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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ADJUDICATIVE DIVISION
Before the Atomic Safety and Licensing Board

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 BOARD'S REQUEST REGARDING
RELEVANCE OF ACRS LETTER ADDRESSING NRC STAFF DRAFT
DECOMMISSIONING STUDY**

Pursuant to the Licensing Board's May 5, 2000 Memorandum and Order (Requesting Additional Information), Applicant Carolina Power & Light Company ("CP&L" or "Applicant") files this response providing its views on the relevance, if any, of the April 13, 2000 Advisory Committee on Reactor Safeguards ("ACRS") letter. In this letter, the ACRS provides its comments on the NRC Staff's February 15, 2000 "Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants" ("Decommissioning Study" or "Study"). Because the ACRS comments on the draft Study, just like the Study itself, do not discuss, consider, or otherwise relate to the reactor driven accident scenario that the Board of Commissioners of Orange County ("BCOC") proffers as the basis for its late-filed environmental contentions, the ACRS letter is irrelevant to the issues before the Board.

At the request of the Commission, the ACRS performed a technical review of the NRC Staff's draft Decommissioning Study. The ACRS is an advisory committee within the NRC that is independent of the NRC Staff. On April 13, 2000, the ACRS submitted a

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letter to the Commission Chairman providing the results of its “technical review of the validity of the draft [decommissioning] study and risk objectives.” ACRS Letter at 1.

All parties have already agreed in their March 29, 2000 filings, and confirmed in their April 5, 2000 filings, that the draft Decommissioning Study is not directly relevant to BCOC’s late-filed environmental contentions.¹ The draft Decommissioning Study is not relevant to BCOC’s late-filed environmental contentions because, in BCOC’s words, “the Draft Study does not address the relationship between degraded-core reactor accidents and the potential for severe accidents in fuel pools[,]” which is the “accident scenario of concern to Orange County.” BCOC’s Response at 3.

The ACRS letter is similarly irrelevant to BCOC’s environmental contentions because it also neither addresses nor sheds any light on the reactor core accident scenario of concern to BCOC. The ACRS letter is confined to the scope of the NRC Staff’s draft Decommissioning Study. In fact, the ACRS letter addresses the consequences after major spent fuel pool drainage has already occurred, not the scenarios leading up to that point. As with the draft Decommissioning Study, the ACRS letter does not address either BCOC’s degraded-core reactor accident scenario or the specific design features of the spent fuel pools at the Harris Nuclear Plant. The ACRS letter simply provides the

¹ “NRC Staff Response to the Atomic Safety and Licensing Board’s Request for Additional Information” (March 29, 2000) at 1; “Orange County’s Response to Board’s Information Request” (March 29, 2000) (“BCOC’s Response”) at 1; “Applicant’s Response to Board’s Request Regarding Relevance of Staff’s Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Plants” (March 29, 2000) at 1; “NRC Staff Reply to Orange County’s Response to the Board’s Request for Additional Information” (April 5, 2000) at 1; “Orange County’s Reply to Applicant’s and Staff’s Responses to Board’s Information Request” (April 5, 2000) at 1; “Applicant’s Reply to Parties’ Responses Regarding Relevance of Staff’s Draft Decommissioning Study” (April 5, 2000) at 1.

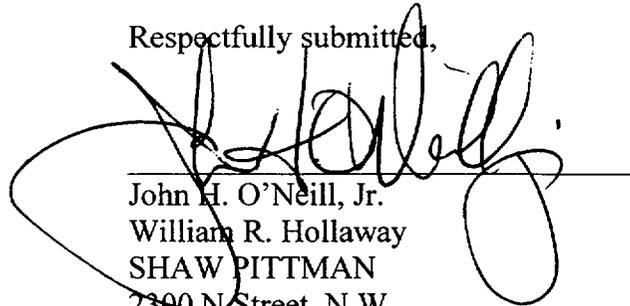
ACRS's opinion regarding the use of certain technical inputs in the draft Decommissioning Study.²

Because the ACRS letter, like the draft Decommissioning Study on which it is based, is not relevant to BCOC's environmental contentions, the Board need not consider the ACRS letter in making its decision regarding admission of BCOC's late-filed contentions.

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Dated: May 15, 2000

Respectfully submitted,



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² Moreover, none of the inputs cited in the ACRS letter contain new information. The technical references cited are from four to 29 years old. See ACRS Letter at 5 (References 7-10). Had this information been considered relevant by any of the parties, it would have already been included in the previous filings.

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicant's Response to Board's Request Regarding Relevance of ACRS Letter Addressing NRC Staff Draft Decommissioning Study" were served on the persons listed below by U.S. mail, first class, postage prepaid, and by electronic mail transmission, this 15th day of May, 2000.

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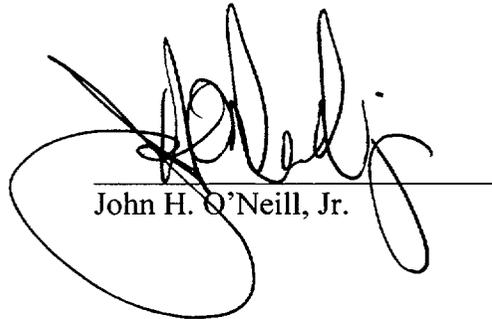
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