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**OFFICIAL TRANSCRIPT OF PROCEEDINGS**

**NUCLEAR REGULATORY COMMISSION P3 28**

ADVISORY  
ADMINISTRATIVE

00 JAN 15 1999

DOCKETED

**Title: CAROLINA POWER & LIGHT  
(SHEARON HARRIS)**

**Docket No.: 50-400-LA**

**Work Order No.: ASB-300-1049**

**LOCATION: Chapel Hill, NC**

**DATE: Tuesday, December 7, 1999**

**PAGES: 1 - 91**

**ANN RILEY & ASSOCIATES, LTD.  
1025 Connecticut Ave., NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034**

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

Jane S. McKimmon Conference Center  
North Carolina State University  
Corner of Gorman Street & Western Avenue  
Raleigh, North Carolina

Tuesday, December 7, 1999

The above-entitled meeting commenced, pursuant to  
notice, at 1:04 p.m.

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## P R O C E E D I N G S

(1:04 p.m.)

1  
2  
3 MR. Bollwerk: Good afternoon. I'd like to begin  
4 this afternoon by introducing ourselves. In accordance with  
5 the provisions of the Atomic Energy Act and the regulations  
6 of the United States 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 & Light  
12 Company to amend its 10-CFR Part 50 license to operate the  
13 Shearon Harris Nuclear Power Plant to expand the facility's  
14 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. Dr. Lam, also a  
19 nuclear engineer is a full-time member of the Panel.

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

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

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

4 In response to a notice of opportunity for  
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 to place  
13 those 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 Carolina Power & Light Company and the NRC staff  
17 filed responses to those issue statements, as well as the  
18 Commissioner's arguments about why it had legal standing to  
19 be a party to this proceeding. On May 13, 1999, we  
20 conducted a day long pre-hearing conference in Chapel Hill,  
21 North Carolina, during which these participants had an  
22 opportunity to make oral presentations regarding the issues  
23 of Petitioner Orange County's standing to intervene and the  
24 admissibility of its eight proffered contentions.

25 Based on the parties filings and this oral

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

7 Generally following such a ruling, the parties  
8 would proceed under the agency's rules in 10 Code of Federal  
9 Regulations, Part 2, Sub-part G, which provides for formal,  
10 trial-type hearing. In this instance, however, because the  
11 CP&L amendment request involves the expansion of its spent  
12 fuel pool capacity, any of the parties could invoke a  
13 separate set of procedural rules found in Sub-part K of Part  
14 2 of the Commission's regulations. These rules provide for  
15 a 90 day period for discovery among the parties, followed by  
16 simultaneous written submissions by the parties and an oral  
17 argument before the licensing Board addressing the central  
18 issue of whether, relative to the admitted contentions,  
19 there are any disputed issues of fact or of law that require  
20 an evidentiary hearing. Considering the parties' filing and  
21 the oral argument, the Board then is to issue a decision  
22 that designates those matters that require an evidentiary  
23 hearing and disposes of any issues that do you require such  
24 a hearing.

25 As was its right, Carolina Power & Light Company

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1 invoked the use of the Sub-part K procedures. As a  
2 consequence, pursuant to a Board established schedule, the  
3 parties have engaged in discovery regarding the admitted  
4 contentions and will provide the Board with their written  
5 submissions in late December. Then counsel for the parties  
6 will appear before the Board on Tuesday, January 4, 2000, in  
7 the Licensing Board Panel's Rockville, Maryland, hearing  
8 room to present oral argument regarding the substantive  
9 validity of the admitted contentions and whether any further  
10 evidentiary proceedings are required. A Board ruling will  
11 follow sometime thereafter. If the Board determines that  
12 additional evidentiary proceedings are in order, those  
13 likely would be held in a North Carolina location in the  
14 vicinity of the Shearon Harris facility.

15 This in a nutshell described the NRC adjudicatory  
16 process relating to this proceeding. And this naturally  
17 prompts the question, what then are the "limited  
18 appearances" in which the Board has invited public  
19 participation.

20 Under Section 2.715(a) of the Commission's rules  
21 of practice, the Board has the discretion to entertain from  
22 any person "who is not a party" a written or oral statement  
23 of his or her position on the issues in the proceeding.  
24 This provision, which was first adopted as part of the  
25 agency's hearing rules back in 1962, recognizes there is a

1 need to provide an opportunity for input from members of the  
2 public who, despite not having sought party status, have an  
3 interest in the subject matter of the proceeding.

4 As we indicated in the October 14, 1999 Federal  
5 Register notice scheduling this and other sessions here and  
6 in Chapel Hill, limited appearance statements do not form  
7 part of the evidentiary record of the proceeding upon which  
8 the Board must rely in making any decision on the merits of  
9 the issues proffered by Orange County. Nonetheless, as we  
10 also recognized in that notice, the public's limited  
11 appearance statements "may help the Board and/or the parties  
12 in their deliberations in connection with the issues to be  
13 considered in this proceeding." Indeed, as you can see,  
14 like the Board, the parties to this proceeding, Orange  
15 County, Carolina Power & Light Company and the NRC staff are  
16 here to listen to what is said this afternoon.

17 In this regard, I'd like to take a second now to  
18 have the representatives of the parties identify themselves  
19 for the record. Why don't we begin with Orange County, then  
20 Carolina Power & Light Company, and finally the NRC staff.

21 MR. THIMES: I'm Paul Thimes. I'm the County  
22 Engineer for Orange County.

23 MR. Bollwerk: All right.

24 MR. O'NEILL: John O'Neill with Shaw Pittman in  
25 Washington, D. C., counsel for Carolina Power & Light

1 Company.

2 MR. CAVES: John Caves, Manager of Regulatory  
3 Affairs  
4 for Carolina Power & Light Company.

5 MS. UTTAL: Susan Uttal, NRC Staff Counsel.

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

7 MR. Bollwerk: All right, thank you all.

8 And in this regard, let me emphasize again that  
9 this is an opportunity to hear from those interested  
10 individuals who are formally involved in this proceeding as  
11 parties. Consequently, the admitted parties will not be  
12 making statements here this afternoon, rather, like the  
13 Board, they are here to listen.

14 Finally, let me say just a word about the  
15 procedure for making a statement. We had some individuals  
16 who preregistered and will be afforded an opportunity to  
17 speak first at this session. Once we have heard from those  
18 individuals we will move on to anyone else who registers  
19 here this afternoon. For anyone who wishes to make a  
20 statement, on the table over in the corner over there is a  
21 clipboard with a sheet to write your name and affiliation,  
22 if any. We will collect those sheets from time to time and  
23 call the speakers in the order in which they sign in. You  
24 must sign in if you wish to speak.

25 We will keep a watch on the time each speaker is



1 taking and I'll advise you when it's time to conclude your  
2 remarks.

3 Given the number of preregistration and the size  
4 of the audience presently, we will begin by permitting  
5 statements of up to five minutes. However, if we see that  
6 the list of speakers is growing, we reserve the right to  
7 shorten the time allotted for each presentation to ensure  
8 that everyone who wishes to speak has an opportunity to do  
9 so.

10 Also, I think it is important to allow the Board  
11 and the parties to hear fully the remarks of each speaker  
12 without intrusions. Accordingly, I would ask that you  
13 respect each individual's right to address the Board by not  
14 interrupting with verbal comments or other sounds either  
15 supporting or opposing any viewpoint being presented.

16 With this explanation, let's begin with our first  
17 speaker. The first preregistration that we had was Mayor  
18 Tom Fetzer of the City of Raleigh. Did I pronounce that  
19 correctly, sir.

20 MAYOR FETZER: You did, sir.

21 MR. Bollwerk: Okay. And the last name is  
22 F-E-T-Z-E-R.

23 MAYOR FETZER: Yes.

24 Actually, sir, to be accurate, former mayor as of  
25 about an hour and a half ago.

1 MR. Bollwerk: Is that good news or bad news?

2 MAYOR FETZER: Well, it's definitely good news for  
3 the city and I think it's good news for me personally.

4 Thank you for giving me the opportunity to speak.  
5 Until this morning I had the privilege of serving as Mayor  
6 of Raleigh. I'm not here today to debate the technical  
7 merits of the proposal that you're considering, I'm sure  
8 there's a whole staff of technical and legal folks to help  
9 you through that process.

10 I am here today to talk about what I do know. I  
11 have worked with Carolina Power & Light Company, under a  
12 number of different circumstances. As a matter of fact,  
13 have been a customer of theirs for about the last forty  
14 years. In every case I have found them open to ideas and to  
15 be very straight forward and the same has held true on this  
16 issue.

17 The most important reason that's true is because  
18 Raleigh is CP&L'S home. About thirty-five hundred of  
19 Carolina Power & Light's employees live in this area, they  
20 are our largest private employer. In fact this Carolina  
21 Power & Light was named the best place to work in the  
22 triangle and I think it says a lot about the Company that  
23 its employees nominated their own work place for this award.

24 Finally, I want to say that one of the lessons  
25 I've learned in public life is the lesson of the hidden

1 agenda. For example, I wonder about the real agenda of the  
2 opponents of Carolina Power & Light storage plan. I wonder  
3 if what they really want is to put an end to nuclear power  
4 and I wonder if they would have opposed any plan Carolina  
5 Power & Light offered to responsibly store its spent nuclear  
6 fuel.

7 If you have any doubts, consider this. I asked  
8 Carolina Power & Light, in the beginning, to keep me  
9 informed about this issue. One of the background documents  
10 the Company provided me was a Fort Lauderdale newspaper  
11 story describing a similar nuclear fuel storage issue in  
12 Florida, a copy of which I have attached here and here's the  
13 irony.

14 In Florida, anti-nuclear activists are opposing  
15 cask storage. They say it's dangerous. In contrast, in  
16 North Carolina the anti-nuclear activists are proposing cask  
17 storage, they say it is safe.

18 The bottom line is that safety is not the real  
19 issue with either group. The real issue is that they are  
20 opposed to an expansion of nuclear storage capacity and they  
21 will fit their arguments to the circumstances toward  
22 achieving that goal and therein the hidden agenda.

23 The point is here, gentlemen, is that every - all  
24 people have every right to question and dissent, that's part  
25 of the wonderful place in which we live, but their criticism

1 must be met with skepticism because of the larger  
2 anti-nuclear power agenda that drives them.

3 To members of this august panel we ask nothing  
4 more and certainly nothing less than your continued careful  
5 consideration of these important issues and I thank you for  
6 allowing me to speak.

7 MR. Bollwerk: Thank you, sir.

8 All right, the next preregistered speaker was Mr.  
9 Henry Bell Pickett, Jr. that's P-I-C-K-E-T-T.

10 The speakers, wherever they feel more comfortable.  
11 If they like to speak at the podium, that's fine. If you  
12 prefer to sit at the table, do whatever suits you.

13 MR. PICKETT: Good afternoon. Thanks for  
14 permitting me to appear before the licensing board.

15 I'm a native of North Carolina having spent only  
16 two years in the United States Army, part of the time being  
17 at Fort Jackson, South Carolina and Augusta, Georgia.

18 Since arriving back in North Carolina in 1963,  
19 CP&L has provided me and my family with electricity. During  
20 the time of hurricanes we could always depend on CP&L to do  
21 everything within its power to return us back to normalcy as  
22 soon as possible.

23 When I started pastoring in the early 1970's my  
24 first pastorate was at the New Hill First Baptist Church  
25 which is down the road from the Shearon Harris Nuclear Plant

1 so I'm familiar with the area of concern.

2 Since CP&L has demonstrated safety in storing used  
3 rods for twenty-five years, as a Company, and ten years at  
4 the Shearon Harris Plant it would make a lot of sense to  
5 prevent CP&L to continue storing the used rods. It is not  
6 CP&L's fault that the United States Department has not built  
7 a permanent storage facility as mandated by Congress.

8 I must remind you that the Harris Plant has  
9 consistently been rated as one of the safest and best  
10 performing nuclear plants in the country. Nuclear power  
11 provides nearly fifty percent of the electricity generated.  
12 The performance of those nuclear plants allows CP&L to  
13 provide power with its customers at rates below the national  
14 average and I'm sure that would place a distinct hardship  
15 upon the poor people of this area and other areas.

16 CP&L has supported various efforts of  
17 organizations, which I'm a part of, in Wake County area by  
18 donating funds earmarked for scholarships to help  
19 disadvantaged students attend college.

20 And so, I would hope that this panel would give  
21 CP&L the greatest concern as far as permitting it to  
22 continue what it has been doing for a long time.

23 Thank you.

24 MR. Bollwerk: Thank you, Mr. Pickett.

25 Let me just mention again that we had some people

1 come in in the interim. There is a registration table, over  
2 there in the corner. If you wish to speak you need to sign  
3 up on the list that's over there and we'll move to the  
4 speakers on that list once we finish with our preregistered  
5 speakers.

