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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)
COMPANY)
(Shearon Harris Nuclear Power Plant))

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

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NRC STAFF'S SECOND SUPPLEMENTAL RESPONSE TO
ORANGE COUNTY'S FIRST SET OF DISCOVERY REQUESTS TO NRC STAFF

The Nuclear Regulatory Commission staff (Staff) hereby files this second supplement to Staff responses to Orange County's First Set of Discovery Requests to NRC Staff, filed September 20, 1999.

A. SPECIFIC DOCUMENT REQUESTS

Please produce the following documents:

TECHNICAL CONTENTION 2 (Criticality Safety):

REQUEST NO. 1. All documents reviewed or prepared by the Staff in connection with the issuance of its April 29, 1999, Request for Additional Information to Carolina Power & Light ("CP&L") on criticality safety issues.

STAFF RESPONSE: Licensee's amendment request, NRC accession No. 9812290056; Standard Review Plan 9.1.2; NRC Memorandum from Laurence Kopp to Timothy Collins, Re: Guidance on the Regulatory Requirements for Criticality Analysis of

Fuel Storage at Light-Water Reactor Power Plants, dated August 19, 1998. These documents maybe found in the Public Document Room or are in the possession of Orange County.

REQUEST NO. 2. All documents reviewed or prepared by the Staff in connection with its evaluation of CP&L's response to the April 29, 1999, RAI.

STAFF RESPONSE: Applicant's response to the April 29, 1999 RAI. This document is already in Orange County's possession.

REQUEST NO. 3. All documents related to the NRC Staff's review of CP&L's compliance with General Design Criterion 62 with respect to the activation of spent fuel storage pools C and D.

STAFF RESPONSE: Licensee's amendment request, NRC accession No. 9812290056; Standard Review Plan 9.1.2; Licensee response to RAI, June 14, 1999. These documents maybe found in the Public Document Room or are in the possession of Orange County.

REQUEST NO. 4. All documents related to the NRC Staff's review of CP&L's compliance with Draft Regulatory Guide 1.13 with respect to the activation of spent fuel storage pools C and D.

STAFF RESPONSE: None.

REQUEST NO. 5. All documents evaluating the CP&L proposal for maintaining criticality safety in pools C and D in comparison with similar administrative controls at other nuclear plants.

STAFF RESPONSE: The Staff objects to this document request to the extent that it categorizes CP&L's proposal for maintaining criticality safety solely as "administrative controls." The Staff also objects to the extent that it requests materials relating to other

licensees and/or facilities which are not the subject of this proceeding and are, therefore, beyond the scope of this proceeding. The Staff objects to this request as overly broad and unduly burdensome. Without waiving these objections, the Staff states that it is not aware of any documents or records which evaluate the Applicant's proposal regarding criticality in comparison with those at other nuclear plants.

REQUEST NO. 6. All documents evaluating the potential for misplacement of fuel at the Harris nuclear power plant, including both fresh and spent fuel, and including all movements from the time the fuel arrives on the site.

STAFF RESPONSE: The Staff objects to this discovery request as being overly broad and beyond the scope of the contentions admitted to this proceeding and not designed to lead to discoverable information. Contention 2, basis 2, as admitted to this proceeding assumes a misplacement has occurred. Therefore, any information relating to experience with misplacements is irrelevant. In addition, the request for documents relating to the movement of fuel at any time after it arrives at the sight is overly broad and irrelevant. Regulatory requirements relating to fuel misplacements are found at 10 C.F.R. § 50.68.

REQUEST NO. 8. All documents addressing the probability and/or consequences of criticality in the Harris spent fuel pools.

STAFF RESPONSE: The Staff is not aware of any documents responsive to this request.

REQUEST NO. 9. All documents evaluating CP&L's proposal for control of criticality through the addition of

boron to the spent fuel pools, including but not limited to documents evaluating the CP&L proposal in light of experience at other plants.

STAFF RESPONSE: The Staff is not aware of any documents evaluating the proposal for control of criticality.

TECHNICAL CONTENTION 3 (QA):

REQUEST NO. 1. All documents reviewed or prepared by the Staff in connection with the issuance of its March 24, 1999, RAI to CP&L on quality assurance issues.

