

September 10, 2001

Mr. James Scarola, Vice President
Shearon Harris Nuclear Power Plant
Carolina Power & Light Company
Post Office Box 165, Mail Code: Zone 1
New Hill, North Carolina 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT - EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR 55.59(a) (TAC NO. MB1045)

Dear Mr. Scarola:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55 for the Shearon Harris Nuclear Power Plant (HNP). This action is in response to your letter dated January 19, 2001, as supplemented on May 7, 2001, that requested a one-time exemption from the 24-month requirement of 10 CFR 55.59(a)(1) and (a)(2) to allow the licensed operator requalification examinations for HNP to be rescheduled after the extended shutdown for refueling, steam generator replacement, and power uprate modifications. The requested exemption would extend the completion date for the examinations from December 31, 2001, to March 31, 2002. Upon completion of the examinations on March 31, 2002, the successive cycle will begin on April 1, 2002, and continue for a 24-month period.

The Commission has granted the requested exemption pursuant to 10 CFR 55.11. A copy of the exemption is enclosed and is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA by N.Kalyanan Acting for/

Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure: Exemption

cc w/encl: See next page

September 10, 2001

Mr. James Scarola, Vice President
Shearon Harris Nuclear Power Plant
Carolina Power & Light Company
Post Office Box 165, Mail Code: Zone 1
New Hill, North Carolina 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT - EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR 55.59(a) (TAC NO. MB1045)

Dear Mr. Scarola:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55 for the Shearon Harris Nuclear Power Plant (HNP). This action is in response to your letter dated January 19, 2001, as supplemented on May 7, 2001, that requested a one-time exemption from the 24-month requirement of 10 CFR 55.59(a)(1) and (a)(2) to allow the licensed operator requalification examinations for HNP to be rescheduled after the extended shutdown for refueling, steam generator replacement, and power uprate modifications. The requested exemption would extend the completion date for the examinations from December 31, 2001, to March 31, 2002. Upon completion of the examinations on March 31, 2002, the successive cycle will begin on April 1, 2002, and continue for a 24-month period.

The Commission has granted the requested exemption pursuant to 10 CFR 55.11. A copy of the exemption is enclosed and is being forwarded to the Office of the Federal Register for publication.

Sincerely,
/RA by N.Kalyanam Acting for/
Richard J. Laufer, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure: Exemption

cc w/encl: See next page

DISTRIBUTION

E. Dunnington
H. Berkow
L. Berry
S. Rosenberg, OEDO

PUBLIC
R. Laufer
OGC
BHughes
B. Bonser, RII

PDII-2 Rdg.
R. Correia
G. Hill (2)
ACRS

ADAMS ACCESSION NUMBER: ML012530232

OFFICE	PM:PDII/S2	LA:PDII/S2	SC:PDII/S2	D:PDII	OGC
NAME	NKalyanam for RLaufer	E. Dunnington	R. Correia	H. Berkow	SUttal/NLO
DATE	08/15/01	08/21/01	08/22/01	08/22/01	09 04/01

OFFICE	IOLB	IOLB/SC	IOLB/BC	DIPM/D
NAME	BHughes	DTrimble	GTracy	BBoger
DATE	08/15/01	08/19/01	08/19/01	09/06/01

OFFICIAL RECORD COPY

7590-01-P

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
CAROLINA POWER & LIGHT COMPANY
SHEARON HARRIS NUCLEAR POWER PLANT
DOCKET NO. 50-400
EXEMPTION

1.0 BACKGROUND

Carolina Power & Light Company, (CP&L, the licensee) is the holder of Facility Operating License No. NPF-63, which authorizes operation of the Shearon Harris Nuclear Power Plant (HNP). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of one pressurized water reactor located in Wake and Chatham Counties, North Carolina.

2.0 REQUEST/ACTION

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 55.59(a)(1) requires that each licensed operator successfully complete a requalification program developed by the licensee that has been approved by the Commission. This program is to be conducted for a continuous period not to exceed 24 months in duration and upon its conclusion must be promptly followed by a successive requalification program. In addition, pursuant to 10 CFR 55.59(a)(2), each licensed operator must also pass a comprehensive requalification written examination and an annual operating test.

