

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


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

August 3, 1988

DOCKET NO. 50-400

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Docket File

PD21 r/f

P. Anderson

MEMORANDUM FOR: Rules and Procedures Branch
Division of Rules and Records
Office of Administration and Resources Management

FROM: Office of Nuclear Reactor Regulation

SUBJECT: CAROLINA POWER & LIGHT COMPANY - SHEARON HARRIS NUCLEAR
POWER STATION, UNIT 1

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- ☐ Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- ☐ Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s); Time for Submission of Views on Antitrust Matters.
- ☐ Notice of Consideration of Issuance of Amendment to Facility Operating License.
- ☐ Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
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- ☐ Notice of Availability of Safety Evaluation Report.
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- ☒ Environmental Assessment.
- ☐ Notice of Preparation of Environmental Assessment.
- ☒ Other: EA regarding plant operation with higher enriched uranium-235 fuel and extended irradiation.

Office of Nuclear Reactor Regulation

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Enclosure:
As stated

Contact: P. Anderson, NRR
Phone: 49-21415

OFFICE	LA-2021-DRPR						
SURNAME	PAnderson:ch						
DATE	8/4/88						

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Notes:

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and the following information:

Journal of Management Education 33(10)p.1143-1157

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the solution. Once the problem has been solved, the final step is to evaluate the results and determine if the solution was effective. This involves comparing the results of the solution to the original problem and determining if the solution was successful. If the solution was successful, the final step is to document the results and share the information with others. If the solution was not successful, the final step is to identify the reasons for the failure and determine if the solution needs to be revised.

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August 9, 1988

DOCKET NO. 50-400

MEMORANDUM FOR:

Rules and Procedures Branch
Division of Rules and Records
Office of Administration and Resources Management

DISTRIBUTION

Docket Files

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P. Anderson

FROM:

Office of Nuclear Reactor Regulation

SUBJECT:

CAROLINA BOWER & LIGHT COMPANY - SHEARON HARRIS NUCLEAR
POWER PLANT, UNIT 1

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

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- ☐ Order.
- ☒ Exemption.
- ☐ Notice of Granting Exemption.
- ☐ Environmental Assessment.
- ☐ Notice of Preparation of Environmental Assessment.
- ☒ Other: Exemption re Updating Final Safety Analysis Report.

Office of Nuclear Reactor Regulation

Enclosure:
As stated

Contact: P. Anderson, NRR
Phone: 49-21415

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DATE	8/9/88					

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)	
CAROLINA POWER & LIGHT COMPANY)	
(Shearon Harris Nuclear Power Plant,)	Docket No. 50-400
Unit 1))	

EXEMPTION

I.

Carolina Power & Light Company (the licensee), acting for itself and the North Carolina Eastern Municipal Power Agency, is the holder of Facility Operating License No. NPF-63, issued on January 12, 1987, which authorized full power operation of the Shearon Harris Nuclear Power Plant, Unit 1 (the facility). A superceded license (NPF-53), issued October 24, 1986, authorized the licensee to operate the facility at steady-state reactor power levels not in excess of 139 megawatts thermal. This license provides, among other things, that they are subject to all rules and regulations and Orders of the Commission.

II.

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. The above regulation would have required submittal of the UFSAR for Shearon Harris, Unit 1, by October 24, 1988.

By letter dated April 21, 1988, the licensee requested an exemption from 10 CFR 50.71(e) requiring the refiling of a complete Final Safety Analysis Report (FSAR) as the UFSAR within twenty-four months after the issuance of an operating license. The licensee proposes to continue to use the current FSAR and to update it through the issuance of a FSAR amendment in the same manner as the licensing process. The licensee, in the above cited letter, references and discusses three of the six special circumstances provided in 10 CFR 50.12(a)(2) that would support the consideration of the issuance of this exemption.

One of these categories, 10 CFR 50.12(a)(2)(ii), states:

Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule;

The underlying purpose of the rule was to provide a single complete updated integrated document that would accurately describe the facility. During the licensing process, the current FSAR was amended by Amendment No. 39 on October 30, 1986. The licensee states that the existing FSAR is in the state of completeness contemplated by the rule and the underlying purpose of the rule could be achieved through the amendment process.

III.

The NRC staff has reviewed the licensee's request for an exemption from 10 CFR 50.71(e)(3)(i) which requires the filing of an UFSAR. Instead, the licensee would continue to use the existing FSAR and update it through the amendment process. Prior to the issuance of the rule, there was no regulation requiring the applicants or licensees to incorporate changes to, or amendments of, the application of the license into the FSAR. Consequently, the FSARs

were not kept up-to-date. In view of the recent licensing of the Shearon Harris, Unit 1, the current FSAR is in the comparable state of completeness contemplated by the rule, and the subsequent routine updating of the relatively small percentage of the FSAR text and figures would meet the underlying purpose of the rule. Because the necessary safety information will be provided in the amendment to update the existing FSAR, no undue risk would result from the proposed exemption.

IV.

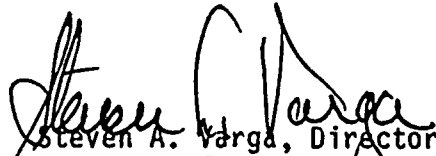
Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), this exemption is authorized by law, and that the application of the regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(iii) and (vi) apply to this situation.

Application of the 10 CFR 50.71(e) requirement for updating the FSAR in this situation, i.e., submitting a new and separate UFSAR, is not necessary to achieve the underlying purpose of the rule, which is to ensure that the updated information be available in the FSAR. Since updating the current FSAR by means of the amendment process does not conflict with the intent of the rule, the granting of the exemption complies with the intent of the regulation and comports with the special circumstances described in 10 CFR 50.12(a)(2)(ii).

Accordingly, the Commission hereby grants an exemption, as described in Section III above from Section 50.71(e)(3)(i) of 10 CFR Part 50, from the requirement to file a separate and new updated FSAR for the Shearon Harris Nuclear Power Plant, Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (53 FR 26693). This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga", is written over the printed name.

Steven A. Varga, Director
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation