UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
SOUTH CAROLINA ELECTRIC & GAS COMPANY
(Virgil C. Summer Nuclear Station,
 Unit 1)

Docket No. 50-395

AFFIDAVIT OF ROBERT L. BAER

I, Robert L. Baer, being duly sworn, state as follows:

- I am employed by the U. S. Nuclear Regulatory Commission as a Branch Chief in the Division of Project Management, Office of Nuclear Reactor Regulation.
- The Summer Nuclear Station operating license application is assigned to my branch. The NRC Staff safety review of the Summer application is being performed under my overall supervision.
- 3. The NRC Safety Evaluation Report (SER) is estimated to issue on or about August, 1980. The Staff's nominal estimate of the completion date for construction of the Summer station is between November, 1980 and February, 1981.
- 4. The Staff is not in a position to present its direct testimony on the safety contentions at issue in this proceeding, or address any related areas of inquiry, on or before January 22, 1980.

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- 5. Since the accident at Three Mile Island, the Staff has been heavily involved in studying the causes of the accident and determining what additional safety measures are needed. Implementation of these additional measures at operating plants has received high priority. These activities have severely strained NRC Staff resources such that only limited manpower has been available to review applications for operating licenses such as that for the Virgil C. Summer Nuclear Station.
- 6. A detailed "action plan" is currently being developed by the NRC Staff. A draft version, outlining all the activities needed to continue licensing reviews, has been presented to the Commissioners for their review and approval. Once the "action plan" has been approved in final form, detailed schedules will be developed for Staff review of each pending operating license application.
- 7. The Staff's review of the Summer application has not progressed to the point where it would be able to present its direct case on any of the contentions before mid-1980. It may be possible to prepare a partial Safety Evaluation Report for certain contentions. The status of the Staff's review respecting each contention is briefly summarized below.
- 8. Contention A 2 concerns the Applicant's financial qualifications and its further ability to afford decommissioning. The Staff prefers to use the latest available information in its review of financial qualifications. Thus, this matter is normally left until the latter stages of the review process and addressed in a supplement to the SER. Both aspects of this contention are interrelated and the Staff deems it desirable to present direct testimony on this contention in its entirety at one time.

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- 9. Contention A 3 deals with the issue of Anticipated Transients Without Scram (ATWS). While the Staff has an "interim" position for operating plants and plants expected to be ready for fuel loading in the near future, the Staff is preparing a proposed rule and expects to present it for Commission consideration in April, 1980. A proposed rule to resolve the ATWS question could be issued about July, 1980. The date for a final rule is dependent on whether a rulemaking hearing is requested. It is anticipated that the proposed rule will be the criteria used to evaluate the design of the Summer plant. If the proposed rule is issued in July, 1980, the Staff could be in a position to present its evaluation of the Summer ATWS design on or about September, 1980.
- 10. Contention A 4 deals with the seismicity of the Summer site. The Los Alamos Scientific Laboratory is assisting the NRC Staff in the review of this matter. This review is currently scheduled for completion in June, 1980, subject to the possible reallocation of Staff resources as a result of the "action plan" described above. Given this schedule, the Staff could be in a position to present its direct case on this contention on or about July, 1980.
- 11. Contention A 8 deals with the implementation of the Applicant's emergency plans. The area of emergency planning is the subject of rulemaking and revisions are being proposed in the applicable regulatory guide. In light of this, the review of the Summer station emergency plans and local and State emergency plans is not currently scheduled. Until the fall of 1980, available Staff resources in this area are

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being allocated to the review of operating reactors and to plants that are essentially completed but for which an operating license has not been issued.

- 12. Contention A 9 deals with quality assurance during construction. The evaluation of this matter will rely heavily on input from the Region II Office of Inspection and Enforcement and the general subject-matter likely addressed in a supplement to the SER. Usually, this evaluation is not completed until plant construction is essentially finished (anywhere from November, 1980 to February, 1981 in this instance). The Staff should be in a position to present its direct case on this contention on or about that time.
- 13. A statement of my professional qualifications is attached.

Cobert L. Base

Subscribed and sworn to before me this 31st day of December, 1979.

Sid

My Commission expires: July 1, 1982

ROBERT L. BAER PROFESSIONAL QUALIFICATIONS LIGHT WATER REACTORS BRANCH NO. 2 DIVISION OF PROJECT MANAGEMENT OFFICE OF NUCLEAR REACTOR REGULATION U. S. NUCLEAR REGULATORY COMMISSION

I am Chief of the Light Water Reactors Branch No. 2, Division of Project Management, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission. In this position, I supervise the Project Managers who manage the safety review of applications for construction permits and operating licenses. I thoroughly review the safety evaluation report and its supplements that are prepared by the Project Managers using inputs prepared by the participating review branches.

I joined the Nuclear Regulatory Commission (then part of the AEC) in January 1971. Prior to my present assignment, I have held positions as Senior Project Manager, Section Leader in the Reactor Safety Branch in the Division of Systems Safety, and Chief of the Reactor Safety Branch in the Division of Operating Reactors.

I have a bachelors degree in Mechanical Engineering from Clarkson College and a Master of Science Degree from Rensselear Polytechnic Institute. After graduation from Clarkson College, I served as a Lieutenant in the U. S. Army Corps of Engineers for two years. In 1954 I accepted employment with the Nuclear Division of Pratt and Whitney Aircraft. I performed system analyses and core thermal-hydraulic analyses on compact molten salt and liquid metal cooled nuclear reactor systems, and designed and operated molten salt experimental loops.

In 1959 I joined the Nuclear Division of the Martin Company. I was a lead engineer in charge of all system analyses, system functional design, and core thermal-hydraulic design and analyses for the PM-1 reactor. Later, I served as a Project Manager in charge of replacement core design, fuel research and development, advanced systems design. and core thermal-hydraulic experiments, for the PM nuclear power plants.

In 1963 I joined the consulting firm of Hittman Associates, Inc. As the company grew I served in successively more responsible positions. My last position with Hittman Associates was Manager of the Reactor Department. In that capacity, I had overall responsibility for all of the company nuclear activities, including consulting with investor owned utilities; design and analysis of replacement cores for the PM-1, PM-2A, and PM-3A reactors; nuclear plant siting studies for New York State, Office of Atomic and Space Development; and consulting services to various nuclear component suppliers.

During the period between 1966 and 1976 I was a part time Lecturer in the Nuclear Engineering Department of Catholic University. I taught courses in nuclear power plant systems design, core thermal analysis, and system controls analysis.

I am a member of the American Society of Nuclear Engineers and American Society of Mechanical Engineers. I am a Registered Professional Engineer in the states of New York and Maryland. I am listed in American Men of Sciences and Who's Who in Atoms.

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