

July 16, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'84 JUL 17 AIO:44

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' MOTION TO AMEND EDDLEMAN CONTENTION 116

Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency hereby petition the Board to amend Eddleman Contention 116 by replacing the language adopted by the Board in its Memorandum and Order dated January 17, 1983, with the following text:

The fire hazard analysis of section 9.5A (Appendix) in the FSAR does not address the availability of control and power to the safety equipment. In establishing fire resistance ratings of fire barriers with respect to fires in cable trays, Applicants have not established that qualification tests represent actual plant conditions or comparable conditions. Another vague statement is that fire barriers are used "where practical" without defining practical or stating the criteria to decide where a fire barrier is or is not practical (and what type of fire barrier should be used). FSAR 9.5.1.1.1. The "analysis" of Appendix 9.5A does not demonstrate, as 9.5.1.1.1 claims it will, the adequacy of other fire protection measures in all cases. Rather, it estimates the BTU of

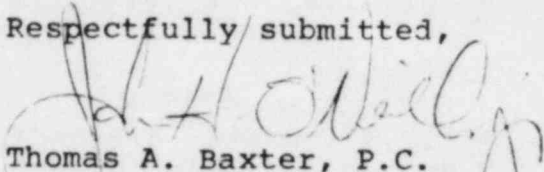
DS03

combustible material, smoke generation and removal rate from the area, gives usually a qualitative description of some measures to mitigate or reduce fire effects, and assumes that the fire will be promptly detected (usually, no analysis of location of detection instruments, etc.) and the fire brigade will respond rapidly and put out the fire, or the automatic equipment will work. These assertions are made despite the time it takes to get people into the containment and to the fire (not well analyzed). Further, the "analysis" of what happens if the fire spreads is generally a rationalization that it can't spread much, not an analysis. See, e.g. "Analysis of Effects of postulated fires." The effect of a fire in a fire area or a fire zone with a combustible loading greater than 240,000 BTU/sq. ft. doesn't get dealt with in realistic terms. The plant firefighting capability for simultaneous fires is inadequate, or at least unanalyzed.

This amended text reflects certain modest agreements reached between Mr. Eddleman and Applicants as a result of discussions regarding the scope of Eddleman Contention 116. Mr. Eddleman requested that Applicants state for the record, as part of this Motion, that his agreement to withdraw certain allegations regarding Applicants' ability to deal with fires in containment was based on Applicants' representations regarding the ability of the fire brigade to enter containment through an air lock, if accessible, or, if containment were inaccessible (e.g. due to high radiation levels) to activate the containment spray system after isolating the sodium hydroxide system.

Applicants are authorized to represent that Mr. Eddleman
and the NRC Staff concur with this Motion.

Respectfully submitted,


Thomas A. Baxter, P.C.
John H. O'Neill, Jr., P.C.
SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1148

Richard E. Jones
Samantha Francis Flynn
CAROLINA POWER & LIGHT COMPANY
P.O. Box 1551
Raleigh, North Carolina 27602
(919) 836-7707

Counsel for Applicants

Dated: July 16, 1984

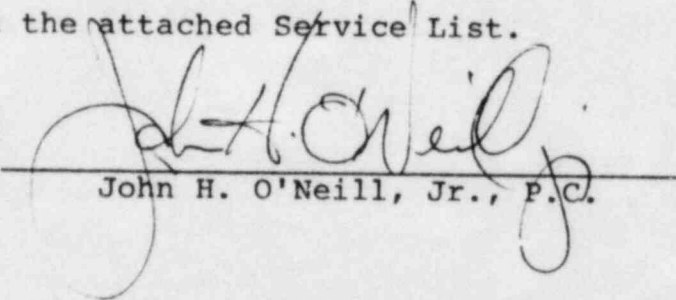
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Motion to Amend Eddleman Contention 116" were served this 16th day of July, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List.



John H. O'Neill, Jr., P.C.

Date: July 16, 1984

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))	

SERVICE LIST

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

John D. Runkle, Esquire
Conservation Council of
North Carolina
307 Granville Road
Chapel Hill, North Carolina 27514

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

M. Travis Payne, Esquire
Edelstein and Payne
P.O. Box 12607
Raleigh, North Carolina 27605

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

Dr. Richard D. Wilson
729 Hunter Street
Apex, North Carolina 27502

Charles A. Barth, Esquire
Janice E. Moore, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Wells Eddleman
718-A Iredell Street
Durham, North Carolina 27705

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard E. Jones, Esquire
Vice President and Senior Counsel
Carolina Power & Light Company
P.O. Box 1551
Raleigh, North Carolina 27602

Mr. Daniel F. Read, President
CHANGE
P.O. Box 2151
Raleigh, North Carolina 27602

Dr. Linda W. Little
Governor's Waste Management Board
513 Albemarle Building
325 North Salisbury Street
Raleigh, North Carolina 27611

Bradley W. Jones, Esquire
U.S. Nuclear Regulatory Commission
Region II
101 Marrietta Street
Atlanta, Georgia 30303

Steven F. Crockett, Esquire
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Robert P. Gruber
Executive Director
Public Staff - NCUC
P.O. Box 991
Raleigh, North Carolina 27602

Administrative Judge Harry Foreman
Box 395 Mayo
University of Minnesota
Minneapolis, Minnesota 55455