

RAS 806

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Frederick J. Shon
Dr. Peter S. Lam

'99 JUL 16 P2 52

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In the Matter of
CAROLINA POWER & LIGHT COMPANY

(Shearon Harris Nuclear
Power Plant)

Docket No. 50-400-LA

ASLBP No. 99-762-02-LA

July 16, 1999

NOTICE OF HEARING

(License Amendment Application to
Expand Spent Fuel Pool Capacity)

In this proceeding, Carolina Power & Light Company (CP&L) has applied under 10 C.F.R. § 50.90 for a license amendment to increase the spent fuel storage capacity at its Shearon Harris Nuclear Power Plant (Harris), located in Wake and Chatham Counties, North Carolina. In its December 23, 1998 amendment request, CP&L seeks authorization to add rack modules to spent fuel pools "C" and "D" and place the pools in service. On January 7, 1999, the NRC staff issued a notice that the agency is (1) considering this license amendment application; (2) considering making a no significant hazards determination under 10 C.F.R. § 50.92 that would permit issuance of the amendment; and (3) affording the opportunity for a formal adjudicatory hearing

on the CP&L application. The notice was published in the Federal Register on January 13, 1999. (64 Fed. Reg. 2237 (1999).)

By filing dated February 12, 1999, petitioner Board of Commissioners of Orange County, North Carolina, (BCOC) made a timely request for a hearing relative to the CP&L license amendment application. On February 18, 1999, the Secretary of the Commission referred the CP&L application to the Atomic Safety and Licensing Board Panel to conduct any subsequent adjudication. On February 24, 1999, this Licensing Board was appointed to preside over this proceeding. (64 Fed. Reg. 10,165 (1999).) The Board consists of Frederick J. Shon, Dr. Peter S. Lam, and G. Paul Bollwerk, III, who serves as Chairman of the Board.

On May 13, 1999, the Board conducted a one-day prehearing conference in Chapel Hill, North Carolina, to hear oral argument on the issues of BCOC's standing and the admissibility of its eight proffered contentions. The Board ruled on those matters in a July 12, 1999 issuance in which it concluded (1) BCOC did have standing to intervene as of right; and (2) two of its eight contentions were admissible. Accordingly, BCOC's hearing request was granted and it was admitted as a party to this proceeding. (Carolina Power &

Light Co. (Sharon Harris Nuclear Power Plant), LBP-99-25, 50 NRC ____ (July 12, 1999).¹

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the formal hearing procedures set forth in 10 C.F.R. Part 2, Subpart G (10 C.F.R. §§ 2.700-.790), subject to any election by the parties to utilize the hybrid hearing procedures in 10 C.F.R. Part 2, Subpart K (10 C.F.R. §§ 2.1101-.1117).

During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 C.F.R. §§ 2.755, 2.1113, may hold additional prehearing conferences pursuant to 10 C.F.R. § 2.752, and may conduct evidentiary hearings in accordance with 10 C.F.R. §§ 2.750-.751, 2.1115. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Rooms.

Additionally, as provided in 10 C.F.R. § 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements


¹ A copy of the Board's July 12, 1999 decision can be found on the Internet at www.nrc.gov/OPA/reports/lbp9925.htm.

do not constitute evidence, but may assist the Board and/or parties in defining the issues being considered. Persons wishing to submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC. 20555-0001, Attention: Rulemakings and Adjudications Staff. A copy of the statement also should be served on the Chairman of the Atomic Safety and Licensing Board. At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the Harris facility. Notice of any oral limited appearance sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Rooms.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. 20555; and at the NRC Local Public Document Room at the

Cameron Village Regional Library, 1930 Clark Avenue,
Raleigh, North Carolina 27605.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²



G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 16, 1999

² Copies of this notice of hearing were sent this date by Internet e-mail transmission to counsel for (1) applicant CP&L; (2) intervenor BCOC; and (3) the NRC staff.

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Docket No.(s) 50-400-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING DTD 7/16 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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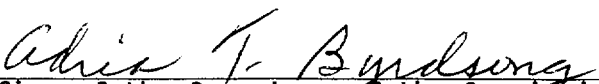
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Docket No.(s)50-400-LA
LB NOTICE OF HEARING DTD 7/16

Dated at Rockville, Md. this
16 day of July 1999


Office of the Secretary of the Commission