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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
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Before the Atomic Safety and Licensing Board

In the Matter of)

CAROLINA POWER & LIGHT COMPANY)
and NORTH CAROLINA EASTERN)
MUNICIPAL POWER AGENCY)

(Shearon Harris Nuclear Power)
Plant))

Docket No. 50-400 OL

APPLICANTS' ANSWER TO WELLS EDDLEMAN'S
"DIESEL GENERATOR CONTENTIONS AND INFORMATION"

In a filing dated February 4, 1985, Intervenor Wells Eddleman asks the Atomic Safety and Licensing Board ("Board") to admit two "new" contentions relating to the Transamerica Delaval, Inc. ("TDI") standby diesel generators to be used at the Harris Plant. Diesel Generators Contentions and Information, dated February 4, 1985 ("Contentions and Information"). Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency ("Applicants") oppose admission of each of these late-filed contentions. The historical background of these contentions, and Applicants' reasons for opposing the contentions, are set forth below.

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I. BACKGROUND

On January 17, 1984, Mr. Eddleman filed the following late-filed contentions:

Contention 178: The SER p. 8-4 fails to show that the pattern of QA failures, violations and deficiencies, inadequate dynamic analysis (e.g. improper forcing functions), cracking of cylinder heads and/or of crankpins, and use of inadequate materials and work in Transamerica DeLaval Inc. diesel generators at Harris will not make the diesels unable to operate when needed for emergency power (e.g. after common-mode AC powerline failures caused by ice, wind, tornado, earthquake), thus depriving the Harris plant of long-term emergency power, beyond approx 5 hour battery life. No power, no safety injection or coolant pumping: risk of severe accident without mitigation.

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Contention 179: Based on NRC's letter to Transamerica Delaval (rec'd 12-19-83, dated 12-01-83), TDI's record of QA failures, violations and deficiencies, use of inadequate and defective materials and inadequate dynamic analysis in and for its diesel generators, applies to the Harris diesels. GDC 17, 18, 33, 34, 35, 38 and GDC 1 and Appendix B of 10 CFR 50 require reliable operation of emergency diesel generators. In light of TDI's massive failures and/or NRC's concerns about them, Harris diesels aren't shown to comply with the above NRC regulations, needed to keep the core cooled, containment sealed, and meet 10 CFR App. B III, V, X, XI and XIV requirements.

Wells Eddleman's New Contentions and Amended Deferred Contentions in Response to Staff SER, dated January 17, 1984, at 7-8.

The Board, in a March 8, 1984 telephone conference, deferred ruling on the admissibility of Mr. Eddleman's proposed Contentions 178 and 179. Tr. 770-71. The Board found that the

contentions raised "generic considerations, not facts which are unique to Shearon Harris diesels." Tr. 770. The Board noted that the NRC Staff ("Staff") has "an ongoing program to investigate the problems associated with the TDI diesels," and stated that it would defer its ruling "until further Board order" in light of "ongoing matters" with "the intention of reviewing it again as more light is shed on the situation." Tr. 771.

By letter of July 31, 1984, Applicants provided information to the Board and the parties concerning Applicants' program to address the identified deficiencies with TDI diesel generators. In the letter, Applicants described the program plan of the TDI Diesel Generator Owners Group ("TDI Owners Group"), of which Applicants are a member, and indicated Applicants' anticipated schedule for inspection and testing of the two TDI diesel generators installed at Harris.^{1/} In addition, on August 21, 1984, Staff counsel filed with the Board and the parties the Staff's Safety Evaluation Report concerning the TDI Owners Group program plan.

