

Congress of the United States

Washington, DC 20515

January 5, 2001

Dr. Richard Meserve, chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Dr. Meserve:

We are writing with regard to the recent decision by the Nuclear Regulatory Commission (NRC) to approve Carolina Power & Light Company's (CP & L) request to expand the nuclear waste storage capacity of its Shearon Harris nuclear power plant. We appreciate your attention to the concerns we have raised over the past two years with regard to this matter.

Throughout the license amendment process, we have tried to play a facilitative role in encouraging the NRC to provide as much opportunity for public participation as possible under NRC regulations. We have also urged the NRC to take every possible step to ensure that public safety is the paramount concern underlying NRC decision making and to inspire public confidence in the NRC process.

While we have no expertise with which to evaluate the judgment of the NRC that CP & L's license amendment should be approved, we do have a concern that a negative perception of the NRC among some of our constituents has been enhanced because of the timing and sequencing of this decision. The "no significant hazards" finding by the NRC staff appears to turn on the very issues that are still pending before the Atomic Safety & Licensing Board (ASLB) panel. We understand that NRC regulations permit it to approve a license amendment prior to the conclusion of the proceedings before the ASLB. We think it would be helpful, however, for the NRC to more fully explain the rationale behind these regulations. What regulatory purpose is served by granting a license amendment while a related ASLB proceeding is ongoing? Does this decision compromise the integrity of the ASLB proceeding? What complications do you foresee if the ASLB eventually rules in favor of Orange County after used nuclear fuel rods have begun to be installed in the third waste storage pool?

An NRC spokesperson was recently quoted as saying that the NRC staff "makes license decisions based strictly on technical safety issues and not on public perception." While we would agree that it is entirely appropriate for the staff to base its decision making on technical safety issues, we again encourage the NRC and the NRC staff to go further in reassuring the public that NRC decision making does not disregard issues of the sort that have been raised in the ASLB proceeding. While the NRC will no doubt always have its critics, public perception is an important component of ensuring that the NRC continues to have the public credibility necessary for carrying out its work.

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Again, we appreciate your attention to our concerns and look forward to your response.

Sincerely,

John Edwards

David Price