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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 08, 2001 08:22

PAPER NUMBER: LTR-01-0015 **LOGGING DATE:** 01/05/2001

ACTION OFFICE: OGC

AUTHOR: SEN John Edwards

AFFILIATION: SEN

ADDRESSEE: CHRM Richard Meserve

SUBJECT: Concerns recent decision to approve Carolina Power & Light Company's request to expand the nuclear waste storage capacity of Shearon Harris nuclear power plant

ACTION: Signature of Chairman

DISTRIBUTION: RF

LETTER DATE: 01/05/2001

ACKNOWLEDGED No

SPECIAL HANDLING: OCA to Ack

NOTES: Commission Correspondence
OGC to coordinate response with EDO

FILE LOCATION: ADAMS

DATE DUE: 01/22/2001 **DATE SIGNED:**

OGC-01- 000170

template: SECY 017

OGC01
SECY 01

Congress of the United States

Washington, DC 20515

January 5, 2001

Dr. Richard Meserve, chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Dr. Meserve:

We are writing with regard to the recent decision by the Nuclear Regulatory Commission (NRC) to approve Carolina Power & Light Company's (CP & L) request to expand the nuclear waste storage capacity of its Shearon Harris nuclear power plant. We appreciate your attention to the concerns we have raised over the past two years with regard to this matter.

Throughout the license amendment process, we have tried to play a facilitative role in encouraging the NRC to provide as much opportunity for public participation as possible under NRC regulations. We have also urged the NRC to take every possible step to ensure that public safety is the paramount concern underlying NRC decision making and to inspire public confidence in the NRC process.

While we have no expertise with which to evaluate the judgment of the NRC that CP & L's license amendment should be approved, we do have a concern that a negative perception of the NRC among some of our constituents has been enhanced because of the timing and sequencing of this decision. The "no significant hazards" finding by the NRC staff appears to turn on the very issues that are still pending before the Atomic Safety & Licensing Board (ASLB) panel. We understand that NRC regulations permit it to approve a license amendment prior to the conclusion of the proceedings before the ASLB. We think it would be helpful, however, for the NRC to more fully explain the rationale behind these regulations. What regulatory purpose is served by granting a license amendment while a related ASLB proceeding is ongoing? Does this decision compromise the integrity of the ASLB proceeding? What complications do you foresee if the ASLB eventually rules in favor of Orange County after used nuclear fuel rods have begun to be installed in the third waste storage pool?

An NRC spokesperson was recently quoted as saying that the NRC staff "makes license decisions based strictly on technical safety issues and not on public perception." While we would agree that it is entirely appropriate for the staff to base its decision making on technical safety issues, we again encourage the NRC and the NRC staff to go further in reassuring the public that NRC decision making does not disregard issues of the sort that have been raised in the ASLB proceeding. While the NRC will no doubt always have its critics, public perception is an important component of ensuring that the NRC continues to have the public credibility necessary for carrying out its work.

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PRINTED ON RECYCLED PAPER

Again, we appreciate your attention to our concerns and look forward to your response.

Sincerely,

John Edwards

David Price

INSTRUCTIONS: As part of the July 21, 2000, proposed ADAMS Assessment Action Plan and our effort to evaluate controlled correspondence processes, please provide information regarding each step taken in the controlled correspondence process as noted in the table below. Each person that touches the document should note what needed to be done to complete their action to process the document. The focus is on the "Action/s Taken" and "ADAMS Interface" (work processes and procedures information) and will be reviewed from a process and organizational perspective. We are asking that you provide your name and extension so that if we need clarification or additional information during the review, it can be easily obtained. Once the document is finalized and disbursed, please return this document to Rickie Beall, OEDO (O16-E15). Also, if you have any questions, please call (415-1726). Note: Please keep this document with the ticket.

DOCUMENT (describe):

EDO #: _____

Office Action #: _____

Office (please include Name and Extension)	Date and Time Action Received	Action/s Taken (e.g., draft response, typing, coordination with region/other office, mgmt. review, edits, concurrence, etc.)	Date and Time Action Out	ADAMS Interface (Explain steps or action taken to process the document that involved ADAMS)
Evelyn Williams, SECY 415-1964	01/05/01 4:10pm	Ltr from Congress re recent decision to approve CP&L's request to expand the nuclear waste storage capacity at Shearon Reviewed document and assigned action office To Annette Vietti-Cook 01/05/01 @ 4:41pm	01/05/01 4:41pm V5/01 5:20pm	N/A

Additional Comments:

Office/Person/Extension	Date and Time Action Received	Action/s Taken (e.g., draft response, typing, mgmt. review, edits, concurrence, etc.)	Date and Time Action Out	ADAMS Interface (Explain steps or action taken to process the document that involved ADAMS)

Additional Comments:

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