During the hearing session on safety issues on November 14, 1984, Applicants moved the Board for an order requiring Mr. Eddleman to propose specific contentions concerning Applicants'

^{1/} As stated in the letter, the TDI Owners Group program plan consists of three major components: (1) resolution of significant potential generic problems (2) design review of important engine components and quality revalidation of important attributes for selected engine components, and (3) expanded engine testing and inspection.

program to assure reliability of the TDI diesel generators at Harris. Tr. 6848. See generally Tr. 6842-49. Applicants based their motion on the fact that there was, by then, "a vast body of information" available to Mr. Eddleman on the TDI diesel generators, including those at Harris. Tr. 6849. That information included 26 TDI Owners Group Phase I reports, covering each of the 16 originally identified generic problem areas, which were provided to Mr. Eddleman at the hearing. Tr. 6844.2/

The Board granted Applicants' motion during a December 5, 1984 telephone conference, agreeing with Applicants that "there's now adequate information available to frame specific contentions about the Harris diesels." Tr. 7400.

The Board further stated:

We think that if there's going to be an on-the-record hearing scrutiny of the TDI's at Shearon Harris, that it should focus on these diesels, and not on events that have long been overtaken by other events.

The allegations of contentions 179 and 178, as they now stand, are essentially irrelevant in our view. What we want to hear about is what's wrong, if anything, with the Shearon Harris

2/ In addition, Applicants indicated that the Phase II report concerning the design review/quality revalidation program for the Harris diesel generators would be available around the beginning of 1985. That report, consisting of four volumes totalling several hundred pages, was submitted to the Staff, with copies to the Board and Mr. Eddleman, on December 20, 1984. Letter to Harold R. Denton, Director, Office of Nuclear Reactor Regulation, NRC, from A. B. Cutter, Vice President, Nuclear Engineering & Licensing, Carolina Power & Light Company (December 20, 1984).

diesels. With that in mind, we're going to direct that Mr. Eddleman review the presently available materials on the Harris diesels, with a view toward filing more particularized contentions. Under these circumstances contentions 178 and 179 have been overtaken by events to the extent that they now fail to address the essentials of the applicants' proposal. Therefore they are rejected.

Tr. 7402.

The Board established two additional prerequisites for filing of contentions on the TDI diesel generators. The first prerequisite was that Mr. Eddleman meet with Applicants' experts on the subject to discuss his concerns. Tr. 7402-03. The second requirement was that Mr. Eddleman identify an expert witness committed to helping him pursue any contentions he might file, including testifying on his behalf at a hearing if one became necessary. Tr. 7404.

Pursuant to the Board's order, Applicants met with Mr. Eddleman on January 22, 1985 to discuss his concerns about the TDI diesel generators. Also in attendance were technical experts from the Staff and the TDI Owners Group. Considerable information was exchanged on specific concerns identified by Mr. Eddleman prior to the meeting.

On February 4, 1985, Mr. Eddleman filed his "new" contentions on the TDI diesel generators, which read as follows:

178-AA. CP&L has not established by appropriate operational testing, and analysis of the results thereof (including results of inspections after teardown after testing, analysis of tested engine oil, and other appropriate tests) that the TDI DSRV-16 diesel engines at Shearon Harris have the capability to meet the loads

they will be called on to meet in emergencies. Without emergency power available on a reliable basis, the health and safety of the public against serious nuclear accidents resulting from loss of offsite power or other failures cannot be assured. (Harris diesels untested for operation, see Attachment 1 of CP&L letter to NRC NLS 84-522, 1/15/85, item 2, p.1; requirement of appropriate testing to assure the diesels can meet required loads is the expert opinion of Dr. Robert N. Anderson.)

179-AA. CP&L's vendor (and other) inspection and QA is inadequate to assure that the TDI DSRV-16 diesels at Shearon Harris have the requisite quality and operability characteristics to perform their required functions. This is because variability of individual castings and tolerances effectively makes each DSRV-16 a custom unit. Any quality review or analysis based on other engines is therefore inadequate to assure the quality and operability of the Harris DSRV-16s. For use of information based on other engines, see TDI Owner's Group submissions. The inadequacy of such analysis and the variability of the DSRV 16s are opinion of Dr. Robert N. Anderson.

