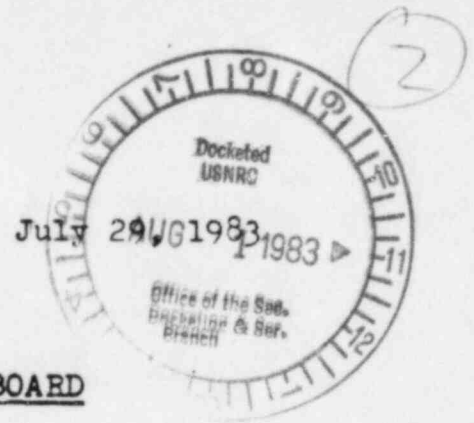


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Dockets 50-400 OL
50-401 OL

ASLBP No. 82-468-01
OL

Certificate of Negotiations

Re: DES, Control Room (DCRDR), Site Emergency Plan
and ATWS (Eddleman 161) Contentions

On July 21, 1983, in a conference call paid for by Applicants, Staff, Applicants and I negotiated on all pending contentions, as noted in the title above, including 15AA on capacity factor.

Applicants were unwilling to change their position on 161, which the Staff accepts. The Staff appeared unwilling to stipulate to any of the parts of Eddleman 8 that Applicants found acceptable. As attorney Baxter for Applicants noted in his 7-21-83 letter to the Board, Applicants and Staff did not modify their positions on anything. I understand the Staff will soon file its responses on control room design (DCRDR), Eddleman filing of 7-2-83 under extension of time. Those responses were not discussed on 7-21 but were discussed informally among Staff, myself and Applicants since. Staff will take its position in its filings.

I agreed also to examine several matters and take one action, and the results of all that are as follows:

8308030255 830729
PDR ADDCK 0500400
G PDR

DS03

7-29-83 certificate of negotiations, page 2, by Wells Eddleman

1. Contention 152 is withdrawn. It only asks for Applicants to commit to test communications. Applicants' counsel O'Neill says that Applicants will do that (this commitment is in their response on the site emergency plan), but have not made the commitment to NRC as yet. The withdrawal of Eddleman 152 does not imply I believe Applicants will carry out that commitment. If they do not formally commit to NRC to test communications per the requirement cited in Eddleman 152, I may move for restoring this contention after a reasonable time (e.g. by 10-31-83 I certainly hope they'll have made the commitment). There was not any tradeoff on 152, nor do Staff or Applicants necessarily agree with my position above.

2. Contention 15AA was re-examined and is not withdrawn. It is timely filed under the Board's 5-27-83 Order and I think it is a valid contention. See 7-29 filing by me re 5 factors and response to Applicants and Staff re DES Contentions and 15AA. If 15AA is accepted, I think it would supersede 15 and 15A.

3. I committed to withdraw any part of 88A or B that says that Staff counted Harris lake (etc) recreation as a benefit. Staff did not so count it, and Eddleman 88A and B do not say they did. Neither Eddleman 88A or 88B depends on this assertion of "benefit."

4. I have reviewed material on SPDS submitted by Applicants 4-15-83. It does not change my position re SPDS and will be discussed re control room design in my 8-31-83 filing.

5. I have reviewed Eddleman 155 and do not withdraw it.

6. I have reviewed Applicants' brief re spent fuel and it does not change my position. See 7-29 pleading referenced above, concerning Eddleman 25, 25B, 64D, 64E and 126X.

7. There are no other matters on which we reached agreement.

I've already filed the 5 factors for Eddleman 161.
NOTE: If anything further re it is required, I'll do it 8/31 since it concerns safety, not environment. *Wells Eddleman* Wells Eddleman