

June 12, 2008

Robert J. Duncan II, Vice President
Shearon Harris Nuclear Power Plant
Carolina Power & Light Company
Post Office Box 165, Mail Zone 1
New Hill, North Carolina 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 - ISSUANCE OF
AMENDMENT REGARDING CHANGES TO THE INSERVICE INSPECTION
AND TESTING REQUIREMENTS AND ESTABLISHMENT OF A TECHNICAL
SPECIFICATIONS BASES CONTROL PROGRAM (TAC NO. MD5802)

Dear Mr. Duncan:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 127 to Facility Operating License No. NPF-63 for the Shearon Harris Nuclear Power Plant, Unit 1 (HNP). This amendment relocates the Inservice Testing (IST) requirements to the administrative section of the Technical Specifications (TSs), removes the Inservice Inspection (ISI) requirements from the TSs, and establishes a TSs Bases Control Program. These changes are in response to the Carolina Power and Light Company (the licensee) application dated June 15, 2007, as supplemented by letter dated March 6, 2008.

Specifically, the amendment deletes TS 4.0.5, relocates the IST requirements to Section 6 of the TSs as a separate program, and establishes a TSs Bases Control Program consistent with NUREG-1431, Revision 3.0, "Standard Technical Specifications - Westinghouse Plants." In the supplemental letter, the licensee requested additional changes to extend the applicability of TS Surveillance Requirement 4.0.2 provisions to other normal and accelerated frequencies specified as 2 years or less in the IST program. The staff also corrected a typographical error in the language proposed in the supplemental letter. This amendment supports the third 10-year intervals of the ISI and IST programs at HNP.

A copy of the related safety evaluation is also enclosed. The Notice of Issuance will be included in the Commission's regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Marlayna Vaaler, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosures: 1. Amendment No. 127 to NPF-63
2. Safety Evaluation

cc w/enclosures: See next page

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OFFICE	LPL2-2/PM	LPL2-2/LA	CPNB/BC	CPTB/BC	ITSB/BC	OGC	LPL2-2/BC
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DATE	6/4/2008	5/23/2008	12/5/2007	3/19/2008	1/4/2008	6/4/2008	06/12/08

* by memo dated

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CAROLINA POWER & LIGHT COMPANY, et al.

DOCKET NO. 50-400

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 127
License No. NPF-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Carolina Power & Light Company (the licensee), dated June 15, 2007, as supplemented by letter dated March 6, 2008, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications, as indicated in the attachment to this license amendment; and paragraph 2.C.(2) of Facility Operating License No. NPF-63 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. 127, are hereby incorporated into this license. Carolina Power & Light Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Thomas H. Boyce, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to Facility Operating
License No. NPF-63
and the Technical Specifications

Date of Issuance: June 12, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 127

FACILITY OPERATING LICENSE NO. NPF-63

DOCKET NO. 50-400

Replace page 4 of Operating License No. NPF-63 with the attached page 4.

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

3/4 0-2
3/4 0-3
3/4 1-9
3/4 1-10
3/4 4-8
3/4 4-9
3/4 4-12
3/4 5-5
3/4 6-11
3/4 6-15
3/4 6-32
3/4 7-1
3/4 7-9
3/4 7-30

Insert Pages

3/4 0-2
3/4 0-3
3/4 1-9
3/4 1-10
3/4 4-8
3/4 4-9
3/4 4-12
3/4 5-5
3/4 6-11
3/4 6-15
3/4 6-32
3/4 7-1
3/4 7-9
3/4 7-30
6-19g
6-19h

(1) Maximum Power Level

Carolina Power & Light Company is authorized to operate the facility at reactor core power levels not in excess of 2900 megawatts thermal (100 percent rated core power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. 127, are hereby incorporated into this license. Carolina Power & Light Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

Carolina Power & Light Company shall comply with the antitrust conditions delineated in Appendix C to this license.

