



OFFICE OF THE
GENERAL COUNSEL

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

April 15, 1998

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Seeking release of
only the highlighted
paragraph

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge, Connecticut 06876

Dear Ms. Burton:

Your letter of March 13, 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 on the subject of Millstone issues. The article unfortunately did not make clear that Mr. Blanch met individually with these Commissioners, not in a group; thus some readers incorrectly assumed that a Commission "meeting," as that term is used in the Government in the Sunshine Act, had taken place. In fact, there was no Commission meeting in this instance, and the Sunshine Act does not apply.

Your concern, however, is directed to what you view as improper ex parte communications by Mr. Blanch. In response, let me point out that the ex parte rule, 10 CFR § 2.780, 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 an adjudicatory decisionmaker (such as a Commissioner or a Licensing Board member) has knowledge that a notice of hearing will be issued. 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

A/g