

RAS 1748

May 22, 2000

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 05/25/00

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF REPLY TO ORANGE COUNTY'S RESPONSE TO MAY 5, 2000,
MEMORANDUM AND ORDER (REQUESTING ADDITIONAL INFORMATION)

I. INTRODUCTION

On May 15, 2000, the Board of Commissioners of Orange County (BCOC) filed Orange County's Response to May 5, 2000, Memorandum and Order (Requesting Additional Information) (BCOC's Response), regarding the relevance, if any, of the Advisory Committee on Reactor Safeguards' comments (ACRS Letter) addressing the Nuclear Regulatory Commission staff's (Staff) "Draft Final Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants" (February 2000) (Study), to the issues pending before the Atomic Safety and Licensing Board (Board) concerning BCOC's motion requesting the admission of late-filed contentions. The Staff submits that the ACRS Letter is not relevant to the issues before the Board.

II. DISCUSSION

It is clear from BCOC's Response and from the Applicant's Response to Board's Request Regarding Relevance of ACRS Letter Addressing NRC Staff Draft

Decommissioning Study, May 15, 2000 (CP&L's Response) that all parties are in agreement regarding the relevancy of the ACRS Letter to the issues before the Board, to wit: it is not relevant. As stated in the BCOC Response:

Because [the Study] focuses only on decommissioning plants and not operating plants, the ACRS letter sheds no light on whether a degraded-core reactor accident with containment failure or bypass will, as the County claims, almost certainly cause adjacent pools to lose water by evaporation.

BCOC's Response at 4. *See also* CP&L's Response at 2. As the Staff has demonstrated in its previous filings, BCOC has completely failed to show that there is a credible basis for its postulated scenario. Nothing in the ACRS Letter provides such a basis. None of the seven allegedly relevant "criticisms" discussed in BCOC's Response are, in fact, relevant to the issues before the Board. *See* BCOC's Response at 2.

In sum, the ACRS Letter is not relevant or material to the issues before the Board in this proceeding. Therefore, it does not have to be considered in determining whether the environmental contentions should be admitted.

Respectfully submitted,

Susan L. Uttal **/RA/**
Counsel for NRC staff

Dated at Rockville, Maryland
this 22nd day of May 2000.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REPLY TO ORANGE COUNTY'S RESPONSE TO MAY 5, 2000, MEMORANDUM AND ORDER (REQUESTING ADDITIONAL INFORMATION) " in above-captioned proceeding have been served on the following through deposit in the NRC's internal mail system, or by deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in U.S. Postal Service as indicated by double asterisk, with copies by electronic mail as indicated this 22ND day of May, 2000:

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