

347

January 30, 1985

**RELATED CORRESPONDENCE**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'85 FEB -1 A9:38

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  
DOCKETING & SERVICE  
BRANCH

NRC STAFF MOTION TO REOPEN THE RECORD  
FOR THE LIMITED PURPOSE OF CORRECTING TESTIMONY

I. INTRODUCTION

On December 17, 1984, an on-the-record telephone conference call was held to permit Mr. Eddleman to cross-examine Staff Witness Dennis Kubicki concerning his affidavit about the adequacy of the fire doors to be used at the Shearon Harris Facility. (Tr. 7417) Upon review of that transcript the Staff has determined that answers to two of the Board's questions were factually incorrect. Therefore, the Staff respectfully moves the Board to reopen the record of this proceeding for the limited purpose of correcting those factual errors. Both Applicants' counsel and Mr. Eddleman have been contacted for their views on the instant motion. Applicants have no objection to the proposed corrections. Mr. Eddleman also has no objection to the proposed corrections, but wished it to be made clear he had no opinion on the legal means chosen to make those corrections.

8502040691 850130  
PDR ADOCK 05000400  
PDR

DS07

## II. DISCUSSION

### A. Correction To The Record

The Staff's Witness Dennis J. Kubicki testified at Tr. 7429 in response to a Board question that the special purpose doors were made of solid steel plates. As indicated by the attached affidavit of Mr. Kubicki, in fact some of the doors are constructed of solid steel plates. However, a number of the doors are constructed of two plates of steel of different thickness so as to form a hollow core. The maximum width of the resulting air gap is eight inches. The Staff recognizes that this correction would not have an effect on the results to be achieved in this proceeding. However, the Staff believes it necessary to correct the factual error currently contained in this record.

The second correction to the Staff's testimony involves Mr. Kubicki's response to a Board question concerning whether the locking pins are located all around the edges of the special purpose doors. As Mr. Kubicki indicates in his affidavit, to his knowledge some doors have horizontal latching bolts, and some have vertical bolts, but none of the doors have them in both directions. Kubicki Affidavit at ¶ 4. Once again, the Staff recognizes that this correction would not have an effect on the outcome of this proceeding, but believes the correction is necessary to eliminate a factual error from this record.

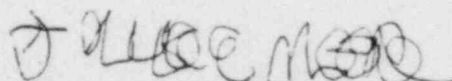
The current situation is somewhat unique in that the cross-examination of Staff Witness Kubicki was conducted by means of a telephone conference call. Therefore, it was not possible for Mr. Kubicki to make corrections in the way which such corrections would normally be made during a hearing at which all parties were present. It was not until after the call had

terminated did we suspect that some errors had been made. By that time, the record was already closed. Therefore, we urge the Board to accept into the record the corrections described above. It should be noted that no party objects to the corrections discussed above.

III. CONCLUSION

For the reasons set forth above, the Staff respectfully moves this Board to reopen this record for the limited purpose of accepting these corrections to the Staff's testimony given on December 17, 1984.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Moore".

Janice E. Moore  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 30th day of January, 1985