



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

April 15, 1998

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seeking release
of only the highlighted
paragraph

Robert A. Backus, Esq.
Backus, Meyer, Solomon, Rood & Branch
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P.O. Box 516
Manchester, NH 03105-0516

Dear Mr. Backus:

Your letter of March 16, 1998, to Chairman Jackson has been referred to me for reply. In it, you refer to a March 12, 1998, article in the Wall Street Journal about meetings between Mr. Paul Blanch and three of the four Commissioners. That article unfortunately left ambiguous whether Mr. Blanch met with the Commissioners individually or as a group. If the latter had been the case, you would have been correct in your view that the meeting posed Sunshine Act concerns. In fact, however, Mr. Blanch held separate discussions with Chairman Jackson, Commissioner Diaz, and Commissioner McGaffigan. Accordingly, the Sunshine Act was not implicated.

With regard to your suggestion that the discussions represented ex parte communications, and as such were improper, I should point out that the ex parte rule applies only when there is an adjudicatory proceeding in being, when a notice of hearing has been issued, or when an interested person engaged in communications with a decisionmaker has knowledge that a notice of hearing will be issued. See 10 CFR §2.780. The question of restarting Millstone 3 is currently being addressed administratively, by the NRC's technical staff. Under this administrative process, the Commission ultimately must approve restart of this Category 3 status plant. The restart is not the subject of adjudication, a notice of hearing on the matter has not been issued, and none is anticipated. Your concern that ex parte contacts may have occurred is therefore misplaced.

Sincerely,

Karen D. Cyr

Karen D. Cyr
General Counsel

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