

20949

~~RELATED CORRESPONDENCE~~

DOCKETED
USNRC

'99 NOV -1 P 4:35

October 31, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ADJUDICATION STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 50-400-LA
CAROLINA POWER & LIGHT)	
COMPANY)	ASLBP No. 99-762-02-LA
)	
(Shearon Harris Nuclear Power Plant))	
)	

NRC STAFF'S THIRD SUPPLEMENTAL RESPONSE TO
ORANGE COUNTY'S FIRST SET OF DISCOVERY REQUESTS TO NRC STAFF

The Nuclear Regulatory Commission staff (Staff) hereby files this third supplement to Staff responses to Orange County's First Set of Discovery Requests to NRC Staff, filed September 20, 1999.

A. SPECIFIC DOCUMENT REQUESTS

Please produce the following documents:

TECHNICAL CONTENTION 2 (Criticality Safety):

REQUEST NO. 3. All documents related to the NRC Staff's review of CP&L's compliance with General Design Criterion 62 with respect to the activation of spent fuel storage pools C and D.

STAFF RESPONSE: Licensee's amendment request, NRC accession No. 9812290056, and supplements thereto; Standard Review Plan 9.1.2; Licensee response to RAI, June 14, 1999; Memorandum from Laurence Kopp to Timothy Collins, Re: "Guidance on the Regulatory Requirements for Criticality Analysis of Fuel Storage at Light

DS07

Water Reactor Power Plants, dated 8/9/98; Letter from Brian K. Grimes, NRC, to All Power Reactor Licensees, Re: NRC Guidance on Spent Fuel Modifications, dated April 14, 1978; Draft Regulatory Guide 1.13; and the standards, codes and other documents referenced in these documents. These documents maybe found in the Public Document Room or are in the possession of Orange County.

REQUEST NO. 4. All documents related to the NRC Staff's review of CP&L's compliance with Draft Regulatory Guide 1.13 with respect to the activation of spent fuel storage pools C and D.

STAFF RESPONSE: See response to Request No. 3.

REQUEST NO. 9. All documents evaluating CP&L's proposal for control of criticality through the addition of boron to the spent fuel pools, including but not limited to documents evaluating the CP&L proposal in light of experience at other plants.

STAFF RESPONSE: The Staff is not aware of any documents evaluating the proposal for control of criticality through the addition of boron in light of experience at other plants. Documents which may be used to evaluate CP&L's proposal are: Letter from Brian K. Grimes, NRC, To All Power Reactor Licensees, Re: NRC Guidance on Spent Fuel Modifications, dated April 14, 1978; 10 C.F.R. § 72.124; and ANSI N16.1-1975.

TECHNICAL CONTENTION 3 (QA):

REQUEST NO. 4. All documents related to the NRC Staff's review of the adequacy of CP&L's Alternative Plan for assuring the safety of piping for spent fuel storage pools C and D.

STAFF RESPONSE: Kindly refer to the answer to Request No. 1. In addition, 10 C.F.R. Part 50, Appendix B; ASME Code, Sections 3 and 11; "Metals Handbook Ninth Edition, Volume 3, Properties and Selection: Stainless Steels, Tool Materials and Special Purpose Metals," pub. American Society for Metals

Respectfully submitted,



Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
this 31st day of October 1999

October 31, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 50-400-LA
CAROLINA POWER & LIGHT)	
COMPANY)	ASLBP No. 99-762-02-LA
)	
(Shearon Harris Nuclear Power Plant))	
)	

NRC STAFF'S FIRST SUPPLEMENTAL RESPONSE TO ORANGE COUNTY'S
SECOND SET OF DISCOVERY REQUESTS TO NRC STAFF

The Nuclear Regulatory Commission staff (Staff) hereby files this first supplement to Staff responses to Orange County's Second Set of Discovery Requests to NRC Staff, filed September 29, 1999.

