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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)          | ) |                       |

APPLICANTS' RESPONSE TO INTERVENOR WELLS  
EDDLEMAN'S MOTION CONCERNING DCRDR INFORMATION  
AND PROPOSED NEW CONTENTIONS

By letter dated December 7, 1982, Applicants filed with the NRC Staff a Detailed Control Room Design Review ("DCRDR") Report prepared by Essex Corporation for Harris Unit 1. Copies of the DCRDR Report were filed with certain lead intervenors and the public documents rooms in Chapel Hill and Wake County, North Carolina. On December 17, 1982, the NRC Office of Nuclear Reactor Regulation issued Generic Letter No. 82-33, Supplement 1 to NUREG-0737. The purpose of Supplement 1 to NUREG-0737 is, inter alia, to provide additional clarification regarding DCRDR's. Enclosures to Supplement 1 to NUREG-0737 set forth certain requirements that must be met by all

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licensees and list guidance documents which establish acceptable means for meeting those requirements.

The DCRDR Report discusses the human factors engineering evaluation of the Harris Unit 1 control room design. This evaluation was conducted between April 1980 and January 1981, and consisted of a review of all available design documentation and a survey of the Harris simulator. It included a review of human engineering requirements specifications, the main control board design, annunciators, work space, systems operation analysis and emergency procedures review. A number of recommendations were made to improve the control room design and layout. Based on the DCRDR, the Harris Unit 1 control room design and layout were substantially revised.

Mr. Eddleman complains that he does not have access to all of the Applicants' information relating to the DCRDR. In fact, he accuses Applicants of withholding from him information necessary to formulate contentions.<sup>1/</sup> Mr. Eddleman echoes Dr. Wilson's request that he be allowed to file late contentions without showing good cause if such late contentions are based on information referenced in the DCRDR but not yet available to him. For the reasons set forth in "Applicants' Response to Intervenor Wilson's Response to Human Factors Design Evaluation

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<sup>1/</sup> Mr. Eddleman's accusation is unfounded. The DCRDR Report that is available to him is the only document on human factors engineering and control design that has been submitted thus far by Applicants to the NRC Staff.

Report For the Shearon Harris I Control Room," dated January 21, 1983, Mr. Eddleman has no right to insist on discovery as a means to obtain information to formulate a contention or to establish the basis for a generalized contention.

All holders of construction permits are given until April 15, 1983 to propose a schedule for completing each of the basic requirements identified in Supplement 1 to NUREG-0737. Mr. Eddleman has proposed new contentions by simply using Supplement 1 to NUREG-0737 to critique Applicants' DCRDR. It should not come as a shock to anyone that Applicants did not address in the DCRDR Report requirements that did not exist at the time the Report was written. Applicants oppose Mr. Eddleman's contentions on the DCRDR, which are based solely on inadequacies perceived as a result of new requirements set forth in Supplement 1 to NUREG-0737. While we discuss below each proposed contention, in general Mr. Eddleman's contentions are premature. Applicants have until April 15, 1983 to set forth a schedule for compliance with Supplement 1 to NUREG-0737. Until such time that Applicants have had an opportunity to respond to new requirements, Mr. Eddleman is not in a position to provide a reasonable basis with any specificity to support a contention alleging that Applicants will not meet such requirements. To simply state that Applicants have not yet addressed a new requirement, while true, does not present a litigable issue.

Applicants objections to Mr. Eddleman's approach in formulating his proposed new contentions is not so much procedural as a substantive objection to what should be litigated in an operating license proceeding. Mr. Eddleman is provided an opportunity to litigate those issues about which he has a specific concern and regarding which he can establish he has a sound basis with requisite specificity to support that concern. The DCRDR Report and the wealth of information promulgated by the NRC on the issue of control room design and human factors engineering provides ample substance for formulating a contention that reflects a true concern. Mr. Eddleman has not set forth such a contention. Instead, he has, in effect, demanded that Applicants prove that they will meet new regulatory requirements. Mr. Eddleman's role is not to serve as a surrogate NRC reviewer.

