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November 26, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNR

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of)
CAROLINA POWER AND LIGHT COMPANY AND)
NORTH CAROLINA EASTERN MUNICIPAL)
POWER AGENCY)
(Shearon Harris Nuclear Power Plant,)
Units 1 and 2)

Docket Nos. 50-400 OL
50-401 OL

OFFICE OF SECRETARY
FOR REGULATORY AND SECURITY
AFFAIRS

NRC STAFF RESPONSE TO APPLICANTS' MOTION
CONCERNING EDDLEMAN CONTENTIONS 178-179

I. INTRODUCTION

During the hearing session on November 14, 1984, Applicants moved the Board for an order requiring Intervenor Eddleman to file contentions within thirty days of the end of that hearing session concerning Applicants' program to insure the reliability of the diesels at Shearon Harris. Tr. 6848; see generally Tr. 6842-52. The Staff supports Applicants' motion insofar as it would require Mr. Eddleman to file any contentions he might have concerning Applicants' program. However, the schedule proposed by Applicants should be amended to provide Mr. Eddleman 30 days from the date of the Board's ruling on the motion to withdraw, amend or restate Contentions 178-179.

II. DISCUSSION

Applicants argue in support of their motion that Mr. Eddleman now possesses enough information to propose specific contentions concerning the program to insure reliability of the Harris diesels. Staff agrees

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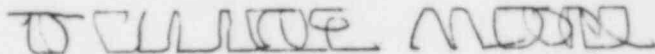
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with this argument. In discussing their motion, Applicants' Counsel stated that he was authorized to commit that Applicants will meet all of the applicable requirements set forth in Section 4.6 of the Staff's Owners' Group Program Plan SER. Tr. 6847. This SER was sent to the Board and parties by letter dated August 21, 1984. Applicants' Counsel also indicated that he is providing Mr. Eddleman with copies of the Phase I reports which apply to the type of diesel engine present at Harris. Tr. 6844. Therefore, Mr. Eddleman is in possession of the information necessary for him to determine whether he believes there are any deficiencies in Applicants' program to insure the reliability of the Harris diesels. Therefore, he should be required to set forth any specific contentions he might have concerning that program.

III. CONCLUSION

The Staff concludes that Applicants' motion should be granted, but that the schedule should be amended to provide Mr. Eddleman with 30 days from the date of the Board's ruling to make his filing.

Respectfully submitted



Janice E. Moore
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Dated at Bethesda, Maryland
this 26th day of November, 1984

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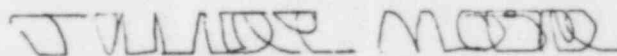
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