Contentions and Information at 1-2. Mr. Eddleman in his filing also indicated that he had enlisted the aid of the Dr. Anderson mentioned in the contentions, who is a Professor of Materials Engineering at San Jose State University, and who would testify for Mr. Eddleman "if necessary and feasible" Id. at 1.

II. ARGUMENT

Applicants oppose Mr. Eddleman's late-filed Contentions 178-AA and 179-AA for the following reasons. First, the proposed contentions are overly broad and general. Mr. Eddleman failed to heed the Board's admonition to file "more

particularized contentions." Tr. 7402. Mr. Eddleman simply has ignored, or has identified no basis for a contention in, the voluminous information on the Harris diesel generators which has been made available to him. Thus, the contentions fail to meet the basis and specificity requirements of 10 C.F.R. § 2.714.

Second, the contentions do not withstand the Commission's five factors test for late-filed contentions. A balancing of those factors weighs heavily against admission of the contentions, particularly the factors concerning good cause for failure to file on time, and the ability of Mr. Eddleman to assist in developing a sound record.

A. The Proposed Contentions Fail To State a Basis with Reasonable Specificity.

The Commission's Rules of Practice, at 10 C.F.R. § 2.714(b), require that a petitioner set forth "the bases for each contention . . . with reasonable specificity." Mr. Eddleman does not establish either the requisite basis or specificity for his proposed Contentions 178-AA and 179-AA.

1. Basis

Eddleman proposed Contention 178-AA states that "CP&L has not established by appropriate operational testing, and analysis of the results thereof . . . that the TDI DSRV-16 diesel engines at Shearon Harris have the capability to meet the loads

they will be called on to meet in emergencies." Proposed Contention 179-AA states that "because variability of individual castings and tolerances effectively makes each DSRV-16 a custom unit . . . [a]ny quality review or analysis based on other engines is . . . inadequate to assure the quality and operability of the Harris DSRV-16s." In effect, Contention 179-AA provides the alleged basis for Contention 178-AA. The essence of Mr. Eddleman's argument is that "the reliability of one unit does not assure the reliability of another; testing is required in any case to establish the reliability and operability of the emergency diesels and Applicants have not done that yet"3/ Contentions and Information at 3. As authority for this proposition, Mr. Eddleman simply cites the "opinion of Dr. Robert N. Anderson." Id.

Mr. Eddleman's proffered basis is inadequate under the terms of the Board's order requiring particularized diesel generator contentions.4/ In brief, Mr. Eddleman fails to allege

3/ Contention 179-AA read on its own makes no sense because it confuses the design review and quality revalidation components of the TDI Owners Group program (Phases I and II) with the testing and inspection component (Phase III). Applicants do not rely solely on quality reviews or analyses "based on other engines" to assure "operability" of the Harris diesels; they also are conducting a program of extensive testing and inspection of the Harris diesels. Applicants do rely on the detailed design review performed by the TDI Owners Group, and the validation of the design by analysis and testing of "lead" DSRV-16 engines at other plants, to verify the adequacy of the design of the Harris diesel components. Mr. Eddleman does not challenge the design of the Harris diesels. Thus, Contention 179-AA, standing alone, presents no litigable issue.

4/ On one particular point, Mr. Eddleman's asserted basis also is factually incorrect. Proposed Contention 178-AA states

(Continued next page)

"what's wrong, if anything, with the Shearon Harris diesels." Tr. 7402. Indeed, by omission, Mr. Eddleman implies that, after examining the extensive information both provided by Applicants and otherwise available, he has been unable to identify any uncorrected deficiencies related to the Harris diesels.