III. SPECIFIC DOCUMENT REQUESTS

The County requests the Staff to produce the following documents directly or indirectly within its possession, custody or control:

A. TECHNICAL CONTENTION 2 (Criticality Safety):

REQUEST NO. 8. All documents that describe nuclear power plant operators' practical experience with misplacement of fresh or spent fuel in fuel pools.

STAFF RESPONSE: The Staff objects to this discovery request as being beyond the scope of the contentions admitted to this proceeding and not designed to lead to discoverable information. Contention 2, basis 2, as admitted to this proceeding, assumes that a fuel

misplacement has already taken place. Therefore, any documents relating to nuclear power plant operators' experience with fuel misplacements are irrelevant, and not calculated to lead to admissible evidence. Without waiving this objection, and without waiving its right to object to the admission of evidence or testimony based upon such documents at the Subpart K or other proceeding in this matter, the Staff will produce a list of file numbers of Licensee Event Reports (LERs) relating to fuel misplacements that are presently known to Staff. LERs are publically available and are generally found in the PDR, as are other documents which may be responsive to this request. Since the documents requested are irrelevant and the information, to the extent it is in the public domain, is reasonably obtainable from another source and accessible to BCOC, the documents will not be produced, except as stated above.

REQUEST NO. 9 . All documents that analyze or evaluate nuclear power plant operators' experience with fresh or spent fuel misplacement in fuel pools.

STAFF RESPONSE: The Staff objects to this discovery request as being beyond the scope of the contentions admitted to this proceeding and not designed to lead to discoverable information. Contention 2, basis 2, as admitted to this proceeding, assumes that a fuel misplacement has already taken place. Therefore, any documents relating to analysis of nuclear power plant operators' experience with fuel misplacements are irrelevant, and not calculated to lead to admissible evidence. The Staff also objects to this request to the extent that it seeks predecisional materials or draft agency documents exempt from disclosure pursuant to 10 C.F.R. § 2.790. The requested documents, to the extent they exist and are in

the public domain, are generally found in the Public Document Room. Since the documents requested are irrelevant and the information is reasonably obtainable from another source and accessible to BCOC, the documents will not be produced.

REQUEST NO. 11. All documents that describe nuclear power plant operators' practical experience with errors in controlling boron concentration in the water in fuel pools.

STAFF RESPONSE: The staff objects to this discovery request as being overly broad and burdensome and irrelevant. The Staff further objects to the extent that the request seeks predecisional or privileged material or draft agency documents exempt from disclosure pursuant to 10 C.F.R. § 2.790. Without waiving these objections, the Staff will produce a list of file numbers of Licensee Event Reports (LERs) relating to boron control that are presently known to Staff. LERs, as well as other documents, such as inspection reports, which may be responsive to this request, are generally publically available and found in the PDR. They are therefore, obtainable from another source and accessible to BCOC. Additional documents responsive to this request have previously been served on counsel. A list of additional NRC documents is served herewith.

REQUEST NO. 16. All documents containing any analysis of the probability and/or consequences of potential criticality events in fuel pools, involving fresh and/or spent fuel.

STAFF RESPONSE: The Staff objects to this discovery request to the extent that it seeks predecisional or privileged documents or draft agency documents exempt from disclosure pursuant to 10 C.F.R. § 2.790. Without waiving this objection, the Staff will

produce non-objectionable, non-privileged, responsive documents, not known to be in the PDR. A list of additional NRC documents is being served herewith.

Responsive documents also include SECY-83-337, Study on Significant Hazards, Accession No. 8312280012; SERs and other documents previously identified.

B. TECHNICAL CONTENTION 3 (Quality Assurance)

REQUEST NO. 2. All documents that describe nuclear power plant operators' practical experience with leakage of water from fuel pools and/or from piping or equipment associated with fuel pools.

STAFF RESPONSE: See Response to Request No. 1. Without waiving this objection, the Staff has previously provided a list of LERs concerning pipe leakage in fuel pools.

