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October 25, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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'S FIRST SUPPLEMENTAL RESPONSE TO
APPLICANT'S FIRST SET OF DISCOVERY REQUESTS TO NRC STAFF

The Nuclear Regulatory Commission staff (Staff) hereby files this first supplement to Staff responses to Applicant's First Set of Discovery Requests to NRC Staff, filed September 24, 1999.

SPECIFIC DOCUMENT REQUESTS

The Applicant requests the Staff to produce the following documents:

A. CONTENTION 2 - Criticality Prevention

REQUEST NO 1. All documents relating to the NRC's approval of the use of credit for enrichment and burnup limits for criticality prevention in spent fuel pools at commercial nuclear power reactors licensed under 10 C.F.R. Part 50 including, but not limited to, files in the possession of Laurence I. Kopp.

STAFF RESPONSE: The Staff objects to this document request as being overly broad and unduly burdensome. To produce all documents relating to every approval of the

use of credit for burnup and enrichment limits would impose an undue burden on the staff and would involve the expenditure of many hours to search for such documents. Such documents are reasonable obtainable from another source, are generally available in the PDR and are equally accessible to the Applicant. Without waiving the objections, and pursuant to discussion between counsel, the Staff will produce presently available, accessible, non-objectionable, responsive documents that are not in the Public Document Room (PDR) or have not been previously produced. The Staff will also provide a partial list of documents known to be in the PDR. Where available, the accession numbers of documents known to be in the PDR have been listed. Documents which are generally available to the public have not been produced. The Staff will also provide a list of documents withheld.

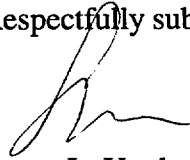
B. CONTENTION 3 - Quality Assurance

REQUEST NO 1. All documents relating to the application and implementation of the standard for approval of alternate plans as defined in 10 C.F.R. § 50.55a(a)(3)(i) and (ii).

STAFF RESPONSE: The Staff objects to this document request as being overly broad and unduly burdensome. To produce all documents relating to every application and implementation of the standard of approval for alternate plans would impose an undue burden on the staff and would involve the expenditure of many hours to search for such documents. Alternative plans have been approved for many, if not all, licensees, for different applications as permitted pursuant to 10 C.F.R. § 50.55a(a)(3) (i) and (ii). Such documents are reasonable obtainable from another source, are generally available in the PDR and are

equally accessible to the Applicant. Without waiving the above objections, and pursuant to discussion between counsel, the Staff will produce presently available, accessible, non-objectionable, responsive documents. A list of publically available generic documents, of which the Staff is presently aware, is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan L. Uttal', written in a cursive style.

Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
this 25th day of October 1999

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF
RULEMAKING
ADJUDICATIONS

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 FIRST SUPPLEMENTAL RESPONSE TO APPLICANT'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 25th day of October, 1999:

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: GPB@NRC.GOV)

Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: FJS@NRC.GOV)

Dr. Peter S. Lam
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: PSL@NRC.GOV)

Office of the Secretary
ATTN: Rulemaking and Adjudications
Staff
Mail Stop: O 16-C-1
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: HEARINGDOCKET@NRC.GOV)

Office of the Commission Appellate
Adjudication
Mail Stop: O 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esq.*
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, N.W., Suite 600
Washington, DC 20025
(E-mail: dcurran@harmoncurran.com)

Steven Carr*
Legal Department
Carolina Power & Light Co.
411 Fayetteville Street Mall
P.O. Box 1551- CPB 13A2
Raleigh, North Carolina 27602
(E-mail: steven.carr@cplc.com)

James M. Cutchin, V
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail: JMC3@NRC.GOV)

John H. O'Neill, Jr.*
William R. Hollaway*
Counsel for Licensee
Shaw Pittman Potts & Trowbridge
2300 "N" Street, N.W.
Washington, DC 20037-1128
(E-mail: john_o'neill@shawpittman.com,
william.hollaway@shawpittman.com)



Susan L. Uttal
Counsel for NRC Staff