concerned about secrecy
10 in government in a democracy and the extreme need for your
11 commission and CP&L to allow the public the right to a
12 public hearing.

13 This is a difficult week, because it's exam week.
14 So many of the people who are intellectuals in the community
15 of Chapel Hill are not able to present and listen, and hear,
16 and understand.

17 I'm going to read, very quickly an article by one
18 of the former professors here from Chapel Hill, Charles Van
19 Cleve from the School of Medicine. He wrote a book called
20 "Late Sematic Effects of Ionizing Radiation." It's
21 published by the Division of Technical Information by the
22 AEC. And he talks about NATO irradiation. "Gross
23 abnormalities at birth are called congenital malformations.
24 They occur spontaneously in all animals including man. They
25 can be produced in experimental animals by suitable

1 intrinsic or extrinsic agents. Ionizing radiation is one of
2 the most potential psycho chemical tetrogens."

3 We're not talking about a car driven by a person
4 when we're talk about risk in legalese. Risk acceptable or
5 unacceptable, or permissible requires accountability and
6 responsibility. And those of you on the commission and
7 those in the law firm know that this industry has more laws
8 that prevent any legal rights to the citizens of this
9 country. So that if my child or my grandchildren were
10 struck by a car, I could file a lawsuit to understand why
11 the car hit my child. But if there was an accident at any
12 nuclear plant I would not be able as a citizen to find a
13 lawyer to represent me believe to file a claim against the
14 company or corporation, or electronics company that runs
15 that plant, or this commission.

16 Risk means that the people that forced that risk
17 on the citizens of this country also should be accountable
18 for the risk. And I was going to ask some questions about
19 TMI, but there's too many other things that have happened
20 here. Because Three Mile Island, there was a lot of behind
21 the scenes bargaining in the effects after TMI. I know that
22 because I know some of the researchers involved and the
23 people from TMI.

24 I also am aware that Roselee Burtell has recently
25 published some information about cover up of information

1 regarding Three Mile Island. We don't need cover up. And
2 we don't need disagreement. Unless we are allowed to have a
3 public hearing to really hear the issues from all sides.
4 When people talk from their hearts with passion, they are
5 talking as American citizens. Right or wrongly.

6 And there's a root to that word that makes a
7 difference between what we call a democracy, and what we
8 call a Fascist state. And that word, which is what I think
9 all forms of government need, is compassion. And I'm asking
10 that from this committee, this commission to have a public
11 hearing. I worked as a librarian at an institution for
12 feebleminded youth in Massachusetts. And while I was there,
13 I discovered documents that dealt with research in the
14 1950's using radioactive isotopes on children who were
15 mentally retarded. And there were hearings in the United
16 States, and they were quietly made public.

17 I also worked previously at a prison in
18 Massachusetts, and I will tell you that the people I worked
19 with, I set up the law library there. The inmates who were
20 doing time for murder, for rape, for theft of company time,
21 they did not show any concern when they heard the passionate
22 cries of their victims. Bear that in mind when you think
23 about our request for a hearing. Thank you.

24 JUDGE BOLLWERK: Thank you for speaking with us
25 again. Additional speaker, Mark Marcopolus, am I

1 pronouncing that correctly? You spoke yesterday in Raleigh,
2 is that correct, Sir?

3 VOICE FROM AUDIENCE: Mr. Eddleman would like to
4 clarify something he said earlier.

5 JUDGE BOLLWERK: Sure, Mr. Eddleman, would you
6 like to come up briefly?

7 MR. EDDLEMAN: It's kind of embarrassing, even to
8 prove my point about mistakes, but I left something out of
9 my presentation. It will only take a few sentences to
10 include it. Thank you very much.

11 This has to do with the heat load calculations.
12 The heat load calculations for heat removal from the pools
13 at Harris that CP&L was submitting to the NRC all through
14 1998 show them short about fifteen million BTU's per hour.
15 And all of a sudden, after everything was closed out, they
16 have a much larger of heat removal capacity claimed.

17 And what I left out was to say that if these
18 calculations of the original heat load estimate were made in
19 accordance with the standards of care that people have been
20 saying, are standard to the nuclear industry and certainly
21 ought to be, then how could they have made such an enormous
22 error all those millions of BTU's?

23 But if indeed the change is result for something
24 other than error, that cries out even more for a thorough
25 inquiry. And unless the calculations the differences, the

1 floor basis are made public in every detail, it's going to
2 be very difficult to trust the process that's going on here.
3 When CP&L gets to decide what to conceal and what to reveal
4 we all lose.

5 JUDGE BOLLWERK: All right, thank you again, Sir.
6 Mr. Marcoplos, M - A - R - C - O - P - L - O - S.

7 MR. MARCOPLOS: Many people have taken off work,
8 taken time out of their schedule taken time away from their
9 families to come down here both here and in Raleigh to speak
10 to you all. Not sure exactly what was meant by it's a
11 hearing, you can't take into consideration what's said, but
12 yet you're going to consider what's said. A lot of people
13 decided well, it's important enough to go down and at least
14 talk. And I have a suggestion. We're at the end of the two
15 days, the many hours of talk from our side of the podium.

