

OCT 22 1987

Docket No: 50-400

Mr. E. E. Utley  
Senior Executive Vice President  
Power Supply and Engineering & Construction  
Carolina Power & Light Company  
Post Office Box 1551  
Raleigh, North Carolina 27602

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Dear Mr. Utley:

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has forward the enclosed "Notice of Consideration of Issuance of an Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination" to the Office of the Federal Register for publication.

This Notice relates to your application dated October 15, 1987, which requested that Shearon Harris Nuclear Power Plant, Unit 1, Technical Specifications be modified so that the diesel generator voltage maximum value would be based on 110 percent of the diesel generator starting voltage at the beginning of the diesel generator load rejection test, rather than the limiting value of 7590 volts currently stipulated.

Sincerely,

*/s/*

Bart C. Buckley, Sr. Project Manager  
Project Directorate II-1  
Division of Reactor Projectors I/II

Enclosure: As stated

cc: w/enclosure: See next page

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Mr. E. E. Utley  
Carolina Power & Light Company

Shearon Harris

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONCAROLINA POWER & LIGHT COMPANYDOCKET NO. 50-400NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-63, issued to Carolina Power & Light Company (the licensee), for operation of the Shearon Harris Nuclear Power Plant, Unit 1 located in Wake County, North Carolina.

The amendment would revise Technical Specification 4.8.1.1.2.f.11 such that the diesel generator voltage maximum value would be based on a 110 percent of the diesel generator starting voltage at the beginning of the diesel generator load rejection test rather than the limiting value of 7590 volts currently stipulated in the Technical Specifications.

The Shearon Harris plant is presently in a scheduled maintenance outage. The licensee stated in a submittal dated October 15, 1987, that restart is scheduled for November 4, 1987. The noticing of the amendment is being handled as an exigency because insufficient time exists for the Commission's usual 30-day notice without extending the current outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request

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involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has reviewed this request and determined, and the NRC staff concurs, that:

1. The proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated because the change does not affect the method in which the diesel generators, or any other safety system, perform their intended safety function. Diesel generator and voltage regulator operability is still ensured and the intent of Surveillance Requirement 4.8.1.1.2.f.11 to verify the ability of the diesel generator to perform satisfactorily during a full load rejection is still fulfilled by the revised surveillance requirement. The revision merely allows the operational flexibility to perform the required surveillance without reliance on system grid voltage conditions.
2. The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated. As stated above, no physical change to any safety related system, nor change in the method in which any safety system performs its intended function result from the proposed amendment. Therefore, the proposed amendment cannot create the possibility of a new or different kind of accident than previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety. Diesel generator and voltage regulator operability and the ability to incur a load rejection without a diesel generator<sup>or</sup> overspeed trip or excess voltage is adequately ensured by the revised surveillance requirement. As such, the margin of safety is not affected by the proposed amendment.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards<sup>or</sup> consideration.

The Licensee has provided the Commission with an explanation of the circumstances justifying consideration of this amendment on an exigent basis. The licensee stated in its October 15, 1987 submittal that it "had no previous reason to suspect that failure of this surveillance requirement would occur." The NRC staff has reviewed the Licensee's request and finds that the Licensee has used its best efforts to apply for the subject amendment in a timely manner and that it has not acted in a manner as to create the exigency to take advantage of these procedures.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice.

Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 6, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the pro-

ceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it

effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D. C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date

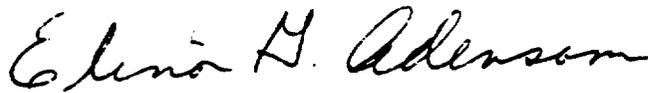
petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Thomas A. Baxter, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N. W., Washington, D.C. 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 15, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the Local Public Document Room, Richard B. Harrison Library, 1313 New Bern Avenue, Raleigh, North Carolina 27610.

Dated at Bethesda, Maryland, this 20 day of October 1987.

FOR THE NUCLEAR REGULATORY COMMISSION



Elinor G. Adensam, Director  
Project Directorate II-1  
Division of Reactor Projects I/II