6 Again, there is a list over there and you need to  
7 sign up if you do wish to speak.

8 Our next preregistered speaker was Mr. Herman  
9 Jaffe, J-A-F-F-E.

10 MR. JAFFE: To the Atomic Safety & Licensing Board  
11 Panel and the General Public.

12 I would to remind you that the Nuclear Regulatory  
13 commission is an independent federal agency responsible for  
14 licensing, inspecting and assuring everyone's safety and  
15 protection from facilities using radio active materials.  
16 The NRC defines me as an allegor. A person who has a  
17 potential safety concern.

18 My allegations are that Carolina Power & Light has  
19 proposed to start an unnecessary high risk action at Harris  
20 plant and operates it in a very unsafe manner.

21 Harris's uniformed security guards work for a  
22 private company. They patrol the periphery and control the  
23 gates, working as a contract company. These guards are no  
24 different than the guards you see at a shopping mall and  
25 gated communities. By proposing to make Harris the largest

1 high level nuclear waste site in the country, CP&L will  
2 attract local terrorists and worldwide terrorist groups.  
3 Therefore, by using low paid, low motivated guards puts  
4 everyone at risk.

5 Secondly, CP&L proposes to start finishing, at  
6 Harris two old water pools and transport to them high level  
7 nuclear waste from three reactors it owns in North and South  
8 Carolina. This waste is in the form of a 12 foot rod, 2  
9 feet in diameter, weighing from seven hundred to a thousand  
10 pounds, each filled with hot uranium pellets the size of a  
11 lead pencil erasure that are owned by the Department of  
12 Energy.

13 In order to transport these rods, they will be put  
14 in special steel casks making them fifteen feet long and  
15 five feet in diameter then they will be put on seventy ton  
16 railroad cars or forty ton trucks for shipment to Harris.

17 When they arrive they have to be lifted out of the  
18 cask and floated into deep pools of running water, where  
19 fifteen feet of water above and below the hot waste has to  
20 be kept running between the upright rods, standing about two  
21 feet apart on a platform. This running water is  
22 recirculated in Harris Lake normally. But, CP&L wants to  
23 reduce the standing space to several inches between the  
24 standing rods they want to send from the other reactors.

25 The two pools now at Harris will hold about three

1 thousand rods as approved. The two pools they want to,  
2 finish building, that are the same size, they want to put  
3 four thousand rods in. The plan will require transporting,  
4 handling four thousand rods, four times each and that's  
5 sixteen thousand chances of an accident.

6 Can they be kept at the separate sties of the  
7 reactors where these rods were built and needed? Yes, that  
8 is the original agreement. After five years in the running  
9 water the rods can be held in dry cask storage waiting for  
10 permanent storage.

11 The Department of Energy owns this waste and  
12 agreed to build a permanent storage site years ago, when the  
13 reactors were planned. The permanent, thousand year site,  
14 will be ready about the year 2002.

15 The delayed storage costs can be paid out of the  
16 rate fee being charged now for the reactors electricity.  
17 This is the fee the Department of Energy is using to build  
18 the permanent storage site. All one hundred eleven reactor  
19 plants have filed a lawsuit to ensure collecting for the  
20 delayed storage costs.

21 Why does CP&L want to change the agreement?  
22 Probably uncertainty over a lawsuit against the government  
23 or having two partially built pools for an unfinished  
24 reactor, the current explanation is beyond me.

25 Let's not kid ourselves, accidents happen. Yes,



1 after years of study the Nuclear Energy Institute, a trade  
2 group think tank in Washington, D. C. produced a short movie  
3 to show visitors at the plants called Safety In Motion. the  
4 trade group also distributes this pamphlet that they  
5 produced called Safety In Motion. Guess what, I'll quote  
6 you from it, "Let's not kid ourselves, accidents happen."

7 I understand CP&L thinks it can save thirty five  
8 million dollars with their new proposal to the NRC but one  
9 accident will cost us hundreds of billions of dollars and  
10 tens of thousands of lives as studies at Brookhaven National  
11 Labs in New York Have shown.

12 Now here is the real stupidity of CP&L's new plan.  
13 Within five years of setting that up and going, CP&L knows  
14 they will have to start dry storage of the rods. Does their  
15 right hand know what their left hand is doing? I don't  
16 know.

17 A recently retired professor at the University of  
18 North Carolina, Chapel Hill, a Mr. David Martin who  
19 specialized in nuclear physics and safety reviewed CP&L's  
20 plan. Professor Martin said,

21 "Because of the possible penalties of mistakes or  
22 accidents we simply must have to take the safest direction.  
23 Dry cask storage is safer at the reactor sites. We are  
24 living with a very risky situation. Everything has to keep  
25 going just right in order to avoid a serious problem."

1           This excellent book here, published recently,  
2 titled, The Polar Bear Strategy, reflects on risks in modern  
3 life by Mr. John F. Ross, a senior editor at the Smithsonian  
4 magazine. I suggest you read it. The book took five years  
5 for Mr. Ross to write and it is his thoughts, and many other  
6 scholars on risk and risky situations such as we have here.

7           Now, we have survived an accident at Three Mile  
8 Island in Pennsylvania during 1979 and Chernobyl in Russia  
9 during 1986. I think we've been very lucky.

10           The Polar Bear Strategy is full of facts and has a  
11 bibliography to help.

12           Now it is your responsibility to move us in the  
13 right direction. Would you please consider the points I  
14 have raised in my allegations today and present them to the  
15 proper authorities. Thank you.

16           MR. Bollwerk: Thank you, Mr. Jaffe.

17           MR. JAFFE: If you would like any of these  
18 pamphlets, they're available by the millions.

19           MR. Bollwerk: All right, sir.

20           MR. PARSONS: Thank you for this opportunity to  
21 speak before the Board. I feel these forums are beneficial  
22 and foster a greater public understanding of the process and  
23 the issues.

24           I'm retired, after thirty years employment in the  
25 nuclear industry, including twenty years with Carolina Power

1 & Light Company. I've held positions of responsibility in  
2 the nuclear industry in construction, engineering and  
3 operations.

4 I was in charge of the construction activities  
5 when we build the Harris plant. During my career I worked  
6 on seven different nuclear plants, starting as resident  
7 engineer for the construction contractor on the H.B.  
8 Robinson plant in 1966. During my years in the nuclear  
9 industry I've worked with and within organizations totaling  
10 thousands of nuclear professionals.

11 I'm here on my own because I'm concerned that so  
12 many of the fault finding of nuclear industry activities  
13 reflects unfairly on nuclear workers. Much of the industry  
14 criticism by nuclear opponents ultimately operates by  
15 insinuation to question the competence and dedication of the  
16 men and women working in the industry and I resent this.

17 The nuclear workforce does not get the recognition  
18 they deserve for working hard, playing by the procedures and  
19 achieving a record of effective performance, second to none.  
20 My thirty years of nuclear industry experience convinces me  
21 that the nuclear workforce consistently puts safety above  
22 all else, even profits. Indeed, in the nuclear industry  
23 there can be no profits without absolute dedication to the  
24 principle of safety first.

25 As the ASLB goes through the process of evaluating

1 the proposed Harris spent fuel proposal, I predict the Board  
2 will hear many allegations attempting to call into question  
3 the skills, dedication and motives of nuclear engineers,  
4 managers, maintenance workers and operators. As you hear  
5 such allegations I hope you will consider them in the  
6 context of the facts which demonstrate the excellent  
7 performance of the U. S. nuclear workers who portray a  
8 dedication to safety above all else. They are good people.

9 Consider that there are around sixty thousand  
10 nuclear workers on one hundred nuclear reactors in the  
11 United States operating, maintaining and refueling every  
12 twelve to twenty- four months. They've been doing this for  
13 at least the past twenty years, and in some reactors it's  
14 been on-going for as long as thirty years. During this time  
15 the workers have not harmed any member of the public. The  
16 same cannot be said for any other significant energy source.

17 I hope this perspective does not get lost in the  
18 decision making process concerning the request to increase  
19 spent fuel storage at Harris.

20 MR. Bollwerk: All right, sir. Thank you very  
21 much for your statement.

22 MS. UTTAL: Judge?

23 MR. Bollwerk: Yes.

24 MS. UTTAL: I've been advised that the people in  
25 the back can't hear the statements.

1 MR. Bollwerk: We have a problem with the  
2 microphone there. Maybe we need to check that.

3 At this point we're at the end of our  
4 preregistered speakers. Let us check that microphone.

5 If anyone wants to sign up, the sign up sheet is  
6 over there. Why don't we take five minutes and we'll check  
7 the sound system and make sure everything is working all  
8 right.

9 (Off the record.)

10 MR. Bollwerk: On the record.

11 The first name on our list is Vernon Malone,  
12 M-A-L-O-N-E, affiliated with the Warren County Board of  
13 Commissioners. Is that correct, sir?

14 MR. MALONE: That is correct.

15 Thank you gentlemen for the opportunity of  
16 speaking briefly with you this afternoon. Be assured that I  
17 am not a party to the litigation nor do I speak to you as an  
18 expert on anything.

19 But I would tell you that my interest peaked  
20 several years ago when CP&L first indicated its intention of  
21 building a nuclear generation facility here in our  
22 community. In fact, it was my understanding at the time  
23 that they had planned to build three but that did not  
24 happen. Based on my interest in the whole process, I  
25 followed with some degree of interest both the construction

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MR. Bollwerk: Can I stop you one second sir?  
Sir, you need to stay in the back of the room with the camera please.

Go ahead, sir, I'm sorry.

MR. MALONE: The test area or the test portion of this process and the ultimate operation of it - I do not - please be clear - I do not come seeking leniency for Carolina Power & Light Company. In fact, I want you to hold them to the very highest standards and I am convinced that Carolina Power & Light Company will live up to whatever those standards you set. Based on my past experience and observation of them, their honesty and commitment would suggest that that would in no way be a major problem from them.

From the very beginning, every single question that I've raised, and there have been many because I'm no expert on any of this, but every single question that I've raised has been answered without hesitancy. I know of no blemish, whatsoever, on their safety record. I've even had the opportunity, on numerous occasions to tour the plant and I've always come away high impressed with their attention to detail and safety procedures are they are in place. I even got a chance to peek over into the storage facility and the storage area that is adjacent to the one - to the current

1 one that is under discussion as we speak. There's  
2 absolutely nothing that I know of, in the history of  
3 Carolina Power & Light Company, that would suggest to me  
4 that this company will be less than diligent in doing what  
5 is necessary to protect the health and safety and welfare of  
6 this community.

7 What about their employees? I absolutely do not  
8 believe that Carolina Power & Light Company would impugn the  
9 integrity of its employees by putting them in an environment  
10 that was indeed not safe.

11 My experience is that you can always find somebody  
12 who is going to be negative about something and the news  
13 media has a way of beating up on big companies and  
14 government. If they didn't do that they really wouldn't  
15 have very much to print. Sometimes, I would submit to you  
16 they're on target. However, Warren County can boast of no  
17 better corporate citizen than Carolina Power & Light  
18 Company. In more ways than I can enumerate, CP&L has earned  
19 our trust and they certainly have my trust personally. This  
20 trust factor emanates from the corporate board room down to  
21 the people who rush to restore power after natural, and  
22 sometimes man-made disasters. Am I suggesting that CP&L  
23 should have a free ride, absolutely not.

24 You see I am a member of a vanishing breed. I am  
25 a citizen of Warren County, having been born here and lived

1 here all of my life and I spend to spend the remainder of  
2 years here. I would not stand here today and support any  
3 kind of solution to this major problem we have that I  
4 thought would endanger me personally, my family and my  
5 grandchildren and the more than five hundred thousand people  
6 who live in this community. I think that those who have a  
7 genuine interest in what's best - how best to solve this  
8 should register their outrage with the fact that the  
9 President and Congress have not taken the necessary steps to  
10 build a permanent solution.

11 Sir, my sense is that our time would be better  
12 spent, and we appreciate your being here today, my sense is  
13 that our time would be better spent if we were lobbying  
14 President Clinton and the members of Congress, and I just  
15 left a meeting where Senator Helms was in attendance. We'd  
16 be better off pressing them to provide a permanent facility  
17 for the storage of spent nuclear rods.

18 I absolutely don't have the foggiest idea what we  
19 would do for electricity if, indeed, we did not use nuclear  
20 energy. If we were using fossil fuel in this chamber today  
21 would be people on, for other reasons on the environment and  
22 whatever the case may be.

23 Again, don't be easy on CP&L, make them tow the  
24 line and I guarantee you, from my perspective, they'll do  
25 just that.



1 Thank you.

2 MR. Bollwerk: Thank you, Mr. Malone.

3 Our next speaker is Debra Ferruccio.

4 F-E-R-R-U-C-C-I-O.

5 MS. FERRUCCIO: Thank you gentlemen and ladies, if  
6 there are any to thank. Thank you for being here.

7 I'm Debra Ferruccio. I'm from Warren County,  
8 North Carolina and I have dealt with waste issues. Most of  
9 you who are from North Carolina know that Warren County is  
10 now known as Home of the PCB Dioxin Landfill. In 1978 the  
11 State of North Carolina announced to the people of Warren  
12 County that it was going to cite this PCB landfill,  
13 regardless of public sentiment. For over twenty years since  
14 then we have had to deal with all the issues from have come  
15 from the PCB landfill.

