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March 7, 1984
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY
HEARING & SERVICE
BRANCH

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Units 1 and 2)

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Wells Eddleman's Reply to Applicants and Staff
on SER contentions and Motion to Continue Deferral
of parts of Eddleman Contention 107

Applicants, on February 6, 1984, opposed the motion and admission of all contentions on the SER. Staff asked me for an extension of time for filing their responses; it was granted.¹

Without trying to correct all the misimpressions of the SER contentions that Applicants seem to be conveying, let me clarify a few of the more important points. The TDI diesel contentions rest on NRC Staff's finding a widespread breakdown in TDI diesel quality and analysis that is applicable to Harris. Contentions on the smaller issues Applicants point to could quite possibly have been filed earlier.

This contention probably could not have been, until the Staff issued

TM Novak (NRC)'s letter to Clinton of TDI dated 12-1-83 its statement (received by me 12-19-83) that the TDI general

problems apply to Harris. Since then, the Staff has had a meeting on the TDI diesels and sent out a transcript. That transcript reveals widespread problems. As a result, the Staff requested more data

¹By oral order of February 14, 1984, Judge Kelley allowed filing of this response, within no more than 10 days of my receipt of the staff filing, preferably no more than 5 days thereafter. I received it 2/21 but illness, which Judge Kelley & I discussed by phone, prevented filing (and an extension was granted) until now.

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concerning all types of diesels they make, including the V-20s which are at Harris. I have mislaid the ~~fax~~ notice, but it is a recent one (Feb 1984 or thereabouts), and was sent to all boards for plants with TDI diesels. The record in the Shoreham case shows that the Applicants there are installing new diesels (I believe in a new building built to house the new diesels) to get around trying to fix or disprove the TDI diesel problems there. The Staff has stated that no plant with TDI diesels should be licensed. That should be enough basis to admit Eddleman 1978 right there, and I believe notice of that position was sent to all boards (including this one) where TDI diesels are involved with the plant seeking a license.

Staff cites (vs SEI contentions) an appeal board decision that the Staff's obligation to help Boards by telling them about generic safety issues "is not enforceable by a part to the OI proceeding". However, this decision postdates the filing of contention 107 by about a year. Contention 107 should not be judged under it.

Re contention 173, Staff alleges the information was available in the FSAR. But it appears the Staff made inquiries of its own, indicating some inadequacy in Applicants' analysis. Staff alleges I haven't shown any useful expertise on reliability. I am reasonably familiar with reliability testing methods, statistics, and with logical analysis of systems for reliability. This experience should be of use in establishing a sound record on this issue. Staff says why should events like those in the contention be postulated? Why-- because they can happen. If you have to consider earthquakes and tornadoes in plant design, it is logical to consider them as happening to the power lines where they come into the plant, also. That's just basic good sense.

Staff argues, re earthquake contentions 174-77, that some of them (unspecified) have adequate basis and specificity, but they could have been filed earlier (Staff response at 13, 2-16-84). However, their argument is a potential catch-22. If I had raised such a contention based on the DSER as Staff suggests, they could have argued it was premature or had insufficient basis because they were going to address the issue in the SER (as they state in the DSER). Thus the contention would have been deferred to the SER or I might have been advised to make a contention when the SER was issued, had such an argument been accepted. But now, not having made such a contention before, I'm attacked for not having made it, even though the bases of the contentions 174-77 are in the SER and ACPS statements of the Staff.

Staff appears to accept contentions 178 and 179. (p.16). They do argue that I have demonstrated no expertise in design and construction of diesel generators. However, I do ~~xxxx~~ know about industrial machining, reliability testing, metallurgy, materials science, and systems (having studied all of these at the college level and done reliability testing myself for some clients). Also the Catawba board recognized a Duke Power Company employee as an expert on diesel generators who had the "expertise" of working on his own car (which, I am informed, was not a diesel). I have done some work on a car of mine which has a gasoline V-8 engine, e.g. adjusting the valves, replacing seals, adjusting the engine and tuning it up), and while I don't think that's a lot of expertise, it may be as good as the Duke witness~~xx~~', and does show that I know how engines work (mine still runs OK) ~~and~~ have basic familiarity with them.

Re contention 181, Staff alleges (p.17) that it should be rejected, though they don't challenge its timeliness nor deny its basis.

However, the failure of Applicants to provide adequate information to the Staff re control room design is a problem, and there is no guarantee that the Staff's SER supplement will solve it.

There is a contradiction between the Appeal Board rulings cited by Staff (that the SER is not litigable) and the clear statement that the SER is the basic safety document ~~re~~considered in this proceeding, which I believe our Board has made. If the Staff files the SER and it is a basic document, its defects or inadequacies should be litigable just as defects in the DES or FES are litigable. If they make a statement, they should be prepared to defend it. Here, however, the Staff is making a statement on faith that the control room design will prove OK. That should be litigable, since CP&L has not yet provided the information required (though CP&I claims it has completed its DCRDR. CP&L didn't follow standard NRC control room design guidance in its review, either).

