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99 MAR 22 P3:52**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION****Before the Atomic Safety and Licensing Board**OFFICE
OF
ADJUTANT
GENERAL

In the Matter of)	
)	
CAROLINA POWER & LIGHT)	Docket No. 50-400-LA
COMPANY)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA

**APPLICANT'S RESPONSE TO BCOC'S MOTION TO RELOCATE
PREHEARING CONFERENCE**

Applicant Carolina Power & Light Company ("Applicant" or "CP&L") hereby submits its response to petitioner Board of Commissioners of Orange County, North Carolina's ("BCOC") "Motion to Relocate Prehearing Conference" ("Mot. Rel.") dated March 9, 1999. In its motion, BCOC requests the Atomic Safety and Licensing Board ("Board") to relocate the prehearing conference from the Nuclear Regulatory Commission's offices in Rockville, Maryland to a site in the vicinity of the Harris Nuclear Plant ("HNP"). BCOC offered two potential locations for the prehearing conference during the week of May 10, 1999: the Old Courthouse in Hillsborough, and the Orange County Southern Human Services Building in Chapel Hill. Both facilities are located in Orange County, North Carolina, and HNP is located in adjoining Wake County, North Carolina.

Applicant supports BCOC's request to relocate the prehearing conference to a site

in the vicinity of HNP.¹ CP&L believes that members of the public who wish to view the prehearing conference should be afforded an opportunity to do so. Relocating the prehearing conference to a site in the vicinity of HNP will afford both members of the public as well as representatives and employees of CP&L a readily available opportunity to observe the prehearing conference.

In the event the Board's schedule does not permit accommodation of BCOC's Motion to Relocate, in the alternative, Applicant suggests that arrangements be made for a videoconference of the prehearing conference by connecting one or more of the locations recommended by BCOC or other locations in the vicinity of HNP. Applicant is aware that videoconferencing has been used successfully in other agency proceedings to provide the public with a first-hand view of the proceeding.

Applicant requests that the prehearing conference, if relocated, be held on May 13, 1999. This date will permit senior representatives of CP&L to attend the proceeding who otherwise would be unable to attend because of previous commitments and conflicts prior to that date. CP&L believes that attendance by senior representatives is appropriate and important if the prehearing conference is held in North Carolina. Cf. 10 C.F.R. Part 2, Appendix A.I(b) (discussing interest of the parties in setting time and place for conferences in initial construction and operating license proceedings). Counsel for

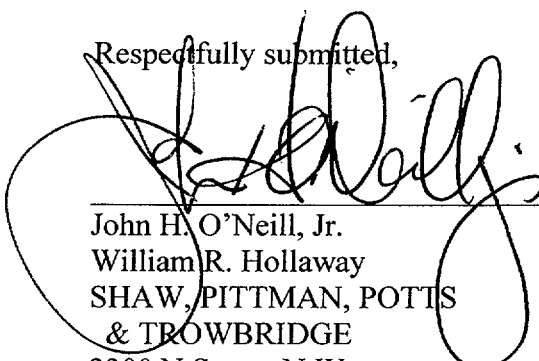
¹ CP&L does take issue with the predicate for the request that the "proposed license amendment . . . ha[s] significant implications for the health and welfare of the residents of the Shearon Harris EPZ." Mot. Rel. at 1. CP&L has shown, and will continue to show in this proceeding, that spent fuel storage at HNP is consistent with the health and welfare of the citizens living in the vicinity of HNP. In fact, the NRC itself has recently reached the same conclusion, determining that storage of old spent fuel has "greatly reduced off-site radiological consequences" and, from a public health and safety standpoint, requires no off-site emergency planning at all. See 63 Fed. Reg. 48,768, 48,770 (1998).

Applicant has discussed this request with counsel for both BCOC and the NRC staff. Neither has any objection to Applicant's request that the prehearing conference, if relocated, be held on May 13, 1999.

Applicant prefers that the prehearing conference, if relocated, be held at the Old Courthouse in Hillsborough, North Carolina. As a courthouse, the Old Courthouse will provide the appropriate logistics and decorum to host an adjudicatory proceeding of this nature. Counsel for CP&L has discussed this request to use the Old Courthouse with counsel for BCOC and the NRC staff. Neither BCOC nor the NRC staff have any objection to this request, and counsel for BCOC has determined that the Old Courthouse is available to hold the prehearing conference on May 13, 1999.

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Respectfully submitted,



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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

OFFICE OF
RULEMAKING
ADJUDICATION

Before the Atomic Safety and Licensing Board

In the Matter of)	
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CAROLINA POWER & LIGHT)	Docket No. 50-400-LA
COMPANY)	
(Shearon Harris Nuclear Power Plant))	ASLBP No. 99-762-02-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Response to BCOC's Motion to Relocate Prehearing Conference dated March 15, 1999, was served on the persons listed below by U.S. mail, first class, postage prepaid, and by electronic mail transmission, this 15th day of March, 1999.

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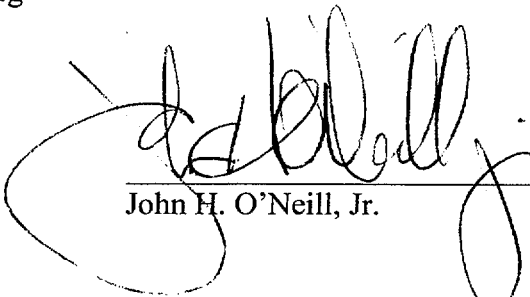
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* Adjudicatory File
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