16 I've listened today to the folks who have pretty  
17 much vouched for the safety record of CP&L and I don't doubt  
18 that this people speak from their heart and from the truth.  
19 But, I'd like to share a quote that many of you have  
20 probably heard before. It was from Robert Oppenheimer as he  
21 stood and watched the first atomic blast. He recalled words  
22 from the Bhagavad-Gita. He said, "I am come as time, the  
23 waster of peoples." Now I believe Dr. Oppenheimer was a man  
24 with good intentions and I believe that the people of CP&L  
25 are people with good intentions. I don't have a hidden

1 agenda, as Mr. Fetzer might have described me as one, I  
2 don't have my head in the sand, I have twenty years of  
3 experience related to hazardous waste issues, which are very  
4 similar to nuclear waste issues, particular siting.

5 As the gentleman just said, maybe our time would  
6 have been better spent trying to site a permanent facility.  
7 Don't think that hasn't been done over the last twenty  
8 years. In fact, before the chain link fence was put up  
9 around the PCB landfill, Warren County was named as one of  
10 the top five sites in the United States for a high level  
11 nuclear waste landfill.

12 Siting a landfill is next to impossible, of any  
13 kind. A PCB landfill, the one that was put in Warren County  
14 was a one time. four acre PCB landfill. That landfill has  
15 caused lots of problems. It failed before it was even  
16 capped and, to this day, millions are being spent to try to  
17 solve a problem that is not even close to what a high level  
18 nuclear waste problem could be.

19 I don't doubt, as this gentleman said back here,  
20 that the workers are the best workers possible and that they  
21 surely take safety absolutely as the most important thing.  
22 It's their life too. But I have found from twenty-years of  
23 dealing with the State of North Carolina and with the  
24 Federal Government that people with the best of intentions  
25 make terrible mistakes. All I can say is that I find it

1 absolutely unbelievably amazing that anybody would want to  
2 bring more nuclear waste to a site when they haven't solved  
3 what to do with the waste that's coming from the Shearon  
4 Harris Nuclear Plant.

5           There isn't a permanent solution yet and there's  
6 not going to be an easy permanent solution, I don't care if  
7 it's a reservation in the Southwest or if it's poor county  
8 like Warren County. Every community, when they're faced  
9 with a siting issue, it feels threatened. The only  
10 difference here is that the site already exists, it's  
11 already purchased, it's already in place and it's a whole  
12 different situation.

13           But I would like to warn the people of North  
14 Carolina, I would like to warn the Nuclear Regulatory  
15 people, I would like to warn CP&L that even with the best  
16 intentions, problems are going to happen.

17           I'd like you to know that I know Bill Myer, Head  
18 of Hazardous Waste rather well, Mike Kelly, Deputy Director  
19 rather well. I've known Secretary Jonathan House, Wayne  
20 McDevitt, Bill Holman - all of these people have had  
21 environmental problems that have been dumped in their lap in  
22 their position and they move on because those problems are  
23 seemingly insolvable.

24           I'm warning the State of North Carolina that the  
25 people who may seem like they're asleep today are going to

1 wake up in time to gather the forces and to do what it takes  
2 to stop this on-going importation of high level nuclear  
3 waste. It's unbelievable, I can understand why they thought  
4 putting a dump in Warren County made sense but I cannot  
5 imagine how bringing this kind of waste to a community where  
6 there are lots and lots of people, where there are already  
7 the hazards of a nuclear facility, I cannot imagine why any  
8 Mayor or any County Commissioner or any Town Manager would  
9 be for this.

10 I just want to tell you that these problems go on,  
11 and they go on, and they cost communities, the cost people,  
12 they cost taxpayers and they will drive people, who care  
13 about this state, the good people that care about this  
14 state, they will drive people away from it.

15 I would like to say that we will wake up, twenty  
16 years from now, looking and saying, as I have found, that  
17 North Carolina and its officials and the industries that  
18 these officials have brought are, indeed, wasters of people.

19 Thank you.

20 MR. Bollwerk: Thank you, Ms. Ferruccio.

21 (Applause.)

22 MR. Bollwerk: Our next speaker is Norman Johnson  
23 from North Carolina, Warren.

24 MR. JOHNSON: Could I ask a question. Would I be  
25 allowed to speak at another of your Hearings, say in Chapel

1 Hill if I speak today?

2 MR. Bollwerk: Well, the question is really one of  
3 time, to some degree. I obviously want to give everybody an  
4 opportunity to something at lease before we go into three  
5 times.

6 MR. JOHNSON: Hoping that that can be worked out  
7 I'll try to keep this very short today.

8 I appreciate the fact that we do have you  
9 representatives to listen to the public, although we have  
10 been assured, over and over, that nothing that we say can be  
11 taken as evidence, although it might be thought about  
12 perhaps by this group. I hope that it will be.

13 Former Mayor Fetzer wondered, in his presentation,  
14 if the opponents for CP&L's plan to expand its fuel rod  
15 storage facility would have opposed any form of storage and  
16 claim that there's a hidden agenda that the people who are  
17 opposing this are opposed to nuclear power in any form.

18 Certainly in my case this is not true and I don't  
19 think this is true of most of the people who are opposed to  
20 it. It is true, however, that most of us seriously oppose  
21 the siting of nuclear plants near large centers of  
22 population. This should never have been done. Shearon  
23 Harris is an egregious example of doing something that was  
24 wrong on the face of it and then to add to this problem, by  
25 expanding the nuclear storage facility makes absolutely no

1 sense. This is one of the fastest growing areas in the  
2 country.

3 There was an attempt, recently, to put a so  
4 called, low-level nuclear waste storage facility, very close  
5 to Shearon Harris. The decision was made on political  
6 grounds because it was felt that this was an area where  
7 there were very few people in the absolute immediate  
8 vicinity who had much political clout. That effort has been  
9 defeated. All sorts of people, from all walks of life in  
10 North Carolina have fought that thing for years and have now  
11 defeated.

12 Those same people feel very strongly about  
13 expanding this nuclear - this spent fuel rod facility at  
14 CP&L. All of us believe that CP&L means well but CP&L is  
15 not putting the interest of the public before its corporate  
16 bottom line. It is looking at maximizing its profits in the  
17 short run and is paying little attention to the catastrophic  
18 problems that would ensue if there were an accident.

19 There are better alternatives to this and we  
20 certainly do factor the dry cask method of storage.

21 I hope that you will keep this in mind as you  
22 proceed with your deliberations.

23 Thank you.

24 MR. Bollwerk: Thank you Mr. Johnson.

25 (Applause.)

1 MR. Bollwerk: Our next speaker is Cathy Shipp.  
2 S-H-I-P-P.

3 MS. SHIPP: My name is Cathy Shipp. I live in  
4 Moncure, North Carolina a community very close to the  
5 Shearon Harris plant. A community that would be devastated  
6 if an accident occurred, including - if that accident was a  
7 train accident as high level waste, spent fuel assemblies,  
8 travel the rails through my neighborhood.

9 My concern, or the concern about which I want to  
10 speak at this moment is the process that we're involved in  
11 this week with the limited appearances that are on-going  
12 right now tonight and in Chapel Hill.

13 Today you have come to my neighborhood for a sham  
14 display of open dialogue. Our comments today do not qualify  
15 as evidence or as testimony and will not be part of the  
16 official record in CP&L's case to increase high level waste  
17 at Shearon Harris.

18 What the NRC is doing at this sham public hearing  
19 is despicable arrogant. You do me and my neighbors an  
20 incredible discourtesy to not allow full public comment to  
21 stifle our public comment as you're doing by a limited  
22 appearance only today.

23 We will not stand for this. It's come to this  
24 today but from this day forward we will not stand for  
25 limited appearances and stifled comment. If you refuse to

1 listen and record, I think the best I can do today is show  
2 you what this deceitful process is doing to me and my  
3 neighbors.

4 (Pause.)

5 MR. Bollwerk: Ma'am, you have had five minutes.  
6 Why don't you please be seated.

7 MS. SHIPP: Thank you.

8 MR. Bollwerk: Thank you. Thank you for coming  
9 today.

10 (Applause.)

11 MR. Bollwerk: Our next speaker is Richard Fahey,  
12 F-A-H-E-Y.

13 MR. FAHEY: I'd like to thank you for inviting me  
14 here.

15 MR. Bollwerk: All right. You might want to move  
16 behind the microphone just to make sure everyone can hear  
17 you.

18 MR. FAHEY: I want to talk to them, too. All  
19 right, sir, thank you.

20 We have made peace with Japan, we have made peace  
21 with Germany but we're still circling the Isle of Cuba and I  
22 want to know from you, gentlemen, sometime or other whether  
23 there are nuclear warheads and missiles in Cuba. We have  
24 deprived the Island of Cuba of a decent life by our  
25 embargoes and that's why the Cuban people are over here and



1 have left that country. We have bedeviled Fidel Castro.  
2 Fidel Castro is not as bad as people would have us believe.

3           The point of all this is that when the boats came  
4 in here at Kennedy's demand, he as much as told the  
5 Russians, I will drop a bomb on Moscow if one missile leaves  
6 the Island of Cuba. The Russians, in deep humility, they  
7 came over here in those boats and they loaded these crates  
8 into the boats in Havana harbor and we went over there and  
9 photographed them with our airplanes and watched them go  
10 five hundred miles out to sea, but the crates they loaded  
11 were empty. They didn't have the missile heads. That's why  
12 I believe, I don't know, I've been told this by a Cuban  
13 doctor, I'm a physician myself, that's the reason we're  
14 still circling Cuba but they won't be honest about it.

15           That makes - if there are missile on the Island of  
16 Cuba then this area here, Fort Bragg, the populated city of  
17 Raleigh and your Nuclear Plant are all targets.

18           I was in England during WW II and planes were  
19 going out daily to unload their missiles - ball bearing  
20 points so the Germans couldn't have big trucks. They'll  
21 unload them here so we won't have any people and we won't  
22 have any Fort Bragg.

23           If there are missiles still on the Isle of Cuba so  
24 we don't need to be piling one pile of nuclear junk after  
25 another out there near us. It's ten miles from where I

1 live. I don't care, I'm going out of this world. I'm,  
2 eighty-three years old but I'm just saying - I'm a  
3 physician. My part is not only to protect people bodily or  
4 spiritually but bodily as well and this stuff that you're  
5 using is just like --, it gets in your throat. It goes and  
6 seeks out a place in the blood stream and hides in your  
7 joints and gives you rheumatoid arthritis or it gets in your  
8 heart and gives you rheumatoid cardiac disease or it gets in  
9 your brain and gives you meningitis or encephalitis due to  
10 rheumatoid infection. It depends where that bug is going to  
11 hit you.

12 This nuclear stuff that's being thrown around goes  
13 in your body and sits in - it loves to live in your ribs  
14 where the bone marrow is made. Fifteen years down the way  
15 the kids will be coming down with leukemia in this  
16 neighborhood because some of it seeped out. It stays in  
17 there and you won't be - fifteen years from now the stuff  
18 went in him today is going to be there fifteen years from  
19 now.

20 These are things that are endangering people's  
21 lives and that's where it's at. I don't know if there's  
22 missiles on the Island of Cuba but I've written to Governor  
23 Hunt and I've written to - I wrote to Jesse Helms, Jesse  
24 Helms says it's only low level stuff that they're putting  
25 over there, don't worry about a thing. I like Jesse Helms

1 but he's got the same - that low level is just a play on  
2 words to deceive people. It's high level stuff this nuclear  
3 rods. It's not low level. What are you trying to fool  
4 somebody, let's call a spade a spade, that's where it's at.

5 We have never been invaded by any foreign country.  
6 We think we're impervious to being invaded, well, I don't  
7 think we are. I thought, at one time, that we wouldn't be  
8 able to conduct the war in Europe but we did. When I was  
9 going to - one fellow said to me, don't worry about it.  
10 We'll dig a hole right under Ziegfield Line if we have to go  
11 under it we'll go under it. But they did conduct a war over  
12 in your, our country. Some of those other countries are  
13 getting big, Argentina is getting big, they can conduct a  
14 war here. They've got airplanes that go eighteen hundred  
15 miles an hour. No way you could stop them if they started.  
16 You're engaged in all kinds of danger of getting this  
17 nuclear pile that you're going to have stuck over here  
18 blowing up all over the people here. You're good willed  
19 people, you want to do what's right, you're running a  
20 company, you want to see nuclear energy brought out and so  
21 you're trying to do what you can.

22 Now, the other thing is the carbon plants, you  
23 know, the ones that turn out the carbon that generate the  
24 electricity and coal, they're not that bad. Oh, somebody  
25 will cry they might give somebody asthma. They don't give

1 people asthma. The thing that gives people asthma is that  
2 there is physiological action on the muscles of their  
3 bronchial. They go into spasms when you breath in the  
4 carbon dioxide - carbon I mean, I don't mean carbon dioxide.  
5 So it's not a good science to say oh, because there's a coal  
6 plant over there and it's throwing soot over here, that's  
7 the cause asthma for people. That's not true. I lived in  
8 Chicago all my life. The steel plants were throwing out -  
9 the dust was all over the table. I don't say it's a good  
10 thing but I don't think it's the cause of asthma. There are  
11 other causes. You've got to be scientific and find out what  
12 the other causes are.