Contention 132B (Safety Parameter Display System)

This Contention states that the design of the Harris Unit 1 control room does not comply with the requirements of Supplement 1 to NUREG-0737 because the DCRDR fails to provide for a Safety Parameter Display System ("SPDS"). It is true that the DCRDR, which predated Supplement 1 to NUREG-0737, does not include provisions for an SPDS. For the reasons discussed above, Contention 132B is premature. Applicants will respond to this new requirement on or before April 15, 1983, as required by Supplement 1 to NUREG-0737. Mr. Eddleman has not

alleged that Applicants will not comply with the SPDS requirement. Certainly he has not provided any basis with requisite specificity for a contention that Applicants will not meet the SPDS requirement in its final control room design. He simply alleges that the DCRDR does not now incorporate the SPDS. Contention 132B should be rejected for failure to state a litigable contention.

Contention 132C (Qualifications of DCRDR Review Team)

This Contention faults Applicants for not establishing the multi-disciplinary qualifications of the Essex Corporation review team which prepared the DCRDR Report. In effect, Mr. Eddleman is asking for the professional qualifications of the Essex Corporation personnel and CP&L personnel who performed the control room design evaluation. There is no requirement that Applicants set forth in the DCRDR Report the specific qualifications of the review team members, who are known both to Applicants and to the NRC Staff. Mr. Eddleman does not set forth any basis with requisite specificity to support an allegation that the personnel who performed the DCRDR do not meet the requirements of Supplement 1 to NUREG-0737. Without some basis to support such an allegation Applicants are not required to provide detailed information to satisfy Mr. Eddleman's curiosity. Contention 132C must be rejected for failure to state a contention with basis and requisite specificity.

Contention 132(C)(II)<sup>2/</sup> (DCRDR Fails to Comply with Supplement 1 to NUREG-0737)

This Contention alleges that the DCRDR fails to comply with a series of specific requirements set forth in Supplement 1 to NUREG-0737, which Applicants are required to meet. In some cases, e.g., where procedures have yet to be written, Applicants are not in a position to demonstrate that all of the requirements of Supplement 1 to NUREG-0737 have been met. In other cases, the requirement set forth in Supplement 1 to NUREG-0737 have been met, but information to demonstrate that fact was not detailed in the DCRDR Report, nor was there any requirement that such information be provided in the Report.

Applicants oppose admission of Contention 132(C)(II) as premature for the reasons set forth in response to the Contentions 132B and 132C. Mr. Eddleman has set himself up as a technical reviewer. He has not established an independent concern regarding the control room design. Again, Mr. Eddleman has not set forth with basis and requisite specificity an allegation that Applicants will not meet applicable regulatory requirements.

Contention 132D (Harris Unit 2 Control Room Design)

This Contention states that the DCRDR "utterly fails to comply with the requirements of NUREG-0737 Rev. 1 with respect to Harris Unit 2." The DCRDR was only intended to address the

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<sup>2/</sup> This is the second contention denominated Contention 132C.

control room design for Harris Unit 1. Once the control room design for Harris Unit 1 is completed and approved by the NRC, the Unit 2 control room design will simply replicate the approved Unit 1 control room design. Mr. Eddleman has failed to state a contention that is a matter in controversy and is litigable in this proceeding.

Contention 142 (Meteorological Monitoring at Harris)

This Contention alleges that Applicants meteorological monitoring at Harris "is unable to accurately represent meteorological conditions within ten miles of the Plant." This contention is untimely. Mr. Eddleman fails to address the five factors for late filed contentions and fails to explain clearly, in appropriate detail, and separate from the rest of the Contention, just what is new about the Contention and why it could not have been advanced previously. See 10 C.F.R. § 2.714(a)(1). Absent this explanation and a showing on the five lateness factors, a new proposed contention may not be considered. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), Docket Nos. 50-413 and 50-414, Memorandum and Order, (Reflecting Decisions Made Following Second Prehearing Conference), slip opinion at 7-8 (December 1, 1982).

Meteorological conditions and monitoring at the Harris site are discussed in considerable detail in the FSAR § 2.3. Mr. Eddleman fails to point to any inadequacy in Applicants' discussion in the FSAR of meteorological data collection and

its applicability for emergency response. Furthermore, he has failed to state a basis with requisite specificity for the allegations made in this contention. In particular, he fails to indicate any correlation between meteorological data on wind direction and wind speed taken at North Carolina State University (in a city environment 21 miles northeast of the Harris site) and at the Raleigh-Durham Airport (in a flat terrain without interfering trees or hills 19 miles north-northeast of the Harris site) with conditions within ten miles of the Harris site (which generally encompasses a wooded, rolling terrain). In any event in an emergency response situation meteorological data from the Harris tower would be supplemented by data from the Raleigh-Durham Airport, North Carolina state cooperative weather network, the Carolina Power & Light Company Weather Center in Raleigh and National Weather Service Meteorological Stations.

