

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

8 September 1983

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

MOTION TO COMPEL DISCOVERY re EDDLEMAN 45

Wells Eddleman hereby moves the Board to compel CP&L to answer the following which they did not answer 6-3-83, re Eddleman contention 45 on Water Hammer. Negotiations on this ended 8-26-83 and filing this motion now is approved by Applicants' counsel Flynn; see certificate of negotiations attached hereto.

1. 45-1(a), page 6 of response of 6-3-83: It is not burdensome to say if a measure is part of the original design or not. To the extent design has not changed as NRC requirements have, it is relevant to the design's ability to withstand water hammer events.

2. re all parts of 45-1(d) objected to (pp 9-10, 6-3-83 response by Applicants): The controls of the ECCS, AFW and main steam systems are surely relevant to 45. Water hammer in control systems, e.g., appears to have started the TMI-2 accident by tripping feedwater pumps.

See Board 9/22/82 Order at 50-51.

Also, testing is part of Eddleman 45 as written. This must include testing in operation as many water hammers happen during commercial operation. See A.W. Serkiz, Water Hammer in Nuclear Power Plants, p.1, and page 2, figure 2, both showing that half to 2/3 of water

8309130348 830908  
PDR ADDCK 05000400  
PDR

hammers occur in commercial operation.

Applicants' own response to Staff question 440.49 (appended, last to page, ~~in~~ Applicants' 1-31-83 interrogatories to me, and cited by them in asking me interrogatories, e.g. 45-6(a) on p.26 of 1-31-83 questions, also shows the relevance of testing and operating procedures.

Applicants themselves, 6-3-83 at 12, cite operating procedures as being used to prevent water hammer. Serkiz (op cit) at page 3 says a program of design, testing and inspection and operating procedures is needed to prevent water hammer.

Applicants cannot logically cite things like operator rounds (response to Staff question 440.49) as ways to detect leaks that could indicate possibility of water hammer (voided piping), and then say that such actions are irrelevant to a contention on water hammer. Testing for leaks is an important test in attempting to prevent water hammer.

For the above-cited reasons, Applicants should be compelled to respond fully to 45-1(a) re what parts of the systems cited in Eddleman 45 (ECCS, AFW and Main Steam) are original design, and to respond fully to all parts of 45-1(ad).

9-8-83

*Wells Eddleman*  
Wells Eddleman

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

8 September 1983

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 EDDLEMAN 45

Interrogatories were served on CP&L 3-21-83; response was made June 3, 1983 after unsuccessful negotiation of objections 5-27-83. Applicants' counsel Flynn and I agreed to negotiate further and on 6-6-83 I sent the Board a card advising of these negotiations and tolling the time for a motion to compel. Flynn and I negotiated on 6-27-83 and agreed that the negotiations would not be done until Flynn responded to two questions that came up in the negotiations. At that time, Flynn expected to be able to respond sometime in July; due to other business, she was not able to get a response to me until *it elaborates the answer to 45-1-(d)(9);* 8-26+ her letter of 8-22-83; we spoke further by phone 8-31 (there were also many intervening phone calls in July and August) and agreed further negotiations would not be productive and that this matter could be settled by a motion to compel filed no later than 9-8-83.

I hereby certify that the above is true to the best of my knowledge and belief.

8 Sept 1983

*Wells Eddleman*  
Wells Eddleman

*other document  
is on back*