Apparently because he has been able to find nothing wrong with the design of the Harris diesels, or with the program for extensive testing and inspection of the diesels, Mr. Eddleman resorts to the claim that more information is needed, namely, the results of Applicants' testing and inspection program. This assertion flies directly in the face of the Board's order. As the Board stated:

We are aware of the fact, obviously, that additional information on these engines will become available after the deadline date we're setting. The Applicants' program runs well into 1985 before all the tests are run and all inspection data is available. It's possible that information may surface. But based on

(Continued)

that the Harris diesels are "untested for operation," citing item 2 of Attachment 1 to a letter to Harold R. Denton from A. B. Cutter dated January 25, 1985 (served on the Board and the parties). Item 2 contains an NRC Staff question and Applicants' response concerning the performance requirements for the TDI diesel generators at Harris. Applicants noted in their response that "[t]he diesel generators have not yet been operated to verify performance at the Shearon Harris Nuclear Power Plant" (emphasis added). However, the response to item 6 of that same Attachment describes in some detail performance tests conducted on the diesels at the factory. Thus, it is not true that the TDI diesel generators at Harris are "untested for operation."

what's available now, we think the time for particularization is here.

Tr. 7403. Thus, Mr. Eddleman provides no cognizable basis for his proposed Contentions 178-AA and 179-AA.^{5/}

2. Specificity

Mr. Eddleman's proposed Contentions 178-AA and 179-AA are as general as, if not more general than, his original proposed Contentions 178 and 179. See supra p. 2. Even Mr. Eddleman characterizes the contentions as only "somewhat narrower" than the original contentions. Contentions and Information at 2. However, Mr. Eddleman asserts that "[a]t this point no more detail can be advanced because the requisite information has not been developed by CP&L by testing of the diesels." Id. at 3.

As discussed supra, the Board in its order concerning particularization of diesel generator contentions required that contentions be filed on the basis of information currently available. Mr. Eddleman in his proposed Contentions 178-AA and 179-AA makes no effort to address the information which presently is available to him regarding Applicants' preoperational testing and inspection program for the TDI diesel generators. For example, Section 14.2.7 k) of the Shearon Harris Nuclear

^{5/} Mr. Eddleman's generalized Contentions 178-AA and 179-AA may, in fact, be more appropriately read, not as proposed contentions, but as arguments why contentions on the TDI diesel generators should once again be deferred. Either way, Mr. Eddleman's filing contradicts the Board's order.

Power Plant Final Safety Analysis Report ("FSAR") states that Applicants will follow the Staff's guidance in Regulatory Guide 1.108, Rev. 1 (which includes preoperational testing) for testing of the diesel generators.^{6/} FSAR § 14.2.12.1.16 discusses in detail the preoperational testing program, including test objectives, method, and acceptance criteria.^{7/} In addition, Section D of Attachment A to the December 20, 1984 letter from Applicants to the Staff (supra n. 2) includes details of the inspections to be conducted following the initial preoperational testing scheduled for May and June 1985.

The Staff has stated that it will continue to issue plant-specific SERs regarding the reliability of the TDI diesels (including testing and inspections deemed necessary to assure reliability).^{8/} This Board has made clear that where, as here, Applicants provide sufficient information to indicate how and when they intend to carry out a commitment and the Staff plans to review the implementation, there is no basis for

^{6/} Regulatory Guide 1.108, Rev. 1, Periodic Testing of Diesel Generator Units Used as On-site Electric Power Systems at Nuclear Power Plants (August 1977).

^{7/} The TDI Owners Group testing and inspection program is in addition to Applicants' Regulatory Guide 1.108 testing program, and does not supersede that program.

^{8/} Letter from Darrell G. Eisenhut, Director, Division of Licensing, NRC, to J. B. George, Chairman, TDI Owners Group (August 13, 1984), enclosing the Staff's SER on the TDI Owners Groups program plan attached to the Staff's letter to the Board dated August 21, 1984.

admitting a broad, vague contention such as Mr. Eddleman's proposed Contentions 178-AA and 179-AA. See Memorandum and Order (Ruling on Wells Eddleman's Proposed Contentions Concerning Detailed Control Room Design Review (DCRDR), Richard Wilson's Motion to Withdraw Contentions, and the Conservation Council of North Carolina's Motion to Withdraw Contentions) (October 6, 1983), at 11. The Commission's Rules do not afford to an intervenor the opportunity to assume the role of a surrogate Staff reviewer.