13 What causes muscular dystrophy, what causes the  
14 muscle in the bronchial to spasm. -

15 MR. Bollwerk: Dr. Fahey, I'm going to have to ask  
16 you to kind of wrap up your remarks here because you're over  
17 your time.

18 MR. FAHEY: Okay, thank you, I'm through.  
19 Goodbye.

20 MR. Bollwerk: Thank you, sir.

21 (Applause.)

22 MR. Bollwerk: The next speaker is Fran Olson,  
23 O-L-S-O-N.

24 MS. OLSON: I speak to you as minister, mother,  
25 grandmother and the daughter of a physicist who worked with

1 the Pentagon in the war years. I'm also a member of an  
2 action group in Chatham County and I live in Farrington,  
3 very close to the Shearon Harris plant.

4 I consider this issue part of a peace making and  
5 social justice issue which many of our area congregations  
6 focus on and share this concern. Most of my concerns are  
7 about the health issue but also about the moral issue. I  
8 have read scientific materials which substantiates the  
9 effects of radiation exposure to the human body with  
10 particular deteriorating effects on the bone and muscular  
11 tissue. I believe the reality or possibility of high  
12 pollution in the ground and the water in this area is very  
13 present.

14 What concerns me, I guess, most of all is the  
15 possibility of an accident which is likely with either major  
16 or minor discharge of dangerous radiation to thousands that  
17 live in this area. The moral issue for me is the fact that  
18 I do not believe the CP&L officials have been honest with  
19 the public about the safety issues concerning the pollution  
20 and the possibility of accidents and they have not truly  
21 listened to the concerned public both in this area and in  
22 Chapel Hill.

23 My plea today is for honest communication with the  
24 public and a greater concern for public health of our  
25 citizens rather than increasing monetary profits and

1 increasing risks to the people who live in this area.

2           There are a number of us who meet regularly with  
3 the NC1 and the Chatham county action group. We believe  
4 that there are lots of people, very much concerned. Such  
5 statements as, we deserve to be involved in decisions by a  
6 corporate giant like CP&L when its actions place millions of  
7 North Carolinians at an increased risk from a major nuclear  
8 accident. With twenty-nine -- worth of CZM 137 to be stored  
9 at the Harris plant, even a partial release could cause many  
10 thousands of deaths.

11           These are the concerns and I think in the prayers  
12 of many believers who worry about the life in this part of  
13 the country.

14           Thank you.

15           (Applause.)

16           MR. Bollwerk: Thank you Ms. Olson.

17           Let me mention again that that is a sign-up list  
18 over on the table in the corner. If you wish to speak you  
19 do need to sign up.

20           Our next speaker is Paul Benbow, B-E-N-B-O-W.

21           MR. BENBOW: Hello. My name is Paul Benbow and I  
22 would like to thank you for allowing me the opportunity to  
23 speak at this meeting.

24           I've been a Raleigh resident since 1962. I would  
25 like to tell you why I think expanding the storage pools and

1 increasing the total amount of spent nuclear fuel at the  
2 Shearon Harris plant is a bad idea.

3 I am, however, okay with nuclear power. I think  
4 it's something we need, I'm just against the total amount of  
5 spent fuel you want to put in one location, close to all of  
6 the people.

7 I'm not an engineer, I'm the Sales Manager of a  
8 small local business. I have found five reasons why I think  
9 we should ultimately reject CP&L's proposal for the  
10 expansion at Shearon Harris. I think they are pretty  
11 obvious reasons. I just was born with a lot of common  
12 sense.

13 At the conclusion of this short speech I will  
14 summarize my five reasons and offer a safer proposal for I  
15 don't allow any of my people to criticize without giving me  
16 an alternative.

17 When I was a child, I attended a local elementary  
18 school here in Raleigh. I remember my father telling me of  
19 the proposed nuclear power plant to be constructed and that  
20 one day electric power would be too cheap to meter. That  
21 same year I remember watching the film entitled "Our Friend  
22 the Atom." I can tell you that when I pay my power bill it  
23 is not too cheap to meter. I can also tell you that the  
24 atom has been a lousy friend.

25 Let's talk about CP&L's plan and why it's a bad

1 idea. The history of Shearon Harris would let you know that  
2 when the plan was approved by the NRC the United States saw  
3 the worst nuclear power plant disaster in history, Three  
4 Mile Island. A little known fact about Shearon Harris is  
5 that it was approved and constructed according to the plans,  
6 as submitted to the NRC, and not built to the stricter new  
7 standards implemented as a result of the Three Mile Island  
8 disaster.

9 We're talking about code requirements here. The  
10 questionable construction and old code requirements is my  
11 first reason against the proposed expansion at Shearon  
12 Harris. The code requirements when the plant was built are  
13 not as tough as the current code. CP&L should not consider  
14 placing more spent fuel at Shearon Harris then is absolutely  
15 necessary.

16 More history on Shearon Harris. The original plan  
17 at shearon Harris called for four reactors with four  
18 temporary spent fuel storage pools. A good idea, four  
19 reactors, four pools. At the completion of the first  
20 reactor, the plans for the additional reactors were shelved.  
21 Now CP&L's plan is to transfer spent fuel from other plants  
22 into Shearon Harris. Additionally, even more scary,  
23 expanding these polls with racks to retrofit the pools to  
24 hold more than the amount of spent fuel that these pools  
25 were designed for.



1           So, we have gone from a fairly well thought out  
2 plan of four pools servicing four reactors to four pools  
3 servicing one local reactor and the extra waste coming from  
4 all the other CP&L plants that CP&L wants to ship its  
5 nuclear waste from. It is a nuclear fuel handing accident  
6 waiting to happen. This stacking and racking of fuel rods  
7 is my second reason against the expansion at Shearon Harris.

8           My third reason is not far behind, putting over  
9 six times the total amount of spent fuel, as required by the  
10 current single reactor, in one location is not a good idea.  
11 Suppose the plant has a problem, will the pools be guarded  
12 against an accident if there's a loss of power? Suppose  
13 there's an accident stacking the fuel on the racks, will the  
14 plant melt down or have an accident because no one will be  
15 able to operate the plant. These are valid questions.

16           If you think about it, my second and third reasons  
17 are the potential for disaster in which is becoming a spent  
18 nuclear fuel storage facility - not a power plant.  
19 Fundamentally, CP&L is proposing to change Shearon Harris  
20 into more than a power plant. Blend in the fact that  
21 Shearon Harris was not constructed to the current, more  
22 strict, codes and you have all the components for a disaster  
23 that dwarfs Chernobyl and Three Mile Island. Think about  
24 it.

25           My fourth reason is all of the handling of the

1 spent nuclear fuel rods and the danger involved each time we  
2 handle these rods. Let's see, first I move the rods from  
3 another CP&L plant and hope that no accident happens. Then  
4 I put it on a truck or train car and I move it to Shearon  
5 Harris, hoping no accident happens. I unload the train,  
6 truck or car, put the rod into the pool in the rack,  
7 retrofitted - oh, and by the way, if an accident happens  
8 where all that spent fuel is at Shearon Harris it could be  
9 pretty bad as opposed to having it at outlying plants where  
10 there's not as much fuel to have a problem with. But, let  
11 me continue.

12 Fourth, we hold this fuel in a pool that requires  
13 constant monitoring and the reliance of mechanical systems  
14 to keep the spent fuel from contaminating the entire fifty  
15 mile radius of the plant. Then one day, yes it's time to  
16 finally move these spent fuel rods to their final resting  
17 place, take them home. Most of this procedure will be  
18 repeated many times each year and all of these times are an  
19 opportunity for disaster.

20 Well, I promised five reasons and I've covered  
21 four but I saved my best one for last. We're talking about  
22 spent fuel rods here. Any accident will kill or cause  
23 cancer. Major accidents will affect the one million or so  
24 people that live in this area. This is not a good spot for  
25 a spent fuel repository as CP&L is suggesting. My fifth

1 reason is a no brainer. Too many people, too close to, too  
2 much toxic spent fuel rods. Period.

3 Now for my summary, as promised, and my proposal  
4 for CP&L.

5 I would like to see Charging Party store their  
6 fuel in dry storage facilities located at each nuclear power  
7 plant. this coincides with the NC Warn plan for doing this  
8 and eliminates all of my objections. In summary;

- 9 1. Shearon Harris's construction, using the older  
10 design standard and older code requirements would  
11 be of no consequence if the spent fuel was kept at  
12 each plant where it was created, placed in dry  
13 storage.
- 14 2. Expanding the fuel pools and using retrofitted  
15 racks to increase capacity is also unnecessary as  
16 spent fuel will be kept at each plant where it was  
17 created, placed in dry storage.
- 18 3. The complication and danger of storing a large  
19 amount of spent fuel at a working nuclear power  
20 plant is gone, because the spent fuel is kept at  
21 each plant where it was created, in dry storage.
- 22 4. The possibility of nuclear fuel handling errors  
23 are dramatically reduced from five to one, maybe  
24 two. First we move the fuel into a dry storage  
25 facility, no mechanical systems or monitoring is

1 required, it will just sit there and decay. The  
2 second would happen if it is time to move it to a  
3 permanent site and that would be a second  
4 handling. So instead of having five potential  
5 times to have danger, we have two. This is  
6 because we're keeping the spent fuel nuclear fuel  
7 at each plant, where it was created, placed in dry  
8 storage.

9 5. And finally the fifth answer. We're not exposing  
10 a million plus people to this potential disaster  
11 because we're keeping the spent fuel at the  
12 nuclear plant where it was created, placed in dry  
13 storage.

14 So, in conclusion, I think that CP&L should invest  
15 the money required to build dry storage facilities at each  
16 plant. Just one percent of their annual profit be required.  
17 I call on CP&L to withdraw its proposal to expand the  
18 storage pools at Shearon Harris. I'm asking you, the NRC  
19 the federal agency that was implemented to protect me and my  
20 family from "my friend the atom," and I'm asking you to  
21 reject CP&L's proposal because of the five reasons I  
22 outlined in the statements given here today. At minimum, I  
23 would ask you to force CP&L to hold a full public hearing on  
24 the proposed expansion.

25 I am a CP&L customer, I'm their neighbor and I

1 want CP&L to spend the money required to build this facility  
2 because Lord knows I do not want to pay the ultimate price  
3 for an accident, with my family and friends health and  
4 lives.

5 Thank you.

6 MR. Bollwerk: Thank you Mr. Benbow.

7 At this point, why don't we go ahead and take  
8 another break. I would mention again that we have the sign  
9 up sheets over in the corner. If you wish to speak you need  
10 to put your name on the sign-up sheet.

11 We'll take about a five minute recess and then  
12 we'll reconvene again.

13 (Off the record.)

14 (Recess.)

15 MR. Bollwerk: On the record.

16 All right, our next speaker is Mark Marcoplus,  
17 M-A-R-C-O-P-L-U-S. Did I pronounce that correctly, sir?

18 MR. MARCOPLUS: That's pretty good.

19 MR. Bollwerk: All right.

20 MR. MARCOPLUS: Hello. Not a lot of sympathy for  
21 you folks. I hear this all the time. You go around the  
22 country, citizen comments washing over you week after week  
23 after week. The rest of you that are involved in this  
24 situation, I know that in your contemplative moments you  
25 know it's not as simple as the two dimensional view that

1 ex-Mayor Fetzer and Commissioner Malone gave where such a  
2 black and white thing - you know that it's a little bit more  
3 complicated than that and I know that you think of the  
4 alternatives and you question what's really going on here  
5 and then that get's all tied in with the mortgage that you  
6 have to pay, the child you're putting through college and  
7 it's a complicated situation to be in. I hope you can find  
8 a way to deal with it when those moments happen.

9 I'd like to say a couple of things that I think  
10 are very important issues here that have not really been  
11 addressed that go way down below the sophomore anti-nuclear,  
12 pro-nuclear framework that has been tossed out here.

13 By the way, I saw Tom Fetzer going for a job  
14 interview with CP&L when he left here. I think he might  
15 have a chance.

16 One of the main things that has been denied the  
17 people that live around here is a chance for CP&L to address  
18 the questions raised, not by anti-nuclear activists in the  
19 street, not by, you know, uneducated people but by two of  
20 the world's most well known nuclear safety experts, Gordon  
21 Thompson and David Lockbaum. David Lockbaum worked for CP&L  
22 a few years ago. He's no rabid anti-nuclear activists.  
23 These guys studied the question, they raised issues and CP&L  
24 has refused to debate those issues and the public has been  
25 robbed of the opportunity to get those answers. That's the

1 biggest flaw in this process. They can talk about serying  
2 lemonade down at the plant, that doesn't answer these  
3 questions that the scientists raised. We are smart enough,  
4 I tell you, to understand a lot of what this is about.