(4) Initial Startup Test Program (Section 14)¹

Any changes to the Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(5) Steam Generator Tube Rupture (Section 15.6.3)

Prior to startup following the first refueling outage, Carolina Power & Light Company shall submit for NRC review and receive approval of a steam generator tube rupture analysis, including the assumed operator actions, which demonstrates that the consequences if the design basis steam generator tube rupture event for the Shearon Harris Nuclear Power Plant are less than the acceptance criteria specified in the Standard Review Plan, NUREG-0800, at '15.6.3 Subparts II(1) and (2) for calculated doses from radiological releases. In preparing their analysis Carolina Power & Light Company will not assume that operators will complete corrective actions within the first thirty minutes after a steam generator tube rupture.

Amendment No. 127

¹The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. _____ TO FACILITY OPERATING LICENSE NO. NPF-63
CAROLINA POWER & LIGHT COMPANY
SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1
DOCKET NO. 50-400

1.0 INTRODUCTION

By application dated June 15, 2007 (Agencywide Documents Access Management System (ADAMS) Accession No. ML071800018), as supplemented by letter dated March 6, 2008 (ADAMS Accession No. ML080720337), Carolina Power and Light Company, now doing business as Progress Energy Carolinas, Inc. (the licensee), requested changes to the Technical Specifications (TSs) for the Shearon Harris Nuclear Power Plant, Unit 1 (HNP). The supplemental letter provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (NRC) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on July 31, 2007 (72 FR 41782).

The proposed amendment relocates the Inservice Testing (IST) requirements to the administrative section of the TSs, removes the Inservice Inspection (ISI) requirements from the TSs, and establishes a TS Bases Control Program. Specifically, the proposed amendment deletes TS Surveillance Requirement (SR) 4.0.5, removes the ISI activities currently contained therein and moves them to an owner-controlled program, relocates the IST requirements to Section 6.8.4 of the TSs as a separate program, and establishes a TS Bases Control Program, all of which are consistent with NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants." In the supplemental letter, the licensee requested additional changes to extend the applicability of TS SR 4.0.2 provisions to other normal and accelerated frequencies specified as two years or less in the IST program.

The proposed changes will eliminate the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) inconsistency between the IST program and the TSs as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 55a(f)(5)(ii). The proposed amendment supports the third 10-year intervals of the ISI and IST programs at HNP.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TSs as part of the license. These TSs are derived from the plant safety analyses. Title 10, CFR 50.36(d)(3) requires that the TSs include SRs. This paragraph states that SRs are requirements relating to test, calibration, or inspection to assure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions for operation will be met.

It states in 10 CFR 50.55a(f), "Inservice Testing Requirements," in part, that ASME [American Society of Mechanical Engineers] Class 1, 2, and 3 components must meet the requirements of the ASME Code. It states in 10 CFR 50.55a(f)(4)(ii), that IST programs be revised every 10 years (120 months) to comply with the requirements of the latest edition and addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) that is incorporated by reference in 10 CFR 50.55a(b)(3). Per 10 CFR 50.55a(f)(5)(ii), if a revised IST program for a facility conflicts with the TSs for that facility, the licensee shall apply to the NRC for amendment of the TSs to conform the TSs to the revised program. The licensee is required to submit the application, as specified in 10 CFR 50.4, at least 6 months before the start of the period during which the provisions become applicable, as determined by 10 CFR 50.55a(f)(4).

The ASME OM Code was initially incorporated by reference in 10 CFR 50.55a(b)(3) in a final rule dated September 22, 1999 (64 FR 51370). Prior to the final rule, IST programs were required to meet the requirements of Section XI, Division 1, of the ASME Boiler and Pressure Vessel Code. The ASME deleted the rules for IST of pumps and valves from Section XI in the 2000 Addenda because the rules for the IST of pumps and valves were placed in the ASME OM Code. The HNP 10-year IST program for pumps and valves was developed to meet the requirements of the ASME OM Code.