Especially in light of the Board's specific order to Mr. Eddleman that any diesel generator contentions he wished to file must be particularized contentions, Mr. Eddleman has utterly failed to meet his burden of stating the basis for his contentions with reasonable specificity.

B. The Five Factors Test Does Not Favor Admission of the Contentions.

Not only must a petitioner proposing a late-filed contention satisfy the basis and specificity requirements of 10 C.F.R. § 2.714(b), he also must establish that a balancing of the following five factors favors admission of the late-filed contention:

(i) Good cause, if any, for failure to file on time.

(ii) The availability of other means whereby the petitioner's interest will be protected.

(iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.

(iv) The extent to which the petitioner's interest will be represented by existing parties.

(v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

10 C.F.R. § 2.714(a)(1).

The balance of these five factors as applied to Mr. Eddleman's proposed Contentions 178-AA and 179-AA weighs heavily against admission of the contentions. First, the contentions are not timely filed. Second, Mr. Eddleman has failed to obtain the expert assistance required by the Board which would enable him to contribute to the development of a sound record on the complex, technical issues associated with the diesel generators; and those issues are being fully addressed by the Staff. Third, Contentions 178-AA and 179-AA clearly would broaden the issues already being litigated in this proceeding, leading to delay of the proceeding.

1. The Contentions Are Not Timely Filed.

The information that the standby diesel generators would be included in Applicants' preoperational test program has been available in the Shearon Harris FSAR since the FSAR was originally submitted on June 26, 1980. Further, Mr. Eddleman was aware at least as early as August 1984 that the Harris diesels

would be subjected to an enhanced preoperational testing and inspection program as part of the TDI Owners Group's program plan. See Applicants' letter to the Board dated July 31, 1984. Because Mr. Eddleman's proposed Contentions 178-AA and 179-AA are general contentions which do not address any of the detailed information Applicants and Staff have more recently made available concerning testing and inspection of the TDI diesel generators, the contentions could easily have been filed months ago. The contentions are not based on new information, and Mr. Eddleman lacks good cause for their admission at this point in the proceeding.^{9/}

2. Mr. Eddleman Has Failed To Establish
His Ability To Contribute to the Development
of a Sound Record on His Proposed Contentions.

The Board in its order granting Applicants' motion for particularization of the diesel generator contentions emphasized that

[w]e did not have from Mr. Eddleman a very detailed showing of his ability to contribute to the record on this issue. We raised the same point a few minutes ago on the subject of his harassment and intimidation contention, but our operating assumption there is you don't have to be a technical expert to look into intimidation and harassment; if you have the time and will to do so, you can do it.

^{9/} While the Board established February 1, 1985 as the deadline for filing new contentions on diesel generators, that deadline clearly was established in the context of allowing Mr. Eddleman to review the information that most recently had been made available and to state with particularity what he found wanting in Applicants' program. See Tr. 7402.

We do not apply that assumption to the integrity of diesel generators. That is a subject we think requires expert assistance. There's case law in the NRC applied most recently in Catawba that I know of to the effect that on a subject that requires expert assistance, very simply you've got to have an expert if it's a late contention, as these would be. Therefore, when you file any revised contentions, Mr. Eddleman, if and when you do, it will be incumbent upon you to make a pretty clear showing that you've got somebody who is indeed an expert on the subject and that he will be, he or she will be actively involved in helping you present your case.

The mere statement that you might get that somebody from Shoreham is not enough. What we need is a statement that says, I've got Joe Smith, an expert, who's going to help me on this contention, resume attached. I talked to Mr. Smith. He's agreed to do such and such and such for me, and he will be available to testify at the hearing. That's what we want to hear. And if we don't hear, if we don't see a clear commitment of expert resources to pursue this contention, then the contention will be rejected because we don't feel anything useful will come out of it, so do bear that in mind and give us a more specific layout than we had in support of Contentions 178 and 179.

Tr. 7403-04 (emphases added).

