

857

RELATED CORRESPONDENCE

2

April 24, 1984

DOCKETED
USNPC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'84 APR 27 A10:53

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

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

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Wells Eddleman's Response to Baxter Letter of 4-18
and Motion for Leave to Take
Depositions

Wells Eddleman hereby responds to the letter of Applicants' attorney Tom Baxter dated 4-18-84:1. He alleges the notice does not comply with 10 CFR 2.740a, but cites no provision thereof not complied with. The notice was served on the parties and on the persons named at the address CP&L had supplied.

2. The position that depositions based on information delivered after March 15, 1984, because (due to Applicants' delaying tactics) the information was not delivered until after that date is a classic Catch-22, makes no sense and should have no force. Information uncovered in the Response served March 23 and in documents produced pursuant to it (mostly from the documents) is the basis for noticing these depositions.

3. Baxter's 3d point is a rehash of #2, responded to above. Therefore, in Applicants' "tradition" of changing their positions, I think it appropriate to file the motion below:

MOTION

Due to the discrepancies and problems outlined in discovery documents received from Applicants, after the March 15 cutoff date for discovery in this proceeding on safety contentions, Wells Eddleman

B404270259 B40424
PDR ADOCK 05000400
PDR
G

DS03

hereby moves the Board to allow depositions of the persons named in the notice of depositions ~~at~~ filed in this docket on 9 April 1984 and other persons whose names or identification or info reasonably identifying same (e.g. concrete inspector on pour (number)) was received after 4-9-84.

In support hereof I point out the contradiction between Applicants' discovery response that no pours were identified as difficult prior to placement, and the info on the preplacement report ICBXW444001 which says "an especially difficult placement" or words to that effect.

There are also numerous field changes, PW's and rebar discrepancies and deviations in numbers of the reports produced; some are referred to repeatedly. Numerous procedures, changes and so on have not been produced. Therefore these depositions might reasonably be delayed until such documents are produced and I and/or my expert(s) have time to examine them.

It is the opinion of my consulting expert that a pour with surface honeycombing or voids is very likely to have internal honeycombing and/or voids. Since only visual inspection was used on the Harris base mat pour that had surface indications, this indicates a potentially serious problem. It should not be dismissed lightly. Depositions, as this Board has noted, are a more efficient way to obtain information.

As an example of the information that needs followup, pour ICBXW290001 had a concrete test with two criteria, one of which was average of ~~a~~ 3 consecutive samples not below minimum strength. This criterion was violated; but the second criterion, no sample more than 500 psi below minimum strength, was also violated with a 4105 psi test with 5000 required. This appears to not have been followed up at all by CP&L.

I therefore move the Board to allow further depositions on Eddleman 65 to investigate problems found upon discovery so far.

4-24-84
Wells
Adams