5 Now another question which is even easier to  
6 understand is the question of economics. Here again the  
7 citizens have been denied the information, from CP&L, that  
8 explains to us how much money they are saving by handling  
9 this fuel more, by packing it tightly down at the plant, by  
10 bringing it into this populated area rather than doing the  
11 safer, more passive thing and storing it on-site in dry cask  
12 storage. They have not told us, and apparently will not  
13 tell us, what this is worth to them. They have clearly  
14 stated it is a monetary issue. They say, well both are safe  
15 but one doesn't cost as much.

16 We deserve to know, right. That's not an  
17 anti-nuclear, pro-nuclear question. That's something that  
18 anybody with a calculator can figure out. We're intelligent  
19 people, we can do a little math.

20 I'd like to just also mention that - when I look  
21 back to what I was taught coming up in school about the  
22 democracy in the United States, in Civics class and Social  
23 Study classes, we were given an explanation about how  
24 government works. Well, I'll tell you, I can't with a  
25 straight face turn around and tell that to my children after

1 what I've seen.

2 Here, at the eleventh hour, you guys are brought  
3 into the situation. It's been over a year since the  
4 citizens discovered this plan. They didn't step up and say,  
5 here's the situation, let us make our case, we'll debate it  
6 in a democratic fashion where we'll involve the governments.  
7 They didn't do that it was like pulling teeth just to get  
8 anything going, to shine any light on this situation.

9 Apparently, local governments don't have any say  
10 over this. Every time you turn around you read, well, we've  
11 got to leave it up to the experts because the people are  
12 incapable of dealing with this. That's not the democracy  
13 that Thomas Jefferson, and others, crafted for us. That's  
14 not what we were taught, right.

15 The question becomes now, what do we do. What are  
16 we supposed to do. We don't have an avenue, a democratic  
17 avenue for this situation. So what are we left to do.  
18 There are those who would hope that we do nothing. But, if  
19 you study the situation and you've been really insulted with  
20 these mock public hearings. They say they've met with  
21 eighty, had eighty meetings, there's no list of those eighty  
22 meetings and none of them involved the questions that the  
23 scientists raised, the real nuts and bolts of this issue.

24 What are we supposed to do. Are we supposed to  
25 just go home and say, oh, well, I tried. We can't do that.

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1 We've got to keep participating and if there's not a  
2 democratic way for us to participate, we're going to find a  
3 way to make ourselves heard.

4 Lately, we have been getting signatures on  
5 petitions that basically say, we won't buy it. Without a  
6 democratic alternative we're searching for ways to allow  
7 people to express themselves. People understand this issue  
8 at root.

9 I've been out with petitions easily seventy-five  
10 percent of people sign it. They're saying this corporation  
11 is not dealing with us fairly, it's not giving us the  
12 information, it's not answering the questions that the  
13 scientists brought out, they're choosing to do the wrong  
14 thing for a small amount of profit, less than one percent of  
15 their net in one year. When deregulation occurs, as it  
16 surely will, we're not going to buy it. We're not going to  
17 buy from a Company like CP&L. When we have a choice we're  
18 going to buy from a company that values the citizenry of the  
19 community that it resides in. It values democracy and wants  
20 to engage the citizens in a respectful manner.

21 There's a lot of people signing those petitions,  
22 I'm telling you. People will walk by - you know how you  
23 walk by somebody with a petition and you're in a hurry and  
24 you go, I don't have time, right. I'll say, would you sign  
25 this petition for nuclear safety about the CP&L situation,

1 boom, they've got time. They stop. They put down their  
2 grocery bags and they come back and sign it.

3 We're not going away and we're going to find a way  
4 to express ourselves and this community is going to preserve  
5 itself.

6 Thank you.

7 (Applause.)

8 MR. Bollwerk: Thank you.

9 The next speaker is Carol Childs, C-H-I-L-D-S,  
10 from the Board of Directors of NC Warren.

11 MS. CHILDS: Good afternoon. NC Warren  
12 participates in this limited public appearance meeting under  
13 protest.

14 As frustrating as unjust as it is that these  
15 meetings are clearly designed as a pretense of a  
16 participatory process, we're the public's comments will not  
17 even be used in the licensing board's decision, the more  
18 important injustice is that the same special NRC rule that  
19 created these meetings has been invoked by CP&L to deny the  
20 public a chance to have the legitimate concerns of nuclear  
21 safety experts be openly addressed.

22 Eleven local governments join the call for an open  
23 and independent review of CP&L's proposed spent fuel  
24 expansion, a plan which would make the nuclear plant down in  
25 Wake County the nations's largest approved storage site for

1 high level nuclear waste.

2 CP&L repeatedly pledged to us, in public, that all  
3 safety issues would be openly resolved. But when Orange  
4 County brought in the two experts that Mr. Marcoplus  
5 mentioned, David Lockbaum and Mr. Thompson, CP&L reversed  
6 its promise and began a massive legal and public relations  
7 offense, seeking to prevent even the NRC from openly  
8 addressing the expert's concerns.

9 Recently CP&L has been claiming that it pulled out  
10 of open discussions with local governments and NC Warren  
11 only after Orange County filed a legal intervention with NRC  
12 to require a formal hearing.

13 This is false. CP&L announced that it would not  
14 participate in round table discussions with Lockbaum and  
15 Thompson on January 29th which triggered Orange County's  
16 legal challenge three weeks later, on February 17th.

17 The NRC's pro-industry rules provide only for a  
18 closed door review, which makes it almost impossible for  
19 Orange County's concerns to be even heard. However, in July  
20 you, the NRC, broke your usual pattern of automatically  
21 siding with the industry by ruling that Orange County had  
22 raised some valid safety concerns, thus qualifying for a  
23 formal hearing, where at least some of the issues raised by  
24 the experts would be further reviewed.

25 But, the public has been cheated. CP&L invoked

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1 the special Sub-part K rule which creates yet another legal  
2 barrier before Orange County's experts can argue their case.  
3 CP&L's team of lawyers will argue, on January 4th at NRC  
4 headquarters, that no full hearing should be granted. The  
5 two top nuclear experts will sit quietly while Orange  
6 County's lawyer argues that they should be allowed to fully  
7 explain their concerns in a formal, public hearing, where  
8 CP&L would have to answer questions about it's waste  
9 expansion, under oath.

10 The experts have each concluded that CP&L's waste  
11 expansion would substantially increase the risk of a severe  
12 nuclear accident for a variety of reasons. These include  
13 not only the massive amount of radio active material to be  
14 stored, the nation's largest concentration of nuclear  
15 material, but also because of CP&L's plan for high density  
16 pool storage with a questionable cooling and power system  
17 which has been substantially reduced from its original  
18 design, of course in order to save money.

19 We, NC Warren, urged in the strongest possible  
20 terms, that the licensing board must require:

21 A full environmental impact statement, including a  
22 cost benefit analysis. CP&L has not yet been required to  
23 submit an environmental impact statement as required by the  
24 National Environmental Policy Act. NRC staff's  
25 environmental assessment is a weak and unacceptable

1 substitute for an EIS and is part of the staff's rubber  
2 stamp approval process already in motion. Even small  
3 polluting facilities are required to analyze the impact of  
4 operations on public safety and the environment. Yet, with  
5 the CP&L waste expansion, alternatives have not yet been  
6 considered. Instead, they were listed with dollar amounts,  
7 with no supporting information in the license application.

8           Since March of '99, NC Warren has argued, based on  
9 the same CP&L information, that the extra cost for a safer  
10 storage plan, favored by the experts, low-density pool  
11 storage combined with dry storage after five years would  
12 cost CP&L less than one percent of its annual net profits.  
13 Also, by leaving the waste at CP&L's other reactors,  
14 where it is generated, the risk of a huge nuclear stockpile  
15 in the triangle would be avoided.

16           CP&L has been deceiving the public on this  
17 claiming the safer plan would cost five times more than high  
18 density pool storage. The rest of the industry has  
19 gradually moving toward dry storage but CP&L seeks to open  
20 the new cooling pools simply so it can recover its  
21 investment since the pools were partially built in the 80's.

22           The situation is unique among nuclear utilities  
23 with CP&L moving backward from the rest of the industry in  
24 order to save money, so again, we say that an EIS should be  
25 required.

1 CP&L has repeatedly stated that the safety of wet  
2 versus dry storage is equal, which even the NRC disagrees  
3 with and that the second and ruling factor in its decision  
4 was cost. Anyone can see that there is a serious safety  
5 issue at stake. We are all affected by such a financial  
6 decision. If there's a mistake at Harris everyone pays.

7 CP&L should be required to justify to the public  
8 how much money it would be saving its shareholders to place  
9 Central North Carolina at greater risk of a severe nuclear  
10 accident.

11 Orange County's experts should be allowed to argue  
12 their technical and environmental safety concerns, all of  
13 their arguments, in a full and formal hearing.

14 It must be noted that NRC rules greatly restrict  
15 the safety issues which can even be raised. There is no  
16 doubt that an accident risk is credible as noted by the  
17 NRC's own 1997 study by the Brookhaven National Laboratories  
18 and as argued by Thompson and Lockbaum. It is clear that  
19 the consequences of a spent fuel accident could range to the  
20 truly disastrous. The experts deserve to be fully heard,  
21 especially since the NRC has not required the industry to  
22 analyze probability of spent fuel accidents.

23 The real question is simple, do the various  
24 corners CP&L seeks to cut, in order to save money, increase  
25 that risk. Anyone who has watched this process can see that

1 CP&L keeps doctoring the numbers. For example, changing the  
2 heat load calculations after Orange County's experts point  
3 out problems.

4 It would be the height of injustice if this issue  
5 were determined by lawyers instead of scientists, while top  
6 experts were denied the opportunity to even argue their  
7 concerns.

8 I'd just like to reiterate what Mr. Marcoplus said  
9 that we, the people here in the triangle, will not go away.  
10 NC Warren will not go away, we stand behind the experts and  
11 we stand behind the right to be fully heard.

12 We hope that you'll consider this and do the right  
13 and moral thing, not necessarily what the NRC rules require,  
14 and allow this to happen.

15 Thank you.

16 (Applause.)

17 MR. Bollwerk: Thank you, Ms. Childs.

18 The next speaker is Jerry Meilleur, I think I've  
19 mispronounced that but it's, M-E-I-L-L-E-U-R.

20 MR. MEILLEUR: Thank you. I didn't take the time  
21 to write very carefully and the name is Guy Meilleur.

22 MR. Bollwerk: It's Guy, sorry.

23 MR. MEILLEUR: Meilleur is French for better. I  
24 operate a company called Better Tree Care. Working outside,  
25 as I do, I'm called to breath in air and breath it out and

1 in the course of working in the urban area, the smog has  
2 affected my lungs to the point where I'm having a hard time  
3 working as fully as I used to. That, combined with my  
4 former hobby of distance running, causes me to be very much  
5 an anti-smog person and when I read about the amount of  
6 Nitrogen Oxide and other things that CP&L puts in the air in  
7 the course of generating electricity from fossil fuels, this  
8 puts me very solidly in the pro-nuclear camp.

9 This might seem rather contradictory because  
10 across the street from my home is a siren up on a pole which  
11 tells me that five miles away is the Shearon Harris Nuclear  
12 Power Plant and if there was to be the kind of accident that  
13 some folks are fearing, I think I'd be one of the first  
14 people affected, but I do believe in the safety of nuclear  
15 generated power. On the other hand, I don't understand at  
16 all why there was such a great attempt to store low level  
17 nuclear waste right near my home and have it trucked and  
18 flown in from all other places and now I'm totally aghast at  
19 the prospect that nuclear fuel is going to be shipped to be  
20 put into these unused pools. I think it's unfortunate that  
21 Shearon Harris plant was designed to have four reactors and  
22 then it was scaled back to one. So now there's these three  
23 pools with evidently no use but I'm really concerned with  
24 the prospect of fuel rods and how can they be called spent  
25 fuel rods. These things are radio active. They promise to



1     poison the environment, me first before Orange County, and  
2     how they can be referred to as spent fuel rods - either they  
3     can't make electricity anymore but they certainly are not  
4     spent in terms of their power. I think the very act of  
5     naming these substances spent kind of skews the whole  
6     paradigm of the argument about well this is safe. It's kind  
7     of like we were just going to get low level nuclear waste  
8     dumped on us. It all becomes kind of relative when you're  
9     faced with the prospect of the immediate concern of property  
10    values going down. Well, we just successfully fought off  
11    one dump and now we have a worse dump coming, what's that  
12    going to do with my property values tomorrow. In the long  
13    term, how can I bequeath my home to my son and feel like  
14    he's going to have a safe place to live when we have the  
15    prospect of these fuel rods coming by us on the way to be  
16    stored.

17                 I believe nuclear power is a safe and clean form  
18    of energy. I don't believe that there is any justification  
19    for shipping this stuff all over the place when there is a  
20    scientifically valid way of storing these compounds on the  
21    site where they are generated and thus not risking the  
22    public's health by doing all this transporting of these fuel  
23    rods and other waste. I don't know what else is going to  
24    come next.