16 I think it would be very respectful of other
17 people that came to speak if you all would each just take a
18 few minutes yourselves, and tell us what your reaction is to
19 hearing us, out here in this part of the country. Speak to
20 you about this. We'd really appreciate just a few minutes
21 before you leave and then go home. Would you be willing to
22 do that for us?

23 JUDGE BOLLWERK: It's up to the other Board
24 members.

25 JUDGE LAM: Let the Chairman speak first.

1 JUDGE BOLLWERK: It's obvious to me there's many
2 heartfelt feelings on both sides of this issue. People are
3 very concerned. Both in opposition, and in favor of what
4 CP&L wishes to do. That's my basic statement about what
5 I've heard these several days. That's not going into
6 details, obviously, but that's the general impression I've
7 come away with. There's considerable concern here among the
8 populace on both sides of this issue.

9 Judge Lam, do you want to say anything?

10 JUDGE LAM: I guess I'd like to add to Judge
11 Bollwerk's comment. First, I appreciate being here, and
12 listening to all your statements. I consider your
13 participation an important part of our process. Each word
14 that has spoken here has been transcribed, and will be made
15 available to each member of this Panel. As an official
16 transcript. Furthermore, your statement will now become a
17 part of our official docket. That much said, and I for one
18 will certainly consider every word that is spoken here. Let
19 all the facts be known, let all the interpretations be made,
20 and let us make the best decision that we can. We have no
21 other agenda other than protection of public health and
22 safety. If this is not our agenda, none of us would be
23 here. You have that assurance. The safety of the public,
24 it's of utmost concern so let all the facts be known, let
25 the proceedings move forward, and I certainly have listened

1 attentively to every word that has been said, and I will
2 read the record again. And I do want to thank you for being
3 here.

4 JUDGE BOLLWERK: Judge Shon?

5 JUDGE SHON: I want to say that I too, have
6 listened very attentively.

7 COURT REPORTER: Your Honor, would you put the
8 mike over.

9 JUDGE SHON: I've listened attentively, and I've
10 been impressed by the articulateness of the people who have
11 spoken here. And by their obvious commitment to public
12 health and safety. We too are committed to public health
13 and safety. That's our job. We have listened now, and I am
14 certain that the background that you people have given us is
15 going to be worthwhile to us in any further proceedings that
16 may occur here. It is not a portion of the record, as
17 you've been told, on which we can firmly ground any
18 decision. But it is certainly something that will give us
19 the kind of mind cast that will ultimately affect how we
20 think about it. And I want to thank you all for having come
21 here, and having given us your views.

22 JUDGE BOLLWERK: Thanks for responding. I'd like
23 to add that it's a very simple step from your concern that
24 you're showing here, and your attentiveness to take that one
25 baby step toward requiring that the information that we have

1 been calling for the past year be released by CP&L. That is
2 economic information, the money they're going to save by
3 using this plan, rather than the dry cask storage, and the
4 issue of Lochbaum and Thompson's concerns. I personally
5 feel after hearing you speak that if you truly feel that you
6 have just that you felt, that you will find a way to use
7 your power make that information available to us. Thank you
8 very much.

9 SPEAKER: Just before you go, you've mentioned
10 again Dr. Thompson, and Mr. Lochbaum. I might point out
11 that it is in large measure because of the concerns of Dr.
12 Thompson and Mr. Lochbaum that we have admitted Orange
13 County to this proceeding, and we certainly have heard much
14 of what they have to say, and we certainly anticipate that
15 we will hear more in greater detail.

16 MR. MARCOPILOS: That's very good, and what I'm
17 trying to articulate is that the Citizens need to hear
18 CP&L's response to this. We live here. In a democracy, we
19 are entitled to that information. That is what has been
20 missing, and I feel like you could commit to that if you so
21 chose in making that happen for us, so, thanks a lot.

22 JUDGE BOLLWERK: All right. Thank you, Sir. At
23 this point, it's 9:15. Is there anyone else here who wishes
24 to speak, or say anything further? All right. We had in
25 our itenary indicated we would be here till 9:30. I think

1 at this point if there appears to be no one else in the
2 audience who is interested in speaking, we will go ahead and
3 adjourn.

4 Let me just say again, as my two colleagues have
5 indicated, our sincere appreciation to everyone that took
6 the time took the effort over the past four days, to come
7 away from your work, or their home, you all have other
8 things obviously. To come out and give us your views on
9 this proceeding, and what you believe about the CP&L
10 request. I would again like to thank Orange County for
11 making this facility available. This is the second time and
12 we very much appreciate this marvelous facility for these
13 types of events, and thank you very much.

14 MS. BROWN: I would just like to say, on behalf of
15 the County Commissioners, that we are very glad that you are
16 here to listen to our citizens.

17 JUDGE BOLLWERK: Thank you very much. Again, as
18 Judge Lam has mentioned,
19 these proceedings have been transcribed. And will be part
20 of the docket of these proceedings, and available for the
21 Board members and the parties, and frankly, for the public,
22 if they wish to look through them and review them again. At
23 this point that wishes to say anything further, I'm going to
24 adjourn these proceedings, and again, thank you all for
25 coming tonight. Thank you.

1 (Whereupon, at 9:25 p.m., the meeting was
2 concluded.)
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