

September 1, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket Nos. 50-400 OL
AND NORTH CAROLINA EASTERN)	50-401 OL
MUNICIPAL POWER AGENCY)	
)	
(Shearon Harris Nuclear Power)	
Plant, Units 1 and 2))	

APPLICANTS' STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE TO
BE HEARD ON INTERVENOR WELLS EDDLEMAN'S
CONTENTION 64(f) (SPENT FUEL SHIPPING CASK
PRESSURE RELIEF VALVE)

Pursuant to 10 C.F.R. § 2.749(a), Applicants state, in support of their Motion for Summary Disposition of Eddleman Contention 64(f) in this proceeding, that there is no genuine issue to be heard with respect to the following material facts:

1. The issue raised by Mr. Eddleman in sponsoring Contention 64(f) is that a "pressure valve on the casks used for spent fuel transport are likely to unseat" or "the plastic components of such valves could and would melt in a fire" resulting in a release of the "coolant" and "radioactive contamination" followed by "fuel overheating & melting."

2. Carolina Power & Light Company ("CP&L") owns a model IF-300 stainless steel encased, depleted uranium shielded

rail shipping cask ("IF-300 cask") manufactured by General Electric Company. The IF-300 cask is licensed by the Nuclear Regulatory Commission for the shipment of spent nuclear fuel by Certificate of Compliance No. 9001. Affidavit of Louis H. Martin in Support of Summary Disposition of Intervenor Wells Eddleman's Contention 64(f) ("Martin Affidavit"), ¶ 2.

3. The IF-300 cask is the cask used thus far by CP&L to ship spent fuel from its Robinson Plant to its Brunswick Plant. Martin Affidavit at ¶3. In the event Applicants are authorized to store spent fuel from CP&L's Robinson and Brunswick Plants at the Harris Plant, such shipments to the Harris Plant in the foreseeable future are likely to be made in the IF-300 cask. Martin Affidavit at ¶ 4.

4. The IF-300 cask is equipped with one pressure relief valve connected to the cask cavity. The purpose of the pressure relief valve is to provide controlled venting under design basis accident conditions for wet shipments and to be leak tight at all other times. Martin Affidavit at ¶ 5.

5. On June 24, 1981, CP&L withdrew its cask from wet shipment service because of potential problems with the pressure relief valve used on all IF-300 series casks. Certificate of Compliance No. 9001 was amended to permit only dry shipments with the IF-300 casks. Martin Affidavit at ¶ 6, 7.

6. CP&L intends to remove the pressure relief valve from its IF-300 cask and replace it with a "rupture disk" prior to any future spent fuel shipments. Martin Affidavit at ¶ 8.

7. Neither the rupture disk nor any other component on the IF-300 cask, which is used as an integral barrier to the cask cavity, utilizes any "plastic component." Martin Affidavit at ¶ 10.

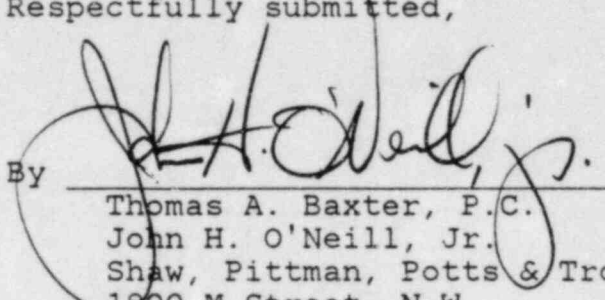
8. In the event CP&L elects to ship spent fuel from its Robinson and/or Brunswick Plants to the Harris Plant, any such shipments in the foreseeable future would be dry. Martin Affidavit at ¶ 11.

9. Pursuant to the Nuclear Waste Policy Act of 1982 and 10 C.F.R. Part 961, Applicants have entered into an agreement with the U.S. Department of Energy ("DOE") for disposal of spent nuclear fuel and high-level radioactive waste produced at the Harris Plant. DOE is responsible for shipments of spent fuel from the Harris Plant to a nuclear waste repository, in

accordance with the terms and conditions of the DOE disposal contract. Martin Affidavit at ¶ 12.

Respectfully submitted,

By



Thomas A. Baxter, P.C.
John H. O'Neill, Jr.
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

(202) 822-1090

and

Richard E. Jones
Samantha F. Flynn
Carolina Power & Light Company
P. O. Box 1551
Raleigh, North Carolina 27602
(919) 836-7707

Counsel for Applicants

Dated: September 1, 1983