

February 14, 1984

DUPLICATE
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CAROLINA POWER & LIGHT
COMPANY and NORTH CAROLINA
EASTERN MUNICIPAL POWER
AGENCY

(Shearon Harris Nuclear
Power Plant, Units 1 and 2)

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Docket Nos. 50-400 OL
50-401 OL

APPLICANTS' RESPONSE TO WELLS EDDLEMAN'S
MOTION FOR ORDER REQUIRING SERVICE OF
CP&L REPORT TO NRC CONCERNING HARRIS SAFETY
CIRCUIT BREAKERS

By Motion dated January 28, 1984, ^{1/} intervenor Wells Eddleman petitions the Board to order Applicant Carolina Power & Light Company to serve on him a copy of the report required to be filed with the NRC Staff by IE Bulletin No. 83-08. ^{2/} Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency oppose Mr. Eddleman's motion was superfluous.

Pursuant to the Board's September 22, 1982 Memorandum and Order (Reflecting Decisions Made Following Prehearing Conference)

^{1/} The Motion was filed on January 30, 1984 with a number of other pleadings.

^{2/} "Electrical Circuit Breakers with an Undervoltage Trip Feature in Use in Safety-Related Applications other than the Reactor Trip System" dated December 28, 1983.

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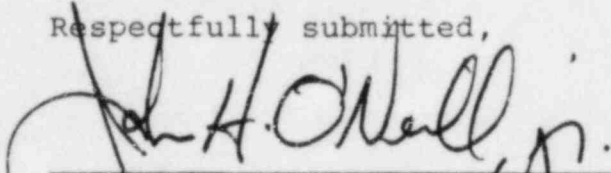
(16 N.R.C. 2069, 2112-13) as modified by its January 11, 1983 Memorandum and Order (Addressing Motions for Reconsideration and Clarification of the Board's Prehearing Conference Order) (slip opinion at 17), Applicants have been regularly serving on intervenors, including Mr. Eddleman, "all relevant documents [generated] for review by the NRC Staff in connection with this proceeding", including relevant responses to NRC generic letters and IE Bulletins. Thus, Applicants will file a copy of their response to IE Bulletin No. 83-08 with Mr. Eddleman at the time it is filed with the NRC Staff, without the need for another Board order.

Applicants are at a loss, in any event, to understand the reasoning which led to this Motion. If Mr. Eddleman was uncertain whether Applicants' Response to IE Bulletin No. 83-08 would have been served on him in the normal course, he could have telephoned Applicants to request a copy. Since it is a document that will become a public record, Applicants would certainly have agreed to provide a copy.

Applicants note that IE Bulletin No. 83-08, which requests information on the use of certain breakers in other than the reactor trip system, has no bearing on proposed Eddleman Contention 161. Proposed Contention 161 alleges defects in certain Westinghouse breakers used in the reactor trip system. Applicants have addressed the technical fix that will be incorporated in the Harris circuit breakers for reactor trips and there has been no suggestion that

the technical fix does not resolve the defect identified first by Westinghouse.^{3/} That issue is before the Board and ripe for decision.

Respectfully submitted,



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Dated: February 14, 1984

^{3/} See "Applicants' Response to Intervenor Eddleman's Proposed Revised Contention 161 (Safety Shutdown System Failure)" dated October 25, 1983; see also "NRC Staff Opposition to Wells Eddleman's Proffered Revised Contention 161" dated October 31, 1983.

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In the Matter of

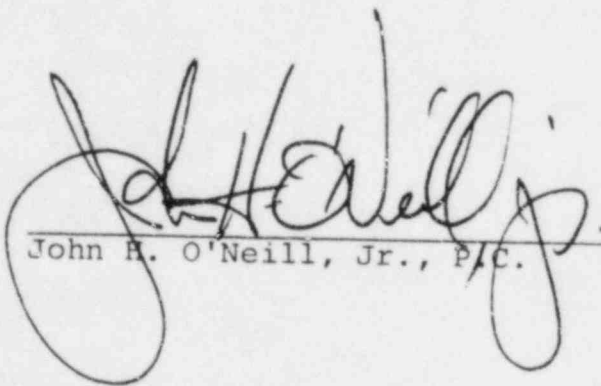
CAROLINA POWER & LIGHT COMPANY
and NORTH CAROLINA EASTERN
MUNICIPAL POWER AGENCY

(Shearon Harris Nuclear Power
Plant, Units 1 and 2)

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) Docket Nos. 50-400 OL
) 50-401 OL
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Wells Eddleman's Motion for Order Requiring Service of CP&L Report to NRC Concerning Harris Safety Circuit Breakers" were served this 14th day of February, 1984, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.



John H. O'Neill, Jr., P.C.

Dated: February 14, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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and NORTH CAROLINA EASTERN)	50-401 OL
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(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

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