

Date: December 13, 2000

OFFICE OF NUCLEAR REACTOR REGULATION
NOTIFICATION OF SIGNIFICANT LICENSING ACTION

Licensee: Carolina Power & Light Company
Shearon Harris Nuclear Power Plant, Unit 1
Docket No. 50-400

Subject: PROPOSED ISSUANCE OF A FINAL NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND LICENSE AMENDMENT FOR WHICH
A HEARING HAS BEEN REQUESTED (TAC NO. MA4432)

This is to inform the Commission that a final no significant hazards consideration determination and license amendment will be issued 5 days after the date of this notice, to Carolina Power & Light Company (CP&L). This action is being taken in response to the licensee's amendment application dated December 23, 1998, as supplemented on March 15, April 5, April 30, June 14, July 23, September 3, October 15, and October 29, 1999, and April 14, and July 19, 2000. This action will modify License No. NPF-63 for the Shearon Harris Nuclear Power Plant, Unit 1 (HNP) by revising the Technical Specifications (TS) to support a modification to HNP to increase the spent fuel storage capacity by adding rack modules to spent fuel pools (SFPs) C and D and placing the pools in service. Specifically, the amendment consists of: 1) a revision to TS 5.6 to identify pressurized water reactor fuel burnup restrictions, boiling water reactor fuel enrichment limits, pool capacities, heat load limitations, and nominal center-to-center distances between fuel assemblies in the racks to be installed in SFPs C and D; 2) an alternative plan in accordance with the requirements of 10 CFR 50.55a to demonstrate an acceptable level of quality and safety in completion of the component cooling water (CCW) and SFPs C and D cooling and cleanup system piping; and 3) an unreviewed safety question for additional heat load on the CCW system.

A hearing on this license amendment was requested by the Board of Commissioners of Orange County, North Carolina (BCOC) on February 12, 1999, which will not be completed prior to its issuance. On July 12, 1999, the Atomic Safety and Licensing Board (ASLB) ruled that BCOC had standing and had submitted two admissible contentions. The two contentions related to (1) whether General Design Criterion 62 allows the use of administrative controls to prevent criticality (TC-2); and (2) the adequacy of the licensee's proposed alternative plan for the cooling system piping (TC-3). On July 29, 1999, the ASLB granted CP&L's request to hold the hearing in accordance with the hybrid hearing procedures of 10 CFR Part 2, Subpart K. On January 4, 2000, all parties filed written summaries and on January 21, 2000, the ASLB heard oral arguments related to the two admitted contentions. On May 5, 2000, the ASLB issued a

Contacts: Richard Laufer, NRR, 415-1373
Samuel Collins, Director, NRR, 415-1270

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

decision in favor of CP&L, stating that “(1) there is no genuine and substantial dispute of fact or law that can only be resolved with sufficient accuracy by the introduction of evidence in an evidentiary hearing; and (2) contentions TC-2 and TC-3 are disposed of as being resolved in favor of CP&L.”

On January 31, 2000, BCOC filed four late-filed environmental contentions that challenged the adequacy of the staff’s December 21, 1999, environmental assessment related to CP&L’s amendment request. On August 7, 2000, the ASLB issued its Ruling on Late-filed Environmental Contentions, which admitted one environmental contention (EC-6) regarding the probability of occurrence of BCOC’s postulated beyond design basis accident scenario. On November 20, 2000, all parties filed written summaries, and on December 7, 2000, the ASLB heard oral arguments related to the contention. An ASLB decision on the contention is pending.

The State of North Carolina will be notified.

decision in favor of CP&L, stating that “(1) there is no genuine and substantial dispute of fact or law that can only be resolved with sufficient accuracy by the introduction of evidence in an evidentiary hearing; and (2) contentions TC-2 and TC-3 are disposed of as being resolved in favor of CP&L.”

On January 31, 2000, BCOC filed four late-filed environmental contentions that challenged the adequacy of the staff's December 21, 1999, environmental assessment related to CP&L's amendment request. On August 7, 2000, the ASLB issued its Ruling on Late-filed Environmental Contentions, which admitted one environmental contention (EC-6) regarding the probability of occurrence of BCOC's postulated beyond design basis accident scenario. On November 20, 2000, all parties filed written summaries, and on December 7, 2000, the ASLB heard oral arguments related to the contention. An ASLB decision on the contention is pending.

The State of North Carolina will be notified.

Distribution:

Chairman Meserve	SECY	OPA	<u>ADAMS</u> ¹
Commissioner Dicus	EDO	OIG	PUBLIC
Commissioner Diaz	OCA		
Commissioner McGaffigan	NRR		
Commissioner Merrifield	OGC		

Date amendment issued: December 21, 2000

Date received by licensee: December 21, 2000

FILENAME - G:\PDII-2\SHEARON HARRIS\NSLAMA4432.WPD *see previous concurrence

OFFICE	PM:PDII/S2	LA:PDII/S2	SC:PDII/S2	(A)D:PDII	OGC	D:DLPM	ADPT:NRR
NAME	RLaufer	EDunnington	RCorreia	GJanosko	SUttal	JZwolinski	BSheron
DATE	11 /22/00	11/22 /00	11 / 27/00	11/ 28 /00	11 /29/00	12 / 7/00	12 /11/00
COPY	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

OFFICE	D:NRR	EDO					
NAME	BSheron for SCollins	WTravers					
DATE	12 /11 /00	12 /13 /00					
COPY	Yes/No	Yes/No					

¹ Do not declare as an *Official Agency Record* until **after** the amendment has been received by the licensee.

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**