

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'84 MAY 30 11:12

In the Matter of)
DUKE POWER COMPANY, et al.)
(Catawba Nuclear Station)
Units 1 and 2))

Docket No. 50-413
50-414

OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

May 15, 1984

STIPULATION AMONG THE PARTIES

On April 11, 1984 Applicants filed a "Motion For Authorization To Issue a License to Load Fuel and Conduct Certain Precritical Testing". Intervenor, Palmetto Alliance and CESG, responded on April 23, 1984 and the NRC Staff on May 1, 1984.

The NRC Staff supports Applicants' Motion; Intervenor oppose granting an operating license for the facility, but do not oppose the fuel loading and precritical testing authority sought by Applicants. Intervenor rely upon Applicants' representations that:

1. the authority sought is for pre-criticality testing only;
2. consequently no fission products inventory nor decay heat production will result or is authorized in conjunction with fuel loading and precritical testing;
3. criticality will be prevented by maintenance of boron concentration at required levels such that criticality cannot be achieved even with all control rods fully withdrawn;
4. under such conditions there is no possibility of a radiological release to the public or other threat to the public health and safety as a consequence of the authority sought.

However, Intervenors ask that any such authority issued by the Board be conditioned on (1) requiring Applicants to report fully on "any nonconformances or deviations occurring in such activities to the Board and parties" and, (2) allowing Intervenors the full opportunity to be heard with respect to any further authority sought for activities where fission product and decay heat generation are involved.

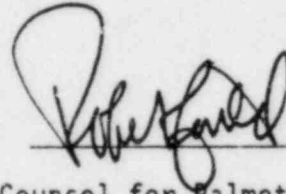
Applicants, should it become necessary, intend to seek in the future further authority from this Board with respect to achieving criticality and low-power testing. Prior to conducting such activities, Applicants will file the requisite motion with this Board seeking authorization of such activities and will serve the motion upon the parties. Intervenors will have a full opportunity to respond to that motion. Applicants commit to serving the Board and all parties with all correspondence it initiates with the NRC Staff relating to the activities for which authority is sought including nonconformances or deviations occurring in such activities. The NRC Staff similarly commits to serving the Board and parties with all correspondence it initiates with Applicants relating to such activities (subject only to any necessary sanitization to protect proprietary or classified information, if appropriate).

In light of the foregoing, the Parties stipulate that they do not object to issuance of an order, conditioned as outlined above, by this Board authorizing the Director of Nuclear Reactor Regulation to issue to Applicants a license to load fuel and conduct certain precritical testing activities for Catawba Unit I.



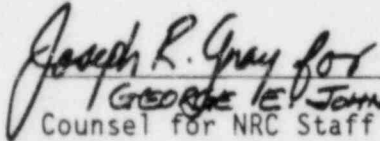
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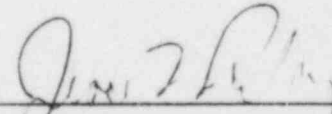


Counsel for Palmetto Alliance

May 17, 1984


GEORGE LEV JONSON
Counsel for NRC Staff

May 25, 1984



Representative of Carolina

Environmental Study Group

May 18, 1984