25                 I'm a rate payer, I'm sympathetic towards CP&L

1 being careful of its profits but I don't really see that  
2 it's a good thing to do to transport radio active material  
3 and store it in my neighborhood when I believe it belongs  
4 where it's generated. You can tell I'm not a scientist or  
5 lawyer, I'm just a homeowner and a person that doesn't  
6 understand this process at all. A public hearing that  
7 doesn't have any input but what are we doing here, I don't  
8 know.

9 I just wanted to offer five minutes of my time, as  
10 a pro-nuclear person to say, why transport nuclear waste  
11 when it belongs at the place it was generated from.

12 That's all I know, thanks for your time.

13 (Applause.)

14 MR. Bollwerk: Thank you very much, sir.

15 Let me mention one more time, there is sign up  
16 sheets over in the corner. If there is anyone else here  
17 that wants to speak I'm down to the last speaker on the list  
18 that I have, Elan Young, Y-O-U-N-G.

19 MS. YOUNG: Had I known, two years ago, that plans  
20 for the nation's largest high-level waste storage was being  
21 developed in North Carolina, in a town not far from the one  
22 I chose to go to school in. I may not have chosen to move  
23 to North Carolina. Since I have been here I have learned  
24 about CP&L's plans and I have met communities who oppose the  
25 plan and now I am aware of the NRC's failure to account for

1 the voices of concern like mine, and voices of technical  
2 expertise like David Lockbaum and Gordon Thompson.

3 I love North Carolina and I want to stay but not  
4 if I have to live in the shadow of an undemocratic system  
5 that places me at risk.

6 To CP&L from myself and the communities against  
7 this dangerous plan, we won't buy it.

8 (Applause.)

9 MR. Bollwerk: Thank you Ms. Young.

10 At this point if there are - is there anyone else  
11 here that wants to sign up at this point?

12 The next speaker is Dr. Rosanne Edenhart-Pepe.  
13 It's E-D-E-N-H-A-R-T dash P-E-P-E.

14 DR. EDENHART-PEPE: I live close to Shearon Harris  
15 Nuclear Power Plant. It was not there when I bought my  
16 property, my farm. It came on line several years  
17 afterwards.

18 I was active in the effort to keep the low level  
19 radio active waste dump from my farm and my area. I thought  
20 this was a very bad plan. It was not a way to solve the  
21 nuclear waste problem that this country faces. Throughout  
22 that time I called that facility a dump and I think it truly  
23 was. I've tried to be much nicer about this plan. I've  
24 tried to call this a storage facility and a waste  
25 repository. I've tried to call it waste expansion or high

1 density pool storage or - but I'm sorry, gentlemen, I keep  
2 looking at this plan and it is the same plan that we had  
3 before. This is a waste dump and it is going to be five  
4 miles from my farm and the farm of a lot of other people  
5 around. When I first moved to North Carolina, fifteen years  
6 ago, where my farm was there were not many others. There  
7 are many now.

8 The county that this dump is to be placed in is  
9 the second most populated county in all of North Carolina,  
10 soon to be the most populated county and what I have to say  
11 to you builds on that.

12 This is a dump. It is a place where you put stuff  
13 that nobody else wants. That poses a problem. If we look  
14 into our crystal ball in the future, we don't have one but  
15 if we pretend we did, we look toward Yucca Mountain as the  
16 resolution to this national problem but, in fact, my  
17 foreseeing tells me that Yucca Mountain will not happen. It  
18 is not merely impractical, it is not simply logistically  
19 impractical or - it's just something that will not be funded  
20 after a while and so each of these generation sites are  
21 going to be left to resolve the problem on their own, with  
22 the help of the NRC.

23 What will probably happen after that is that the  
24 Federal Government will take title to the waste at the site  
25 of generation or the site of storage, whichever occurs. So

1 what worries me then is you've got CP&L pulling waste from  
2 its facilities and now possibly from its Florida facilities,  
3 bringing it all to the CP&L high level waste dump located at  
4 Shearon Harris and then the Federal Government will step in  
5 and they will take title to that waste, which they are going  
6 to have to do by contract, by law, so we will have a  
7 facility, a dump, at Shearon Harris forever and ever, and  
8 ever.

9 So what I'm asking you to do, is to look to the  
10 future because this situation will not be solved by allowing  
11 the fuel pool to be expanded, etc. The national situation  
12 is going to change and we will be left with a tremendous  
13 mess on our hands, five miles from my farm.

14 Now, fifty years from now I'll be dead. Fifty  
15 years from now you will be dead. Fifty years from now this  
16 stuff will still be there and it will be as deadly as it is  
17 today and I'm worried about that. I would love to give my  
18 farm to my children but with that threat over me, I don't  
19 think I will be able to and I don't want that to happen.

20 So please, open your ears and hear the citizenry  
21 of this county and the fact that we do not want this in our  
22 midst. In the midst of the most populated county soon, in  
23 North Carolina. There are better solutions for this and  
24 they really seem to lie in dry cask storage at the site of  
25 generation. Understand that is not a solution, I know that,

1 there is no solution to the most deadly materials we've ever  
2 created but it is a better solution than this one and that's  
3 what I ask you to critically inspect and vote in favor of,  
4 when you have the opportunity to do so.

5 Thank you.

6 (Applause.)

7 MR. Bollwerk: Thank you Dr. Edenhart-Pepe.

8 At this point, if we have no other speakers we  
9 will go ahead and adjourn this session of the limited  
10 appearance statements.

11 I'd like to thank all the speakers. I count  
12 twenty-one who came today, who took your time this afternoon  
13 to speak with us, present your positions on the Shearon  
14 Harris proceeding. Your remarks have been transcribed, they  
15 will be placed in the docket of the proceeding.

16 We're conducting three additional sessions, one  
17 this evening here between 7:00 and 9:30. There will be two  
18 sessions tomorrow in Chapel Hill at the Southern Human  
19 Resources Center, one beginning at 1:00 o'clock in the  
20 afternoon and a second at 7:00 o'clock tomorrow night. We  
21 will be coming again to listen to the viewpoints that the  
22 citizens want to bring before the Board.

23 I would also like to thank the Center here at  
24 North Carolina State University for providing us with a very  
25 fine facility.

1           At this point, if there are no further statements  
2 anyone wishes to bring to the Board's attention.

3           You want to say something Judge Lam?

4           JUDGE LAM: Yes, I had a comment to add to Judge  
5 Bollwerk's comment.

6           I, for one, take these public statements very  
7 seriously. Every word that is spoken here has been  
8 transcribed and during our deliberations I certainly will  
9 remember what is said here and also I will read the  
10 transcript.

11           (Applause.)

12           MR. Bollwerk: All right. If there is nothing  
13 further at this point then we will adjourn until this  
14 evening.

15           Thank you very much everyone for coming.

16           (Whereupon, the meeting was recessed, to reconvene  
17 at 7:05 p.m., this same day.)

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## EVENING SESSION

(7:05 p.m.)

MR. Bollwerk: On the record.

Good evening. I'd like to begin this evening by introducing ourselves. In accordance with the provisions of the Atomic Energy Act and the regulations of the United States Nuclear Regulatory Commission, we are three Administrative Judges appointed to sit as an Atomic Safety and Licensing Board to conduct an adjudicatory proceeding in connection with the pending challenge of intervenor Board of Commissioners of Orange County, North Carolina, to the application of Carolina Power & Light Company to amend its 10-CFR Part 50 license to operate the Shearon Harris Nuclear Power Plant to expand the facility's spent fuel pool capacity.

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

To my right is Dr. Peter Lam. Dr. Lam, also is a nuclear engineer and a full-time member of the Panel.

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

As part of our judicial function relative to the Carolina Power and Light Company proceeding, we are here this evening to entertain oral limited appearance

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1 statements. So there will be a common understanding about  
2 what is involved in the Carolina Power & Light Company  
3 proceeding and with respect to the limited appearance  
4 process, I'd like to take a few moments to provide some  
5 background about both.

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

16 Thereafter, in early April and May 1999, the Board  
17 of Commissioner's submitted eight proposed issues for  
18 hearing and Carolina Power & Light Company and the staff  
19 filed responses to those issue statements, as well as the  
20 Board of Commissioner's arguments about why it had legal  
21 standing to be a party to this proceeding. On May 13, 1999,  
22 we conducted a day long pre-hearing conference in Chapel  
23 Hill, North Carolina, during which these participants had an  
24 opportunity to make oral presentations regarding the issues  
25 of Petitioner Orange County's standing to intervene and the

1 admissibility of its eight proffered contentions.

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

9           Generally following such a ruling, the parties  
10 would proceed under the agency's rules in Title 10 of the  
11 Code of Federal Regulations, Part 2, Sub-part G, which  
12 provides for formal, trial-type hearing. In this instance,  
13 however, because the CP&L amendment request involves the  
14 expansion of its spent fuel pool capacity, any of the  
15 parties could invoke a separate set of procedural rules  
16 found in Sub-part K of Part 2 of the Commission's  
17 regulations. These rules provide for a 90 day period for  
18 discovery among the parties, followed by simultaneous  
19 written submissions by the parties and an oral argument  
20 before the licensing Board addressing the central issue of  
21 whether, relative to the admitted contentions, there are  
22 disputed issues of fact or issues of law that require an  
23 evidentiary hearing. Considering the parties' filings and  
24 the oral argument, the Board then is to issue a decision  
25 that designates those matters that require an evidentiary

1 hearing and disposes of any issues that do you require, such  
2 a hearing.

3 As was its right, Carolina Power & Light Company  
4 invoked the use of the Sub-part K procedures. As a  
5 consequence, pursuant to a Board established schedule, the  
6 parties have engaged in discovery regarding the admitted  
7 contentions and will provide the Board with their written  
8 submissions in late December. Then counsel for the parties  
9 will appear before the Board on Tuesday, January 4, 2000, in  
10 the Licensing Board Panel's Rockville, Maryland, hearing  
11 room to present oral argument regarding the substantive  
12 validity of the admitted contentions and whether any further  
13 evidentiary proceedings are required. A Board ruling will  
14 follow sometime thereafter. If the Board determines that  
15 additional evidentiary proceedings are in order, those  
16 likely would be held in a North Carolina location in the  
17 vicinity of the Shearon Harris facility.

18 This in a nutshell described the NRC adjudicatory  
19 process relating to this proceeding. And this naturally  
20 prompts the question, what then are the "limited  
21 appearances" in which the Board has invited participation.

22 Under Section 2.715(a) of the Commission's rules  
23 of practice, the Board has the discretion to entertain from  
24 any person "who is not a party" a written or oral statement  
25 of his or her position on the issues in the proceeding.

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1 This provision, which was first adopted as part of the,  
2 agency's hearing rules back in 1962, recognizes there is a  
3 need to provide an opportunity for input from members of the  
4 public who, despite not having sought party status, have an  
5 interest in the subject matter of the proceeding.

6 As we indicated in the October 14, 1999 Federal  
7 Register notice scheduling this and other sessions here and  
8 in Chapel Hill, copies of that Federal Register are  
9 available on the table over on the side, limited appearance  
10 statements do not form part of the evidentiary record of the  
11 proceeding upon which the Board must rely in making any  
12 decision on the merits of the issues proffered by Orange  
13 County. Nonetheless, as we also recognized in that notice,  
14 the public's limited appearance statements "may help the  
15 Board and the parties in their deliberations in connection  
16 with the issues to be considered in this proceeding."  
17 Indeed, as you can see, like the Board, several of the  
18 parties to the proceeding, CP&L and the NRC staff, are here  
19 to listen to what is said this evening.

20 In this regard, I'd like to take a second now to  
21 have the representatives of the parties identify themselves  
22 for the record. Why don't we begin with CP&L and finally  
23 the NRC staff.

24 MR. O'NEILL: My name is John O'Neill with law  
25 firm of Shaw Pittman representing Carolina Power & Light

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1 Company.

2 MR. CAVES: I'm John Caves, Manager of Regulatory  
3 Affairs for Carolina Power & Light. I'd also like to  
4 introduce Jim Scora, in the front row over there, he's the  
5 Vice President of the Harris Project.

6 MS. UTTAL: Susan Uttal. I am the attorney for  
7 the NRC Staff.

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

9 MR. Bollwerk: All right, thank you very much.

10 Let me emphasize again that this is an opportunity  
11 to hear from those interested individuals who are not  
12 formally involved in this proceeding as parties.  
13 Consequently, the admitted parties will not be making  
14 statements here this evening, rather, like the Board, they  
15 are here to listen.

16 Finally, let me say just a word about the  
17 procedure for making a statement. We had some individuals  
18 who preregistered and will be afforded an opportunity to  
19 speak first at this session. Once we have heard from those  
20 individuals we will move on to anyone else who registers to  
21 speak this evening. For anyone who wishes to make a  
22 statement, on the table over in the corner there is a  
23 clipboard with a sheet to write your name and affiliation,  
24 if any. We will collect those sheets from time to time and  
25 call the speakers in the order in which they sign in. You

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1 must sign in if you wish to make a statement.

