

RAS 2119

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 08/28/00

SERVED 08/28/00

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Peter S. Lam
Thomas D. Murphy

In the Matter of

CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear Power Plant)

Docket No. 50-400-LA

ASLBP No. 99-762-02-LA

August 28, 2000

ORDER

(Referral for Docketing and Service)

Upon consideration of the August 24, 2000 message included as Attachment A to this issuance, which was referred to the Licensing Board by the recipient without comment, in accordance with 10 C.F.R. §§ 2.780-2.781, it is

ORDERED, that this issuance with the attached message shall be made part of the public record of this proceeding and served on the parties to this proceeding.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 28, 2000

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant Carolina Power & Light Company; (2) intervenor Board of Commissioners of Orange County, North Carolina; and (3) the NRC staff.

ATTACHMENT A

From: Institute for Resource and Security Studies <irss@igc.org>
To: "Med El-Zeftway" <MME@nrc.gov>
Date: Thu, Aug 24, 2000 7:43 PM
Subject: ACRS and Spent Fuel Pool Risk

24 August 00

TO: Med El-Zeftway
FROM: Gordon Thompson

Dear Dr El-Zeftway:

This message follows up our phone conversation today.

As I mentioned to you, I am assisting Orange County, NC, in its intervention in a spent fuel pool licensing case for the Harris nuclear plant. The ASLB for this case has recently admitted an Orange County contention on severe pool accidents, and discovery in this matter began on 21 August. The ASLB has asked parties if they wish to direct discovery to the ACRS.

As I further mentioned, I am advising Orange County that it should not direct discovery to the ACRS. Instead, I hope to conduct an open, scientific dialogue with the ACRS regarding spent fuel pool risk issues, along the lines that we have recently begun. I believe that such a dialogue could be more appropriate to the role of the ACRS than a legalistic interaction. In this connection, I am pleased to hear that the ACRS will again extend an invitation to me to address spent fuel pool risk issues at a full committee meeting in the near future.

I will share with the ACRS any relevant information or analysis that comes to my attention. You indicated a willingness to do the same, and this would be greatly appreciated.

Thank you for your courtesy.

Sincerely,

Gordon Thompson

Institute for Resource and Security Studies
27 Ellsworth Avenue, Cambridge, MA 02139, USA
Phone: (617) 491-5177 Fax: (617) 491-6904
Email: irss@igc.org

CC: Diane Curran <dcurran@harmoncurran.com>

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CAROLINA POWER & LIGHT COMPANY) Docket No. 50-400-LA
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REFERRAL FOR DOCKETING AND SERVICE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
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Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
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Administrative Judge
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Docket No. 50-400-LA
LB ORDER (REFERRAL FOR
DOCKETING AND SERVICE)

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 28th day of August 2000