For all of these reasons, Contention 142 must be rejected.

Contention 143 (Emergency Response Facilities)

This contention is overly broad, unfocused, and unsubstantiated to the extent it does not lend itself to a response. It is also untimely. See response to Contention 142 above. Mr. Eddleman has not explained what new information is available which now prompted his generalized broadside on emergency response facilities. Mr. Eddleman simply asserts that Applicants' Emergency Operations Facility, alternate Emergency



Operations Facility, Emergency Operations Procedures, Technical Support Center, Operational Support Center and required communications between and among all of the above are inadequate and do not comply with requirements of Supplement 1 to NUREG-0737. He references 17 pages of requirements. He offers as the basis of his assertion the simple fact that "these facilities are either incomplete or unbuilt now, the communication lines do not exist and have not been tested, and NRC has not assessed CP&L's compliance with NUREG-0737 Rev. 1."

Applicants are entitled to be told at the outset "with clarity and precision" what arguments are being advanced. Kansas Gas and Electric Company (Wolf Creek Generating Station, Unit No. 1), ALAB-279, 1 N.R.C. 559, 576 (1975). Mr. Eddleman's contention is simply too broad to address with any particularity.

Beyond that, the facts that facilities have not yet been built or communication lines have not yet been tested do not support a contention that these facilities will not be adequate. The fact that the NRC Staff has not yet assessed Applicants' compliance with Supplement 1 to NUREG-0737, which were only recently issued, does not give rise to a litigable contention.

Contention 143 is untimely, vague and imprecise, and without supporting basis with requisite specificity. It must be rejected.

Contention 144 (Emergency and Security Personnel Levels)

This contention alleges that Applicants' emergency and security personnel levels do not meet the requirements of Supplement 1 to NUREG-0737, Table 2. Contention 144 is untimely. Table 2 in Supplement 1 to NUREG-0737 simply summarizes information found in NUREG-0654, which was available prior to the date for timely filing of contentions. Mr. Eddleman has not demonstrated good cause for late filing. See response to Contention 142 above.

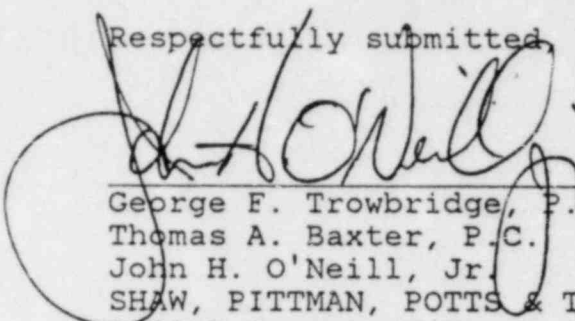
The staffing levels set forth in Table 2 are goals, not requirements, in any event. See, e.g. Section 8.4.1(i), Supplement 1 to NUREG-0737.

Similar to Contention 143, this contention is too broad and imprecise for response. There is no citation to which staffing levels, set forth in the FSAR, Mr. Eddleman finds insufficient. There is no basis with requisite specificity to support the generalized attack on staffing levels.

Contention 144 must be rejected as untimely, overly broad and unsupported.

For the foregoing reasons, Mr. Eddleman's motion must be denied and none of his new contentions should be admitted for litigation.

Respectfully submitted,



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Dated: January 25, 1983

January 25, 1983

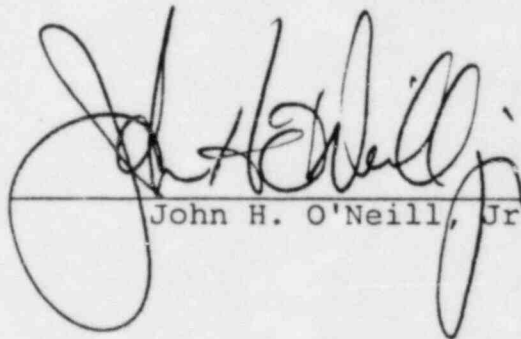
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response to Intervenor Wells Eddleman's Motion Concerning DCRDR Information and Proposed New Contentions," dated January 25, 1983, are being served to all those on the attached Service List by deposit in the U.S. Mail, first class, postage prepaid, this 25th day of January, 1983.

  
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John H. O'Neill, Jr.

Dated: January 25, 1983

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