The HNP third 10-year interval IST program was updated to comply with the 2001 Edition through the 2003 Addenda of the ASME OM Code as required by 10 CFR 50.55a(f)(4)(ii). As a consequence, the TS 4.0.5 reference to Section XI of the ASME Code for IST requirements results in a reference to a deleted portion of the ASME Code, and a revision to the TSs is needed. The proposed amendment will resolve the ASME Code inconsistency between the IST program and the TSs as required by 10 CFR 50.55a, and will support implementation of the third 10-year interval of the IST program.

NUREG-1431, Revision 3, published in June 2004, contains the Improved Standard Technical Specifications (ISTs) for Westinghouse plants. Technical Specification Task Force (TSTF) traveler TSTF-497, "Limit Inservice Testing Program Application to Frequencies of 2 Years or Less," modified NUREG-1431, Revision 3, and the ISTs in October 2006. This traveler addressed changes to Section 5.5.8, "IST Program," to reflect the NRC position that the provisions of TS SR 3.0.2 are applicable to other normal and accelerated frequencies specified as 2 years or less in the IST program. The proposed amendment will modify the HNP TSs to reflect this applicability of TS SR 3.0.2 (HNP-specific TS SR 4.0.2).

It states in 10 CFR 50.55a(g), "Inservice Inspection Requirements," in part, that ASME Class 1, 2, and 3 components must meet the requirements of the ASME Code. It is stated in 10 CFR 50.55a(g)(4)(ii), that ISI programs be revised every 10 years (120 months) to comply with the requirements of the latest edition and addenda of the ASME Code that is incorporated by reference in 10 CFR 50.55a(b)(2). Per 10 CFR 50.55a(g)(5)(ii), if a revised ISI program for a facility conflicts with the TSs for that facility, the licensee shall apply to the NRC for amendment to the TSs to conform the TSs to the revised program. The proposed amendment will remove the ISI requirements of TS SR 4.0.5, which refers to the ISI program, ASME Code Section XI, and 10 CFR 50.55a, and move them to an owner-controlled program consistent with NUREG-1431; this will support implementation of the third 10-year interval of the ISI program.

The staff reviewed the proposed changes for compliance with 10 CFR 50.36, 10 CFR 50.55a, and agreement with the precedent as established in NUREG-1431. In general, licensees cannot justify TS changes solely on the basis of adopting the model ISTs. To ensure this, the staff makes a determination that proposed changes maintain adequate safety. Changes that result in relaxation (less restrictive conditions) of current TS requirements require detailed justification. In

general, there are two classes of changes to TSs: (1) changes needed to reflect the contents of the design basis (TSs are derived from the design basis), and (2) voluntary changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. The proposed amendment deals with the second class of change.

Licensees may revise the TSs to adopt ISTSs format and content provided that plant specific review supports a finding of continued adequate safety because: (1) the change is editorial, administrative, or provides clarification (i.e., no requirements are materially altered); (2) the change is more restrictive than the licensee's current requirement; or (3) the change is less restrictive than the licensee's current requirement, but nonetheless still affords adequate assurance of safety when judged against current regulatory standards. The detailed application of this general framework, and additional specialized guidance, are discussed in Section 3.0 in the context of specific proposed changes.

3.0 TECHNICAL EVALUATION

The licensee's TS revision proposes to make changes that are editorial, administrative, or provide clarification. In order for these changes to be acceptable, the staff must determine that the changes are compatible with current TSs, do not result in any substantive change in operating requirements, and are consistent with the NRC regulations.

3.1 Proposed Changes to the ISI and IST Programs

The licensee proposed to relocate TS 4.0.5 to new TS 6.8.4.m, "Inservice Testing Program," as an IST program consistent with NUREG-1431, Section 5.5.8, "Inservice Testing Program," and TSTF-497, and will be revised to include the appropriate reference to the ASME OM Code. The current references to ISI requirements will be removed in their entirety. In addition, the TS Bases associated with TS SR 4.0.5 will be deleted.