REQUEST NO. 3. All documents containing any analysis of nuclear power plant operators' experience with leakage of water from embedded piping, from fuel pools, or from piping or equipment associated with fuel pools, seeking to learn generic lessons from this experience.

STAFF RESPONSE: See response to Request No. 1. Without waiving this objection, the Staff is aware of the following publicly available, responsive, generic documents: NUREG-1275, Vol. 12, Operating Experience Feedback Report, Assessment of Spent Fuel Cooling, February 1997; Resolution of Spent Fuel Storage Pool Action Plan Issues, July 26, 1996; Followup Activities on the Spent Fuel Pool Action Plan, September 30, 1997. A list of additional NRC documents is served herewith.

REQUEST NO. 5. All documents containing any analysis of the implications for safe operation of a fuel pool if the cooling and/or cleanup system becomes unavailable for a prolonged

period.

STAFF RESPONSE: See response to Request No. 3.

Respectfully submitted,



Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
this 31st day of October 1999

Additional NRC documents

SECY-83-249, Oconee Unit No. 3, Spent Fuel Expansion, June 23, 1983, Accession No. 8307190465

NUREG-1353, "Regulatory Analysis for the Resolution of Generic Issue 82, 'Beyond Design Basis Accidents in Spent Fuel Pools,'" April 1989.

Information Notice 88-92 and Supplement 1, "Potential for Spent Fuel Pool Draindown," 1988.

Information Notice 97-14, "Assessment of Spent Fuel Cooling," 1997.

Accession Nos.

8501230441

8309270585

9906150290

9902180047

Supplement to List of Additional NRC Documents

"Containing The Atom, Nuclear Regulation in a Changing Environment 1963-1971," at pgs. 203-210. J. Samuel Walker, 1992, University of California Press.

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

NOV -1 P4:35

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

PLANNING AND
ADJUDICATION

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No.50-400-LA
)	ASLBP No. 99-762-02-LA
(Shearon Harris Nuclear Power Plant))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S THIRD SUPPLEMENTAL RESPONSE TO ORANGE COUNTY'S FIRST SET OF DISCOVERY REQUESTS TO NRC STAFF" and "NRC STAFF'S FIRST SUPPLEMENTAL RESPONSE TO ORANGE COUNTY'S SECOND SET OF DISCOVERY REQUESTS TO NRC STAFF" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system or as indicated by an asterisk, by first-class mail on this first day of November and by 2 asterisks, by electronic mail (e-Mail) the 31st day of October, 1999:

G. Paul Bollwerk, III, Chairman**
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: GPB@NRC.GOV)

Frederick J. Shon**
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: FJS@NRC.GOV)

Dr. Peter Lam**
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: PSL@NRC.GOV)

Office of the Secretary
ATTN: Rulemaking and Adjudications
Staff
Mail Stop: O 16-C-1
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: HEARINGDOCKET@NRC.GOV)

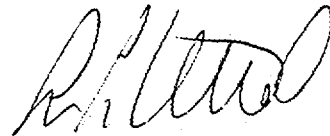
Office of the Commission Appellate
Adjudication
Mail Stop: O 16-C-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esq.**
Harmon, Curran, Spielberg
& Eisenberg, L.L. P.
1726 M. Street, N.S., Suite 600
Washington, DC 20025
(E-mail: dcurran@harmoncurran.com)

Steven Carr@
Legal Department
Carolina Power and Light Co.
411 Fayetteville Street Mall
P.O. Box 1551 - CPB 13A2
Raleigh, North Carolina 27602
(E-mail: steven.carr@cplc.com)

James M. Cutchin, V
Mail Stop: T 3F-23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(E-mail: JMC3@NRC.GOV)

John H. O'Neill, Jr.**
William R. Hollaway*
Counsel for Licensee
Shaw Pittman Potts & Trowbirdge
2300 "n" Street, N.S.
Washington, DC 20037-1128
(E-mail: john_o'neill@shawpittman. Com
william.hollaway@shawpittman.com)



Susan L. Uttal
Counsel for NRC Staff