



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

APR 30 1980

MEMORANDUM FOR: Office Directors

FROM: Norman M. Haller, Director  
Office of Management and Program Analysis

SUBJECT: A STUDY OF HEARING PROCESS DURATION  
FOR NUCLEAR REACTORS

Commissioner Kennedy asked us for a statistical analysis on hearing process duration. The findings document an increase in the average duration of the hearing process since the mid-1950's. Attached is a copy of the report which may be of interest to you and your staff. You should also be aware of the data developed as part of the analysis.

We did not attempt to determine underlying causes for the trends revealed by the data. Thus, another reason for circulating the report is to seek information from knowledgeable persons on your staff on (1) factors influencing the lengthening of the hearing process, (2) which of these factors are within NRC's purview and are problems, and (3) methods that might be used to cope with the problems.

Please ask your staff to give us any views they might have on these underlying causes. With this insight we can determine if recommendations or further study on the subject are warranted. I would appreciate having any comments from your staff forwarded directly to Dan Lurie (2-7851), Applied Statistics Branch, Mail Stop 8709 MNBB, by May 16.

*Norman M. Haller*  
Norman M. Haller, Director  
Office of Management and  
Program Analysis

Attachments:

1. Haller memo to Kennedy,  
April 8, 1980.
2. Report.

CHANGES IN THE COMMISSION'S PRACTICE  
WHICH CAN REDUCE TIME REQUIRED FOR LICENSING HEARINGS

1. Revoke Appendix B to the Commission's Rules of Practice, thus making licensing board decisions immediately effective on issuance.
2. Amend the discovery rules. The FOIA is available to parties for document discovery. The Administrative Procedure Act does not require discovery beyond the FOIA in agency proceedings. Davis has argued in his administrative law treatise that although discovery is not required that some states are correct in finding a common law right to discovery. Davis suggests using agency subpoena power to provide discovery rights to parties where prejudice would result. This does not appear applicable to non-criminal, non-civil rights adjudications such as licensing actions. However, some exceptional circumstances showings for interrogatory and deposition discovery should be retained to avoid challenges on the grounds of prejudice. There is no necessity for maintaining discovery as a routinely available litigative tool in NRC licensing proceedings.
3. Amend the Rules of Practice to separate the standing requirements necessary for the "right" to request a hearing from the contention requirement. As now interpreted, §2.714 ties contentions to standing. This has resulted in very loose contentions being deemed sufficient to trigger an evidentiary proceeding, with summary disposition being used to force elimination of issues on which testimony should have never been prepared in the first instance. If a person were found to have standing initially at the first prehearing conference but then was required to state specific factual contentions at the point the Staff's review was nearing completion, unnecessary effort in testimony preparation could be avoided.
4. The Rules of Practice could be amended to eliminate the licensing and appeal board's sua sponte review authority. This would reduce the scope of issues the staff had to address in testimony and restrict the scope of hearings to issues legitimately raised by an adverse party in the first instance.
5. A rule should be adopted restricting participation of a party to those issues raised by the party's own admitted contentions. Much time is spent in current hearings allowing repetitive round-robin cross-examination by each participating party. Such a rule would reduce the time spent on such examination and would allow the party most directly effected to build the case on its own contention.

6. Hearings could be run simultaneously with the Staff's safety review. The Staff position is not really required until the time for findings. To the extent that the Staff adduced evidence, of course, it could have to have finished its review. However, the burden is the applicant's and it has a right to a speedy determination which may in some cases outweigh its desire to have the Staff's support on every detail. This approach, of course, would not be available on environmental issues where the Staff's independent responsibilities must be accomplished prior to agency action. In the latter case, the Staff's position is necessary for adverse party's to know whether they wish to challenge the sufficiency of the environmental review. (However, in this regard it is noted that there is not a right to an adjudicatory hearing on the EIS. The requirement is that the EIS "accompany" the existing agency review process.)
  
7. Amend the summary disposition rule to eliminate the 45 day requirement. While this is desirable in order to provide an opportunity for reasonable response from the parties and a ruling prior to the start of the hearing, the filing of testimony serves a similar purpose. The rules could provide that upon review the written testimony, the Board could rule sua sponte that there was no issue to be heard. In fact, the rules could require Board's to make such a determination routinely before the commencement of an evidentiary hearing. The summary disposition procedure should then be provided as a tool to be used at any time in the proceeding that a party believed there was no issue to be heard. This could be before, during, or immediately following the proceeding much like a directed verdict.

## SOME SUGGESTIONS REGARDING HEARING PROCEDURES AT NRC

These are some comments and suggestions regarding procedures in NRC licensing hearings. They are based on extensive conversations with the Staff and incorporate many of their suggestions.

Delay in NRC proceedings results in the main from the technical nature of the hearings, zealous opposition by some to nuclear power plants, and to the burdens imposed by the Environmental Acts and the courts on the Agency.

Some of the procedural suggestions made here may improve the efficiency of the hearings.

## Problems, Criticisms and Suggestions

### 1. The Staff Should be more Selective in Responding to Pleadings

The Staff responds to almost every pleading by another party, whether or not it is directly concerned. The Licensing Boards should be able to rule on most pleadings on the basis of the documents filed and their own knowledge. Of course, the Staff should monitor pleadings so that it can respond where it is directly concerned, or where significant or novel matters are raised. Where it believes that a Board has committed prejudicial error, it can file a petition for reconsideration.

The Staff time spent on pleadings is increased by the review procedure, which in most cases extends beyond the section level.

Allocation of scarce legal resources would be improved by greater selectivity in pleading practice; the time saved could be devoted to trial preparation and brief writing.

### 2. Intervenors Are Required to State Their Contentions Too Early

Current procedure requires that petitions to intervene be filed approximately 60 days after an applicant has filed his application. The petitioner must state the facts regarding both his interest and his contentions and their bases "with particularity." A prehearing conference is then held and the Board rules on those contentions it will allow to be considered at the hearing. After this, changes in or additional contentions are limited.

Prior to or during the prehearing conference, the Staff assists the Intervenor in formulating their contentions.

Approximately five months after the prehearing conference, the technical staff issues a Draft Environmental Statement (DES) followed some four months later by a Final Environmental Statement (FES). At this time or later, the technical staff also issues a Safety Evaluation Report (SER). A public hearing is then held (sometimes before the SER issues; in this event the initial hearing is confined to "environmental" issues, and a later hearing is held on the "safety" issues.)

Criticisms of this procedure are:

- (a) Unfairness. Few Intervenor can analyze the data filed by an applicant for a license to build an atomic reactor--often 17 volumes --within 60 days to determine their contentions against it "with particularity." The applicant's environmental report alone raises safety issues (radiation), economic issues (need for power), environmental issues (pollution and impact). The 60 day period is also too short to permit discovery that could enable an Intervenor to frame his contentions with understanding. ✓
- (b) Inefficiency in the Hearing Process. The purpose of requiring the statement of contentions is to give notice to other parties of the

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✓ At prehearing conferences Intervenor are disturbed to discover that they are precluded from raising many of their objections because these are governed by Commission Rules which govern all similar plants, even though they were adopted without any hearing (through informal rule making). While this has been good law, it would be helpful to issue a pamphlet explaining in lay language the substance of these rules and their bases; also wide notice and "some kind of hearing" would be desirable for rules affecting safety and health, as is now being done in some instances.

precise facts and arguments that will be raised at a hearing, so that the Board will be able to control the scope of the hearing. As a practical matter Intervenor<sup>s</sup> wait for and rely on the Staff's DES and SER before formulating their positions. At the prehearing conference Intervenor<sup>s</sup> file numerous general contentions, often poorly framed and repetitious--anything to get into the proceeding. The Staff and other parties spend much time and effort organizing these arguments into "acceptable" contentions. As a result Intervenor<sup>s</sup> and other parties find themselves locked in later at the hearing, proving or disproving contentions that would not have been advanced if Intervenor<sup>s</sup> hadn't been forced to stake out their positions too early. Moreover, in practice Intervenor<sup>s</sup> change and add to their contentions after the DES--and even at the hearing--claiming that the new subjects are comprehended in their original contentions. Despite the rules of practice, the Boards tolerate these actions. Thus, while tight procedural rules purportedly govern proceedings, the reality is that loose procedures are observed. And while this technique avoids judicial review,<sup>1</sup> the practice results in extended procedural arguments and vitiates the benefits of prehearing procedures.

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<sup>1</sup> It is questionable whether the procedure would be sustained in court if an Intervenor were denied the opportunity to amend a contention on the basis of the DES. BPI v AEC does not hold to the contrary. The issue whether an Intervenor can add a contention after the Staff issues the DES was not raised in that case; all that was in issue was the generality of the rule, which seems reasonable in the abstract.

An alternative procedure would be: Require an Intervenor to file an early petition to intervene, stating his interest and the subjects which concern him. A prehearing conference would follow to establish relationships and to discuss interests and future procedures. Discovery would begin against the applicant on the basis of the subjects alleged. After the Staff issues the DES plus a reasonable period, approximately 45 days, Intervenors would be required to state the issues they propose and their positions (contentions).

The advantages of this procedure are:

- (a) Fairness - Before filing their contentions, Intervenors would have sufficient time to analyse the application, to evaluate their concerns intelligently, a reasonable opportunity for discovery, and an opportunity to examine Staff's DES.
  - (b) Efficiency - The quality of the contentions should improve and the Board would then be in a position to require that contentions be truly specific (not "the monitoring system does not meet the standards of the regulations") and to enforce its rulings. The lengthy and tedious process of eliminating or disproving contentions proposed just to get into the hearing would be avoided.
3. The Time Between the Filing of Testimony and the Beginning of the of the Hearing is too Short

After the Staff issues the Final Environmental Statement, (FES), the Board sets a date for the filing of direct testimony. Hearings are then scheduled to begin from 5-14 days later. This period is generally too short for the Staff to analyze opposing testimony and to prepare rebuttal. In administrative hearings rebuttal is generally more effective and takes



less time than cross examination. The short period before the hearing begins encourages cross examination as the means of refutation.

An alternative procedure would be to set a date for filing the direct testimony of all parties and to provide for the filing of rebuttal testimony by all parties some 20 days later. This would give the parties time to prepare rebuttal instead of relying on cross examination. It would also eliminate surprise testimony and the consequent requests for additional time to prepare new testimony.

#### 4. Trial Briefs Should be Required

A trial brief accompanying the case-in-chief of each major party should be required. It imposes the discipline of planned orderly presentation on the parties. And it is a powerful tool in enabling the Board to plan and manage the hearing.

#### 5. Questions from the Licensing Board Should Be Submitted In Advance of the Hearing

Questions from the Licensing Board asked at the hearing often require extensive research and result in delays. Boards should pose their questions at least 20 days before hearing. Such a practice would impel the Boards to prepare for hearings. Of course, one could not forbid questioning from the bench about matters which arise initially at the hearing.

Some Board questions are addressed to the Staff which could equally well be addressed to the Licensee. The Staff should request the Boards to pose such questions to the applicant as the Staff finds itself in a crunch just before and during hearings.

6. Exhibits Should be Required to be Self-Explanatory

To save hearing time the Boards should require all exhibits and testimony to be complete and self explanatory. For ready reference they should be on line numbered paper. A statement should be distributed listing the persons who prepared the various parts of the FES, and which parts of the document the sponsoring witnesses are prepared to defend. Staff counsel should propose the adoption of such a rule at the first prehearing conference.

7. Discovery Techniques Should Be Used More Extensively

Some of the uses of discovery are to:

- (a) Delimit, narrow and eliminate contentions
- (b) Avoid surprise
- (c) Avoid hearing intervals
- (d) Prepare your own witness for cross examination
- (3) Prepare for rebuttal
- (f) Prepare your cross examination of opposing witnesses
- (g) Discover data for your own affirmative case
- (h) Save hearing time by placing discovered evidence in written form directly into the record

Discovery should be employed with respect to most contentions of an adversary to determine before hearing exactly what the contention is, who and what facts or opinions substantiate the contention, and what is the nature of the proof to be offered. Where an adversary is to cross examine your witness, discovery should be used to force him to specify in advance by page and line every statement in your witness's testimony that he disagrees with, the basis for his disagreement, and what he thinks the correct version should be.

These are the principal forms of discovery:

(a) Informal conferences with other parties' witnesses and representatives.

(b) The results of the informal conference may be summarized in a narrative statement signed by the witness or recorded verbatim by a reporter.

(c) Formal interrogatories and depositions.

While all types of discovery can aid in preparing for hearing, interrogatories and depositions can be presented directly into evidence at hearing, saving hearing time. A party may also select the successful interrogatories and place just those in the record, eliminating the unsuccessful ones, not only saving hearing time but enhancing his case by eliminating the drudgery.

Staff has used informal discovery, conferences with the parties, quite extensively. Bill Massar has used discovery this way: He invited the lawyer for the Intervenor to visit the NRC offices in Washington, and made available to him any witness he desired for informal discussion.

His theory was to let the Intervenor know the facts about his contentions; and that the facts wouldn't support his objections. This is an effective technique if the Intervenor or his lawyer is willing to come to NRC headquarters and is sincerely open to persuasion; it will not work well if the Intervenor can't come to Washington or is relying on stalling tactics. This method could be carried further by making the Staff witness available to Intervenors in the field, bringing along a stenotypist to record the questions and answers. With these opportunities it is reasonable to limit the Intervenors' presentations at the hearing. In practice, some oral testimony of key witnesses is desirable to give the Board a "feeling" for the witness and to secure spontaneous answers to certain questions.

Several Staff lawyers have tried sending out interrogatories but have abandoned the method after receiving nonresponsive answers. In these cases, follow up questions are needed either to make the questions more precise or to pursue an answer further. Several rounds of interrogatories are not uncommon for this purpose. If the replies to interrogatories indicate stalling or evasion, a forceful motion should be made to compel a definite answer by a fixed date, with the sanction that if this is not furnished evidence and cross examination to controvert the opponent's position on this matter will be excluded at the hearing. These procedures may involve discussion with the Board and other parties, and for this purpose the Board ought to be available for rulings "in chambers" - in the field, in the office, or by conference telephone.

Staff motions requesting sanctions should make clear that this remedy is being invoked only after Intervenors have refused to furnish information or to state their positions when they can reasonably do so. At some point stalling tactics must be decisively met.

Bernie Bordenick and Charlie Barth have pursued formal discovery techniques further than anyone else. Their work should be more widely known.

In order to increase the parties' use of discovery, at the first prehearing conference the Staff lawyer should ask the Board to encourage its employment in the proceeding. He should describe the methods that can be used and offer to make his witnesses available to the parties in the field at mutually convenient times for this purpose. He should request the Board to adopt a rule limiting extended cross examination at the hearing of matters which could have been discovered before hearing.

If the Board refuses to adopt the Staff's proposals the Staff should file a strong motion requesting certification of the issue to the Appeal Board. If granted, this would provide the Staff an opportunity to explain to the Appeal Board the kinds of problems it encounters at hearings and why these solutions are fair and reasonable methods for coping with protracted hearings. While the Appeal Board may not direct the Licensing Board to adopt specific procedures, it may endorse the principle and encourage the Licensing Board to prescribe wide use of discovery.

One of the principal advantages of discovery is that it permits several witnesses to be examined simultaneously, whereas in a hearing only one witness can be questioned at a time. Discovery can thus be a time saver in protracted hearings.

8. The Program and Schedule for the Entire Hearing Should be Decided at the Final Prehearing Conference

A final prehearing conference should be held shortly before the hearing begins. The schedule for everything that is to occur at the hearing (or phase of the hearing) should be worked out and programmed as definitely as at the closing of a bond issue: all witnesses who are to be examined, the order of their appearance, the topics they are to be questioned about should be agreed upon. Staff counsel should take the lead by distributing a proposed agenda and schedule, and moving for its adoption. The Board must be prepared to enforce the agreements and rulings made at this conference. It should be able to do so because full disclosure will have occurred to permit decisions to be made with understanding.

9. The Proposed Alternative Procedure Should Not Lengthen Proceedings

The hearing under the present procedure doesn't begin until after the FES is issued. Under the alternative procedure, the hearing would begin about the same time. The difference is that the formulation of contentions would be postponed until after the DES. After that, the Staff preparation would be more active than under the present system. Appendix A gives an illustration of dates under the alternative procedure.

The suggested procedure would lessen the time spent by the Staff early in the proceeding participating in the formulation of contentions. This change should make more time available to Staff for preparation after the DES issues. Some saving in time should result from the improvement in the quality of contentions formulated at a later stage, and from eliminating contentions that never would have been proposed if the opportunity for sufficient consideration and discussion had been available before they were adopted. Also, the definitive scheduling at the final prehearing conference of additional witnesses should diminish the intervals between hearing sessions.

The philosophy underlying the present system is that the NRC by procedural regulation can limit the issues and the evidence to be adduced at hearing to those advanced by Intervenors, often laymen or lawyers unskilled in administrative law or atomic engineering, after they have had 60 days or less to evaluate the safety design and the environmental impact of a proposed atomic power plant. This procedure is not fair; it is of doubtful legality; and it is not even a practical policy; for the attempts to put this procedure into effect -- and the shrinking from really doing so -- contribute to reducing the efficiency of the hearing process.

The number of days spent in hearings is not as great a factor in delay as the intervals occurring between hearings-intervals arising because a party isn't ready, or because a party, without prior notice, wants to examine a witness who prepared part of an exhibit sponsored by another witness.

Hearing efficiency depends on preparation and management. The hearing should not begin until the parties are ready to try the issues; and then it should proceed nonstop till completed. The alternative procedure should promote those factors that are conducive to achieving this result.

10. An Outline Should Be Required as a Prerequisite to Extended Cross Examination

Most cross examination at administrative hearings is unproductive and time consuming. Rebuttal is usually a more efficient way of refuting an expert. Many of the points raised on cross examination are argumentative and can be made effectively on brief or memorandum without the risk of the witness's refuting them.

In the main, cross examination of an expert should be limited to laying bare his assumptions, showing their limitations, and exposing inconsistencies in the assumptions. As example of effective cross examination of this type is Jim Tourtellotte's cross examination of witness Chapman in Niagara Mohawk Corp (Nine Mile Point Nuclear Station Unit 2)

Whenever a party is to engage in extended cross examination, the Board should require that he submit to it in advance of the examination an outline of the subjects he plans to inquire into, and of the answers expected to be elicited and their significance. After cross examination, copies of the outline should be given to other parties. Here again the Legal Staff should propose such rules for adoption by the Board at an early prehearing conference.



11. The Staff Should Experiment With Briefs Instead of Proposed Findings of Fact

After hearing, Staff and other parties generally submit proposed findings of fact and conclusions of law to the Board. The time allowed for this is short for a technical and complex case 15 days for the Applicant, 25 days for the Intervenors, 30 days for Staff, and 5 days for rebuttal by the Applicant. In effect, Staff has 15 days to reply to the Applicant and 5 days to reply to the Intervenors.

It is suggested that all parties file simultaneous direct and reply briefs and that the time allowed be extended. Briefs should be begun before the close of the hearing. The additional time should improve the quality of the briefs and make them more useful to the Board.

It is also suggested that experimentation with briefs instead of proposed findings of fact be considered. While proposed findings and briefs can merge into each other, the emphasis in each is different. The brief is organized around subjects: facts, analyses, arguments, and conclusions about a subject are treated as a unit. In proposed findings, the form promotes an artificial separation of fact from analysis and conclusion that is not conducive to understanding by a non lawyer. For this reason, a brief of similar quality is more understandable to the non expert. The brief tends to be a more flexible instrument than proposed findings; there are many ways in which the brief can be made interesting to the reader, instead of presenting him with a recital of numbered, often unrelated, findings.

Whether or not the "brief form" be adopted, the final submission of the Staff to the Board should contain a readable explanation why and how the plant is safe, if this is the Staff position; and since there is no such thing as "absolute safety" the presentation should include an understandable evaluation of the realities of the risks and benefits. Even if some aspects of these matters can be legally excluded as issues, because Commission regulations govern the subject, an explanation of the rules and their bases should be offered as argument. The presentation should deal with the concerns of an intelligent person in language he can understand. For this purpose, the prefabricated portions of briefs to be prepared by the Planning Group discussed in Item 14 below should be used.

Part of the lawyers' art is to translate technical subjects into language that laymen understand permitting them intelligently to evaluate a proposal. The candid, objective, lucid, skillfully written brief offers a legitimate opportunity to appeal to the community to make a rational evaluation about the health, environmental, and energy factors involved in an atomic power plant.

If a trial brief has been prepared before hearing it can generally be used as the basis for the final brief, changes being made to take into consideration new developments at the hearing.

The Boards currently issue findings of fact and conclusions of law. If briefs were submitted, they could issue an initial decision in the

form of an opinion, following the form of the brief, or use it as a basis for their own findings of facts. The same reasons favoring the use of briefs apply to the Board's issuing opinions. No change in the regulations would be needed to adopt briefs and opinions, as the factual statements in each would be treated as proposed findings.

Some of the great lawyers have consciously designed their briefs to influence public opinion by the force of the facts and arguments presented - to the enlightened media and to community leaders - just as much as to persuade the deciding tribunal. Atomic power plants must not only be safe; they must be perceived by the public to offer no serious risks. The Staff lawyers can play a role in this public understanding by seizing the opportunity to give the public the tools to make an intelligent evaluation.

12. The Technical Staff Needs to Acquire a Better Understanding of Its Role in Quasi-Judicial Matters.

A fair number of the technical Staff do not comprehend or accept the fact that one of their major tasks is to prepare testimony for presentation and to appear as witnesses in quasi-judicial proceedings. They tend to express views on technical questions in unsubstantiated conclusory statements; they do not readily accept the lawyer's instruction that they must furnish the whole chain of facts to support their conclusions; they do not entirely accept the situation that in a legal proceeding the lawyers must determine the adequacy of the testimony. To a certain extent this conflict exists in most quasi-judicial agencies. It seems more acute here, perhaps as a result of the highly technical

nature of the issues at NRC. While there are excellent technicians who do understand their role as witnesses in a legal proceeding, the complaint is so general (and so understandable) that discussions to improve this situation between the legal and the technical staff should be tactfully conducted at a high level.

13. The Staff Should Lead the Boards to Be More Decisive in Their Procedural Rulings

There is a general feeling, and a reading of some transcripts supports the view, that many of the Licensing Boards do not rule quickly and firmly, that they make compromise rulings that do not give clear guidance for future situations, that they permit overextensive argument, and that too often they resolve evidentiary problems by receiving testimony "for what it is worth." This manner of presiding encourages the hearing to drift, leads to proliferation of irrelevant and repetitious testimony, and promotes delay.

The Staff should try to affect the Board's conduct by taking a firm position in seeking remedies for unwarranted delay. In such a case, after explaining the situation fairly and fully, it should not hesitate to advance a forthright proposal, even if another party may object. The Staff should not assume the role of judge; its function is to act as a nonpartisan advocate for the public interest.

The attitude of the Licensing Boards is probably affected by the decisions of the Appeal Board. The Appeal Board issues opinions of extraordinarily high quality on substantive matters. However, it sometimes approaches evidentiary and hearing problems with insufficient sensitivity to the problems of hearings at NRC.

It is suggested that the Staff use oral argument before the Appeal

Board as a legitimate way of explaining the kinds of problems it meets at hearing. The argument should not be directed towards winning the particular point in issue, but towards emphasizing the consequences of various rulings. For example, a decision to admit marginal evidence results not only in receiving the additional testimony; it also provokes more cross examination and rebuttal; and it can lead to raising new subissues; and these by-ways must then be explored by the parties.

Of course, the Licensing and Appeal Boards have to exercise judgment; time can be wasted if a decision has to be revised and the hearing reopened. However, in the exceptional case where reversal and reopening are required, a hearing limited to one matter can usually be handled quickly. And the time saved by decisive rulings on other matters or in other proceedings should produce a net gain.

14. A Planning Group Should be Set Up to Prepare Standard Replies to Multiple Contentions Which are Repeated in Numerous Proceedings.

Some Intervenors raise several hundred contentions. Often these are repeated from case to case, resulting from the exchange of points by various Intervenors, or from guidance by a central group. The consequence can be delay, directly from the number of issues to be tried in a case, and indirectly from overwhelming the Staff assigned to a particular case.

It is suggested that the legal Staff establish a planning group to deal with this problem. Some technical Staff people should be assigned to the group, but it should be under the aegis of the legal Staff. The group should treat this problem of multiplication and repetition of issues as a special task. The evidence and argument needed to reply should be prepared and made available to the lawyers trying particular

cases. The group should prepare prefabricated evidence and briefing memoranda on these subjects which can be adapted and used in appropriate cases.

The planning group would also select cases where a particular issue would be pressed home to force a specific decision from a Licensing Board (and the Appeal Board). This would make it possible to use precedents to avoid the retrial of identical issues. While precedent could not eliminate issues where the Intervenor adduces serious prima facie evidence of special circumstances, it could reduce or eliminate some.

15. An Index of Procedural Points Should be Maintained in the Library.

A card index of procedural points determined in NRC proceedings should be maintained in the library. This can be done in a few sessions as a cooperative venture by the legal staff and the librarian. There are several methods for doing this. At present a certain amount of time is spent by staff lawyers asking other lawyers for precedents because there is no good index.

16. A Regular Seminar on Procedural Matters Should be Instituted.

It is suggested that a Committee on Procedures be established consisting of several experienced lawyers, whose task would be to run a monthly seminar for the legal staff. Specifically, they would find out from other lawyers what techniques have proved effective at hearings, and they would arrange for these lawyers to explain them at the seminar. For example, Jim Tourtellotte's cross examination of witness Chapman in

Niagara Mohawk Corp (Nine Mile Point Nuclear Station Unit 2), after editing to reduce the amount of material, should be distributed and discussed. Bordenick's and Barth's interrogatories should also be known to other lawyers. The Committee should find out what evidentiary and procedural matters presenting difficulty are recurring, i.e. reliance by expert A on hearsay statement of B; extended cross examination by using articles and treatises, etc. Methods of dealing with these problems should be prepared and presented at the seminar, followed by consideration of their effectiveness and alternative solutions. The focus should always be on the actual problem that has occurred and not on the abstract evidentiary problem, or the answer contained in a treatise on evidence.

17. Conclusion.

There is no single technique that will permit a substantial improvement in hearing efficiency. But advances on all fronts, even if small benefits are achieved in particular instances, could increase overall hearing efficiency. Great potential exists in the high calibre and interest in this subject by the legal staff.

APPENDIX A

PROPOSED SCHEDULE FOR TRIAL PROGRESS

<u>Subject</u>	<u>Date</u>
1. DES	1
2. Discovery against Staff	
3. Contentions filed	+45
4. Discovery against Intervenors	
5. Motions on Contentions	+15
6. Replies	+10
7. Prehearing conference and rulings on contentions	+10
8. FES	+10
9. Direct testimony of all parties	+15
10. Rebuttal testimony of all parties	+20
11. Trial briefs	+15
12. Prehearing conference	+ 5
13. Hearing	+ 1
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SCHEDULING CONSIDERATIONS FOR DIABLO CANYON LOW POWER TEST AUTHORIZATION

The attached schedule for conclusion of proceedings relating to the Diablo Canyon low power test authorization has been compiled as of January 14, 1981 using the times specified in 10 C.F.R. Part 2 for each activity. While Appendix A to Part 2 indicates that the specified times are "maximums", experience in Commission practice has been that the times are generally minimum. Board's usually expand rather than contract the time permitted.

It should be noted that Appendix B to Part 2 provides that the Commission has reserved the right to step in at any earlier stage of the proceeding and review the matter on its own notion. Absent such action, the attached schedule should be viewed as minimum for the activities indicated. Should any activity be accomplished later than indicated the remainder of the schedule would slip accordingly.

William J. Olmstead  
Assistant Chief Hearing Counsel

Diablo Canyon Scheduling Considerations  
for Low Power Test Authorization

1. Ruling on low power test contentions January 23
2. Prehearing Conference February 1
3. Prehearing Conference Order February 13
4. Discovery conducted  
(minimum time - 10 days following service of  
interrogatories (5 days) file; 14 days  
following service (5 days) to respond = 34 days) April 1  
(Staff SER on full power scheduled for issuance) April 1
5. Motions for Summary Disposition due by March 2  
followed by 45 days to earliest hearing - (Response  
due by March 27, 1980) April 16, 1981
6. Hearing on Contentions (if required) Week of April 20, 1981
7. Record closes April 25, 1981
8. Applicant's Findings due May 15, 1981
9. Joint Intervenors' - Governors' findings due May 25, 1981
10. Staff findings due June 5, 1981
11. Applicant's reply findings June 15, 1981
12. Licensing Board decision (35 days App. A.VI.(d).) July 20, 1981
13. Exceptions to Initial Decision due and Stay request  
due August 4
14. Responses to Stay request due August 19
15. Brief on Appeal due from appellant September 3
16. Appeal Board decision on whether Initial Decision  
should be stayed September 18
17. Commission decision on whether Initial Decision  
should be stayed October 8, 1981
- \*\*\*18. Earliest date for issuing low power test  
authorization if no stay of initial decision October 8, 1981

19. Response briefs on Appeal due October 8, 1981
20. Staff response on Appeal due October 19, 1981
21. Oral argument on Appeal November 18, 1981
22. Appeal Board decision December 23, 1981
23. Petitions for Commission Review January 12, 1982
24. Responses to petition for review January 27, 1982
25. Commission decision on whether to review February 11, 1982
- \*\*\*26. If no review by Commission but a stay was issued earliest low power authorization is: February 12, 1982
27. If Commission review is undertaken briefing schedule as follows:
28. Briefs on issues designated by Commission March 15, 1982
29. Decision by Commission if no argument is scheduled April 19, 1982
30. Decision by Commission if argument scheduled May 19, 1982
- \*\*\*31. Earliest low power test authorization where stay is granted and Commission review ensues  
If argument scheduled: April 20, 1982  
May 20, 1982

ASSUMPTIONS USED FOR  
THE HEARING PROCESS  
(SER SUPPLEMENT ISSUE TO OL DECISION DATE)

	INITIAL GENERAL ASSUMPTIONS	CURRENT CASE-BY-CASE ESTIMATES
SER SUPPLEMENT TO START OF HEARING	1 - 2 MONTHS	2 - 8 MONTHS
- COMPLETION OF DISCOVERY		
- MOTIONS FOR SUMMARY DISPOSITION		
- FILING OF TESTIMONY		
- BOARD NARROWS ISSUES		
HEARING DURATION	2 - 4 MONTHS	1 - 3 MONTHS
- DIRECT TESTIMONY		
- CROSS EXAMINATION		
END OF HEARING TO ASLB DECISION	2 - 3 MONTHS	4 - 5 MONTHS
- FILING OF PROPOSED FINDINGS		
- BOARD DECISION		
ASLB DECISION TO COMMISSION ACTION	2 - 3 MONTHS	3 MONTHS
- APPEAL BOARD RULING ON STAY MOTIONS		
- COMMISSION DECISION ON STAY MOTIONS		
TOTAL	7 - 12 MONTHS	11 - 18 MONTHS

TOTAL SPAN FROM SSER  
TO COMMISSION ACTION

INITIAL GENERAL  
ASSUMPTIONS

CURRENT CASE  
SPECIFIC  
ESTIMATES

7 PLANTS 7 MONTHS

2 PLANTS 9 MONTHS

2 PLANTS 12 MONTHS

5 PLANTS 11 - 13 MONTHS

3 PLANTS 14 - 15 MONTHS

3 PLANTS 17 - 18 MONTHS

TO COMMISSION ACTION

(CASE SPECIFIC)

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>	<u>DELTA MONTHS</u>
COMANCHE PEAK 1	7 MONTHS	17 MONTHS	10
DIABLO CANYON 1	9 MONTHS	12 MONTHS	3
DIABLO CANYON 2	9 MONTHS	12 MONTHS	3
FERMI 2	7 MONTHS	15 MONTHS	8
MCGUIRE 1	6 MONTHS	13 MONTHS	7
SAN ONOFRE 2	12 MONTHS	11 MONTHS*	(-1)*
SHOREHAM	12 MONTHS	15 MONTHS	3
SUMMER 1	7 MONTHS	14 MONTHS	7
SUSQUEHANNA 1	7 MONTHS	17 MONTHS	10
WATERFORD 3	7 MONTHS	18 MONTHS**	11**
ZIMMER 1	7 MONTHS	13 MONTHS	6

AVERAGE DELTA IS 5 MONTHS

\* DISCOVERY NOT DEPENDENT ON SSER ISSUANCE -- STARTED 3 MONTHS PRIOR TO SSER. ALSO ASSUMES NO CONTENTIONS ON TMI ISSUES.

\*\* POTENTIAL 3 MONTH SCHEDULE IMPROVEMENT BY INCLUDING FINANCIAL QUALIFICATIONS IN SER.

COMANCHE PEAK 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	6 MONTHS
HEARING DURATION	2 MONTHS	8 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	17 MONTHS

DIABLO CANYON 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	] 3 MONTHS	5 MONTHS
HEARING DURATION		] 3 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>4 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	9 MONTHS	12 MONTHS



DIABLO CANYON 2

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	] 3 MONTHS	5 MONTHS
HEARING DURATION		] 3 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>4 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	9 MONTHS	12 MONTHS

FERMI 2

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	5 MONTHS
HEARING DURATION	2 MONTHS	7 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	15 MONTHS

\*MCGUIRE 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	2 MONTHS	4 MONTHS
HEARING DURATION	2 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION		
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	6 MONTHS	13 MONTHS

\* NO HEARING SHOWN IN FIRST REPORT - HEARING REOPENED BY BOARD IN NOVEMBER 1980 ON ISSUE OF HYDROGEN CONTROL

SAN ONOFRE 2

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	2 MONTHS	2 MONTHS*
HEARING DURATION	4 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	12 MONTHS	11 MONTHS*

\* DISCOVERY NOT DEPENDENT ON SSER ISSUANCE - STARTED 3 MONTHS  
PRIOR TO SSER. ALSO ASSUMES NO CONTENTIONS ON TMI ISSUES.

SHOREHAM

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	4 MONTHS
ACRS TO SSER ISSUED	2 MONTHS	
SSER TO START OF HEARING	2 MONTHS	6 MONTHS
HEARING DURATION	4 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	12 MONTHS	15 MONTHS

SUMMER 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	2 MONTHS
ACRS TO SSER ISSUED	2 MONTHS	
SSER TO START OF HEARING	1 MONTH	3 MONTHS
HEARING DURATION	2 MONTHS	8 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	14 MONTHS

SUSQUEHANNA 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	2 MONTHS
ACRS TO SSER ISSUED	2 MONTHS	
SSER TO START OF HEARING	1 MONTH	4 MONTHS
HEARING DURATION	2 MONTHS	10 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	17 MONTHS

WATERFORD 3

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	8 MONTHS*
HEARING DURATION	2 MONTHS	7 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	18 MONTHS*

\* POTENTIAL 3 MONTH SCHEDULE IMPROVEMENT BY INCLUDING FINANCIAL QUALIFICATIONS IN SER.



ZIMMER 1

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	1 MONTH	4 MONTHS
HEARING DURATION	2 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	13 MONTHS

OL (Review)

OL (Boards)

Plant	Block
1. Bellefonte 1 & 2	3
2. Braidwood 1 & 2	3
3. Byron 1 & 2	3
4. Callaway 1 & 2	3
5. Catawba 1 & 2	3
6. Clinton 1 & 2 (References GESSAR)	3
7. Comanche Peak 1* & 2	3
9. Farley 2	3
10. Fermi 2*	3
11. Grand Gulf 1 & 2	3
12. Harris 1, 2, 3, 4	3
13. LaSalle 1 & 2	3
15. Midland 1 & 2	3
16. Palo Verde 1, 2, 3 (References CESSAR)	3
17. Perry 1 & 2	3
18. Salem 2	3
20. Sequoyah 2	3
21. Shoreham*	3
22. South Texas 1 & 2	3
23. St. Lucie 2	3
25. Susquehanna 1* & 2	3
26. WPPS 2	3
27. Waterford 3*	3
28. Watts Bar 1 & 2	3
29. Wolf Creek	3

8. Diablo Canyon 1* & 2*	1
14. McGuire 1* & 2	1
19. San Onofre 2* & 3	1
24. Summer*	1
30. Zimmer*	1

CPs (plus ML)

31. Allens Creek 1	2
32. Black Fox 1 & 2	2
33. Pebble Springs 1 & 2	2
34. Perkins 1, 2, 3	2
35. Pilgrim 2	2
36. Skagit 1 & 2	2
37. Floating Nuclear 1-8	2

Category	Plants	Time (Mins)	
Block 1	8,14,19,24,30	(20)	100 min.
Block 2	31,32,33,34, 35,36,37	(15)	105 min.
Block 3 Sec. 1 (LB-1)	1,2,3,4,12,13, 21,23,25,26,29	(5-15)	95 min.
Block 3 Sec. 2 (LB-2)	7,9,10,17,20, 22,27,28		80 min.
Block 3 Sec. 3 (SSPB & LB-3)	6,16,5,11,15,18		75 min.
Block 4	Blue Hills, etc. ELD Discussion		15 min.

470 min.

*Farley - need to get SER  
has all - need to get SER  
Waterford 3 - need to get DES*

Reactor Name Bellefonte 1 & 2  
Attorneys: Paton/Olmstead  
Type of Case Uncontested O.L.  
Status Receipt of application for O.L. was notice in F.R. in July 1978 - no intervention  
Number of Contentions: None  
General Subject of Issues Schedule N/A  
Date Schedule Est.  
SER Date February 1984 (SER. Supp. May 1984)  
FES Date July 1982  
Safety Hearing Start None  
Envir. Hearing Start None  
Close Safety Hearing N/A  
Close Envir. Hearing N/A  
ASLB Decision N/A  
Issuance of OL or CP June, 1984 (OL)  
Notes:  
1. Pacing items - Applicant's construction schedule  
2. Slips Review schedule delayed because of applicant's construction delay  
3. Fixes

Reactor Name Braidwood  
Attorneys: Karman/Olmstead  
Type of Case Operating License (Contested)  
Status Pre-Hearing Stage  
Number of Contentions: 12  
General Subject of Issues Transmission Lines, Emergency Planning, Groundwater contamination, Cumulative effects of radiation, population exposure.

Schedule

Date Schedule Est. None  
SER Date 6/82 SER SUPP 9/84  
FES Date 2/84  
Safety Hearing Start 10/84  
Envir. Hearing Start 4/84  
Close Safety Hearing 6/85  
Close Envir. Hearing 12/84  
ASLB Decision 8/85  
Issuance of OL or CP 6/85

Notes:

1. Pacing items - Construction completion
2. Slips
3. Fixes

Reactor Name Byron  
Attorneys: Karman/Olmstead  
Type of Case OL (Contested)  
Status Pre-Hearing Stage  
Number of Contentions: 90  
General Subject of Issues Full range of safety and environmental areas

Schedule

Date Schedule Est. None  
S&R Date 6/82 SER SUPP 9/82  
FES Date 5/82  
Safety Hearing Start 10/82  
Envir. Hearing Start 7/82  
Close Safety Hearing 6/83  
Close Envir. Hearing 3/83  
ASLB Decision 9/83  
Issuance of OL or CP 12/83

Notes:

1. Pacing items - Hearing time optimistic, Myron Cherry for intervenor
2. Slips
3. Fixes

Reactor Name Callaway 1  
Attorneys: Lessy/Reis  
Type of Case Contested OL (contentions not yet admitted but very likely).  
Status Special prehearing conference (intervention) scheduled for 3/25-26.  
Number of Contentions: Not yet admitted  
General Subject of Issues Emergency Planning (many intervenors); Class 9 Accidents; Plant Discharges into Missouri River  
Schedule  
Date Schedule Est.  
SER Date 4/82  
FES Date 12/81  
Safety Hearing Start 8/82\*  
Envir. Hearing Start  
Close Safety Hearing 10/1/82\*  
Close Envir. Hearing  
ASLB Decision 12/82  
Issuance of OL or CP 2/83

Notes:

1. Pacing items -
2. Slips
3. Fixed
4. Resources Argonne Lab, together with environmental review coordinator. Resources adequate - no problems to date.

\*As the special prehearing conference has not as yet been held, it cannot be said whether environmental contentions, when admitted, will be held separately from safety contentions.

Reactor Name Catawba1&2  
Attorneys: Laverty/Tourtellotte  
Type of Case OL  
Status Not yet docketed - Federal Register notice of opportunity for hearing not yet published  
Number of Contentions: N/A  
General Subject of Issues N/A  
Schedule N/A  
Date Schedule Est. N/A  
SER Date 12/82  
FES Date 10/82  
Safety Hearing Start N/A  
Envir. Hearing Start N/A  
Close Safety Hearing N/A  
Close Envir. Hearing N/A  
ASLB Decision N/A  
Issuance of OL or CP N/A

Notes:

1. Pacing items - Acceptance review delayed due to applicant's 2-year postponement of plant and TMI-2 effort.
2. Slips
3. Fixes

Reactor Name Clinton 1/2  
Attorneys: Goddard/Olmstead  
Type of Case OL (Contested)  
Status 2nd Special Prehearing Conference to be scheduled  
March-April, 1981

Number of Contentions: 41

General Subject  
of Issues Full range of safety issues

Schedule

Date Schedule Est.

SER Date 10/82  
FES Date 3/82

Safety Hearing Start 2/83  
Envir. Hearing Start 2/83

Close Safety Hearing 4/83  
Close Envir. Hearing 4/83

ASLB Decision 7/83

Issuance of OL or CP 11/83

Notes:

1. Pacing items -
2. Slips
3. Fixes



<u>Reactor Name</u>	Comanche Peak Steam Electric Station, Units 1 and 2
<u>Attorneys:</u>	Marjorie Rothschild (Case Attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Contested OL
<u>Status</u>	Hearing still to come (it's in prehearing stage). Issues outstanding in Staff's review: Applicants' lack of ownership & control of mineral rights within proposed Exclusion Area and groundwater withdrawal as a result of plant operation  NRC offices involved: Burwell & Lehr and Argonne National Lab. (Environmental Review). Resources for safety review are not adequate (per Burwell)
<u>Number of Contentions:</u>	25 plus 3 "Board Questions" to be addressed by Staff and Applicants
<u>General Subject of Issues</u>	Applicants' technical and financial qualifications to operate facility; inadequacy and inapplicability of FSAR computer codes; hydrogen control in the containment; deficiencies in Applicants' construction QA/QC program and operating QA/QC; environmental impacts of operation; emergency planning; unresolved generic safety issues; design errors
<u>Schedule</u>	
Date Schedule Est.	10/31/80
SER Date	6/81 - SER Supplement-9/81
FES Date	8/81
Safety Hearing Start	3/27/82
Envir. Hearing Start	3/27/82
Close Safety Hearing	6/27/82
Close Envir. Hearing	6/27/82
ASLB Decision	10/1/82
Issuance of OL or CP	Earliest OL issuance date: 3/82. Latest OL issuance date: 8/83

Notes:

1. Pacing items - FES issuance date may slip because CPSES will be the first OL FES which is following proposed changes in 10 CFR Part 51. Safety review schedule may slip because of inadequate resources for review.
2. Slips None. Current schedule accounts for pacing items noted above.
3. Fixes Availability of additional resources for Staff's review.

<u>Reactor Name</u>	Diablo Canyon
<u>Attorneys:</u>	Olmstead
<u>Type of Case</u>	Operating License (with low power authorization)
<u>Status</u>	In hearing before Appeal Board and Licensing Board
<u>Number of Contentions:</u>	52
<u>General Subject of Issues</u>	Class 9, Emergency Planning, Hydrogen, TMI-related, Commission's Policy Statement, Security, Seismic
<u>Schedule</u>	
Date Schedule Est.	January 28, 1981
SER Date	August 1980 (low power supp.) June 1981 (full power supplement on TMI-related issues)
FES Date	1974
Safety Hearing Start	Low Power May 19, 1981, full power not yet scheduled
Envir. Hearing Start	Complete
Close Safety Hearing	Low power May 31, 1981, full power not yet scheduled but could occur in September 1981
Close Envir. Hearing	N/A hearings complete
ASLB Decision	OELD estimate is September 14, 1981 but board input has slipped the date to November 1981. Full power estimate by OELD is February 1983 if there is a contested hearing. Board input not yet received.
Issuance of OL or CP	Low Power OELD estimate was December 3, 1981. After Board input this date was slipped to February 1982. Full power OELD estimate is January 1982 if there is a contested hearing. Board input not yet received.

Notes:

1. Pacing items - Board determination on admissibility of TMI-related contentions pursuant to policy statement. SER issuance date for full power TMI-related issues. SER date was recently slipped
2. Slips See above discussion of Board input. SER has been slipped from March 1981 to June 1981 for supplement on TMI-related issues.
3. Fixes Summary Disposition. Board strict construction of showings required to reopen the record to consider TMI-related matters

Reactor Name Farley 2  
Attorneys: Daniel Swanson (Case Attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Uncontested OL  
Status No hearing; low power test license issued with ~~Amendment #2 authorizing low power testing expected during week of 2/9/81; Safety Evaluation for full power operation to be issued 2/20/81.~~  Matters to be covered are being addressed by NRR's Containment Systems Branch and I&E's Division of Emergency Preparedness, both of which have committed adequate manpower. L.Kintner (L<sup>PM</sup>) is coordinating. No holdups or delays are anticipated.  Issuance of full power OL expected in 3/81 after Preop. Inspection and Commission briefing.

Number of Contentions: None

General Subject of Issues N/A

Schedule

Date Schedule Est. N/A

SER Date See above re. full power SER  
FES Date N/A

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP 3/81

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Enrico Fermi 2  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Operating license  
Status Contested hearing; no hearing date scheduled by ASLB; work on DES is mostly complete; DES scheduled for publication in July 1981. Publication of SER contingent on Staff performance of safety evaluation of reactor systems, TMI-related submission due from Applicant, and numerous issues identified in Interim SER

Number of Contentions: 6

General Subject of Issue: Quality of construction, adequacy of radiation monitoring, evacuation, cost benefit analysis (Fuel Cycle)

Schedule

Date Schedule Est. ASLB Order ruling on contentions issued 3/79  
 SER Date Interim SER 9/77; SER 12/81  
 FES Date 12/81  
 Safety Hearing Start 8/82  
 Envir. Hearing Start 2/82  
 Close Safety Hearing 9/82  
 Close Envir. Hearing 4/82  
 ASLB Decision 1/83  
 Issuance of OL or CP 6/83

Notes:

1. Pacing items -
2. Slips
3. Fixes

*See LaSalle for SER*

*Fuel load date slip.*

Reactor Name Grand Gulf Units 1 and 2

Attorneys: Ketchen/Tourtellotte

Type of Case OL (Uncontested)

Status Pre SER and Pre DES

Number of Contentions: N/A

General Subject  
of Issues  
Schedule N/A

Date Schedule Est.

SER Date 4/81

FES Date 7/81

Safety Hearing Start N/A

Envir. Hearing Start N/A

Close Safety Hearing N/A

Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP 7/82

Notes:

1. Pacing items - SER

2. Slips

3. Fixes

Reactor Name Shearon Harris Units 1-4  
Attorneys: Barth/Olmstead  
Type of Case OL  
Status Application for OL submitted June 1980. Not yet  
noticed in the Federal Register.

Number of Contentions:

General Subject  
of Issues N/A  
Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name LaSalle 1 and 2  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Operating license  
Status Uncontested proceeding - no hearings  
Number of Contentions: None  
General Subject of Issues None  
Schedule  
 Date Schedule Est.  
 SER Date Draft is mostly complete; 60 open non-TMI items. Possible date - end of February 1981  
 FES Date 11/78  
 Safety Hearing Start N/A  
 Envir. Hearing Start N/A  
 Close Safety Hearing N/A  
 Close Envir. Hearing N/A  
 ASLB Decision N/A  
 Issuance of OL or CP June 1981

Notes:

1. Pacing items - SER awaiting completion of response to open items identified by Staff, to have been submitted in 12/80; still being negotiated with Applicant
2. Slips Several slips 1978-80 due to Applicant delay in responding to Staff questions
3. Fixes

50 non TMI } unresolved issues  
 slips TMI }  
 TMI 2 is in group.

1st BWR  
 same TMI  
 Man II Co



<u>Reactor Name</u>	McGuire
<u>Attorneys:</u>	Ketchen/Tourtellotte
<u>Type of Case</u>	OL
<u>Status</u>	Initial Decision issued in April 1979 but stayed due to consideration of generic items. Fuel load and zero power license issued in January 1981. Hearing on full power license in February-March 1981
<u>Number of Contentions:</u>	4
<u>General Subject of Issues Schedule</u>	Hydrogen generation/control
Date Schedule Est.	Memorandum and Order - November 25, 1980
SER Date	February 17, 1981
FES Date	N/A
Safety Hearing Start	February 24, 1981
Envir. Hearing Start	N/A
Close Safety Hearing	March 13, 1981
Close Envir. Hearing	N/A
ASLB Decision	5/81 (modified to 7/81 based on ASLB input)
Issuance of OL or CP	10/81 (earliest if no stay)
<u>Notes:</u>	
1. Pacing items -	Submission of necessary data by applicant to permit completion of staff review
2. Slips	Hearing
3. Fixes	

Reactor Name Midland 1 & 2 (OL)  
Attorneys: Paton/Olmstead  
Type of Case Contested O.L.  
Status Staff review of FSAR and ER has been suspended since March 1979 (except for the safety review of the soil settlement matter)

Number of Contentions: 30

General Subject of Issues Schedule Generic safety issues and TMI issues

Date Schedule Est.

SER Date July, 1982  
FES Date April, 1982

Safety Hearing Start December, 1982  
Envir. Hearing Start December, 1982

Close Safety Hearing April, 1983  
Close Envir. Hearing April, 1983

ASLB Decision July, 1983

Issuance of OL or CP October, 1983 (OL)

Notes:

1. Pacing items - Technical Staff Resources
2. Slips
3. Fixes

Reactor Name Midland 1 & 2. [This proceeding involves only the December, 1979 Order Modifying Construction Permits].

Attorneys: Paton/Olmstead

Type of Case Contested (Consumers v. Staff) proceeding - arising from Order Modifying Construction Permits issued December 1979.

Status Now in discovery period.

Number of Contentions: Eight Intervenor Contentions and Issues between Consumers and Staff involving QA, safety issues involving soil placement, and material false statement.

General Subject of Issues Schedule Improper placement and compaction of plant fill.

Date Schedule Est.

SER Date No "SER" but Staff testimony will be mailed May 18, 1981.

FES Date N/A

Safety Hearing Start June 16, 1981

Envir. Hearing Start N/A

Close Safety Hearing September 18, 1981

Close Envir. Hearing N/A

ASLB Decision January 1982

Issuance of OL or CP Amendment February, 1982 (CP)

Notes:

1. Pacing items - Consumers and the Staff need 3½ months to prepare direct evidence.

2. Slips

3. Fixes

Reactor Name Palo Verde 1, 2, 3

Attorneys: McGurren/Reis

Type of Case OL Contested

Status Pre-discovery

Number of Contentions: The special prehearing conference was held 12/2/80. The Board has not yet ruled on the specific contentions. It is estimated that 10 issues will be identified.

General Subject of Issues Both environmental and safety, including sufficiency of water supply, construction deficiencies and compliance with Appendix I.

Schedule

Date Schedule Est. Issues not yet identified by Board.

SER Date 7/82  
FES Date 12/81

Safety Hearing Start 8/82  
Envir. Hearing Start 1/82

Close Safety Hearing 9/82  
Close Envir. Hearing 3/82

ASLB Decision 3/83

Issuance of OL or CP 5/83

Notes:

1. Pacing items - N/A
2. Slips N/A
3. Fixes N/A

Reactor Name Perry  
Attorneys: Barth/Olmstead  
Type of Case OL  
Status Docket 1/81, not yet noticed. Future status unknown at this time.

<u>Reactor Name</u>	Salem 2
<u>Attorneys:</u>	Moore/Olmstead
<u>Type of Case</u>	OL (uncontested)
<u>Status</u>	Low Power License issued by Commission 4/80. Full Power awaiting completion of open items.
<u>Number of Contentions:</u>	None
<u>General Subject of Issues</u>	N/A
<u>Schedule</u>	
Date Schedule Est.	
SER Date	1974 Supp. 5 expected May 1981
FES Date	April 1973
Safety Hearing Start	N/A (Proceeding terminated before hearings commenced)
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	OL expected May 1981 (Full power).

Notes:

1. Pacing items - FEMA Emergency Plan evaluation
2. Slips Full power license originally expected to issue Sept. 1980.
3. Fixes

Reactor Name San Onofre Nuclear Generating Station, Units 2 and 3  
Attorneys: Chandler/Tourtellotte  
Type of Case OL  
Status Discovery in progress -- to terminate February 20, 1981 on geology/seismology except for new information based on ACRS report, and on emergency planning except for city of San Clemente plan

Number of Contentions: 4

General Subject of Issues Schedule Geology/Seismology and Emergency planning

Date Schedule Est. Memorandum and Order -- January 27, 1978

SER Date 12/31/80 on geology/seismology, SER supplement 4/81 (modified to 5/81)

FES Date 4/30/81

Safety Hearing Start 6/15/81 (modified to 7/81)

Envir. Hearing Start None

Close Safety Hearing 7/10/81 (stricken but no modified date provided)

Close Envir. Hearing None

ASLB Decision 10/14/81 (modified to 1/82)

Issuance of OL or CP 1/17/82 (modified to 4/82)

Notes:

1. Pacing items - Past scheduling was impacted by TMI "pause" and need for USGS review of very complex geology/seismology considerations.

2. Slips Future potential scheduling impacts may result from need for FEMA review of emergency planning and state of California emergency plan delays.

3. Fixes NRR and OELD interaction with FEMA (and perhaps, state) could be beneficial

Reactor Name

Sequoyah 2

Attorneys:

McGurren/Reis

Type of Case

OL (no contest).

Status

Full Power License issued by Commission for Unit 1 in September 80. Staff review for Unit 2 not yet complete, to cover TMI items, environmental qualifications, etc. Expect completion by July 1981.



Reactor Name Shoreham  
Attorneys: Bordenick/Reis  
Type of Case Contested OL  
Status Hearing still to come. Informal discovery and negotiation on contentions underway with Intervenors.  
Number of Contentions: Presently 95 (stared with 207). Anticipated at time of hearing 30.

General Subject of Issues Mark II, containment, QA, Generic Issues, Security and Emergency Plans.

Schedule

Date Schedule Est.

SER Date March 1981  
FES Date Already issued, out, 1977

Safety Hearing Start January 1982  
Envir. Hearing Start N/A (disposed of through summary disposition).

Close Safety Hearing May 1982  
Close Envir. Hearing N/A

ASLB Decision July 1982

Issuance of OL or CP October 1982

Notes:

1. Pacing items - (1) Mark II containment; (2) TMI requirements. (1) Design criteria under development; (2) generic delay.
2. Slips
3. Fixes

Reactor Name South Texas  
Attorneys: Gutierrez/Bordenick/Anderson/Reis  
Type of Case Contested Operating Licensing proceedings; including, expedited hearing on QA/QC issues, as well as, management competence and character.  
Status Expedited hearing scheduled to begin 5/81.  
Number of Contentions: Eight contentions, as well as, five issues identified in Board order of 12/2/80 relative to expedited hearing.  
General Subject of Issues

- QA and Management Qualifications
- Overpressure on Reactor Pressure Vessel
- Inadequate water supply
- Underdesign for wind loadings
- Emergency plans
- Radionuclide bioaccumulation & deposition

Schedule

Date Schedule Est.

SER Date 11/82 (expedited issues 2/15/81)  
FES Date 9/82

Safety Hearing Start 5/81 (expedited issues)  
Envir. Hearing Start 11/82-1/83

Close Safety Hearing 5/83 (balance)  
Close Envir. Hearing 3/83

ASLB Decision 7/83

Issuance of OL or CP OL - 9/83

Notes:

1. Pacing items - Due to staff commitment to TMI, approximately 1 month delay in SER input from the management branch.
2. Slips Completion of management qualifications for SER input delayed from 2/15/81 to 3/15/81.
3. Fixes

NRC Staff Personnel involved: D. Sells (Project Manager); F.R. Allenspach, L. P. Crocker (Division of Human Factors Safety); Region IV, I&E.

Reactor Name St. Lucie 2  
Attorneys: Paton/Olmstead  
Type of Case O.L.  
Status NRR expects to issue Notice of Receipt of O.L. application and opportunity for hearing within the next 2 weeks.  
Number of Contentions: N/A  
General Subject of Issues Schedule N/A  
 Date Schedule Est.  
 SER Date February, 1983  
 FES Date December, 1981  
 Safety Hearing Start June 1983  
 Envir. Hearing Start June 1983  
 Close Safety Hearing August 1983  
 Close Envir. Hearing August 1983  
 ASLB Decision December 1983 (Blue Book says Oct. 1983 but they didn't leave enough time for findings, etc.)  
 Issuance of OL or CP February, 1984 (OL)

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Summer
<u>Type of Case</u>	Operating License
<u>Status</u>	Prehearing
<u>Number of Contentions:</u>	Six (6)
<u>General Subject of Issues</u>	ATWS, Emergency Planning, Seismicity, Quality Control, Decommissioning Costs, Quality Control, Health Effects
<u>Schedule</u>	
Date Schedule Est.	April 22, 1981
SER Date	February 1981
FES Date	February 1981
Safety Hearing Start	July 1981
Envir. Hearing Start	July 1981
Close Safety Hearing	August 1981
Close Envir. Hearing	August 1981
ASLB Decision	OELD estimate 12/81, change to 3/82 based on ASLB input
Issuance of OL or CP	OELD estimate 3/82, changed to 6/82, based on ASLB input

Notes:

1. Pacing items - Completion of FEMA review of emergency planning. Open items in Licensee emergency plan, ACRS Review
2. Slips  
First case to consider accidents following new NRC position on Class 9 accidents. Expanded emergency planning requirements, introduction of TMI-requirements, complex seismic review (differing professional opinion within technical staff).
3. Fixes  
Expedite FEMA process or proceed to hearing in advance of FEMA findings leaving the record open until the completion of the FEMA review; summary disposition; limit further discovery; expedite initial decision (now estimated at 5 months after the close of the hearing).

Reactor Name                      Susquehanna 1 and 2  
Attorneys:                        Cutchin/Laverty/Tourtellotte  
Type of Case                      Operating License  
Status                              Discovery and summary disposition underway; hearing to  
  commence Fall 1981

Number of Contentions:    19

General Subject  
of Issues                        Health effects, uranium supply, need for power,  
  evacuation, unresolved generic safety issues,  
  decommissioning, capacity factors, Class 9

Schedule

Date Schedule Est.            3/6/79  
SER Date                        4/30/81  
FES Date                        4/30/81  
Safety Hearing Start            2/82  
Envir. Hearing Start            10/81  
Close Safety Hearing            4/82  
Close Envir. Hearing            1/82  
ASLB Decision                 4/82 (modified to 8/82)  
Issuance of OL or CP         6/82 (modified to 11/82)

Notes:

1. Pacing items -            Completion of Staff's review of application determines  
                                  earliest possible hearing start. Construction  
                                  completion of unit 1 currently estimated 3/82 by Staff  
                                  (7/81 by Applicant).
2. Slips
3. Fixes

<u>Reactor Name</u>	WPPSS 2
<u>Attorneys:</u>	Paton/Olmstead
<u>Type of Case</u>	Uncontested O.L.
<u>Status</u>	In March, 1979 the Licensing Board denied all petitions to Intervene. No appeal was taken.
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues Schedule</u>	N/A
<u>Date Schedule Est.</u>	
SER Date	March, 1982
FES Date	December, 1981
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	July, 1982 (OL)
<u>Notes:</u>	
1. Pacing items -	Seismic requirements may be changed
2. Slips	strikes, low worker productivity, stop work orders Region V, significant QA/QC failures
3. Fixes	

Reactor Name Waterford 3

ATTORNEYS J.R. Gray (Case Attorney); S.A. Treby (Hearing Branch Chief)

Type of Case Contested OL

Status Hearing Still to Come; Application undergoing Staff safety & environmental review involving NRR's Divisions of Engineering, Systems Integration, Human Factors Safety and Safety Technology. S. Keblusek (LPM) is coordinating. No holdups along critical path are anticipated. Previously, manpower commitment from Instrumentation & Control Systems Branch was inadequate but this has been corrected and resource commitments now appear to be adequate.

Number of Contentions: 29

General Subject of Issues Need for Power, exclusion area control, emergency planning, Accident analysis, site flooding, quality assurance, fuel element assembly guide tube wear, solid waste process controls, TMI-related issues on instrumentation, radiation monitoring

Schedule

Date Schedule Est.	Orders admitting contentions: 9/12/79, 1/11/80
SER Date	7/1/81
FES Date	8/8/81
Safety Hearing Start	6/10/82
Envir. Hearing Start	11/9/82
Close Safety Hearing	8/5/82
Close Envir. Hearing	1/8/81
ASLB Decision	1/83
Issuance of OL or CP	4/83

*Follow up on Sam O'neill  
get copy of S.O. SER.  
Argonne - DES out march.*

Notes:

1. Pacing items - Per stipulations entered by parties and approved by ASLB, intervenors may raise additional safety and environmental contentions after issuance of SER and DES. Following admission of such additional contentions, a set period of discovery has been stipulated. This has resulted in a projected schedule slightly longer than usual.
2. Slips None. Current schedule accounts for pacing items noted above.
3. Fixes Decision by intervenors to not raise additional contentions after issuance of SER and DES could result in savings of between two to three months in start of hearing and ultimate issuance of OL.



Reactor Name Watts Bar  
Attorneys: Ketchen/Tourtellotte  
Type of Case OL (Uncontested)

Status

Number of Contentions: N/A

General Subject of Issues N/A

Schedule

Date Schedule Est.

SER Date 7/81  
FES Date 12/78

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP 08/82

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Wolf Creek  
Attorneys: Karman/Olmstead  
Type of Case OL  
Status Notic of opportunity published Dec. 1980. Intervention  
Petitions being answered.  
Number of Contentions: Too early.  
General Subject  
of Issues Too early

Schedule

Date Schedule Est. None  
SER Date 3/83 SER SUPP 5/83  
FES Date 12/82  
Safety Hearing Start 7/83  
Envir. Hearing Start 7/83  
Close Safety Hearing Undetermined  
Close Envir. Hearing  
ASLB Decision Undetermined  
Issuance of OL or CP Undetermined

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Zimmer

Attorneys: Barth/Olmstead

Type of Case O.L. (contested)

Status Hearings started in 1979, suspended pending TMI. Expected to be resumed fall 1981.

Number of Contentions: 37

General Subject of Issues Not financially or technically qualified. Emergency plans are inadequate, radiological monitoring inadequate, TMI issues.

Schedule

Date Schedule Est.

SER Date 2/79. SER Supp Expected June 1981  
FES Date 6/77

Safety Hearing Start OELD estimate 8/81, changed to 10/81 based on ASLB input  
Envir. Hearing Start May 21, 1979

Close Safety Hearing OELD estimate 9/81, changed to unscheduled based on ASLB input.  
Close Envir. Hearing

ASLB Decision OELD estimate 12/81, changed to 4/82, based on ASLB input

Issuance of OL or CP OELD estimate 3/82 (earliest), changed to 7/82 (earliest), based on ASLB input.

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Allens Creek, Unit 1
<u>Attorneys:</u>	Black/McGurren/Reis
<u>Type of Case</u>	CP contested
<u>Status</u>	In hearing. After PID on site suitability in 1975, applicant dropped from 2 units to 1 unit. Renoticed on
<u>Number of Contentions:</u>	90 multifaceted issues change. Presently in hearing on most issues. TMI issues still to be determined.
<u>General Subject of Issues</u>	Key issues include: Emergency Planning, Financial Qualifications, Gas pipeline rupture, ATWS, ECCS, construction deficiencies.
<u>Schedule</u>	
Date Schedule Est.	March 1980
SER Date	10/74 (last Supp. 3/79)
FES Date	Original 1974; Final Supp. August 1978; Draft Supp. #2 December 1980
Safety Hearing Start	Combined hearing start 1/12/81
Envir. Hearing Start	
Close Safety Hearing	Close of hearing October 1981
Close Envir. Hearing	
ASLB Decision	January 1982
Issuance of OL or CP	CP - March 1982
<u>Notes:</u>	
1. Pacing items -	TMI issues and near term CP requirements (Standard Review Plan Deviations proposed rule). These items are pending action before the Commission.
2. Slips	
3. Fixes	

<u>Reactor Name</u>	Black Fox 1 & 2
<u>Attorneys:</u>	Paton/Olmstead
<u>Type of Case</u>	Contested C.P.
<u>Status</u>	Environmental hearings completed June 1978. Safety hearings completed February 1979, But intervenors motion to reopen on TMI-2 issues is awaiting staff issuance of SER supplement addressing those issues.
<u>Number of Contentions:</u>	Has not been determined.
<u>General Subject of Issues Schedule</u>	TMI issues for near-term C.P.
<u>Date Schedule Est.</u>	
SER Date	Safety hearing completed February 1979. Assumption is that the SER supplement re TMI requirements will issue in August, 1981.
FES Date	Decision on environmental matters affirmed December, 1979 (ALAB-573).
Safety Hearing Start	October, 1981
Envir. Hearing Start	N/A
Close Safety Hearing	November, 1981
Close Envir. Hearing	N/A
ASLB Decision	February, 1982
Issuance of OL or CP	May, 1982 (CP)
<u>Notes:</u>	
1. Pacing items -	Preparation of Staff SER Supp. containing TMI requirements for near term C.P.'s are under Commission consideration.
2. Slips	See pacing items.
3. Fixes	Assumption is that the Commission determines TMI requirements for near term C.P.'s in March.

Reactor Name Pebble Springs  
Attorneys: Bordenick/Reis  
Type of Case Contested CP  
Status Hearing still to come on certain aspects of environmental and site suitability portion - record closed and findings (Applicant and Staff) filed on majority of those issues - health and safety review has been suspended because of Applicant's deferral of project to "1990's."

Number of Contentions: Hearing still to come on three issues.

General Subject of Issues Schedule Alternative sites, Appendix I, S-3

Date Schedule Est.