STAFF RESPONSE: Licensee's amendment request and any supplements thereto; Orange County's submittals; NUREG-1038, Safety Evaluation Report related to the operation of Shearon Harris Nuclear Power Plants 1 and 2, November 1983; 10 C.F.R. Parts 21 and 50; NUREG-0800, Standard Review Plan; FSAR for Shearon Harris; Shearon Harris Quality Assurance Program (Chapter 17 of the FSAR); Regulatory Guide 1.26, Standard Review Plan 3.2.2; Standard Review Plan 17.2; ASME Boiler and Pressure Vessel Code, 1974 edition through 1976 Winter addenda. These documents are either in the possession of Orange County or are available in the PDR, the NRC external website or, in the case of ASME and ANSI documents, available from the originator.

REQUEST NO. 2. All documents reviewed or prepared by the Staff in connection with its evaluation of CP&L's response to the March 24, 1999, RAI.

STAFF RESPONSE: Kindly refer to the answer to Request No. 1. In addition, X-Met 880 pamphlet, previously produced; ASME Code Sections II, III, IX and XI.

REQUEST NO. 3. All documents related to the NRC Staff's review of CP&L's compliance with NRC quality assurance regulations with respect to the piping to be used for Harris spent fuel storage pools C and D.

STAFF RESPONSE: Kindly refer to the answer to Request No. 1. In addition, the Commission's regulations at 10 C.F.R. 50.55a; SRP 0800; RG 1.126 and the Shearon Harris FSAR.

REQUEST NO. 4. All documents related to the NRC Staff's review of the adequacy of CP&L's Alternative Plan for assuring the safety of piping for spent fuel storage pools C and D.

STAFF RESPONSE: Kindly refer to the answer to Request No. 1. In addition, 10 C.F.R. Part 50, Appendix B; ASME Code, Sections 3 and 11

REQUEST NO. 5. All documents addressing the history of layout and storage of all piping and equipment (including pumps and heat exchangers) that was intended for Harris Unit 2 and will be used for pools C and D. This request includes but is not limited to documents related to inspection and testing of the piping and equipment.

STAFF RESPONSE: All documents presently available to the staff are Applicant's license amendment request and supplements thereto, Applicant's answers to Staff RAIs, and other documents generated by the Applicant. Such documents are in the possession of Orange County and/or are in the PDR.

REQUEST NO. 6. All documents addressing the testing of water that has been present in stored piping and equipment.

STAFF RESPONSE: See response to Request No. 5.

REQUEST NO. 7. Documents addressing the nature and findings of remote camera inspections and other inspections that have been carried out to date as part of preparations for activating pools C and D.

STAFF RESPONSE: See response to Request No. 5.

REQUEST NO. 8. All documents addressing the potential risks or adverse health or economic effects of deficiencies in existing piping and equipment.

STAFF RESPONSE: The Staff objects to this request as overly broad and burdensome to the extent that it requests documents relating to facilities other than Shearon Harris Nuclear Plant. As to documents relating to Shearon Harris, see the response to Request No. 5.

REQUEST NO. 9. All documents addressing the schedule of activities that are planned for activating pools C and D. This request includes but is not limited to activities that relate to piping and equipment for pools C and D.

STAFF RESPONSE: See response to Request No. 5.

Respectfully submitted,



Richard G. Bachmann
Counsel for NRC staff

Dated at Rockville, Maryland
this 20th day of October 1999

List of documents withheld

1. BWR Vessel and Internals Project: Reactor Pressure Vessel and Internals Examination Guidelines (BWRVIP-03) Revision 1, EPRI.

Reason: Proprietary document, exempt from discovery pursuant to 10 C.F.R. § 2.790(a)(4), 10 C.F.R. §.2.744.

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

GETTING OFFICE
ROLLING
ADJUDICATING STAFF

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SECOND SUPPLEMENTAL RESPONSE TO ORANGE COUNTY'S FIRST SET OF DISCOVERY REQUESTS TO NRC STAFF" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system or as indicated by an asterisk, by first-class mail and by electronic mail (e-Mail) transmission where indicated this 20th day of October, 1999:

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