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NEWS RELEASE  
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March 1, 2001  
919-490-0747

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

## NRC BOARD DENIES HEARING ON NUCLEAR EXPANSION

Critics Decry Agency Bias and Denial of Due Process

SERVED MAR - 2 2001

DURHAM – A licensing board for the U.S. Nuclear Regulatory Commission has sided with Carolina Power & Light in its opposition to safety hearings on the company's proposal to expand nuclear waste storage at the Shearon Harris Nuclear Plant. The move, if it stands, would allow CP&L to begin loading highly irradiated nuclear fuel rods into two new cooling pools once construction is completed sometime in mid-year.

In an order issued this afternoon, the Atomic Safety and Licensing Board (ASLB) said that Orange County had failed to show the need for a trial-type hearing to examine a particular type of accident involving nuclear waste cooling pools. The County argues that a hearing would allow it to prove that a full environmental impact study (EIS) should be performed. The ASLB joined NRC staff and CP&L in claiming the chance of an accident is "remote" and that no hearing or EIS is needed.

Diane Curran, an attorney representing Orange County, said she is disappointed that the ASLB ignored key issues, and she is still convinced this case should go to a hearing. "The ASLB accepted everything CP&L and NRC staff said at face value; they never gave the County's experts an opportunity to debate the weakness of NRC and CP&L's accident analysis." Orange commissioners are examining their options at this time.

Jim Warren, director of environmental group NC WARN, said that despite the strength of the County's case, he's not surprised by today's ruling: "As we have warned all along, the ASLB is part of the NRC, and they all fall under the consistent pressure from the nuclear industry. But this is a denial of due process." Warren complained that the ASLB fell for what he called "CP&L's and NRC's choreographed opposition to safety hearings – without hearing the views of technical experts."

He also pointed out that the basic argument by CP&L and the NRC staff against hearings relies on super-hero actions to stop an accident once it started. CP&L produced a huge and complex analysis purporting to prove that the risk of accident is remote, but the ASLB denied Orange a chance to contest it out in the open. Warren said such a stack of paper equates to a "stage prop" unless it is subject to analysis and debate.

NC WARN complained that the NRC is ignoring a wealth of emerging science – including its own studies – about waste pool risks. It also ignores increasing warnings by the federal government about terrorism. "Looks like it's easier for the NRC to stick their heads in the sand so they don't upset their bosses in the nuclear industry," added Warren.

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But he warned that this issue is not decided. NC WARN is seeking an investigation by the NRC inspector general into charges that the NRC staff's review of CP&L's project lacked scientific integrity and that the staff acted in too-close cooperation with the company. "How in the world do you create the largest storage site for the most dangerous material on earth – without one single safety hearing? It's truly pathetic – and dangerous – that CP&L has so far succeeded in having lawyers block scientists from debating this serious matter of regional safety."

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CAROLINA POWER & LIGHT COMPANY	)	Docket No. 50-400-LA
	)	
(Shearon Harris Nuclear Power Plant)	)	

CERTIFICATE OF SERVICE

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

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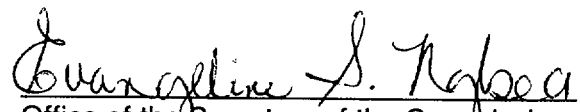
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Docket No. 50-400-LA  
LIMITED APPEARANCE STATEMENT  
OF NC WARN

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 2<sup>nd</sup> day of March 2001