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USNRC

March 9, 1999
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF THE
GENERAL COUNSEL
ADJUTANT GENERAL

In the Matter of)
)
CAROLINA POWER & LIGHT CO.)
(Shearon Harris Nuclear)
Power Plant))
_____)

Docket No. 50-400 -OLA
ASLBP No. 99-762-02-LA

**ORANGE COUNTY'S MOTION TO RELOCATE
PREHEARING CONFERENCE**

In its February 24, 1999, Prehearing Conference Order, the Licensing Board scheduled a prehearing conference in this proceeding for May 11, 1999, at the Nuclear Regulatory Commission's ("NRC's") offices in Rockville, Maryland. Pursuant to Appendix A of 10 C.F.R. Part 2, Orange County hereby requests the Licensing Board to relocate the prehearing conference to a site in the area of the Shearon Harris nuclear power plant.

The NRC's regulations in Appendix A provide that:

In fixing the time and place of any conference, including prehearing conferences, or of any adjourned session of the evidentiary hearing, due regard shall be had for the convenience and necessity of the parties, petitioners for leave to intervene, or the representatives of such persons, as well as the Board members, the nature of such conference or adjourned session, and the public interest.

Id., § I(b). Orange County submits that public interest considerations strongly favor holding the prehearing conference in the vicinity of Shearon Harris. The proposed license amendment raises a number of issues that have significant implications for the health and welfare of the residents of the Shearon Harris area, and therefore has generated significant public interest in the matter.

Among these issues are the substantial increase in the inventory of spent fuel to be stored at the Shearon Harris facility, the potential reduction in safety margins caused by reliance on the Unit 1 cooling system for cooling the additional spent fuel pools, and the lack of complete quality

assurance documentation for the proposed cooling system. The Board of Commissioners has conducted several meetings regarding the proposed license amendment, which have been very heavily attended. A number of local jurisdictions within and surrounding Orange County have passed resolutions in support of Orange County's intervention in the proceeding, including the Towns of Chapel Hill, Carboro, Hillsboro, and Mebane (all within Orange County); Durham County; Lee County; the City of Sanford; and the Town of Garner. Local government officials, members of the public, and the local press have an interest in being present at the debate that will determine whether the Licensing Board hears Orange County's contentions regarding the safety and environmental impacts of the proposed license amendment. Many if not most of the people with an interest in attending the prehearing conference are unlikely to have the time or resources to travel to Maryland.

In furtherance of a local prehearing conference, Orange County would like to suggest two potential sites, which are available on May 10 (and also on May 11 if necessary). They are the Old Courthouse in Hillsboro, and the Orange County Southern Human Services Building in Chapel Hill. Both facilities have large meeting rooms which hold at least 100 people. The County also offers to make any necessary arrangements to reserve these buildings, both of which are owned by the County government.

Counsel for Orange County contacted counsel for CP&L regarding this motion, but he was not able to provide CP&L's position in time for this filing. Counsel Orange County did not succeed in contacting counsel for the NRC Staff, due to the early closing of the government today.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane Curran". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

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OFFICE OF THE
GENERAL COUNSEL
RULEMAKING AND
ADJUDICATIONS

CERTIFICATE OF SERVICE

I certify that on March 9, 1999, copies of the foregoing Orange County's Request to Relocate Prehearing Conference were served on the following by e-mail and/or first class mail as indicated below:

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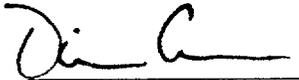
Adjudicatory File
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