



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 16, 2000

DOCKETED  
USNRC

'00 MAY 16 AM 11:53

OFFICE OF THE  
GENERAL COUNSEL  
ADJUDICATION STAFF

SECRETARY

The Honorable John Edwards  
United States Senate  
Washington, DC 20010

**SERVED MAY 16 2000**

Dear Senator Edwards:

I am responding to your letter dated May 5, 2000, addressed to Chairman Richard A. Meserve. Your letter urged a grant of an evidentiary hearing in the Shearon Harris spent fuel pool expansion proceeding (Docket No. 50-400-LA) that is currently before an Atomic Safety and Licensing Board. Under the Nuclear Regulatory Commission's procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards. Because of that role, I trust that you will understand that the Commissioners must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission.

On May 5, 2000, the Licensing Board for the Shearon Harris proceeding issued a Memorandum and Order (LBP-00-12) which denied the request of intervenor Board of Commissioners of Orange County, North Carolina, for an evidentiary hearing regarding the two technical contentions before the Board. A copy of that decision is enclosed. However, the intervenor's request to admit four late-filed environmental contentions remains pending with the Board.

A copy of your letter and this response will be placed on the Shearon Harris hearing docket and served on the parties to the proceeding.

Sincerely,

  
Annette L. Vietti-Cook

Enclosure: As stated

cc: Service List w/o enclosure

JOHN EDWARDS  
NORTH CAROLINA  
(202) 224-3154

COMMITTEES:  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
GOVERNMENTAL AFFAIRS  
SMALL BUSINESS

United States Senate  
WASHINGTON, DC 20510-3201

May 5, 2000

Chairman Richard Meserve  
United States Nuclear Regulatory Commission  
Mail Stop O16C1  
Washington, DC 20555

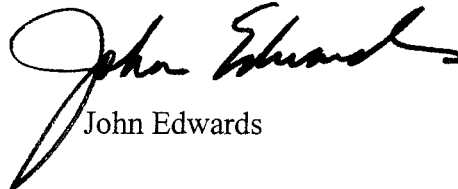
Dear Chairman Meserve:

As you know, Carolina Power & Light (CP&L) has proposed an expansion of its Shearon Harris nuclear waste storage facility in Orange County, North Carolina to facilitate the permanent storage of spent radioactive fuel. Given the potential impact this expansion would have on the surrounding area and the public concern it has raised, I urge you to conduct an evidentiary hearing as soon as possible to explain and evaluate the proposal.

In matters such as this, I believe governmental agencies have an obligation to citizens to cast a wide net and to hear and respond to all legitimate concerns. As such, I encourage the Nuclear Regulatory Commission to provide this forum to listen and respond to matters pertaining to this proposal.

I trust you will give this request your full consideration and provide me a timely response. I feel strongly, given the consequences of the decision being made, that an evidentiary hearing is necessary and that you should use your discretion to require one.

Yours sincerely,



John Edwards

JE/pd

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO SENATOR JOHN EDWARDS IN RESPONSE TO HIS LETTER DATED 05/05/00 (ATTACHED) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
G. Paul Bollwerk, III, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

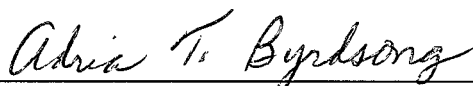
Susan L. Uttal, Esq.  
Robert M. Weisman, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Diane Curran, Esq.  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

William D. Johnson  
Vice President and Senior Counsel  
Carolina Power & Light Company  
P.O. Box 1551  
Raleigh, NC 27602

John H. O'Neill, Jr., Esq.  
William R. Hollaway, Esq.  
Shaw Pittman  
2300 N Street, NW  
Washington, DC 20037

Docket No. 50-400-LA  
LETTER FROM ANNETTE L. VIETTI-COOK  
TO SENATOR JOHN EDWARDS IN  
RESPONSE TO HIS LETTER  
DATED 05/05/00 (ATTACHED)

  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of May 2000