Applicants, as usual, appear to attack the merits of most of my SER contentions. On contentions 174-177 they appear to concede basis and specificity, and attack timeliness, saying I could have figured out these contentions earlier. I am baffled by their assertion (pp22-23, fn 4) that I should have challenged the Staff's position on Harris before they took a position (Staff said it would respond to USGS in the Harris SER. They did and I challenged the response). See argument above (top of p.3) re the "catch-2x2" = this CP&L argument also entails.

Re contentions 178-179 (pp24ff), the list on pp 26-27 does not appear to include any documents requiring action by Harris plant personnel. The failure pattern I refer to in the contentions is the ~~the~~ wider one identified by NRC staff in its 12-1 letter, and confirmed by later staff action and inquiries which were sent to our Board.

Re contention 181, Staff revised the SER up til November 1983. I found this out via a FOIA, #84-35 (see document list in letter from NRC to Eddleman responding to this FOIA, Feb 7, 1984 (copy attached). Yet the Staff did not OK CP&L's responses of August and September in the SER. It's reasonable to infer something was wrong with them, because the Staff OK'd lots of other stuff in the SER. Staff notes (p.18- CP&L did not file a statement of how all DCRDR reqs would be met.

admitted, NRC Eddleman
For the above reasons, the contentions on the SER + 109 should be admitted.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Docket No. 50-400/401

FEB 07 1984

Mr. Wells Eddleman
Staff Scientist
Box 290
Durham, NC 27705

IN RESPONSE REFER
TO FOIA-84-35

Dear Mr Eddleman:

This is in partial response to your letter dated January 12, 1984, in which you requested, pursuant to the Freedom of Information Act, all extant drafts of sections or portions of the Safety Evaluation Report (SER) for the Shearon Harris Nuclear Power Plant, along with documents showing dissenting opinions of the staff reviewers.

Appendix A is list of documents responsive to your request. These documents are being placed in the NRC Local Public Document Room (LPDR) located at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina, 27601. In order to obtain access to these documents, please contact Mr. Roy Dicks at the LPDR on (919) 755-6092.

Our search for additional documents relevant to your request is continuing. You will be notified later of our determination.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over a horizontal line.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: Appendix A

APPENDIX A

1. Memo 4-27-82, from Benaroya to Miraglia, "Request for Additional Information on Shearon Harris Nuclear Power Plant, Unit Nos. 1 and 2." (4 pages)
2. Memo 5-17-82, from Benaroya to Miraglia, "Fire Protection Request for Information for Shearon Harris Units 1-4." (7 pages)
3. Memo 10-20-82, from Knight to Novak, "Draft Safety Evaluation Report - Geology and Seismology - Shearon Harris, Units 1 and 2." (22 pages)
4. Memo 10-21-82, from Rubenstein to Novak, "Shearon Harris Draft Safety Evaluation Report." (70 pages)
5. Memo 10-28-82, from Benaroya to Knighton, "Shearon Harris Draft Safety Evaluation." (1 page)
6. Memo 11-4-82, from Rubenstein to Novak, "Draft Safety Evaluation Report for Shearon Harris Nuclear Power Plant." (171 pages)
7. Memo 11-9-82, from Lear to Kerrigan thru Knight, "Draft Safety Evaluation Input and Requests for Additional Information - Geotechnical Engineering." (40 pages)
8. Memo 11-17-82, from Johnston to Novak, "Draft Safety Evaluation for Shearon Harris Nuclear Power Plant, Units 1 and 2 (OL), Carolina Power & Light Company, Docket Nos. 50-400/401." (21 pages)
9. Memo 12-3-82, from Lear to Knighton thru Knight, "Hydrologic Engineering Input to the Shearon Harris Draft SER." (25 pages)
10. Memo 12-6-82, from Knight to Novak, "Draft Safety Evaluation Report." (16 pages)
11. Memo 12-21-82, from Knight to Lainas, "Revision 1 to Draft Safety Evaluation Report - Geology and Seismology - Shearon Harris, Units 1 and 2." (24 pages)
12. Memo 12-22-82, from Muller to Novak, "Shearon Harris Draft SER Input." (9 pages)
13. Memo 1-10-83, from Johnston to Novak, "Supplemental Safety Evaluation Report Input for Environmental Qualification of Mechanical and Electrical Equipment for Shearon Harris." (3 pages)
14. Memo 8-26-83, from Knight to Novak, "Safety Evaluation Report for Environmental Qualification of Equipment Important to Safety for Shearon Harris Units 1 and 2." (5 pages)