By letter dated January 9, 2001, as supplemented on May 7, 2001, the licensee requested an exemption under 10 CFR 55.11 from the requirements of 10 CFR 55.59(a)(1) and (a)(2). The exemption requested will extend the current HNP requalification program from December 31, 2001, to March 31, 2002. The requested exemption would constitute a one-time extension of the requalification program duration.

3.0 DISCUSSION

Pursuant to 10 CFR 55.11, the Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.

The Commission has determined that, pursuant to 10 CFR 55.11, granting an exemption to the licensee from the requirements in 10 CFR 55.59(a)(1) and (a)(2) is authorized by law, will not endanger life or property, and is in the public interest. To require the licensee's operators and staff to support the comprehensive examination and operating tests schedule during the 24-month requalification cycle could have a detrimental effect on the public interest because it would remove qualified operators from extended shutdown for refueling, steam generator replacement, and power uprate modifications, which could interfere with the current HNP schedule. Further, this one-time exemption will provide additional operator support during plant shutdown conditions, which would provide a safety enhancement during plant shutdown operations, post-modification and maintenance testing. The affected licensed operators will continue to demonstrate and possess the required levels of knowledge, skills, and abilities needed to safely operate the plant throughout the transitional period via continuation of the current satisfactory licensed operator requalification program.

4.0 CONCLUSION

Accordingly, the Commission hereby grants the licensee an exemption on a one-time only basis from the requirements of 10 CFR 55.59(a)(1) and (a)(2) to allow the current HNP requalification program to be extended beyond the 24 months, but not to exceed 27 months and to expire on March 31, 2002. Upon completion of the examinations on March 31, 2002, the follow-on cycle will end on March 31, 2004. Future requalification cycles will run from April 1 to March 31.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 38328).

This exemption is effective upon issuance and expires on March 8, 2003.

Dated at Rockville, Maryland, this 10th day of September 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Bruce A. Boger, Director
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Mr. James Scarola
Carolina Power & Light Company

Shearon Harris Nuclear Power Plant
Unit 1

cc:

Mr. William D. Johnson
Vice President and Corporate Secretary
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

Mr. Chris L. Burton
Director of Site Operations
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
Post Office Box 165, MC: Zone 1
New Hill, North Carolina 27562-0165

Resident Inspector/Harris NPS
c/o U.S. Nuclear Regulatory Commission
5421 Shearon Harris Road
New Hill, North Carolina 27562-9998

Mr. Robert P. Gruber
Executive Director
Public Staff NCUC
Post Office Box 29520
Raleigh, North Carolina 27626

Ms. Karen E. Long
Assistant Attorney General
State of North Carolina
Post Office Box 629
Raleigh, North Carolina 27602

Chairman of the North Carolina
Utilities Commission
Post Office Box 29510
Raleigh, North Carolina 27626-0510

Public Service Commission
State of South Carolina
Post Office Drawer
Columbia, South Carolina 29211

Mr. Vernon Malone, Chairman
Board of County Commissioners
of Wake County
P. O. Box 550
Raleigh, North Carolina 27602

Mr. Mel Fry, Director
Division of Radiation Protection
N.C. Department of Environment
and Natural Resources
3825 Barrett Dr.
Raleigh, North Carolina 27609-7721

Mr. Richard H. Givens, Chairman
Board of County Commissioners
of Chatham County
P. O. Box 87
Pittsboro, North Carolina 27312

Mr. Terry C. Morton
Manager
Performance Evaluation and
Regulatory Affairs CPB 7
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602-1551

Mr. Richard J. Field, Manager
Regulatory Affairs
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P.O. Box 165, Mail Zone 1
New Hill, NC 27562-0165

Mr. Robert J. Duncan II
Plant General Manager
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P.O. Box 165, Mail Zone 3
New Hill, North Carolina 27562-0165

Mr. Eric A. McCartney, Supervisor
Licensing/Regulatory Programs
Carolina Power & Light Company
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Zone 1
New Hill, NC 27562-0165

Mr. John H. O'Neill, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW.
Washington, DC 20037-1128