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July 23, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-400 OL
and NORTH CAROLINA EASTERN)	
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant))	

JOINT MOTION OF APPLICANTS AND JOINT INTERVENORS
TO IMPLEMENT SETTLEMENT AGREEMENT REGARDING
JOINT INTERVENOR CONTENTION VII(4)

Pursuant to 10 C.F.R. § 2.759, Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency and Joint Intervenors Chapel Hill Anti-Nuclear Group Effort/Environmental Law Project, Conservation Council of North Carolina, Kudzu Alliance and Mr. Wells Eddleman jointly petition the Board to implement the settlement agreement reached among the parties regarding the scope of the issue raised by Joint Intervenors in Joint Contention VII(4). Applicants are authorized to state that the NRC Staff concurs with this Motion.

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I. BACKGROUND

Joint Contention VII(4) alleges:

Applicants have failed to demonstrate that the steam generators to be used in the Harris Plant are adequately designed and can be operated in a manner consistent with the public health and safety . . . in light of . . . (4) existing tube failure analyses.

In the Harris Plant Safety Evaluation Report ("SER"), NUREG-1038, § 15.6.3 (November 1983), the Staff held as an open item Applicants' analysis of the design basis steam generator tube rupture event. The Staff requires additional information regarding operator response and the assumed isolation time for the affected steam generator. Intervenor Wells Eddleman filed a new Contention 180 based on the SER open item. "Wells Eddleman's New Contentions and Amended Deferred Contentions in Response to Staff SER," dated January 17, 1984. Applicants and Mr. Eddleman agreed that the allegation in proposed Contention 180 was encompassed in the issue raised by Joint Contention VII(4). The Board agreed. Tr. 771 (Telephone Conference Call, March 8, 1984).

The assumption regarding operator response time in the event of a steam generator tube rupture to isolate the affected steam generator is not an issue unique to the Harris Plant but rather involves considerations generic to all pressurized water reactors. A Steam Generator Tube Rupture Subgroup of the Westinghouse Owners' Group has established a program to

substantiate the assumed operator response time in the event of a steam generator tube rupture and to evaluate the consequences of the failure of the operator to preclude an overfill condition in the affected steam generator. However, the final results of this generic analysis will not be available prior to the safety hearings scheduled to begin October 1984.

II. SETTLEMENT AGREEMENT

Joint Intervenors agree to withdraw that aspect of Joint Contention VII(4) which relates to operator response time in the event of a steam generator tube rupture.^{1/}

Applicants agree to accept a condition to the operating license for the Harris Plant, as follows:

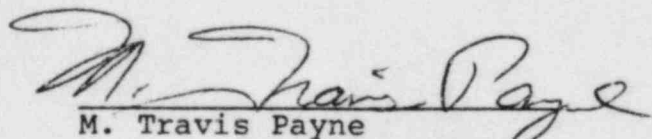
Prior to startup, following the first refueling outage, Applicants shall submit for NRC review and receive approval of a steam generator tube rupture analysis, including the assumed operator actions, which demonstrates that the consequences of the design basis steam generator tube rupture event for the Shearon Harris Plant are less than the acceptance criteria specified in the Standard Review Plan, NUREG-0800, at § 15.6.3 Subpart II(1) and (2) for calculated doses from radiological releases. In preparing their analysis Applicants will not assume that operators will complete corrective actions within the first thirty minutes after a steam generator tube rupture.

^{1/} Joint Intervenors have not withdrawn the one remaining allegation encompassed in Joint Contention VII(4) that Applicants have failed to consider multiple tube ruptures in their steam generator tube rupture analysis.

III. MOTION

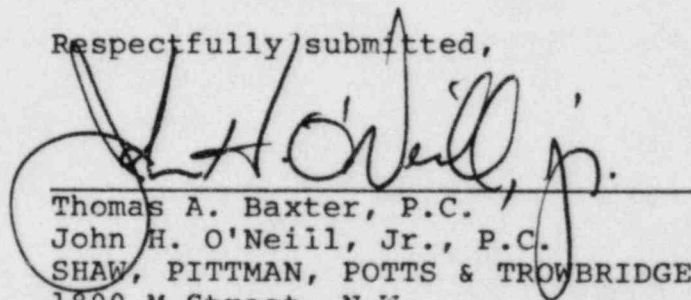
Applicants and Joint Intervenors respectfully petition the Board to adopt and implement the above Settlement Agreement by entering an Order to the effect that (1) the issue related to operator response time in the event of a steam generator tube rupture has been disposed of by agreement among the parties, and (2) the Director, Nuclear Reactor Regulation, shall include the proposed license condition in any license issued to Applicants for operation of the Shearon Harris Nuclear Power Plant.

Respectfully submitted,



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Dated: July 23, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Joint Motion of Applicants and Joint Intervenors to Implement Settlement Agreement Regarding Joint Intervenor Contention VII(4)" were served this 23rd day of July, 1984, by Federal Express to the parties identified by asterisk, and by deposit in the U.S. mail, first class, postage prepaid, to the other parties on the attached Service List.

Hill Canow

Dated: July 23, 1984