

Carolina Power & Light Company

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BRANCH March 14, 1984

James L. Kelley, Esquire
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Carolina Power & Light Company and North
Carolina Eastern Municipal Power Agency
(Shearon Harris Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-400 and 50-401 OL

RE: Agreement for Resolution of Security Plan Contentions 2, 3 and 6

Administrative Judges Kelley, Bright and Carpenter:

By a pleading entitled "Contentions Arising From Review of Applicants' Security Plan" dated September 6, 1983, Intervenor Conservation Council of North Carolina, Wells Eddleman and Kudzu Alliance (Intervenors) proffered six Contentions relating to the adequacy of Applicants' Security Plan for the Harris plant. Applicants opposed admission of the proffered Contentions.¹ The NRC Staff also opposed admission of the proposed Contentions with the exception of Contention 3.² On November 4, 1983, the Intervenor filed "Intervenors' Response to Applicant and NRC Staff Response to Intervenor Security Contentions" in which they withdrew proposed Contentions 1 and 5 and made additional argument with respect to proposed Contentions 2, 3, 4 and 6.

¹ Applicants' Response to Intervenor's Contentions Arising From Review of Applicants' Security Plan, September 29, 1983.

² NRC Staff Response to Intervenor's Proffered Contentions of Applicants' Security Plan, September 29, 1983.

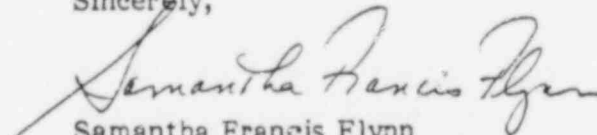
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By Memorandum and Order (Ruling on Security Contentions), January 19, 1984, this Board admitted Contentions 2, 3, 4 and 6. Since the issuance of that Order, Applicants, Intervenor and the NRC Staff have exchanged information and engaged in discussions with a view towards resolving the admitted Contentions by means of an agreement among them. At this time, the parties have, in fact, reached agreement for resolution of Contentions 2, 3 and 6. This Agreement has been reduced to writing and is being transmitted in accordance with the procedures appropriate for Safeguards Information set forth in the Board's Protective Order Governing Access to Security Plan Information, August 3, 1983.

The Agreement reflects the agreement of the parties based upon information provided to Intervenor's Counsel by Applicants and the NRC Staff, as well as upon certain commitments which Applicants have made with respect to the Shearon Harris Nuclear Power Plant Security Plan. Applicants have made such commitments in the spirit of cooperation and negotiation without conceding the merit of any of the Contentions. Pursuant to the Agreement and in consideration of the information and commitments provided, the Intervenor is joining with Applicants and Staff in filing concurrently herewith a motion to withdraw Contentions 2, 3 and 6.

Sincerely,

A handwritten signature in cursive script, reading "Samantha Francis Flynn".

Samantha Francis Flynn
Associate General Counsel

SFF/dit