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May 27, 1999

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
CAROLINA POWER & LIGHT CO.)
(Shearon Harris Nuclear)
Power Plant))
_____)

Docket No. 50-400 -OLA
ASLBP No. 99-762-02-LA

**ORANGE COUNTY'S RESPONSE TO APPLICANT'S PROPOSED
REWORDING OF CONTENTION 3, REGARDING QUALITY ASSURANCE**

Pursuant to the Board's Order of May 20, 1999, Orange County hereby responds to the proposed rewording of Contention 3 which the Applicant submitted in Applicant's Answer to Petitioner Board of Commissioners of Orange County's Contentions at 36-37 (May 5, 1999). The County accepts the rewording of the contention, with several changes. Additions to the Applicant's proposed language are in bold, and omitted language is in bracketed italics.

The County notes that, based on assertions made in the Applicant's Response to Contention 3, the County has decided not to pursue that aspect of the contention which asserts that the Applicant improperly postpones remote camera inspection of the welds. In its response to Contention 3, the Applicant states that it intends to conduct the remote camera inspections by mid-June. *Id.* at 37, note 32. The County understands from Applicant's counsel that the inspections are to be conducted very shortly. If, for any reason, the inspections are not completed in the next few weeks, the County intends to renew its request for admission of this aspect of the contention.

Contention 3: Inadequate Quality Assurance

CP&L's proposal to provide cooling of pools C & D by relying upon the use of previously completed portions of the Unit 2 Fuel Pool Cooling and Cleanup System and the Unit 2 Component Cooling Water System fails to satisfy the quality assurance criteria of 10 C.F.R. Part 50, Appendix B, specifically Criterion XIII (failure to show that the piping and equipment have been stored and preserved in a manner that prevents damage or deterioration), Criterion XVI (failure to institute measures to correct any damage or deterioration), and Criterion XVII (failure to maintain **necessary** [quality] records to show that all quality assurance requirements are satisfied).

Moreover, the Alternative Plan submitted by Applicant fails to satisfy the requirements of 10 C.F.R. § 50.55a for an exception to the quality assurance criteria because it does not describe any program for maintaining the idle piping in good condition over the intervening years between construction of implementation of the proposed license amendment, nor does it describe a program for identifying and remediating potential corrosion and fouling.

The Alternative Plan submitted by Applicant is also deficient because 15 welds for which certain quality assurance records are missing are embedded in concrete and inspection of the welds to demonstrate weld quality cannot be adequately accomplished with a remote camera.

Finally, the Alternative Plan submitted by Applicant is [also] deficient because not all other welds embedded in concrete will be inspected by the remote camera, and the weld quality cannot be demonstrated **adequately** by circumstantial evidence.

Counsel for the County has discussed these proposed changes to the Applicant's

rewording of the contention with counsel for the Applicant and Staff, who had no objection.

Respectfully submitted,



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