

April 27, 1998

Mr. W. R. Robinson
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 - REQUEST FOR AMENDMENT RE: ENGINEERED SAFETY FEATURES ACTUATION SYSTEM INSTRUMENTATION (TAC NO. MA1589)

Dear Mr. Robinson:

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 April 24, 1998, which would revise Technical Specification 3/4.3.2, "Engineered Safety Features Actuation System Instrumentation" to allow a 2-hour surveillance interval to facilitate testing of the 6.9 kV Emergency Bus Undervoltage relays.

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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Mr. W. R. Robinson
Carolina Power & Light Company

Shearon Harris Nuclear Power Plant
Unit 1

cc:

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

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

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. Milton Shymlock
U.S. Nuclear Regulatory Comm.
Atlanta Federal Center
61 Forsyth Street, SW, Suite 23185
Atlanta, Georgia 30303

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

Mr. Stewart Adcock, 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

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

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. 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. 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

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

UNITED STATES NUCLEAR REGULATORY COMMISSION**CAROLINA POWER & LIGHT****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 (CP&L or the licensee), for operation of the Shearon Harris Nuclear Power Plant located in Wake and Chatham Counties, North Carolina.

The proposed amendment would revise Technical Specification (TS) 3/4.3.2, "Engineered Safety Features Actuation System Instrumentation" to allow a 2-hour surveillance interval to facilitate testing of the 6.9 kV Emergency Bus Undervoltage relays. Specifically, CP&L proposes modifying TS Table 3.3.3 Items 9.a. and 9.b. to change the Action from 15 to 15a. Action 15a would maintain all of the requirements of Action 15 and allow removal of 6.9 kV Emergency Bus Undervoltage relays for 2 hours for surveillance testing provided the redundant train Emergency 6.9 kV Bus and associated undervoltage primary and secondary relays are operable. With the proposed modification, CP&L would be able to perform surveillance testing of the relays without entering TS 3.0.3.

To adequately perform a TS-required surveillance test, the Harris Nuclear Plant must enter TS 3.0.3 which could lead to an unnecessary plant shutdown. The surveillance interval for this test is at least once per 31 days. There is insufficient time between test performance to process a license amendment through normal means.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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.

Loss-of-Offsite Power Emergency Bus undervoltage relays are not accident initiating components as described in the Final Safety Analysis Report. The proposed change allows a surveillance test interval to facilitate required testing per the Harris Nuclear Plant Technical Specifications (TS). Redundancy of emergency buses, availability of alternate automatic loss-of-offsite power protection, and the capability of manual initiation of affected components combined with the short duration allowed for testing, compensate for the new allowed surveillance interval.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Loss-of-Offsite Power Emergency Bus undervoltage relays are not accident initiating components as described in the Final Safety Analysis Report (FSAR). The proposed change only affects testing of the Loss-of-Offsite Power Emergency Bus undervoltage relays while not affecting other structures, systems, or components.

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 proposed change to testing of Loss-of-Offsite Power Emergency Bus undervoltage relays does not affect any of the parameters that relate to the margin of safety as described in the Bases of the TS or the FSAR. Accordingly, NRC Acceptance Limits are not affected by this change.

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 14 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 14-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 14-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. 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 June 3, 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 a 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 April 24, 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 27 day of April 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