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AUTHOR: JIM WARREN
AFFILIATION: NC
ADDRESSEE: JOHN EDWARDS
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EXPANSION

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RU
NMSS

PO Box 61051
Durham, NC 27715-1051
Phone 919-490-0747 Fax 919-493-6614
nc-warn@pobox.com www.ncwarn.org

Waste Awareness and Reduction Network**NC WARN**

May 4, 2001

Honorable John Edwards
United States Senate
Via Fax 202-228-1374

Subject: Nuclear Plants, National Security and CP&L's Planned Waste Expansion

Dear Senator Edwards,

In accord with our discussion on Monday's conference call with regional elected officials, I am forwarding information regarding serious security deficiencies at U.S. nuclear power plants. I am attaching several documents that provide greater detail. I request the opportunity to join representatives from Union of Concerned Scientists, the Nuclear Resource and Information Service, and the Nuclear Control Institute in briefing your staff at your earliest convenience.

In summary, over the past few years, a Nuclear Regulatory Commission program called the Operational Safeguards Response Evaluation (OSRE) has found that U.S. nuclear plants are highly vulnerable to attack, but the nuclear industry continues to press hard to co-opt or abolish that program and weaken security regulations. Federal agencies and security specialists have vigorously protested such efforts, citing increasing concern about domestic terrorism (attached memo). These issues will be addressed at upcoming hearings in the Senate and House.

During the same period, there have been a series of serious security violations at plants owned by Carolina Power & Light. Together, these facts make NC WARN even more concerned about CP&L's proposal to double the irradiated fuel rods stored at the Shearon Harris plant in Wake County, North Carolina.

BACKGROUND ON OSRE

The goal of OSRE is to assess the ability of nuclear plant security to repel armed terrorists. OSRE is based on "force on force" drills where a plant's security is challenged to stop simulated intrusion. *At 47% of the plants tested, mock intruders were able to reach vital targets inside the plant and simulate destruction of enough equipment to cause a meltdown with a potentially devastating release of radiation.*

Importantly, the plants are notified in advance of scheduled OSRE drills, which allows plant owners to ensure that all security equipment is functioning and that additional security personnel are available. Nevertheless, nearly half the plants failed the drill to the extent that disastrous meltdowns might have occurred. The nuclear industry's response to this embarrassing and disturbing situation was to press for abolishment of the program. In 1998, after an NRC advisory panel called for increased security, the OSRE program was eliminated by NRC staff officials without notification of the NRC Commissioners. The program was soon reinstated by President Clinton's executive order on the insistence of the National Security Agency. According to the *Los Angeles Times*, NRC security experts "accused the agency of caving in to industry pressure to cancel the program."

The nuclear industry, largely through its lobbying group, the Nuclear Energy Institute, now proposes to have the utilities conduct their own force on force drills - with a single NRC employee as an observer. One utility's

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security specialist admitted, "Conducting your own drills is like a practice session." Last year, NRC staff became more aggressive in writing violation reports documenting failures under OSRE. But in January, the NRC Commissioners ruled that no violations should be issued for plants failing the OSRE force on force drills.

One request for you, Senator Edwards, is to ask NRC Chairman Richard Meserve to explain that decision, and how the utilities can prove they can defend their nuclear plants, especially if OSRE drills were turned over to the each plant. Also, perhaps you could discuss this issue with the appropriate federal agencies such as the FBI and NSA. I understand that a number of senators and representatives are also concerned about this issue. However, the nuclear industry's influence on Congress is enormous, and observers are concerned that NRC decision makers will again buckle under the industry's pressure. As you might know, the nuclear industry also works hard to keep the media from reporting this kind of damaging information - with much success.

Presently, the security rules for nuclear plants are being rewritten, and OSRE continues until new rules are in place. As I understand it, the House hearings are being convened to pressure the NRC to relax regulations in a number of ways. In regard to security, it is expected there will be pressure to allow the industry to take over the security assessment program. NRC security officials remain concerned and many have been much opposed to relinquishing control of OSRE. In addition to the OSRE situation, Union of Concerned Scientists and others have identified a number of other serious problems involving NRC security policy.

RELEVANCE TO CP&L WASTE EXPANSION

These security deficiencies are of particular concern in North Carolina. First, as vulnerable as nuclear reactors have been found to be, "spent" fuel cooling pools are not part of the OSRE program. But at plants such as Shearon Harris, the SF pools represent an even greater threat because, 1) they contain many more fuel assemblies than the reactor, and 2) at Harris, the pools are located in an adjacent building that is far less fortified than the reactor building. If intruders damage the pools, it is more likely that there will be radiation released to the atmosphere. And if sufficient water is lost so that the waste packed in high-density racks are exposed to air, it is likely that all the pools would burn; even CP&L now admits this. Such a fire could release far more radiation than did the 1986 Chernobyl accident.