Mr. Eddleman fails to make the showing required by the Board. First, the "expert" witness whose assistance Mr. Eddleman says he has obtained, Dr. Robert Anderson, has described himself as "an expert witness in metallurgy." Joint Direct Testimony of Dr. Robert N. Anderson, et al., attached to Mr. Eddleman's Contentions and Information, at 2. In Shoreham, Dr. Anderson sponsored "all of the testimony pertaining to

metallurgical science," but stated that "I have not provided testimony regarding the functions or NRC regulatory requirements for emergency diesel generators." Id. at 3 (emphasis added). By his own account, Dr. Anderson is not an expert with respect to the functioning, or operability, of diesel generators. Nor is he generally familiar with diesel generators and their design.^{10/} It is evident that Dr. Anderson does not have the expertise to review the test results from, and analyses of, functional testing of the Harris diesel generators, which is the role which Mr. Eddleman envisions for him based on the contentions. See Contentions and Information at 1, 3.

Second, Mr. Eddleman does not state that Dr. Anderson will be available to testify at the hearing. Rather, Mr. Eddleman says that he will be available as a witness "if . . . feasible." Contentions and Information at 1. This equivocation hardly qualifies as the "clear commitment of expert resources" called for by the Board. The possible unavailability of Dr. Anderson by itself is sufficient to justify rejection of the late-filed contentions. Tr. 7404. See Duke Power Company (Catawba Nuclear Station, Units 1 and 2), ALAB-768, 19 N.R.C. 988, 991 at n. 7 (1984) (implicitly endorsing licensing board's condition for admission of otherwise admissible contentions that

^{10/} See Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), Docket No. 50-322-OL, Tr. 25647 (attached hereto as Exhibit A).

intervenors submit names of expert witnesses, a statement of their qualifications and a summary of their proposed testimony). See also Washington Public Power Supply System (WPPSS Nuclear Project No. 3), ALAB-747, 18 N.R.C. 1167, 1177 (1983) (petitioner for admission of late-filed contentions should identify his prospective witnesses and summarize their proposed testimony).

Third, Mr. Eddleman has not demonstrated that he is prepared, or able, to contribute to the development of a sound record in the event that expert assistance is not forthcoming. As the Board has indicated, the diesel generator issues which have been raised are highly technical. The very generality of his proposed Contentions 178-AA and 179-AA argues against Mr. Eddleman's ability to contribute on the issues. Further, given Mr. Eddleman's recurring health problems, and his statement that he intends to devote most of his time and effort to Contention 41-G,^{11/} Mr. Eddleman's participation on diesel generator contentions cannot reasonably be expected to aid in developing a sound record.^{12/} In light of the Staff's

^{11/} Motion for Reconsideration of Order Served 1-15-85 (41G), dated February 4, 1985, at 4. Mr. Eddleman also is the sponsor of numerous emergency planning contentions, for which responses to motions for summary disposition are due in March 1985, with the hearing scheduled to commence in June 1985.

^{12/} Applicants submit that Mr. Eddleman's performance during hearings on other technical issues, particularly the safety contentions that were heard in October 1984, is further reason

(Continued next page)

continuing oversight of the Owners Group's program for demonstrating the reliability of the TDI diesels, the Board reasonably can conclude that Mr. Eddleman's interests will be protected without his participation. See 10 C.F.R. § 2.714(a)(1)(ii).

3. Admission of the Contentions Will Broaden the Issues and Delay the Proceeding.

The admission of Contentions 178-AA and 179-AA would significantly broaden the issues in this proceeding, with a corresponding increase in proceeding time to resolve all outstanding issues. The Board would be admitting broad contentions unrelated to any issues which already have been litigated, and concerning which a vast body of information is available for review and analysis.

Moreover, the schedule for litigating the contentions proposed by Mr. Eddleman is completely unrealistic, if not facetious. Mr. Eddleman suggests that discovery could be completed by around the first of May, with motions for summary disposition filed in May and hearings, if necessary, held by August.