HNP TS SR 4.0.5 establishes the SRs for ISI and testing of ASME Class 1, 2, and 3 components for HNP. TS SR 4.0.5.a states:

"Inservice inspection of ASME Code Class 1, 2, and 3 components (including supports and attachments) and inservice testing of ASME Code Class 1, 2, and 3 pumps and valves shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR Part 50, Section 50.55a(f) or (g) as modified by 10 CFR 50.55a(b)(3)(v), except where specific written relief has been granted by the Commission pursuant to 10 CFR Part 50, Section 50.55a(f)(6)(i) or Section 50.55a(g)(6)(i)."

Specifically, the proposed revisions include:

TS SR 4.0.5.a will be deleted.

TS SR 4.0.5.b will be moved to new TS 6.8.4.m.1 and will be revised to be consistent with NUREG-1431, Section 5.5.8.a (e.g., the proposed TS will not refer to ISI activities as currently contained in TS SR 4.0.5.b).

TS SR 4.0.5.c will be moved to new TS 6.8.4.m.2 and will be revised to be consistent with NUREG-1431, Section 5.5.8.b (e.g., the proposed TS will not refer to ISI activities as currently contained in TS SR 4.0.5.c), and the provisions of TSTF-497.

TS SR 4.0.5.d will be deleted.

New TS 6.8.4.m.3 will be added consistent with NUREG-1431, Section 5.5.8.c.

TS SR 4.0.5.e will be moved to new TS 6.8.4.m.4. The existing wording is consistent with NUREG-1431, Section 5.5.8.d, and it will be revised to include the appropriate ASME OM Code reference.

New TS 6.8.4.n will be added to be consistent with NUREG-1431, Section 5.5.14, "Technical Specifications (TS) Bases Control Program."

The following TS SRs will be revised to reflect the relocation of TS SR 4.0.5 by replacing "Specification 4.0.5" with the "Inservice Testing Program."

- SR 4.1.2.3.1 Charging Pump - Shutdown
- SR 4.1.2.4 Charging Pumps - Operating
- SR 4.4.2.1 [Pressurizer Code] Safety Valves - Shutdown
- SR 4.4.2.2 [Pressurizer Code] Safety Valves - Operating
- SR 4.4.4.1 [Reactor Coolant System Power-Operated] Relief Valves
- SR 4.5.2.f Emergency Core Cooling Systems Subsystems
- SR 4.6.2.1.b Containment Spray System
- SR 4.6.3.3 Containment Isolation Valves
- SR 4.6.5 [Containment] Vacuum Relief System
- SR 4.7.1.1 [Main Steam Line Code] Safety Valves
- SR 4.7.1.5 Main Steam Line Isolation Valves
- SR 4.7.13.a Essential Services Chilled Water System

3.2 Evaluation of Proposed IST Changes

The purpose of IST programs are to assess the operational readiness of pumps and valves, to detect degradation that might affect operability, and to maintain safety margins with provisions for increased surveillance and corrective action. As identified in 10 CFR 50.55a, the requirements for applying industry codes to each licensed boiling or pressurized water-cooled nuclear power facility. Licensees are required by 10 CFR 50.55a to initially prepare programs to perform IST of certain ASME Section III, Code Class 1, 2, and 3 pumps and valves during the initial 10-year interval. The regulations require that programs be developed utilizing the latest edition and addenda of the ASME Code incorporated by reference in 10 CFR 50.55a(b) on the date 1 year prior to the date of issuance of the operating license, subject to the limitations and modifications identified in 10 CFR 50.55a(b).

Until 1990, the ASME Code requirements for the performance of the IST of pumps and valves were contained in Section XI. In 1990 the ASME published the initial edition of the ASME OM Code that provides these same requirements, and subsequently discontinued updating

Section XI. It states in 10 CFR 50.55a(f), in part, that ASME Code Class 1, 2, and 3 components and their supports must comply with the requirements of the ASME OM Code. The HNP third 10-year interval IST programs were updated to comply with the 2001 Edition through the 2003 Addenda of the ASME OM Code as required by 10 CFR 50.55a(f)(4)(ii). As a consequence, the TS 4.0.5 reference to Section XI of the ASME Code for IST requirements results in a reference to a deleted portion of the ASME Code.

For the IST program, the proposed amendment will delete TS SR 4.0.5 and its associated TS Bases, relocate the IST program to Section 6 of the TSs, and delete references to TS SR 4.0.5 in the associated individual TS SRs. These changes do not eliminate any inservice tests and do not relieve the licensee of its responsibility to seek relief from Code test requirements when they are impractical. The changes will eliminate the ASME Code inconsistency between the IST program and the TSs as required by 10 CFR 50.55a(f)(5)(ii). The NRC staff finds the proposed changes acceptable as they will maintain consistency with the ASME Code requirements.

The proposed change to TS 6.8.4.m, as requested in the letter dated March 8, 2008, will modify the TS so that the provisions of TS SR 4.0.2 are applicable to other normal and accelerated testing frequencies that are not specifically listed in TS 6.8.4.m, and are specified as less than 2 years in the Inservice Testing Program. This is consistent with TSTF-497 and guidance contained in NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants," regarding maximum allowable extensions of test intervals.

The NRC staff has previously determined that the provisions of TS SR 4.0.2, when applied to normal and accelerated testing frequencies as specified as 2 years or less in the Inservice Testing Program, will continue to assure that SRs will maintain the necessary quality of systems and components so that facility operation will be within safety limits, and that the LCOs will be met. Therefore, the staff also finds this proposed change acceptable.

3.3 Evaluation of Proposed ISI Changes

It states in 10 CFR 50.55a(g), in part, that Class 1, 2, and 3 components and their supports meet the requirements of the ASME Code. The ASME publishes a new edition of the ASME Code every 3 years, and a new addendum every year. The third 10-year interval ISI program at HNP was updated to comply with the 2001 Edition through the 2003 Addenda of the ASME Code as required by 10 CFR 50.55a(g)(4).

As required by current TS 4.0.5.a, ISI of ASME Code Class 1, 2, and 3 components (including supports and attachments) shall be performed in accordance with Section XI of the ASME Code and applicable editions and addenda as required by 10 CFR Part 50, Section 50.55a(f) or (g) as modified by 10 CFR 50.55a(b)(3)(v), except where specific written relief has been granted by the Commission pursuant to 10 CFR 50.55a(g)(6)(i).

The licensee stated that when NUREG-1431 was developed, the ISI requirements were removed from the ISTs since they were identical to the requirements of 10 CFR 50.55a and were therefore redundant. Accordingly, the proposed amendment will remove the ISI requirements of TS SR 4.0.5, which refers to the ISI program, ASME Section XI, and 10 CFR 50.55a, and move them to an owner-controlled program consistent with NUREG-1431 Section 5.5.8, "Inservice Testing Program."

The NRC staff finds that the removal of TS 4.0.5.a does not eliminate any ISIs not covered by 10 CFR 50.55a, and does not relieve the licensee of its responsibility to seek relief from ASME Code requirements when they are impractical. The proposed changes will eliminate the

regulatory redundancy between the TS and 10 CFR 50.55a and streamline the inservice inspection regulations. Therefore, the staff finds the proposed changes acceptable.

3.4 Evaluation of Proposed TS Bases Control Program

The proposed amendment will also add new TS Section 6.8.4.n to establish a TS Bases Control Program consistent with NUREG-1431. The TS changes that are approved by the NRC Consolidated Line Item Improvement Program (CLIIP) often include the requirement for a TS Bases Control Program as a condition for implementing a particular TSTF traveler. HNP has requested this change because it is anticipated that future CLIIP TS changes will invoke a similar requirement for a TS Bases Control Program. Therefore, this change will allow HNP to be consistent with NUREG-1431, and does not affect the other changes requested by the proposed amendment. As such, the NRC staff finds this proposed change acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the State of North Carolina official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes the Surveillance Requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding as published in the *Federal Register* on July 31, 2007 (72 FR 41782). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: June 12, 2008

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