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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of)
)
Carolina Power & Light Company)
)
(Shearon Harris Nuclear Power Plant,)
Units 2 and 3))
)

Docket Nos. 52-022 COL
52-023 COL

SUPPLEMENT TO MOTION TO
IMMEDIATELY SUSPEND HEARING NOTICE
BY THE NORTH CAROLINA WASTE AWARENESS AND REDUCTION NETWORK

NOW COMES the North Carolina Waste Awareness and Reduction Network, Inc. ("NC WARN"), by and through the undersigned counsel, with the following supplement to its motion to the Secretary filed on June 24, 2008, to immediately suspend the hearing notice in the matter of the review of the combined operating license application ("COLA") for the Harris Nuclear Power Plant ("NPP").

1. In a letter to Robert Sisk of Westinghouse Electric, dated June 27, 2008, Thomas Bergman, Deputy Director, NRC Division of New Reactor Licensing, Office of New Reactors, stated that there would be a significant delay in the review schedule for the AP1000 Revision 16 in Docket 52-006.¹ The NRC notified Westinghouse that the review schedule will itself not be updated until August 30, 2008, but that date is

¹ ADAMS Accession No. ML081490403.

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contingent on Westinghouse's ability to resolve several critical issues related to the reactor design.

2. The delay is caused by Westinghouse's withdrawal of an earlier submittal on the screen design/analysis and the down-stream effects in the core from debris generation and long-term recirculation cooling. In addition to the ongoing and unresolved sump problem, Mr. Bergman in his letter also identified delays in making required changes in the design in the pressure vessel closure head, emergency core cooling systems, revised analysis of the containment external pressures, revised seismic analyses for rack design and various unidentified "impact reports." These along with the sump screen are significant, if not critical, to the safe operation and shut down of the proposed reactors at the Harris NPP.

3. As NC WARN argued in the Motion to Immediately Suspend Hearing Notice, the most significant elements of the proposed reactor, i.e., the certified design and resulting operational practices, continue to be lacking in the COLA for the Harris NPP. It is impossible to conduct a meaningful technical and safety review of the Harris COLA without knowing the final design of the AP1000 revision 16. As such, it places an undue burden on petitioners, such as NC WARN, who are attempting to prepare contentions about technical, engineering and safety matters, not to have before them any firm details about cooling in the reactor design.

4. Mr. Bergman characterized the criticality of these components to the safety of the reactors by stating that, "although the submittals have allowed the staff to begin review of these issues, uncertainty remains with respect to completion of the long-term cooling review." If the NRC staff finds there is enough uncertainty to delay its own

review schedule, then the notice of hearing should also be delayed. The AP1000 Revision 16 design that is the subject of the notice of hearing remains a "moving target" with many unknowns which may be substantially modified by Westinghouse, the applicant or the NRC at some point in the future.

THEREFORE, the Secretary should suspend the hearing notice until the application is complete.

Respectfully submitted this the 10th the day of July 2008.



John D. Runkle
Attorney at Law
Post Office Box 3793
Chapel Hill, N.C. 27515-3793
919-942-0600
jrunkle@pricecreek.com

CERTIFICATE OF SERVICE

I hereby certify that copies of this SUPPLEMENT MOTION TO IMMEDIATELY SUSPEND HEARING NOTICE BY THE NORTH CAROLINA WASTE AWARENESS AND REDUCTION NETWORK was served on the following via email and/or deposit in the U.S. Mail, postage prepaid:

Office of the Secretary
ATTN: Docketing and Service
Mail Stop 0-16C1
US Nuclear Regulatory Commission
Washington, DC 20555-0001
hearingdocket@nrc.gov

Manny Comar
Site Safety Project Manager
US Nuclear Regulatory Commission
Washington, DC 20555-0001
manny.comar@nrc.gov

Sara E. Brock
Office of the General Counsel
Mail Stop O-15 D21
US Nuclear Regulatory Commission
Washington, DC 20555-0001
sara.brock@nrc.gov

John H. O'Neill, Jr
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037
John.O'Neill@Pillsburylaw.com

David T. Conley
Associate General Counsel
Legal Department
Progress Energy Service Company LLC
411 Fayetteville Street, PEB 17
Raleigh, NC 27602-1551
dave.conley@pgnmail.com

This is the 10th day July, 2008.



John D. Runkle, Attorney at Law