

**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

January 4, 2000

The Honorable David Price
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Price:

I am responding to your letter of December 3, 1999, regarding the U.S. Nuclear Regulatory Commission (NRC) staff's plans to hold a public meeting to discuss Carolina Power & Light Company's (CP&L's) license amendment request to increase the spent fuel storage capacity at its Shearon Harris Nuclear Power Plant (HNP). In my letter of November 1, 1999, I indicated that we were deferring a public meeting in light of the Atomic Safety and Licensing Board (ASLB) hearing and limited appearance statement sessions. I also indicated that as the formal hearing proceeds, we would continue to evaluate the need for a public meeting to discuss CP&L's amendment request.

Based on the comments I received from the NRC staff who participated in the ASLB limited appearance statement sessions on December 7 and 8, 1999, it is apparent that a public meeting to discuss the NRC's review process and the status of the review of CP&L's request may be beneficial. As I'm sure you appreciate, though, the hearing before the ASLB involves a formal adjudicatory process which culminates in a decision based only on the evidence contained in the record developed by all parties to proceeding. The NRC staff, like the licensee (CP&L), and the intervener (The Board of Commissioners of Orange County, North Carolina) is a party. (The information you had received indicating that the comments of those making limited appearance statements are not part of the evidentiary record upon which a decision can be based is correct.) According to the schedule established by the ASLB, the parties will submit written testimony on the matters in controversy on January 4, 2000, and oral argument based on these submissions will be held before the ASLB on January 21, 2000. As a practical matter, because of the need to prepare the staff's submittal and participate in the hearing, a public meeting cannot be scheduled until sometime after the latter date.

Accordingly, the NRC staff will schedule a public meeting in the vicinity of HNP in the February - March time frame to further discuss the license amendment process including the staff's review of CP&L's request. Although comments made by the public to the staff at a public meeting, whether or not related to the currently pending licensing action, do not constitute information upon which the ASLB's decision can be based, please be assured that should any information

PDR ADOCK

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conveyed to the staff indicate a safety concern bearing on any aspect of the operation of this facility, the staff will give it due consideration, including, if it substantively affects the staff's position on a matter in controversy, advising the ASLB.

Sincerely,

Original Signed by
Patricia G. Norry *for*

William D. Travers
Executive Director
for Operations

Docket No. 50-400

cc: See next page

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FINAL REPLY:

Representative David Price

TO:

Travers, EDO

FOR SIGNATURE OF : ** GRN **

CRC NO: 99-1039

Travers, EDO

DESC:

ROUTING:

PUBLIC MEETING TO DISCUSS CAROLINA POWER & LIGHT
CO'S APPLICATION TO INCREASE THE NUCLEAR WASTE
STORAGE CAPACITY OF SHERON HARRIS

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DATE: 12/07/99

ASSIGNED TO: NRR
CONTACT: Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with OGC and ASLBP.

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BY 12/14/99