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to doubt his ability to contribute to a sound record on the proposed diesel generator contentions. See Memorandum and Order (Ruling on Certain Safety Contentions and Other Matters) (January 14, 1985), at 3 ("[T]he hearings on Mr. Eddleman's several safety contentions sometimes left us with the feeling that he had spread himself too thin.")

As stated in Section D to Attachment A to Applicants' December 20, 1984 letter to the Staff, initial preoperational testing of the diesels is planned for May and June 1985, with inspections to be conducted from June to October 1985. Since Mr. Eddleman anticipates litigating the results of the testing and inspection program, his proposed contentions would extend the proceeding at least into late 1985, and could conceivably affect fuel load, scheduled for March 1986.

In summary, although the issue of TDI diesel generators is not being pursued by any other intervenor in the proceeding (see 10 C.F.R. § 2.714(a)(1)(iv)) - and that one factor weighs in favor of Mr. Eddleman^{13/} - a balancing of the five factors for determining whether to admit late-filed contentions weighs decisively against Eddleman proposed Contentions 178-AA and 179-AA.

^{13/} Factor (iv) is probably the least important of the five late intervention criteria. Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2), ALAB-707, 16 N.R.C. 1760, 1767 (1982). See also South Carolina Electric & Gas Company (Virgil C. Summer Nuclear Station, Unit 1), ALAB-642, 13 N.R.C. 881, 895 (1981).

III. CONCLUSION

For all of the above reasons, Mr. Eddleman's proposed Contentions 178-AA and 179-AA should not be admitted to the proceeding.

Respectfully submitted,

Michael A. Swiger

Thomas A. Baxter, P.C.

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

Michael A. Swiger

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Counsel for Applicants

Dated: February 22, 1985

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the matter of: :

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LONG ISLAND LIGHTING COMPANY : Docket No. 50-322-1 (OL)

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(Shoreham Nuclear Power Station):

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State Office Building,

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Veterans Memorial Highway,

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Hauppauge, New York.

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Thursday, November 1, 1984.

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The hearing in the above-entitled matter was

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reconvened, pursuant to adjournment, at 9:00 a.m.

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BEFORE:

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JUDGE LAWRENCE BRENNER, Chairman,

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Atomic Safety and Licensing Board.

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JUDGE PETER A. MORRIS, Member,

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Atomic Safety and Licensing Board.

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JUDGE GEORGE A. FERGUSON, Member,

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Atomic Safety and Licensing Board.

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(Not present.)

AGBpp

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- 1 A That's correct.
- 2 Q And it's also true, isn't it, that you don't have
- 3 any experience with the design of large or medium sized
- 4 diesel engines and particularly with the design of cylinder
- 5 blocks?
- 6 A That's correct.
- 7 Q You are not a registered or certified welding
- 8 engine, are you?
- 9 A No, I'm not.
- 10 Q Have you ever performed any welding on gray cast
- 11 iron class 40?
- 12 A Yes, I would imagine I have.
- 13 Q When did you do that and how did you do it?
- 14 A My father had a welding shop and about 40 or 50
- 15 welders with him and I spent a lot of time there.
- 16 Q Dr. Anderson, are you a registered corrosion
- 17 engineer in any state in the United States?
- 18 A No. I have used up my professional licenses in
- 19 being a registered professional metallurgical engineer and
- 20 a nuclear engineer. Each one requires approximately 8 to 10
- 21 years of your experience which you can't re-use. So as soon
- 22 as I have had more experience I make up for that.
- 23 Q The State of California where you work does
- 24 register corrosion engineers, doesn't it?
- 25 A They recently have separated out such a status;

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(Shearon Harris Nuclear Power)
Plant))

Docket No. 50-400 OL

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer to Wells Eddleman's 'Diesel Generator Contentions and Information'" were served this 22nd day of February, 1985, by deposit in the United States Mail, First Class, postage prepaid, to all those on the attached Service List.

Michael A. Swiger
Michael A. Swiger

DATED: February 22, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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