The NRC acknowledges that terrorism is a troubling risk factor but is difficult to quantify and, thus, is omitted from risk analyses. At this time, I do not know how CP&L plants have fared in OSRE exercises. Coincidental to our challenge to the Shearon Harris expansion, nuclear expert David Lochbaum of the Union of Concerned Scientists confirms that terrorist damage to a SF cooling pool would likely be decreased if plants used less densely packed pools, because loss of water would not necessarily cause ignition of less tightly packed waste assemblies. As you know, we have been pressing CP&L to use low-density pools, coupled with dry storage.

Second, CP&L has had a series of serious security violations at its plants - including Harris - in recent years. In 2000, CP&L's former number two security official sued the company for allegedly firing him after he refused to lie to the NRC about security lapses. Information obtained in his lawsuit revealed the following violations:

- * 1996: An NRC report detailed three apparent violations of drug testing regulations at the Brunswick plant.
- * 1996: One worker gained inappropriate access to CP&L plants; others obtained clearance without proper background documentation. A security supervisor was terminated for poor job performance.
- * 1997: One worker with a criminal drug record, and three others who failed psychological evaluations, were granted unescorted access to Shearon Harris for more than a month. Fourteen workers were granted unescorted access without proper background reviews.
- * 1999: Unauthorized employees gained clearance to work in CP&L plants. After initial discovery, the problem was compounded by a second internal error. The problem was caught before employees entered any plant. This led to the lawsuit where the security official alleges he was blackmailed and fired for refusing to lie to the NRC.

These problems involving unauthorized workers must be viewed in light of the fact that at each plant, refueling occurs about every 18 months. At such times, as many as 800 temporary workers are brought in, each of them requiring background checks prior to authorization.

As we have noted to you on several occasions, CP&L admits that the consequences of a severe waste pool accident could be catastrophic, but rests the case for its proposed expansion on the single – and unsupported – argument that the probability of an accident is remote. The uncontrollable factor in any risk equation is the potential for sabotage or terrorism.

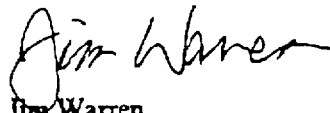
Coupled with the well-demonstrated vulnerability of nuclear plants in general, and industry attempts to weaken the sole program to test plant security, NC WARN is understandably concerned that one of the nation's largest nuclear stockpiles, with a million people living around it, would be an enticing target for a terrorist. Of course, these issues stretch far beyond North Carolina – because of security at other plants, and because an accident at the nation's largest waste site, if allowed at Shearon Harris, would likely extend far beyond state borders.

Finally, I reiterate the concern of regional government officials that not only has the NRC's review process of CP&L's waste expansion been badly flawed, but increasing evidence indicates that within that process, the NRC and CP&L colluded to distort the most central safety issues. I believe that the NRC Inspector General's office will confirm that allegation, but its report could be months away. As stated so well by Chapel Hill Councilman Kevin Foy, "In the face of what appears to be purposeful misrepresentations in the record, any decision (to approve CP&L's plan) made by the NRC lacks credibility."

It seems obvious that, given the numerous uncertainties regarding safety and due process, the NRC Commission should be expected to err on the side of conservatism – safety – and conduct open hearings and an environmental impact statement. But that seems unlikely unless the Commission is induced by someone in your position to exercise its full discretionary authority to act on "any consideration deemed to be in the public interest." Because its pools are nearly full, CP&L is pressuring the NRC to ignore Orange County's appeal. But the company has other options for managing its waste until all scientific concerns are carefully examined in open evidentiary hearings. I urge you to insist that the NRC must, at long last, open the door and fairly consider the concerns of prominent nuclear experts who cast serious warnings about CP&L's plan.

Senator Edwards, given your increasing stature in the Senate, I hope you will take the lead on the plant security issue: Security at nuclear plants should be increased, not weakened. And because the security issue increases public concern about the nuclear threat in North Carolina, I again urge you to intervene with the NRC on the CP&L expansion, without delay.

Sincerely,



Jim Warren
Executive Director
NC WARN

cc Rep. David Price
Orange County Board of Commissioners
NC Sen. Ellic Kinnaird
NC Rep. Joe Hackney
NRC Chairman Meserve
NC regional government officials

Attachments