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

May 19, 1999

DOCKETED  
MAY 19 1999

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OFFICE  
OF THE  
ADJUTANT

The Honorable Keith H. Weatherly  
Mayor  
Apex, North Carolina 27502

**SERVED MAY 19 1999**

Dear Mayor Weatherly:

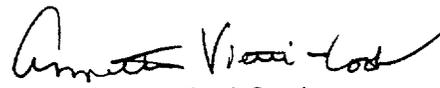
I am responding to your letter of May 5, 1999, addressed to Chairman Shirley Ann Jackson. In your letter you requested that the Nuclear Regulatory Commission (NRC) grant standing to the Orange County Board of Commissioners in the Shearon Harris proceeding (Docket No. 50-400-LA), which is currently before an NRC Atomic Safety and Licensing Board (ASLB). As noted in your letter, Orange County has filed an intervention petition with the Commission challenging the license amendment request of Carolina Power and Light to increase the spent fuel storage capacity at the Shearon Harris plant.

Under NRC 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 Commissioners must remain impartial during the pendency of a case, whether it is before a Licensing Board or on appeal to the Commission.

With respect to your request that a hearing in the proceeding be held in the Triangle area, I am enclosing a recent order of the ASLB for the Shearon Harris proceeding. The first prehearing conference held on May 13, 1999, was held in Chapel Hill, North Carolina. As indicated in the enclosed Order, subsequent locations for hearings will be designated should the standing and related issues be resolved in favor of the Orange County Board of Commissioners.

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

Sincerely,

  
Annette L. Vietti-Cook

Enclosure: As stated

Template = SECY-040

SECY-02

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Frederick J. Shon  
Dr. Peter S. Lam

99 MAY 11 10:24

In the Matter of  
CAROLINA POWER & LIGHT COMPANY  
  
(Shearon Harris Nuclear  
Power Plant)

Docket No. 50-400-LA  
ASLBP No. 99-762-02-LA  
May 11, 1999

NOTICE  
(Changing Location and  
Starting Time for Initial  
Prehearing Conference)

After consultation with the participants, the Licensing Board has decided to change the location of the initial prehearing conference, scheduled to begin on Thursday, May 13, 1999, to provide additional space for members of the public who wish to attend. The new location for the conference is Southern Human Resources Center, Main Meeting Room, 2505 Homestead Road, Chapel Hill, North Carolina. Further, to accommodate those who may need additional time to locate this new venue, the starting time for the May 13 session of the prehearing conference has been moved back one-half hour to 10:00 a.m.

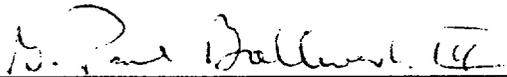
As was noted in the Board's April 21, 1999 order regarding the prehearing conference location, this

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prehearing conference is being convened so that the Board can hear arguments from counsel for petitioner Board of Commissioners of Orange County (BCOC), applicant Carolina Power and Light Co. (CP&L), and the NRC staff regarding the issues of BCOC's standing and the admissibility of its submitted contentions.

If BCOC subsequently is found to have standing and to have submitted one or more litigable contentions, the Board will issue a notice of hearing that, in accordance with 10 C.F.R. § 2.715(a), will afford members of the public an opportunity to provide written or, as appropriate, oral limited appearance statements on the issues. The Board will issue a further notice outlining the times, places, and conditions of participation in the event the Board provides an opportunity for oral limited appearance statements.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

  
\_\_\_\_\_  
G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 11, 1999

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\* Copies of this notice were sent this date by Internet e-mail transmission to counsel for (1) applicant CP&L; (2) intervenor BCOC; and (3) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
CAROLINA POWER & LIGHT COMPANY  
(Shearon Harris Nuclear Power Plant)

Docket No.(s) 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing NOTICE (CHANGING LOCATION...) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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  
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Administrative Judge  
Peter S. Lam  
Atomic Safety and Licensing Board Panel  
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Washington, DC 20555

Marian L. Zobler, Esq.  
Richard G. Bachmann, Esq.  
Office of the General Counsel  
Mail Stop - 0-15 B18  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

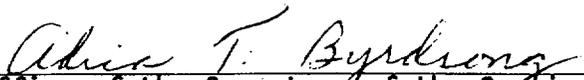
Diane Curran, Esq.  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

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, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037

Docket No.(s)50-400-LA  
NOTICE (CHANGING LOCATION...)

Dated at Rockville, Md. this  
11 day of May 1999

  
Office of the Secretary of the Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear Power Plant)

Docket No.(s) 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR SECY TO MAYOR WEATHERLY have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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

Administrative Judge  
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Mail Stop - T-3 F23  
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Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037

Docket No.(s)50-400-LA  
LTR SECY TO MAYOR WEATHERLY

Dated at Rockville, Md. this  
19 day of May 1999

  
Office of the Secretary of the Commission