2 We will keep a watch on the time each speaker is  
3 taking and I'll advise you when you need to conclude your  
4 remarks.

5 Given the number of preregistration and the size  
6 of the audience presently, we will begin by permitting  
7 statements of up to five minutes. However, if we see that  
8 the list of speakers is growing, we reserve the right to  
9 shorten the time allotted for each presentation to ensure  
10 that everyone who wishes to speak has an opportunity to do  
11 so.

12 Also, I think it is important to allow the Board  
13 and the parties to hear fully the remarks of each speaker  
14 without intrusions. Accordingly, I would ask that you  
15 respect each individual's right to address the Board by not  
16 interrupting with verbal comments or other sounds either  
17 supporting or opposing any viewpoint being espoused. I  
18 should also mention that the remarks this evening will be  
19 transcribed and become part of the document of this  
20 proceeding for the parties and the Board to review later, if  
21 they so desire, and if anyone has a oral presentation with a  
22 written statement that accompanies it, if you're basically  
23 reading your oral statement and you have an extra copy, I  
24 think the Court Reporter would appreciate receiving a copy  
25 of it.

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1           With this explanation, let's begin with our first  
2 speaker. This evening, our first speaker is Mr. Harvey A.  
3 Schmitt, S-C-H-M-I-T-T, with the Greater Raleigh Chamber of  
4 Commerce.

5           Sir, feel free if you'd like to use the podium or  
6 if you prefer to sit down in front of a microphone, it's  
7 entirely up to you, sir.

8           MR. SCHMITT: Thank you gentlemen. My name is  
9 Harvey Schmitt. I am President of the Greater Raleigh  
10 Chamber of Commerce and I'm delighted to have an opportunity  
11 to speak on behalf of Carolina Power & Light Company's plan  
12 for storing spent nuclear fuel rods at its Harris plant.

13           It's safe to say that each of us here today, and  
14 indeed our members, the twenty-eight hundred member firms  
15 and five thousand members of the Chamber want public health  
16 and safety to be a primary priority in any discussion  
17 regarding spent nuclear fuel rod storage. I'm convinced  
18 this is also CP&L's foremost concern.

19           But, there are more than one way to reach a goal,  
20 whether its storing used fuel rods or manufacturing widgets  
21 and when it comes to making those choices, let me encourage  
22 you to give weight to cost-effective solutions that support  
23 the continuous and seamless operation of CP&L's nuclear  
24 plant in Wake County.

25           CP&L and the Harris Plant have played an important

1 role in bringing record economic growth and good jobs to our  
2 region. These are benefits that should not be understated  
3 or frankly undervalued. From the economic development  
4 perspective, few things are more important to a community or  
5 a company than having reliable and affordable energy supply.  
6 Nuclear power now provides energy to over one half of the  
7 homes and businesses in our area. Those of us who are old  
8 enough to remember the energy shortages in the 1970's, which  
9 I do remember, can thank CP&L for providing that which we  
10 now often take for granted, a very reliable source of  
11 electricity. This, along with CP&L's continuous record of  
12 high-quality electric service is a positive tool in  
13 recruiting new companies to our region.

14 Finally, let me add my voice to those who really  
15 would like to underscore CP&L's extraordinary corporate  
16 citizenship. One only needs to examine the quality of the  
17 work of the employees of CP&L during the recent hurricanes  
18 that hit our state and they clearly did whatever it took to  
19 serve their customers in this stressful time. Should that  
20 make a difference from a technical standpoint? My answer is  
21 yes because we know that the Company must meet all technical  
22 and safety requirements but we want you to know that those  
23 of us who live in this county, who are in contact with CP&L  
24 almost daily, believe that this is a company that lives up  
25 to its commitments.

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1 I hope that this will be an important  
2 consideration when it comes to choosing the best solution on  
3 this issue.

4 Thank you very much.

5 MR. Bollwerk: Thank you Mr. Schmitt.

6 Our next preregistered speaker this evening is Mr.  
7 Jimmy Randolph who is the President of the Sanford Area  
8 Chamber of Commerce. That's R-A-N-D-O-L-P-H.

9 MR. RANDOLPH: Thank you gentlemen for afforded me  
10 the opportunity to address you this evening. This is a  
11 matter which is of significance to me both personally, as a  
12 lifelong resident of the Sanford area and professionally, as  
13 President of the Sanford Area Chamber of Commerce.

14 I am a lifelong resident of the Sanford area, I  
15 was born, raised, educated and have been employed all within  
16 about thirty-five miles of the facility we're talking about  
17 here tonight, the Shearon Harris facility. I have a love  
18 for this area and its people that is unsurpassed and as a  
19 top staff person for the Sanford area Chamber of Commerce, I  
20 represent a very diverse membership base, all of whom are  
21 involved in some sort of commerce. Whether theirs is a  
22 manufacturing or processing concern or involves the sale of  
23 goods or services, whether they employ thousands or work  
24 alone, whether they're for profit or not for profit they all  
25 depend, to some degree, upon Carolina Power & Light for

1 their ability to engage in commerce. This fact confers a  
2 great deal of power and a great deal of responsibility to  
3 Carolina Power and Light and I'm here tonight to tell you  
4 that from my experience CP&L takes that responsibility very  
5 seriously.

6 I could spend all of my allotted time tonight and  
7 fail to just list all of the quality of life initiatives  
8 that we have undertaken at the Sanford Chamber that have  
9 been supported heavily by CP&L. It would take me even more  
10 time for me to list all the CP&L employees that I've had the  
11 opportunity to work alongside, as volunteers, in school,  
12 with the United Way, with adopt a highway program, special  
13 olympics and many other non-profit boards and volunteer  
14 activities. I'm sure that all of those that are here  
15 tonight, that live in CP&L communities could recite similar  
16 lists.

17 I can also talk about my personal experiences with  
18 Hurricane Fran and CP&L's response to that tremendous  
19 natural disaster or their leadership in addressing the  
20 situation in the immediate aftermath of Hurricane Floyd.  
21 Again, many of those gathered here could recount similar  
22 stories.

23 My previous experience with discussions regarding  
24 nuclear energy, frankly, in most cases has been largely one  
25 involving ignorance or fear or apathy.

1           However, with regard to CP&L's proposal to the NRC  
2 in this case, my experience has been vastly different. From  
3 the very outset Jan Powell, CP&L's Customer Relations  
4 Manager for our region has been completely open and  
5 forthcoming, even before media reports appeared regarding  
6 this issues she had informed the Chamber Board of Directors,  
7 in detail, regarding the facts of their proposal.

8           I was informed via local media and personally of  
9 the Open House opportunity at the Shearon Harris facility  
10 and took advantage of that opportunity to become better  
11 informed about not only the current proposal for storing  
12 used fuel rods at the Harris plant, but also their ongoing  
13 operations at the plant and in the field. I was truly  
14 amazed and completely reassured by the knowledge and  
15 expertise of the employees who were on hand that night to  
16 answer my questions and the candor with which they responded  
17 to all of my concerns.

18           I am at best a well informed novice when it comes  
19 to the generation of electrical power through the process of  
20 nuclear fission, and I suspect that I could offer very  
21 little in the way of new knowledge to anyone here tonight.  
22 However, my own experience and information gathering  
23 regarding this issue in my community have convinced me of  
24 several things.

25           The people and facilities at CP&L Shearon Harris

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1 plant have a proven track record of safe and successful  
2 storage of spent fuel rods. The technology they are  
3 proposing to use, in this case, is the same that they have  
4 utilized so safely and successfully thus at the facility.  
5 The intense review of the proposal that is currently  
6 underway by nuclear experts at the NRC and the ongoing  
7 monitoring of all aspects of that operation at Shearon  
8 Harris by the NRC and CP&L personnel, are essential elements  
9 in an effort to endure that nuclear waste is handled in the  
10 safest way possible.

11 Having examined all of the facts at my disposal,  
12 and having personally witnessed the integrity, competence  
13 and commitment to excellence present in the people of CP&L  
14 in my community, I cannot conceive of a better situation for  
15 the short term storage of used fuel rods than that which  
16 exists at the Shearon Harris facility. Furthermore, I'm  
17 confident that any fair and thorough review of all the facts  
18 pertaining to this proposal will probably result in the same  
19 conclusion.

20 I thank you again for the diligence with which you  
21 are executing your responsibilities regarding this proposal  
22 and for affording me the opportunity to share my thoughts  
23 with you this evening. Thank you.

24 MR. Bollwerk: Thank you Mr. Randolph.

25 The next preregistered speaker is Mr. James M.

1 Walker, W-A-L-K-E-R. Mr. Walker.

2 No response.

3 All right. We will come back to him if he comes  
4 in later.

5 The next preregistered speaker is Dale M. Bouldin,  
6 B-O-U-L-D-I-N, President of the Garner Chamber of Commerce.  
7 Did I pronounce that correctly.

8 MR. BOULDIN: Thank you for the opportunity to  
9 speak tonight. I am the President of the Garner Chamber of  
10 Commerce and we, like the previous speakers, would like to  
11 emphasize the very important supplying of power that CP&L  
12 does which enables us to try to attract industry to this  
13 area.

14 I favor the additional fuel storage at the Harris  
15 Nuclear Plant for the following reasons.

16 This storage will be an efficient use of the  
17 resources currently built and in place. CP&L has many years  
18 of safe operation of nuclear facilities in their track  
19 record. Security systems are in place and are currently  
20 working well. Of course safety should be the top  
21 consideration and when we have a cost effective alternative,  
22 which is available at a plant with a distinguished safety  
23 record, the choice appears clear. I favor the use of  
24 existing facilities at the Harris plant with its proven  
25 track record.

1 MR. Bollwerk: Thank you, sir.

2 The next preregistered speaker is Renee Roddick,  
3 R-O-D-D-I-C-K, a teacher at Knightdale Elementary School.

4 MS. RODDICK: Thank you for allowing me to speak  
5 this evening.

6 I am speaking in favor of opening the remaining  
7 two storage pools and I'm talking in really a teacher's  
8 point of view with this plant.

9 I have taught for twenty-two years and I have  
10 taught fifth grade for the last seven years and in the last  
11 seven years I have taken my class, along with other fellow  
12 teachers from my class, to Shearon Harris every year for  
13 nuclear energy education. This is a major field trip for  
14 most fifth grades in Wake County since the study of energy  
15 is a major unit for our science curriculum in this state.

16 In all the years that I have taken students to the  
17 plant, I have never had a parent refuse to allow their child  
18 to go. I feel this is a safety record and the safety record  
19 speaks for itself. Because, if there was any doubt of the  
20 safety of the plant, neither the parents nor I would allow  
21 the students to go.

22 I am also a member of the NEED project which is  
23 the National Education Energy Department out of Washington,  
24 DC in conjunction with the Wake County Energy Savers. Two  
25 years ago my Science club at our school won a national award

1 for their project on nuclear education and energy. Because  
2 of the Shearon Harris plant creating the Visitor Center, my  
3 students were able to develop an awareness of how nuclear  
4 energy is made, how it is used and the environmental issues.  
5 They have learned that nuclear energy is a safe way to  
6 produce electricity. They also learn about radiation and  
7 its effects and with this hands-on center at the Harris  
8 plant, the students can experience all the different aspects  
9 of nuclear energy first hand.

10 The highlight of each year's trip is being able to  
11 go out and see the giant cooling tower at the plant. They  
12 learn how the water is recycled so not to damage the  
13 ecosystems of the lake. I feel the personnel at the Shearon  
14 Harris plant do a wonderful job on educating our students on  
15 the pros and cons of nuclear energy.

16 I hope that you will vote in favor to open the two  
17 remaining pools, especially since the Yucca Mountain  
18 facility in Nevada is not opened yet. Not only is it  
19 important for our state in producing electricity, but I  
20 think even more important it is for the education of our  
21 children so that in the future they can make responsible  
22 decisions on issues of energy sources.

23 Thank you.

24 MR. Bollwerk: Thank you Ms. Roddick.

25 I haven't seen anyone come in but let me ask

1 again, Mr. Walker, James Walker, are you here sir?

2 At this point why don't we take a five minute  
3 break. We'll allow anybody else that wants an opportunity  
4 to sign up to do so and then we'll reconvene and begin again  
5 about 7:30.

6 (Off the record.)

7 (Recess.)

8 MR. Bollwerk: On the record.

9 We're ready to continue and I will mention again  
10 if anybody came in during the break that there is a sign-up  
11 sheet over in the corner over there. If you wish to speak  
12 you do need to sign up, so please go over and put your name  
13 on the sheet.

14 I'd also like to recognize a representative from  
15 Orange County. Why don't you go ahead and give us your name  
16 and your appearance for the record.

17 MS. WHALEN: My name is Harmony Walen from the  
18 Orange County Attorney's Office.

19 MR. Bollwerk: I apologize, I probably should have  
20 asked if anybody from Orange County was here. We had  
21 someone different this afternoon.

