

February 17, 1983

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DEPUTY SECRETARY
REGULATORY SERVICE
BRANCH

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
PROPOSED WILSON CONTENTION V
(DETAILED CONTROL ROOM DESIGN REVIEW REPORT)

In a pleading entitled "Response to Applicants Motion for Dismissal of Wilson Contention IV(B)," dated February 2, 1983, Intervenor Wilson proposed a new Contention V relating to Applicants' Detailed Control Room Design Review ("DCRDR") Report. Applicants Carolina Power & Light Company and North Carolina Eastern Municipal Power Agency oppose admission of Wilson Contention V for the reasons set forth below.

A chronology of Applicants' DCRDR in the context of the issuance of NRC regulatory guidance and requirements may be helpful as background. An evaluation of human factors engineering with respect to the Harris Unit 1 control room design was conducted

by Essex Corporation between April 1980 and January 1981. The DCRDR is described in "Applicants' Response to Intervenor Wells Eddleman's Motion Concerning DCRDR Information and Proposed New Contentions" dated January 25, 1983 ("January 25 Response"). A DCRDR Report was prepared by Essex Corporation on January 23, 1981, and was subsequently revised September 16, 1981. At the time of the Harris DCRDR, the available NRC guidance was published in NUREG/CR-1580, "Human Engineering Guide to Control Room Evaluation--Draft Report" (July 1980). NUREG/CR-1580 was prepared for the NRC by the Essex Corporation. This guide was the basis of the review performed of the Harris Unit 1 control room.

Subsequently the NRC published NUREG-0700, "Guidelines for Control Room Design Reviews" (September 1981). NUREG-0700 was published after Applicants' DCRDR was finalized by Essex Corporation. NUREG-0700 was based on the guidelines established in NUREG/CR-1580. NUREG-0700 is not a substitute for statutory requirements and compliance with the guidelines of NUREG-0700 is not a requirement.

On December 7, 1982, Applicants filed with the NRC Staff the DCRDR Report. On December 17, 1982, the NRC Office of Nuclear Reactor Regulation issued generic letter number 82-33, Supplement 1 to NUREG-0737. Supplement 1 to NUREG-0737, described in Applicants' January 25 Response, sets forth certain requirements that must be met by all licensees regarding, inter alia, DCRDR's.

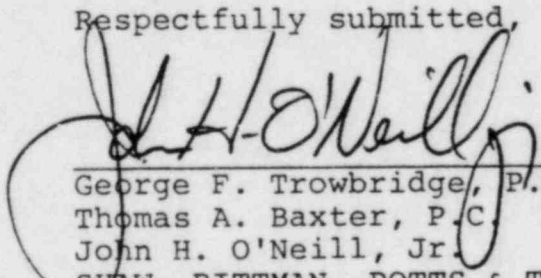
All holders of construction permits are given until April 15, 1983, to propose a schedule for completing each of the basic requirements identified in Supplement 1 to NUREG-0737.

Applicants oppose Wilson Contention V because it simply does not state a substantive safety issue litigable in this proceeding. Wilson Contention V does no more than identify where Applicants' DCRDR Report does not meet, in Dr. Wilson's view, "requirements" of NUREG-0700. Dr. Wilson does not find fault with the DCRDR itself or with the recommendations set forth in the DCRDR Report. Contrary to Dr. Wilson's assertion at paragraph 2 of Contention V, the DCRDR Report does set forth proposed or implemented solutions to identified discrepancies with potential safety consequences. These solutions are set forth as recommendations appearing at the end of each chapter in the DCRDR Report (Sections 2.4, 3.4, 4.4, 5.4, 6.4 and 7.4) and at Appendix D. These recommendations have been or are being implemented in the final control room design.

Applicants are presently reviewing the DCRDR Report in light of the requirements recently established in Supplement 1 to NUREG-0737. On or before April 15, 1983, Applicants will set forth a schedule for compliance with Supplement 1 to NUREG-0737. Some of the new requirements set forth in Supplement 1 to NUREG-0737 are indeed similar to guidelines established in NUREG-0700.

To the extent that Dr. Wilson contends that Applicants have failed to file a report following the format set forth in NUREG-0700, our response is that Applicants are not required to follow the format of NUREG-0700 and Dr. Wilson has failed to state a contention that is litigable in this proceeding. To the extent that certain of the guidelines set forth in NUREG-0700 are similar to requirements in Supplement 1 to NUREG-0737, our response is that until Applicants have had an opportunity to respond to the new requirements, Dr. Wilson is not in a position to provide any basis to support a contention that Applicants will not meet such regulatory requirements. Finally, Dr. Wilson's contention fails to express a specific safety concern which can be litigated in this proceeding. He has not found fault with the detailed information provided in the DCRDR Report. Applicants submit that Dr. Wilson has failed to establish a litigable contention and that Wilson Contention V should be rejected.

Respectfully submitted,



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Dated: February 17, 1983

February 17, 1983

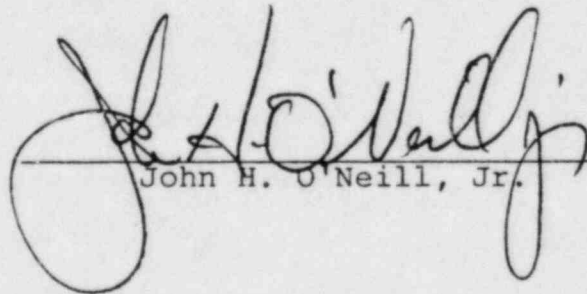
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicants' Response To Proposed Wilson Contention V (Detailed Control Room Design Review Report)," dated February 17, 1983 are being served to all those on the attached Service List by deposit in the U.S. Mail, first class, postage prepaid, this 17th day of February, 1983.



John H. O'Neill, Jr.

Dated: February 17, 1983

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