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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

September 15, 1983  
83 SEP 19 10:51

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

In the Matter of

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

Dockets 50-400 OL  
50-401 OL

ASLBP No. 82-468-01  
OL

Wells Eddleman's Response to CP&L's September 6  
Control Room (R.G. 1.97) filing & Related Arguments

On September 6, CP&L filed a document (serial LAP-83-405)  
with the Director of NRC's Office of Nuclear Reactor Regulation  
addressing (it claims) NUREG-0737 Supplement 1 requirements.

This document is tentative, e.g. at page 2 it says that "if  
the selection of  
it is determined that the Type A variables should be modified," the  
table (listing them) will be revised. Type A variables, it says,  
include some type B, C and D variables (p.2) It goes on to say that  
SHNPP category 2 instrumentation "may actually meet the requirements  
of Category 1 or may meet the intent of the regulatory guide as justified."  
(p.2). At page 3, it says that some equipment is being upgraded or  
procured and some information is currently unavailable on the instruments.  
Further, "It is anticipated that instrumentation will be implemented  
prior to commercial operation. If it becomes apparent that such a  
schedule cannot be met, then the NRC will be notified as to the revised  
implementation date."

It is apparent from the above that CP&L is still failing  
to comply with the SPDS human factors analysis requirements of

8309200333 830915  
PDR ADDCK 05000400  
PDR

DS03

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NUREG-0737 Supplement 1, e.g. numbers 3.1, 3.4c, 3.5 (requiring "Specific plans and reasonable, achievable schedules), 3.8

a, b, c, d and e and 4.1, 4.2 and 4.3 re SPDS requirements, documentation, and integration. *Staff Licitra letter of 9/7 at 2, says SPDS schedule should be improved to permit resolution of problems.* These are additional reasons not to believe Applicants'

claims that they "will implement" the SPDS in accord with NUREG-0737 Revision 1. The issue I have been raising most strongly re the SPDS is that the human factors analysis requirements, and analysis of what should be in the SPDS, have not been complied with so far by CP&L and there is no good reason to believe they will.

Applicants address this issue in a pleading dated 9-9-83 (Response to 5 factors re ... DCRDR) at pages 4 and 5. There, they state that something more than just doubt need be shown re whether Applicants will perform what they say they will.

Applicants' own record of not keeping commitments is such an additional reason. Applicants, for example, were fined \$600,000 by NRC earlier this year for having failed for several years to keep commitments to test the Brunswick plant containments for leak-tight operation and capability to seal in an accident. These failures to keep commitments continued for about 3 years after the NRC Staff inquired about the leak tests in 1979. This outrageous failure to carry out commitments to safety is only one of many such failures by CP&L. See, e.g., testimony of F.S. Cantrell in Harris (Docket 50-400) CP remand hearing of 1979; numbers of other CP&L fines as detailed in Dr. Wilson's management contention, for failure to follow rules, which CP&L as a nuclear licensee is committed to follow. CP&L's failure to yet make the commitment it promised when I withdrew Contention 152 is another incident that makes it clear that the SPDS issue (including CP&L's failure to yet comply with NUREG-0737 Rev. 1 as detailed above) includes real doubts about CP&L's reliability in meeting commitments. (END)