APPENDIX A

15. Memo 8-31-83, from Rubenstein to Novak, "Safety Evaluation Report - Shearon Harris Units 1 and 2." (78 pages)
16. Memo 9-1-83, from Rubenstein to Novak, "Shearon Harris Safety Evaluation Report." (69 pages)
17. Memo 9-2-83, from Lear to Knighton thru Knight, "Final Safety Evaluation Report - Geotechnical Engineering." (27 pages)
18. Memo 9-8-83, from Knight to Novak, "Safety Evaluation Report - Geology and Seismology - Shearon Harris, Units 1 and 2." (45 pages)
19. Report, 8-22-83, Shearon Harris SER (M) , "Auxiliary Systems." (50 pages)
20. Memo 9-14-83, from Rubenstein to Novak, "Safety Evaluation Report for Shearon Harris Nuclear Power Plant, Units 1 and 2, Auxiliary Systems Branch." (243 pages)
21. Memo 9-14-83, from Johnston to Novak, "Hydrologic Engineering Input to the Shearon Harris SER." (24 pages)
22. Memo 9-15-83, from Knight to Novak, "Safety Evaluation Report (Structural Engineering)." (16 pages)
23. Memo 9-21-83, from Russell to Novak, "SER for Shearon Harris Nuclear Power Plant - Plant Personnel Training." (21 pages)
24. Memo 10-4-83, from Kniel to Knighton, "SER Input - Shearon Harris Nuclear Station, Units 1 and 2." (26 pages)
25. Memo 10-6-83, from Knight to Novak, "Shearon Harris Nuclear Power Plant Unit #1." (4 pages)
26. Memo 10-6-83, from Johnston to Novak, "Safety Evaluation for Shearon Harris Nuclear Power Plant, Units 1 & 2 (OL), Carolina Power & Light Company, Docket Nos. 50-400/401." (3 pages)
27. Memo 10-7-83, from Houston to Novak, "Shearon Harris 1 & 2 - Safety Evaluation Report (SER)." (49 pages)
28. Memo 10-11-83, from Johnston to Novak, "Shearon Harris SER Input." (6 pages)
29. Memo 10-28-83, from Rubenstein to Novak (Enclosure 3), "Shearon Harris SER Update - Docket Nos. 50-400/401." (50 pages)

APPENDIX A

30. Memo 10-27-83, from Lear to Knighton, "Shearon Harris SER Input (Revision) - Structural Engineering." (4 pages)
31. Memo 11-9-83, from Partlow to Youngblood, "Harris Draft SER Section 17." (3 pages)
32. Memo 11-3-83, from Johnston to Novak, "Fire Protection Revised Safety Evaluation Report - Shearon Harris Units 1-4." (2 pages)
33. Memo 11-10-83, from Johnston to Novak, "Revised Hydrologic Engineering Input to the Shearon Harris SER." (15 pages)
34. Memo 11-14-83, from Lear to Knighton, "Shearon Harris SER Input (Revision) - Structural Engineering." (3 pages)
35. Memo 11-17-83, from Rubenstein to Novak (Enclosure 4), "Shearon Harris SER Update (Docket Nos. 50-400/401)." (89 pages)
36. Memo 11-18-83, from Muller to Novak, "METB Input for Safety Evaluation Report for Shearon Harris, Unit Nos. 1 and 2." (275 pages)
37. Memo 11-18-83, from Lear to Knighton thru Knight, "Update to Final Safety Evaluation Report - Geotechnical Engineering." (6 pages)
38. Memo 11-18-83, from Johnston to Novak, "Shearon Harris SER Input-Supplement." (2 pages)
39. Memo 11-23-83, from Srinivasan to Sheron, "PSB Review of Draft Safety Evaluation Report Response to Open Item 47 on Reactor Coolant System Vents for Shearon Harris Units 1 and 2 - Docket Nos. 50-400 and 50-401." (2 pages)
40. Memo (undated) from Matthews to Knighton, "Emergency Preparedness Input for Shearon Harris SER." (26 pages)
41. Memo 12-14-83, from Johnston to Novak, "Fire Protection Supplemental Safety Evaluation Report." (12 pages)

Box 2901
Durham NC 27705
12 January 1984

Joseph Felton
Div. of Rules & Records
USNRC
Washington, DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-35
Rec'd 1-16-84

Dear Joseph Felton,

Under the Freedom of Information Act, NC Public Interest Research Group, a nonprofit organization, hereby requests copies of all extant drafts of sections or portions of the Safety Evaluation Report (SER) for the Shearon Harris Nuclear Power Plant, and any documents by or in the possession of Staff reviewers which show dissenting opinions as to any contents or conclusions of the Harris SER.

NC PIRG is a research and advocacy organization with over 13,000 members and publishes reports on various matters affecting the public interest, e.g. generic drugs, tenant rights, rape awareness, utility rates, toxic chemicals, and nuclear waste transportation. NC PIRG is fully qualified to present information from this request to be used by the public, and therefore requests a waiver of fees since we do not have sufficient funds to pay for extensive copying which may be required, given that the drafts could exceed the 2 inch thick SER in extent. Please feel free to contact me at 919-286-2275 (work) or 919-286-3076 (home) concerning this request.

Wells Eddleman
Wells Eddleman
Staff Scientist