

RAS 2674

DOCKET NUMBER  
PROD. & UTIL. FAC. 50-400-LA

From: "Judy Hogan" <judyhogan@mindspring.com>  
To: <judyhogan@mindspring.com>  
Date: Mon, Jan 29, 2001 3:31 PM  
Subject: Fw: Investigation of NRC

DOCKETED  
USNRC

01 JAN 29 P 4:29

Yes, let's have an investigation! Judy

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

From: NC WARN <ncwarn@pobox.com>  
To: WARN <nc-warn@pobox.com>  
Date: Monday, January 29, 2001 2:52 PM  
Subject: Investigation of NRC

OFFICE OF SECRETARY  
REGULATIONS AND  
ADJUDICATIONS STAFF

JAN 29 2001

NEWS RELEASE  
Warren  
January 29, 2001  
919-490-0747

Contact: Jim

## GROUP SEEKS INVESTIGATION OF NUCLEAR AGENCY

## Says NRC Is Promoting CP&amp;L Waste Expansion

DURHAM - Citing an overall lack of independence and scientific integrity in the Nuclear Regulatory Commission's review of a controversial nuclear waste expansion, environmental group NC WARN called today for an investigation into actions of the NRC staff. The group asked Sen. John Edwards and Rep. David Price to call on the U.S. General Accounting Office to determine whether the NRC staff has compromised public safety in its review of Carolina Power & Light's proposal to double the used, irradiated fuel rods stored at its Shearon Harris Nuclear Plant in Wake County.

The group also said it is suspicious of the timing of an NRC Staff official's recent approval of CP&L's plan because the ruling came after CP&L had openly pressured the agency and when current Harris waste pools were becoming dangerously short of capacity due to delays in a decision about the new pools. It also came just 14 days after Orange County submitted strong evidence about the risk of an unexamined accident scenario, and while an NRC licensing board is considering whether to grant the County a full trial-type safety hearing.

NC WARN also asked NRC Chairman Richard Meserve to seek a parallel investigation by the NRC inspector general, and it joined Orange County's call on Meserve to suspend the NRC staff's approval. The charges follow legal motions filed January 16th, where Orange County details more than a dozen distortions and false statements by NRC Staff and/or CP&L on technical points which are at the very core of the license amendment.

NC WARN Director Jim Warren said today, "The NRC's pattern of irresponsibility has gone on throughout the 25-month review, but it's now obvious to anyone reviewing the record that the whole NRC/CP&L opposition to safety hearings is based on a smokescreen of distortion. This is the worst kind of agency decision-making: no accountability, dodging the technical issues, and siding with CP&L at every step."

The group cited numerous instances where NRC staff violates fundamental requirements of scientific review by accepting CP&L's assertions without verification, and failing to supply data to support conclusions; and by joining CP&L in attacking the credentials of the County's technical consultants - instead of debating the merits of their analysis - even though the NRC has accepted most of their key ideas. "The Staff seems unable to reach conclusions independent from the corporation," added Warren.

Template = SECY-038

SECY-02

"At one point, NRC's technical expert joins CP&L in disparaging an Orange County analysis that he hadn't even read."

Most recently, the NRC refuses to even try to justify its December approval of the waste expansion. "This agency is out of control; first they broke procedural law and now are hiding from their own decision," said Warren. He added that the safety of the North Carolina public simply cannot be left to "the private machinations of CP&L and its NRC partners." The GAO monitors the activities of other federal agencies.

CP&L's expansion is highly controversial, due in part to the plan to stack spent fuel assemblies at the maximum possible density in the nation's only four-pool storage site. Orange County, through two respected nuclear experts, has raised serious concerns about an increased potential for a very large accident. CP&L has spent an estimated \$2 million to prevent safety hearings before the NRC licensing board.

Citing pressure on the NRC from the industry via its congressional allies, NC WARN told Edwards and Price in a letter today that it believes the NRC staff is being impacted by direct or perceived pressure from CP&L's numerous channels of influence. "The NRC's actions over the past two years in North Carolina only perpetuate the longstanding national citizen complaint that the agency serves the industry – not the public."

The group added: "There are continuing – and troubling – technical issues about nuclear waste cooling pools which require full scientific resolution. In the CP&L case, there is a heated scientific dispute which must not be overridden by technicalities which mask the company's desire to proceed with its business and the public be damned."

\* In addition, NC WARN just learned that the NRC now estimates a 1 in 100 chance for a waste pool fire in the U.S. This is very close to Orange consultant Gordon Thompson's estimate of 1 in 2,000 for just one cause of a major fire at Shearon Harris. Both estimates exclude the risk of terrorism or sabotage, although those are among the most troubling risk factors at nuclear plants.

Jim Warren stated: "No longer can anyone credibly claim the chance of a waste pool accident is remote – especially with the federal government's increasing warnings about terrorism on U.S. soil, a risk factor the NRC acknowledges but excludes from calculations due to difficulty in quantifying it."

##

A copy of the letter to Sen. Edwards and Rep. Price can be found at [www.ncwarn.org](http://www.ncwarn.org) or by calling NC WARN.

---

NC WARN  
Waste Awareness and Reduction Network  
PO Box 61051  
Durham, NC 27715-1051  
Phone: (919) 490-0747  
Fax: (919) 493-6614  
Email: [NC-WARN@POBOX.COM](mailto:NC-WARN@POBOX.COM)  
Website: <http://www.ncwarn.org>

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear Power Plant)

)  
)  
)  
)  
)

Docket No. 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LIMITED APPEARANCE STATEMENT OF JUDY HOGAN have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
G. Paul Bollwerk, III, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Thomas D. Murphy  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

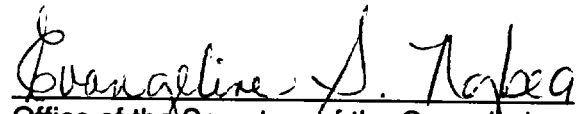
Susan L. Uttal, Esq.  
Robert M. Weisman, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Diane Curran, Esq.  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

William D. Johnson  
Vice President and Senior Counsel  
Carolina Power & Light Company  
P.O. Box 1551  
Raleigh, NC 27602

John H. O'Neill, Jr., Esq.  
Douglas J. Rosinski, Esq.  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037

Docket No. 50-400-LA  
LIMITED APPEARANCE STATEMENT  
OF JUDY HOGAN

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 29<sup>th</sup> day of January 2001