



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 23, 1988

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

Dear Mr. Utley:

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 - ENVIRONMENTAL
ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT - TEMPORARY
EXEMPTION FROM THE SCHEDULAR REQUIREMENTS OF THE PROPERTY
INSURANCE RULE EFFECTIVE OCTOBER 4, 1988 (10 CFR 50.54(w)(5)(i))

On August 5, 1987, the NRC published in the Federal Register a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose.

Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be completed by October 4, 1988 the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

Enclosed is an Environmental Assessment and Finding of No Significant Impact relating to a temporary exemption from 10 CFR 50.54(w)(5)(i) for the Shearon Harris Nuclear Power Plant, Unit 1.

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Mr. E. E. Utley

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This assessment is being forwarded to the Office of Federal Register for publication.

Sincerely,

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

Enclosure: Environmental Assessment

cc w/enclosure:
See next page

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

Shearon Harris

cc:

Mr. R. E. Jones, General Counsel
Carolina Power & Light Company
P. O. Box 1551
Raleigh, North Carolina 27602

Ms. Carol Love
100 Park Drive
P.O. Box 12276
Research Triangle Park, NC 27709

Mr. D. E. Hollar
Associate General Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

Resident Inspector/Harris NPS
c/o U.S. Nuclear Regulatory Commission
Route 1, Box 315B
New Hill, North Carolina 27562

Mr. C. S. Hinnant
Plant General Manager
Harris Nuclear Plant
P.O. Box 165
New Hill North Carolina 27562

Mr. R. A. Watson
Vice President
Harris Nuclear Plant
P.O. Box 165
New Hill, North Carolina 27562

Mr. Dwayne H. Brown, Chief
Radiation Protection Section
Division of Facility Services
N.C. Department of Human Resources
701 Barbour Drive
Raleigh, North Carolina 27603-2008

UNITED STATES NUCLEAR REGULATORY COMMISSIONCAROLINA POWER & LIGHT COMPANY, et al.SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1DOCKET NO. 50-400ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACTCONCERNING EXEMPTION FROM10 CFR 50.54(w)(5)(i)

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(5)(i) to Carolina Power & Light Company, et al. (the licensee) for the Shearon Harris Nuclear Power Plant, Unit 1, located at the licensee's site in Wake and Chatham Counties, North Carolina.

ENVIRONMENTAL ASSESSMENTIdentification of Proposed Action:

On August 5, 1987, the NRC published in the FEDERAL REGISTER a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose. Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship

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provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be effective by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Need for The Proposed Action:

The exemption is needed because insurance complying with requirements of 10 CFR 50.54(w)(5)(i) is unavailable and because the temporary delay in implementation allowed by the exemption and associated rulemaking action will permit the Commission to reconsider on its merits the trusteeship provision of 10 CFR 50.54(w)(4).

Environmental Impacts of the Proposed Action:

With respect to radiological impacts on the environment, the proposed exemption does not in any way affect the operation of licensed facilities. Further, as noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the

period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage already is prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

The proposed exemption does not affect radiological or nonradiological effluents from the site and has no other nonradiological impacts.

Alternatives to the Proposed Action:

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources:

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted:

The staff did not consult other agencies or persons in connection with the proposed exemption.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For information concerning this action, see the proposed rule (53 FR 36338), and the exemption which is being processed concurrent with this notice. A copy of the exemption will be available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C., and at the Richard B. Harris Library, 1313 New Bern Avenue, Raleigh, North Carolina 27610.

Dated at Rockville, Maryland this 23rd day of September , 1988.

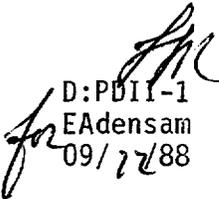
FOR THE NUCLEAR REGULATORY COMMISSION

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Lester L. Kintner, Acting Director
Project Directorate II-1
Division of Reactor Projects I/II


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