22 All right, the next speaker we have is Susan  
23 Tideman, T-I-D-E-M-A-N.

24 MS. TIDEMAN: Just for the record it looks British  
25 but it's Swedish.



1 MR. Bollwerk: Thank you very much.

2 MS. TIDEMAN: Moving rods would increase the  
3 probability of an accident. I imagine that CP&L would  
4 exercise all possible caution. Perhaps they would exercise  
5 more caution than any other operator we could imagine. But,  
6 regardless of the intentions of the mover, moving rods would  
7 increase the probability of an accident.

8 Gathering rods together would increase the  
9 severity of an accident. the more rods involved in an  
10 accident, the greater the severity of the accident.

11 The advantages of moving the rods together seems  
12 quite small in comparison to the disadvantages.

13 Most of us, and most of you, would not voluntarily  
14 increase the probability or severity of an accident to  
15 ourselves and families and friends for a savings of one  
16 percent of our after-tax earnings. We would not consider  
17 that sensible.

18 If others put us involuntarily at risk of an  
19 accident, we would need to be sensible and move away. We  
20 would need to sell our houses and businesses, and turn over  
21 our jobs, to people who are informed of the risks and feel  
22 lucky. Or fell, given the low prices as we try to sell,  
23 that the risks are work it.

24 But most of us want to stay here.

25 It seems to me that the best solution is to store

1 the rods where they are, using the most effective storage  
2 method. That will lower the probability and severity of an  
3 accident, not to zero because accidents can still happen and  
4 the rods contain the same level and amount and type of  
5 radioactivity wherever they reside.

6 But it does lower the probability and severity of  
7 an accident. That is what sensible people work at doing.

8 Thank you for considering what we say.

9 MR. Bollwerk: Thank you very much for making your  
10 appearance this evening.

11 (Applause.)

12 MR. Bollwerk: The next speaker we have listed is  
13 Dick Stapleton, S-T-A-P-L-E-T-O-N.

14 Did I get your first name right, sir, I'm sorry.

15 MR. STAPLETON: It's Deck, D-E-C-K.

16 MR. Bollwerk: Deck, okay very well. Thank you.

17 MR. STAPLETON: Well, I want to express my  
18 strongest opposition to CP&L's plan to create the nation's  
19 largest stockpile of nuclear waste by expanding the storage  
20 of spent fuel rods at the Shearon Harris Nuclear Power  
21 Plant.

22 I can't believe that the NRC would allow this plan  
23 to be implemented when there are safer alternatives, such as  
24 the dry storage method practiced at other plants. Let's  
25 store the rods where they already are.

1 I can't believe the NRC would consider the profits  
2 of CP&L to be more important than protecting the lives of  
3 tens of thousands of people who live in the region around  
4 the Shearon Harris plant.

5 There are many people, like myself, who are  
6 getting ready to do whatever it takes to stop this idiocy.  
7 Whatever it takes was the slogan of the people of Granville  
8 County who, some years back, organized to stop a proposed  
9 hazardous waste incinerator in Granville County. In that  
10 fight we took on both the state and the corporations that  
11 wanted the incinerator. Through militant direct action,  
12 including civil disobedience, we won. You, the NRC and CP&L  
13 can expect the same type of opposition to this project.

14 I strongly urge the NRC to turn down the proposed  
15 spent fuel expansion at the Harris plant. There are safer  
16 alternatives such as dry storage.

17 Thank you.

18 MR. Bollwerk: Thank you, sir.

19 (Applause.)

20 MR. Bollwerk: The next speaker we have listed is  
21 Temple Richmond, R-I-C-H-M-O-N-D.

22 MS. RICHMOND: Good evening. The public trust is  
23 a sacred trust, and the values that inform our thinking at  
24 the moments we make decisions that affect millions of people  
25 are the most critical things that we ever embrace.

1           So, I submit that what's really important to think  
2 about here are the extreme cases of what could happen to  
3 this population throughout North Carolina. You know the  
4 facts because you've had them laid before you in numerous  
5 reports. You know the worse case scenario.

6           It seems to me that at points in the life of the  
7 political body that there's frequently just a voice in the  
8 wilderness that cries out the real truth, Socrates was a  
9 great example. It may be the case here now.

10           It seems to me that the essential values are not  
11 how nice the CP&L employees are, they're nice, we know this.  
12 Or even their good will, but the reliability of the  
13 technology. Unfortunately divine omniscience does not  
14 reside in human generated technology, as much as we would  
15 like for it to.

16           And so, again, I say it's the values that we hold  
17 in the mind, what how much money we're going to make, not  
18 how much economic stimulation but what we really value, on a  
19 spiritual level and that's the lives of people. We don't  
20 have the right to cut those short.

21           So, I would caution all decision makers in this  
22 room that all the religions on this planet, east and west,  
23 share the belief that it is not possible to escape from the  
24 consequences on one's actions.

25           (Applause.)

1 MR. Bollwerk: Thank you very much.

2 All right, at this point this is the last speaker  
3 we had listed. Is there anyone here that would like to  
4 speak that hasn't signed up yet?

5 All right. We had listed this proceeding to last  
6 until approximately 9:30. At this point we're going to  
7 adjourn and we'll remain in the room and if anyone else  
8 comes in in the next few minutes we'll see how long - we'll  
9 just wait and see if we have some people show up.

10 At this point we'll take an adjournment and if we  
11 have other speakers come in then we'll go back into session.

12 (Recess.)

13 MR. Bollwerk: Back on the record. We have two  
14 additional speakers. The first is Denise Gammonley,  
15 G-A-M-M-O-N-L-E-Y. Did I get that correct?

16 MS. GAMMONLEY: Thank you very much.

17 I chose to come this evening just really to  
18 address one issue. I'm trying to keep to the spirit of your  
19 plan, which I understand is to limit this sort of  
20 non-evidence. I'm not real clear why we're here if it's not  
21 in evidence but I feel really strongly about the process and  
22 really disappointed in what I read, both in the paper and  
23 heard through some of my friends and neighbors in the  
24 triangle area.

25 I'm really concerned that you're choosing to not

1 open up the process for an open, full public dialogue about  
2 CP&L's request.

3 When you read the stuff, as a member of the  
4 public, and you read about how you as the NRC are falling  
5 back on your administrative rules, you know, I really see  
6 that as an excuse to avoid confronting conflicting evidence  
7 about nuclear power and that, frankly, that dialogue is real  
8 tired refrain for those of us in the public who really  
9 already feel alienated from the process of public policy  
10 making for nuclear energy.

11 I feel very strongly that as members of this  
12 licensing board that you have a duty to safeguard my  
13 democratic right to a full and open public dialogue about  
14 CP&L's application. Nuclear power, I could never get up  
15 here and debate the safety merits of it. I certainly don't  
16 have the background to do it and most of us can never really  
17 fully hope to understand the science and the intricacies of  
18 nuclear engineering. But, it doesn't take a degree in  
19 nuclear physics to figure out that CP&L must be trying to  
20 fast-track this request for a reason, to avoid further  
21 review. Now, I wish I knew why they felt they needed to do  
22 that but unless we have a full and open review of the  
23 application, none of us are ever going to know. And as a  
24 member of the public that really scares me because I don't  
25 understand the process and the science and the dangers.

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1           Again, I recognize that you're not supposed to be  
2 influenced by my public comment but I would hope that  
3 perhaps as you're driving home tonight you might be  
4 motivated by your conscience as you reflect back on your  
5 obligation as a public servant and someone who is appointed  
6 to a very important position to protect the public health.

7           Thank you very much.

8           (Applause.)

9           MR. Bollwerk: Thank you for coming this evening.  
10 We also have Mark E. Mintz, M-I-N-T-Z. Mr. Mintz.

11          MR. MINTZ: Thank you.

12           I came tonight to listen and I had a thought I  
13 might say something and I've decided to make some comments.

14           I'm genuinely concerned for CP&L's action to put  
15 more high level nuclear fuel in the ground, in the pools at  
16 the Shearon Harris plant. I guess I may be repeating some  
17 of the other comments, I might be stating the obvious but I  
18 guess something comes back to me that President Eisenhower  
19 said about being too cheap to meter and I guess, when I  
20 factor in all the costs of the different energy sources,  
21 including the cost of managing waste properly my figures  
22 come up that nuclear power is probably the most expensive  
23 power source we have on the planet, as well as the most  
24 dangerous.

25           I'm not an economist but the term, return on my

1 investment comes to mind, too, with CP&L's effort to  
2 continue the process to bring more nuclear fuel spent rods  
3 into this area.

4 There's no planned speech here, it's pretty  
5 obvious.

6 I think as caretakers of the earth it was sort of  
7 given to us to watch over what CP&L wants to do is not, in  
8 my opinion, help minimize the impact that we make on the  
9 earth that will help - it actually increases the impact by  
10 just putting the fuel rods into pools that are - that may  
11 already be overloaded or maxed out.

12 I'd like to think, in all sincerity, that your  
13 efforts will weigh and assess all the opinions of the folks  
14 you're going to hear speak today, tomorrow and the other  
15 days and that the public safety of all the people in the  
16 area, as well as anywhere else will be your top concern for  
17 your decision making process.

18 I can go on but I came to want to possibly say  
19 something and I hope the genuine and sincere concern of  
20 citizens is taken and weighed into the process of the  
21 decision.

22 Thank you.

23 (Applause.)

24 MR. Bollwerk: Thank you for coming, taking the  
25 time to come speak with us tonight.



1           Let me ask you again. Mr. Walker, by any chance  
2 as come in, James Walker.

3           (No response.)

4           MR. Bollwerk: We'll continue to wait a few more  
5 minutes to see if we have any additional individuals that  
6 want to speak.

7           Again, if anyone knows of anybody that was going  
8 to come tonight and hasn't yet shown up, if you'd let me  
9 know that that would obviously be a reason for us to remain  
10 a little longer.

11           But again, we'll wait a few more minutes and see  
12 if we have any additional speakers that come and want to  
13 address the board.

14           (Off the record.)

15           (Pause.)

16           MR. Bollwerk: On the record.

17           Why don't we come to order and we'll hear from  
18 this individual.

19           The speaker is Fay Bennett, B-E-N-N-E-T-T.

20           Good evening.

21           MS. BENNETT: Good evening.

22           Thank you for letting me speak. Like I was just  
23 telling this gentleman, I'm not an expert in nuclear energy  
24 or nuclear power or anything of the sort but I'm just a  
25 concerned Cary resident who would like to just know more

1 about these processes for storing waste and how a community,  
2 how they do get to know more about it and the safety issues  
3 of moving and transporting waste across the state, however  
4 it's done versus keeping it in sites where it is being  
5 generated, if you will.

6 This I ask just because I've read enough in the  
7 news to know that Yucca Mountain has not been decided yet  
8 and I don't understand that process and the Federal  
9 Government's concerned there so there must be a lot to it  
10 and I'm just a concerned resident who just wanted to know  
11 what this implies for this community, a high density  
12 population area.

13 Thank you.

14 MR. Bollwerk: All right, thank you very much.

15 (Applause.)

16 At this point it's 8:35 and is there anyone else  
17 here who would like to speak. Mr. Walker, by any chance  
18 arrive?

19 We indicated originally that we would be available  
20 till about 9:30 with the expectation that we would have a  
21 fairly regular stream of speakers addressing the Board. I  
22 don't want to hold folks here any further if we don't have  
23 to.

24 I think what we're going to do is go ahead and  
25 adjourn the proceeding at this point and we'll leave a note

1 on the door if any additional individuals arrive that they  
2 can speak with us tomorrow in Chapel Hill or, if they like,  
3 anyone, in fact at any point, is certainly encouraged, if  
4 they wish to do so, to file a written appearance statement  
5 with the Licensing Board, a written limited appearance  
6 statement.

7 As I mentioned, there are copies of the Federal  
8 Register Notice that noticed this proceeding and also they  
9 indicate how to file a written limited appearance statement.

10 If someone needs a copy of that please feel free  
11 to take it.

12 I would like to thank the ten speakers that we had  
13 this evening for taking the time out of their busy schedules  
14 to come and let us hear their views on the Shearon Harris  
15 spent fuel pool expansion proceeding. We do appreciate your  
16 taking the time to come and address us.

17 I also want to thank the folks from the McKinnon  
18 Center here in North Carolina State University for allowing  
19 us to use their facility, which is a very nice one.

20 I would note that are going to be holding two  
21 additional limited appearance statement sessions at the  
22 Southern Human Resources Center in Chapel Hill tomorrow, one  
23 beginning at 1:00 o'clock and a second one beginning at 7:00  
24 P.M. in the evening.

25 Again, if you know of anyone that wished to speak

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1 tonight and for whatever reason couldn't make it here before  
2 we adjourned, they are free to come over tomorrow and sign  
3 up and make a limited appearance statement then or, again,  
4 they are always free to file a written limited appearance  
5 statement with us if they wish to do so.

6 At this point, if there are no other speakers and  
7 I've seen no hands or any other indications that anyone  
8 wishes to speak, we're going to go ahead and adjourn this  
9 limited appearance sessions.

10 Again, thank you all for being with us tonight.  
11 Have a safe trip home.

12 (Off the record.)

13 (Whereupon, at 8:35 p.m., the meeting was  
14 concluded.)

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