

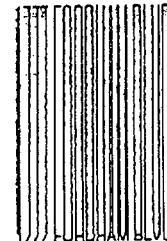
DAVID PRICE
4TH DISTRICT
NORTH CAROLINA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE BUDGET



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515
December 3, 1999

OFFICES:
2162 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-1764
16 E. ROWAN STREET
SUITE 525
RALEIGH, NC 27609
(919) 789-8771



SUITE 202
CHAPEL HILL, NC 27514
(919) 967-7924
315 E. CHAPEL HILL STREET
SUITE 202
DURHAM, NC 27701
(919) 668-3004

Mr. William Travers, Executive Director for Operations
Nuclear Regulatory Commission
One White Flint North Bldg.
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Mr. Travers:

Thank you for your letter of November 1, 1999 regarding the status of a proposal for the NRC staff to hold a public meeting to discuss the application of Carolina Power & Light (CP & L) to increase the nuclear waste storage capacity of the Shearon Harris plant in Wake County. I appreciate your efforts to keep me informed of developments in this matter, but want to ask that you reconsider your decision to defer a public meeting hosted by NRC staff.

There has been some confusion surrounding the purpose of the limited appearance statement sessions scheduled by the Atomic Safety Licensing Board (ASLB) for December 7 and 8, 1999. The Raleigh News & Observer recently published an editorial critical of comments by an NRC attorney specifying that the scheduled limited appearance statement sessions will have no impact on decision making by the ASLB.

Some of the confusion seems to arise from a misunderstanding of three very different kinds of proceedings that could be involved in the CP & L application process. Both the formal hearing before the ASLB, scheduled for early January, 2000, and the "limited appearance" statement sessions hosted by the ASLB, scheduled for December 7 and 8, 1999, are connected to the contentions raised by Orange County in opposition to the CP & L application. The NRC staff also has the discretion of holding separate public meetings near the Shearon Harris plant to allow the airing of views and concerns related to the CP & L application and to answer questions related to safety issues.

I understand that the ASLB hearing process is an administrative equivalent of a judicial hearing and, as such, the limited appearance statements made before ASLB cannot officially influence ASLB decisions on the contentions raised by Orange County. As in a judicial proceeding, the NRC has a proscribed process of deliberation which must be followed. Orange County and CP & L, the two parties in this case, will each have opportunities to represent their perspectives as part of that formal process.

I have written to the NRC in the past to urge that it use every tool at its discretion to ensure that its process in evaluating the CP & L application is as fair and open as possible. As I understand it, a recommendation by the NRC staff on the CP & L application will likely be made subsequent to a formal resolution of the contentions raised by Orange County. In addition, it is my understanding that the NRC staff would be able to use input gathered through a public meeting in making this final recommendation to the commission.

Mr. William Travers, Executive Director for Operations


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It is unclear to me why a deferral of a public meeting hosted by the NRC staff is necessary. If there is some need to resolve the ASLB hearing prior to holding a public meeting hosted by the NRC staff, it would still be helpful to clearly state the intentions of the NRC staff to hold a public meeting after the hearing issues have been resolved and before the staff makes a recommendation to the NRC commission. I believe that scheduling a public meeting hosted by the NRC staff or announcing your intention to do so would be helpful in assuring the public that the NRC is carrying out its responsibilities in a fair and open manner.

Thank you for your time and your consideration of this request.

Sincerely,



DAVID PRICE
Member of Congress

DP:dn

cc: Bill Holman, Secretary
NC Department of Environment and Natural Resources