SER Date (Final Supp. deferred) (TMI requirements)  
FES Date Already issued

Safety Hearing Start (deferred)  
Envir. Hearing Start Approx. 7/1/81

Close Safety Hearing (deferred)  
Close Envir. Hearing Approx. 7/15/81

ASLB Decision PID, mid-April (matters where record is closed).

Issuance of OL or CP Deferred

Notes:

1. Pacing items - (As to health and safety) TMI issues. Action on these items pending before Commission.
2. Slips Applicant may move site to Hanford.
3. Fixes

LPM coordinating schedules and preparation of testimony by ANL (alt. sites) and NRR.

Reactor Name Perkins, Units 1-3. STN 50-488/489/490.  
Attorneys: Barth/Olmstead  
Type of Case CP  
Status Need hearings on TMI issues. Before Appeal Board on issue of alternative site and radon. The facility has been indefinitely deferred by Duke Power Co.

Number of Contentions: There were 6 initially.

General Subject of Issues Facility not needed, water not available for the facility.

Schedule

Date Schedule Est.

SER Date 3/77. Supp. 7/77.  
FES Date 10/75

Safety Hearing Start April 5, 1976  
Envir. Hearing Start April 5, 1976

Close Safety Hearing February 2, 1979  
Close Envir. Hearing February 2, 1979

ASLB Decision Not yet issued on Generic Safety issues.

Issuance of CP Not projected.

Notes:

1. Pacing items - Appeal Board decision on Radon probably would not affect CP issuance. Principal open items relate to TMI requirements. Action on these items is pending before the Commission.

2. Slips

3. Fixes

Reactor Name

Pilgrim 2

Attorneys:

Coddard/Olmstead

Type of Case

CP

Status

PID issued 2/81; 2 open items

Number of Contentions:

1 E/Plan

General Subject  
of Issues

(1) TMI-2 issues; (2) E/Plan (3) TMI requirements for  
near-term CPs.

Schedule

Date Schedule Est.

SER Date

FES Date

Safety Hearing Start

Envir. Hearing Start

Close Safety Hearing

Close Envir. Hearing

Late 1981

ASLB Decision

Late 81 - early 82

Issuance of CP

Early 82 (CP)

Notes:

1. Pacing items -

TMI requirements. Action on these items pending  
before the Commission.

2. Slips

3. Fixes



Reactor Name Skagit  
Attorneys: Black/Reis  
Type of Case CP  
Status Applicant to amend CP to change proposed site.  
Proceeding has been concluded as to Skagit site after  
full litigation, because of local vote precluding use  
of Skagit site.

Number of Contentions: N/A

General Subject  
of Issues  
Schedule N/A

Date Schedule Est. Awaiting ER-PSAR Amendments (late 1981)

SER Date  
FES Date

Safety Hearing Start All schedules to be set.  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Offshore Power Systems
<u>Attorneys:</u>	Black/McGurren/Reis
<u>Type of Case</u>	Manufacturing license proceeding
<u>Status</u>	In hearing. All of the contested issues have been litigated. The record has not been closed because the Final Supplement to the SER which will deal primarily with TMI issues, has not been published.
<u>Number of Contentions:</u>	No remaining contentions to litigate at present.
<u>General Subject of Issues Schedule</u>	N/A
Date Schedule Est.	
SER Date	SER Supp. will be published in 1981
FES Date	FES Part 3 1978
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	Combined hearing not yet closed
Close Envir. Hearing	
ASLB Decision	late 1981
Issuance of OL or CP	Issuance of a manufacturing license late 1981.
<u>Notes:</u>	
1. Pacing items -	TMI requirements. Action on these items pending before the Commission.
2. Slips	
3. Fixes	

- ✓ 1. Bellefonte 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.
- ✓ 2. Braidwood 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since last review.
- ✓ 3. Byron 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 4. Callaway 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 5. Catawba 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 6. Clinton 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
7. Comanche Peak 1 & 2: Significant change determination made by the Commission, antitrust proceeding in progress, proposed settlement reached by all the parties and submitted to the ASLB for approval.

8. Diablo Canyon 1 & 2: Antitrust Review not required (Sec. 104 b license).
9. Farley 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.
10. Fermi 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
11. Grand Gulf 1 & 2: Presently being reviewed to see whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
12. Harris 1,2,3 & 4: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
13. LaSalle 1 & 2: OL antitrust review is complete.
- ✓ 14. McGuire 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 15. Midland 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.

16. Palo Verde 1,2 & 3: Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
17. Perry 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
18. Salem 2: OL Antitrust Review not required (Sec. 104b license).
- ✓ 19. San Onofre 2 & 3: Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
20. Sequoyah 2: Not subject to antitrust review. (Sec. 104b license).
21. Shoreham: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
22. South Texas 1 & 2: Significant change determination made by the Commission. Proceeding in progress. Settlement submitted to the ASLB for its approval although one party (Brownsville) has not become a party to the settlement and is still requesting a hearing.
- ✓ 23. St. Lucie 2: Post C.P. antitrust proceeding presently underway. The Department of Justice and the staff have reached a settlement with the licensee and have submitted

it to the ASLB for approval. The intervenor (a group of cities) has not agreed to the settlement and has requested a hearing.

- ✓ 24. Summer: Request for a significant change determination pending with the Commission.
- 25. Susquehanna 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 26. WPPS 2: OL antitrust review completed.
- 27. Waterford 3: Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
- 28. Watts Bar 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 29. Wolf Creek: Presently being reviewed to determine whether significant changes have occurred since the last review.
- 30. Zimmer: Presently being reviewed to determine whether significant changes have occurred since the last review.

Construction Permits

- 31. Allen's Creek 1
- 32. Black Fox 1 & 2
- 33. Pebble Springs 1 & 2
- 34. Perkins 1,2, & 3
- 35. Pilgrim 2
- 36. Skagit 1 & 2

Antitrust review completed

- 37. Floating Nuclear 1-8

No antitrust review required. Matter exempt from Section 105c by Commission determination and the agreement of the Department of Justice.

TABLE OF CONTENTS

<u>FACILITY</u>	<u>START HEARING</u>	<u>ASLB DECISION</u>	<u>EST. ISSUANCE DATE</u>	<u>TAB</u>
COMANCHE PEAK 1	3/82	10/82	12/82	B
DIABLO CANYON 1 & 2	6 5/81	11 9/81	5/82 12/81	C
ENRICO FERMI 2	8/82	11 11/82	4 2/83	D
FARLEY 2	N/A	N/A	3/81	A
GRAND GULF 1	N/A	N/A	7/82	A
LASALLE 1 & 2	N/A	N/A	6/82	A
McGUIRE 1 & 2	6/81	10/81	1/82	E
SAN ONOFRE 2 & 3	6/81	10/81	1/82	F
SEQUOYAH 2	N/A	N/A	7/81	A
SHOREHAM	1 9/81	7 2/82	10 5/82	G
SUMMER	7/81	12 1/81	3/82	H
SUSQUEHANNA 1	1 9/81	4/82	7/82	I
WPPS 2	N/A	N/A	7/82	A
WATERFORD 3	6/82	11/82	2/83	J
WATTS BAR 1	N/A	N/A	8/82	A
ZIMMER	10 8/81	2 12/81	5 7/82	K



COMMENCE PEAK OL HEARING - PROJECTED SCHEDULE

1.	SER issued	6/81	
	FES issued	7/81	
	SER Supplement issued	9/81	
2.	Discovery concluded	10/1/81	
3.	Second prehearing conference to rule on issues	12/1/81	
4.	Board Order setting hearing	1/5/82	
5.	Objections to Order from parties	1/15/82	
6.	Staff objections to Order	1/20/82	
7.	Final Board Order	2/5/82	
8.	Motions for Summary Disposition on due	2/10/82	
9.	Testimony filed	3/12/82	
10.	Responses to Summ. Disp. motions	3/17/82	
11.	Board ruling on Summ. Disp.	3/26/82	
12.	Hearing Commences	<u>3/27/82</u>	
13.	Record closes	6/27/82	
14.	Applicants' Proposed Findings due	7/17/82	
15.	Parties' Proposed Findings due	7/27/82	
16.	Staff Proposed Findings due	8/7/82	
17.	Applicants' reply findings due	8/22/82	
18.	Initial decision	<u>10/1/82</u>	11/82
19.	Exceptions on Appeal and/or Motions for stay	10/16/82	
20.	Responses to Stay Request	10/31/82	
21.	Appellants' Brief on Appeal	11/15/82	
22.	Appeal Board decision on stay motion	11/30/82	
23.	Commission decision on stay motion	<u>12/20/82</u>	2/83

- |         |   |                     |         |
|---------|---|---------------------|---------|
| *** 24. | Earliest date for issuing operating license if no stay of initial decision                    | <del>12/29/82</del> | 3/82    |
| 25.     | Response briefs on Appeal due   | 12/20/82            |         |
| 26.     | Staff response on Appeal due  | 12/31/82            |         |
| 27.     | Oral argument on Appeal   | 1/30/83             |         |
| 28.     | Appeal Board decision   | 3/5/83              |         |
| 29.     | Petitions for Commission review   | 3/25/83             |         |
| 30.     | Responses to petition for review  | 4/9/83              |         |
| 31.     | Commission decision on whether to review  | 4/24/83             |         |
| *** 32. | If no review by Commission but a stay was issued - earliest issuance of operating license is: |                     | 4/25/83 |
| 33.     | If Commission review is undertaken, briefing schedule is as follows:                          |                     |         |
| 34.     | Briefs on issues designated by Commission   | 5/29/83             |         |
| 35.     | Decision by Commission if no argument is scheduled  | 7/3/83              |         |
| 36.     | Decision by Commission if argument scheduled  | 8/3/83              |         |
| *** 37. | Earliest issuance of OL where stay is granted and Commission review issues                    | 7/4/83              |         |
|         | If argument scheduled:  | 8/4/83              |         |

Diablo Canyon Scheduling Considerations  
for Low Power Test Authorization

- |   |                                |
|---|--------------------------------|
| 1. Prehearing Conference  | January 28                     |
| 2. Prehearing Conference Order  | February 13                    |
| 3. (Staff SER on full power scheduled for issuance)   | March 31                       |
| 4. Discovery Completed  | April 10                       |
| Discovery opened<br>(minimum time - 10 days following service of<br>interrogatories (5 days) to file; 14 days<br>following service (5 days) to respond = 34 days) | April 10                       |
| 5. Motions for Summary Disposition due by March 2<br>followed by 45 days to earliest hearing - (Response<br>due by March 27, 1980)                                | April 26, 1981                 |
| 6. Hearing on Contentions (if required)   | May 4 - 29, 1981               |
| 7. Record closes  | May 29, 1981                   |
| 8. Applicant's Findings due   | June 18, 1981                  |
| 9. Joint Intervenors' - Governors' findings due   | June 29, 1981                  |
| 10. Staff findings due  | July 9, 1981                   |
| 11. Applicant's reply findings  | July 20, 1981                  |
| 12. <u>Licensing Board decision</u>   | September 14, 1981<br>November |
| 13. Exceptions to Initial Decision due and Stay request<br>due  | September 29, 1981             |
| 14. Responses to Stay request due   | October 14, 1981               |
| 15. Brief on Appeal due from appellant  | October 29, 1981               |
| 16. Appeal Board decision on whether Initial Decision<br>should be stayed   | November 13, 1981              |

The following cases are uncontested. No intervention has been granted and no further licensing hearings are required.

