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, UNIT 1 - NOTICE OF CONSIDERATION OF ISSUANCE AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NO. MA3425)

Dear Mr.Scarola:

The Commission has requested the Office of the Federal Register to publish the

enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License,

Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing."

This notice relates to your application for amendment dated August 27, 1998, which proposes

to revise Technical Specifications 3.0.4 and 4.0.4 to be consistent with the guidance provided in

Generic Letter 87-09, dated June 4, 1987.

Sincerely,

Original Signed by: Scott Flanders, Project Manager Project Directorate II-1 Division of Reactor Projects - I/II Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure: Federal Register Notice

cc w/encl: See next page

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### UNITED STATES NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 1, 1998

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, UNIT 1 - NOTICE OF CONSIDERATION OF ISSUANCE AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NO. MA3425)

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Sincerely,

Scott Flanders, Project Manager Project Directorate II-1 Division of Reactor Projects - I/II Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure: Federal Register Notice

cc w/encl: See next page

# UNITED STATES NUCLEAR REGULATORY COMMISSION CAROLINA POWER & LIGHT COMPANY DOCKET NO. 50-400

# NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A 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 located in Wake and Chatham Counties, North Carolina.

The proposed amendment would revise the Harris Nuclear Plant (HNP) Technical Specifications (TS) concerning the applicability of Limiting Conditions for Operation (LCO) and Surveillance Requirements (SR). Specifically, HNP proposes to revise TS 3.0.4 and associated specifications; TS 4.0.4; and Bases for TS 3.0.3, TS 3.0.4, and TS 4.0.4 to be consistent with Generic Letter 87-09 dated June 4, 1987.

This proposed TS change is needed due to the verbatim requirements of TS 3.0.4 and inoperable TS equipment that would prevent plant shutdown. A verbatim reading of the current HNP TS 3.0.4 would not allow entry into a lesser operational mode if required TS components were inoperable.

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 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to TS 3.0.4 allows entry into an operational condition in accordance with action requirements when conformance to the action requirements permits continued operation of the facility for an unlimited period of time. This operational flexibility is consistent with that allowed by the existing individual LCOs and their associated action requirements which provide an acceptable level of safety for continued operation.

The proposed revision to TS 4.0.4 clarifies that Specification 4.0.4 does not prevent passage through or to operational conditions as required to comply with action requirements. This is consistent with the existing Specification 3.0.4. In addition, the potential for plant upset and challenge to safety systems is heightened if surveillances are performed during a shutdown to comply with Action Requirements.

The revisions to the Bases Section 3.0 and 4.0 and the elimination of specific exceptions to Specification 3.0.4 are administrative in nature and, therefore, do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. There is no physical alteration to any plant system, nor is there a change in the method in which any safety related system performs its function.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because there is no physical alteration to any plant system, nor is there a change in the method in which any safety related system performs its function.

The revisions to the Bases Sections 3.0 and 4.0 and the elimination of specific exemptions to Specification 3.0.4 are administrative in nature and, therefore, do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The revision to Specification 3.0.4 allows operational flexibility which is consistent with that allowed by the existing individual LCOs and their associated action requirements which provide an acceptable level of safety for continued operation. The proposed revision to Specification 4.0.4 is a clarification to the specification and as such is administrative in nature. The revision makes it clear that Specification 4.0.4 does not prevent passage through or to operational conditions as required to comply with action requirements. This is consistent with the existing Specification 3.0.4. These revisions result in improved Technical Specifications, and therefore, increase the margin of safety.

The revisions to the Bases Sections 3.0 and 4.0 and the elimination of specific exemptions to Specification 3.0.4 are administrative in nature and, therefore, do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it

appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards

consideration.

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The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30day 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 30-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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 8, 1998, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605. 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 party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; 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 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 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 which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 immediately 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.

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, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, 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)(l)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 27, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public

document room located at the Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Dated at Rockville, Maryland, this 21st day of September, 1998.

FOR THE NUCLEAR REGULATORY COMMISSION

Scott C. Flanders, Project Manager Project Directorate II-1 Division of Reactor Projects - I/II Office of Nuclear Reactor Regulation

Mr. James Scarola Carolina Power & Light Company

CC:

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

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

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

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

Regional Administrator, Region II U.S. Nuclear Regulatory Commission Atlanta Federal Center 61 Forsyth Street, SW, Suite 23T85 Atlanta, Georgia 30303

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

Ms. D. B. Alexander Manager Performance Evaluation and Regulatory Affairs CPB 9 Carolina Power & Light Company Post Office Box 1551 Raleigh, North Carolina 27602-1551

Mr. Bo Clark Plant General Manager - Harris Plant Carolina Power & Light Company Shearon Harris Nuclear Power Plant P.O. Box 165 New Hill, North Carolina 27562-0165 Shearon Harris Nuclear Power Plant Unit 1

Mr. J. W. Donahue 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

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

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

Chief, Reactor Projects Branch 4 U.S Nuclear Regulatory Comm. Atlanta Federal Center 61 Forsyth Street, SW, Suite 23185 Atlanta, Georgia 30303

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

Margaret Bryant Pollard, Chairman Board of County Commissioners of Chatham County P. O. Box 87 Pittsboro, North Carolina 27312

Mr. Chris A. VanDenburgh, 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. Johnny H. Eads, 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. 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

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Docket No. 50-400

Enclosure: Federal Register Notice

cc w/enci: See next page

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WASHINGTON, D.C. 20555-0001

September 1, 1998

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Docket No. 50-400

Enclosure: Federal Register Notice

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# UNITED STATES NUCLEAR REGULATORY COMMISSION CAROLINA POWER & LIGHT COMPANY

#### DOCKET NO. 50-400

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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 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to TS 3.0.4 allows entry into an operational condition in accordance with action requirements when conformance to the action requirements permits continued operation of the facility for an unlimited period of time. This operational flexibility is consistent with that allowed by the existing individual LCOs and their associated action requirements which provide an acceptable level of safety for continued operation.

The proposed revision to TS 4.0.4 clarifies that Specification 4.0.4 does not prevent passage through or to operational conditions as required to comply with action requirements. This is consistent with the existing Specification 3.0.4. In addition, the potential for plant upset and challenge to safety systems is heightened if surveillances are performed during a shutdown to comply with Action Requirements.

The revisions to the Bases Section 3.0 and 4.0 and the elimination of specific exceptions to Specification 3.0.4 are administrative in nature and, therefore, do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. There is no physical alteration to any plant system, nor is there a change in the method in which any safety related system performs its function.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it

appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards

consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30day 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 30-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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 8, 1998, 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

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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 party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; 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 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

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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 immediately 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.

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, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, 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 August 27, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public

document room located at the Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Dated at Rockville, Maryland, this 21st day of September, 1998.

FOR THE NUCLEAR REGULATORY COMMISSION

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