1. Farley 2
2. Grand Gulf 1
3. Lasalle ; & 2
4. Sequoyah 2
5. WPPS 2
6. Watts Bar 1

- |  |   |
|--|---|
| 17. Commission decision on whether Initial Decision should be stayed   | December 3, 1981                        |
| ***18. Estimated date for issuing low power test authorization if no stay of initial decision                              | <del>December 3, 1981</del><br>Feb / 82 |
| 19. Response briefs on Appeal due  | December 3, 1981                        |
| 20. Staff response on Appeal due   | December 14, 1981                       |
| 21. Oral argument on Appeal  | January 14, 1982                        |
| 22. Appeal Board decision  | February 19, 1982                       |
| 23. Petitions for Commission Review  | March 11, 1982                          |
| 24. Responses to petition for review   | April 5, 1982                           |
| 25. Commission decision on whether to review   | April 20, 1982                          |
| ***26. If no review by Commission but a stay was issued estimated low power authorization is:                              | April 20, 1982                          |
| 27. If Commission review is undertaken briefing schedule as follows:   |   |
| 28. Briefs on issues designated by Commission  | May 20, 1982                            |
| 29. Decision by Commission if no argument is scheduled   | June 14, 1982                           |
| 30. Decision by Commission if argument scheduled   | July 14, 1982                           |
| ***31. Estimated low power test authorization where stay is granted and Commission review ensues<br>If argument scheduled: | June 14, 1982<br>July 14, 1982          |

T. 1000

FERMI 2

1. DES issued 8/91
2. SER issued 12/81
3. FES issued 12/81
4. ACRS letter issued 1/82
5. Second Prehearing Conference to establish schedule for further action in case 1/92
6. Board Order setting schedule 2/82
7. SER Supplement issued 3/82
8. Motions for summary disposition 4/82
9. Responses to motions for summary disposition 5/82
10. Prehearing conference to rule on summary disposition motions, set issues for hearing 6/82
11. File written testimony 7/82
12. Commence Hearing 9/82
13. Complete hearing 9/8/82
14. Applicant's proposed findings 9/29/82
15. Intervenors' proposed findings 10/7/82
16. Staff proposed findings 10/17/82
17. Initial Decision and authorization of OL issuance 11/10/82 3/83
18. Exceptions on appeal and/or motion for stay of ID 11/25/82
19. Responses to stay of ID 12/10/82
20. Appellant's brief on appeal of ID 12/24/82
21. Appeal board decision on request for stay 1/10/83
22. Appellees' brief on appeal of ID 1/29/83

	23. Commission decision on stay motion on ID	1/10/83	
	24. Staff brief on appeal of ID	2/5/83	
***	25. Earliest date for OL issuance if no stay of ID	<del>2/27/83</del>	6/83
	26. Oral argument on appeal of ID	3/1/83	
	27. Appeal board decision	4/12/83	
	28. Petition for Commission review	5/3/83	
	29. Responses to Petition for Commission review	5/17/83	
	30. Commission Decision on whether to review	6/2/83	
***	31. Earliest date for OL issuance if no Commission review of ID but stay had been granted	6/3/83	
	32. If Commission review of ID undertaken, brief on issues designated by Commission	7/7/83	
	33. Decision by Commission on ID if no oral argument	8/1/83	
***	34. Earliest date for OL issuance where stay granted, Commission reviews ID without oral argument	9/2/83	
	35. Decision by Commission on ID if oral argument held	9/1/83	
***	36. Earliest date for OL issuance if stay granted, Commission reviews ID with oral argument	9/2/83	

McGuire Unit 1 Scheduling Consideration for Operating License

- |         |  |                              |
|---------|--|------------------------------|
| * 1.    | Carolina Environmental Study Group (CESG) Brief in Support of Motion to Add Contention 5 (Class 9 Accidents) and Contention 6 (Emergency Planning) to the Reopened McGuire Operating License Hearings. | 1/21/81                      |
| * 2.    | Duke Power Company (DPC) and NRC Staff Communication to ASLB Whether Either DPC or the NRC Staff will file a response to CESG Brief on proposed CESG Contentions 5 and 6.                              | 1/21/81                      |
| * 3.    | NRC Staff Brief (optional) in response to CESG Brief on Contentions 5 and 6 due  | <del>1/28/81</del><br>2/2/81 |
| * 4.    | DPC Brief (optional) in response to CESG Brief on Contentions 5 and 6 due  | <del>1/28/81</del>           |
| ** 5.   | CESG Testimony on CESG Contentions 1-4 due   | 1/26/81                      |
| ** 6.   | DPC Testimony on CESG Contentions 1-4 due  | 1/26/81                      |
| ** 7.   | NRC Staff Testimony on CESG Contentions 1-4 due  | 2/2/81                       |
| 8.      | McGuire Reopened Operating License Hearing; Record closes  | 2/9/81 -<br>2/20/81          |
| 9.      | DPC's Proposed Findings on CESG's Contentions 1-4  | 3/12/81                      |
| 10.     | CESG's Proposed Findings on CESG's Contentions 1-4   | 3/23/81                      |
| 11.     | NRC Staff's Proposed Findings on CESG's Contentions 1-4  | 4/2/81                       |
| 12.     | DPC's reply findings due   | 4/17/81                      |
| *** 13. | Supplemental Initial Decision on CESG Contentions 1-4  | <del>5/27/81</del> 7/8       |
| 13A.    | Exceptions on Appeal and/or Motions for Stay of Initial Decision (April 1979) and Supplemental Initial Decision with respect to contentions 1-4 (1980)   | 6/11/81                      |
| 13B.    | Responses to stay request  | 6/26/81                      |
| 13C.    | Appellant's Brief on Appeal  | 7/16/81                      |
| 13D.    | Appeal Board Decision on Stay Motion   | 7/27/81                      |
| 13E.    | Commission Decision on Stay Motion   | 8/17/81                      |
| *       | For parallel procedure on proposed Contentions 5 and 6 see Item 14.  | 10/81                        |
| **      | The ASLB has not scheduled a hearing or approved DPC's proposed schedule for filing written testimony, although this schedule was requested by Duke Power by letter of December 19, 1980.              |                              |
| ***     | If the ASLB does not admit CESG proposed contentions 5 and 6, the estimated schedule according to 10 CFR Part 2 times would follow the one shown in Items 13-13P.                                      |                              |



13F.	Response briefs on Appeal due	8/20/81
13G.	Staff response on Appeal due (if applicable)	8/31/81
13H.	Oral argument on Appeal	9/30/81
13I.	Appeal Board decision	10/30/81
13K.	Responses to petition for review	12/4/81
13L.	Commission decision on whether to review	12/21/81
13M.	If no review by Commission but a stay was issued earliest authorization is	12/22/81
	If Commission review is undertaken briefing schedule as follows	
13N.	Briefs on issues designated by Commission	1/21/82
13O.	Decision by Commission if no argument is scheduled	2/22/82
13P.	Decision by Commission if argument scheduled	3/24/82
**** 14.	ASLB ruling and order on CESG proposed contentions 5 (Class 9 Accidents) and 6 (Emergency Planning) and Opening discovery	2/27/81
15.	Discovery concluded (30 days)	3/19/81
16.	Prehearing Conference to rule on issues (10 days)	3/30/81
17.	Objections to Order from parties (10 days)	4/9/81
18.	Staff Objections to Order (10 days)	4/20/81
19.	Final Order (15 days)	5/5/81
20.	Motions for Summary Disposition due (45 days before hearing)	5/11/81
21.	Testimony filed	6/10/81
22.	Responses to Motion for Summary Disposition due	6/15/81
23.	Board Ruling on Motions for Summary Disposition	6/24/81
24.	Hearing commences (2 weeks)	6/25/81

\*\*\*\* Items 14 and following assume that the ASLB grants the CESG motion to add Contentions 5 and 6 to the reopened McGuire proceedings.

- |  |      |                     |
|--|------|---------------------|
| 25. Hearing closes   |      | 7/9/81              |
| 26. DPC Proposed Findings due  |      | 7/27/81             |
| 27. CESH Proposed Findings due   |      | 8/6/81              |
| 28. NRC Staff Proposed Findings due  |      | 8/17/81             |
| 29. DPC's Reply Findings due   |      | 9/1/81              |
| 30. Supplemental Initial Decision on CESH's Proposed Contentions 5 and 6   | 12/8 | <del>10/12/81</del> |
| 31. Exceptions on Appeal and/or Motions for Stay of Initial Decision (April 1979), Supplemental Initial Decision with respect to contentions 1-4 (1980) and Supplemental Initial Decision with respect to Contentions 5 & 6 (1980) |      | 10/27/81            |
| 32. Responses to Stay Request  |      | 11/12/81            |
| 33. Appellant's Brief on Appeal  |      | 12/1/81             |
| 34. Appeal Board Decision on Stay Motion   |      | 12/17/81            |
| 35. Commission Decision on Stay Motion   | 3/82 | <del>12/31/81</del> |
| 36. Response briefs on Appeal due  |      | 1/5/82              |
| 37. Staff response on Appeal due   |      | 1/15/82             |
| 38. Oral argument on Appeal  |      | 2/15/82             |
| 39. Appeal Board decision  |      | 3/19/82             |
| 40. Petitions for Commission Review  |      | 4/8/82              |
| 41. Responses to petition for review   |      | 4/23/82             |
| 42. Commission decision on whether to review   |      | 5/10/82             |
| 43. If no review by Commission but a stay was issued earliest authorization is   |      | 5/11/82             |

If Commission review is undertaken briefing schedule as follows

- |  |        |
|--|--------|
| 44. Briefs on issues designated by Commission          | 6/9/82 |
| 45. Decision by Commission if no argument is scheduled | 7/9/82 |
| 46. Decision by Commission if argument scheduled       | 8/9/82 |

(Note: This estimate is neither a worst possible estimate nor an optimistic estimate, but reflects Part 2 times for various steps. It does not reflect any consideration of a slip in the schedule, if there is a remand (or reopening) of the record for further consideration of factual issues.)

McGuire Unit 1 Scheduling Considerations for Fuel Loading,  
Initial Criticality and Zero Power Testing License

1. Briefing of Commissioner Galinski 1/21/81
2. Commission Order on Expiration of Motion for Stay or Sua Sponte Review by the Commission of Atomic Safety and Licensing Appeal Board Decision (ALAB-626) 1/26/81
3. Issuance of Fuel Loading, Initial Criticality, and Zero Power Testing License 1/26/81

San Onofre Units 2 and 3 Scheduling Considerations  
for Operating License

1. SER (Geology/Seismology) issued	12/31/80
2. Applicant's Emergency Plan (Excluding San Clemente) served	1/20/81
3. Draft Supplement DES on accidents (Class 9)	1/81
4. ACRS sub-committee on Geology/Seismology	1/31/81
5. ACRS Full Committee on Geology/Seismology	2/5/81
6. SER (All Exc. TMI/Offsite Emerg. Planning)	2/6/81
7. ACRS Letter - Geology/Seismology	2/17/81
8. ACRS Sub-Committee on all items except TMI-related and offsite emergency planning	2/19/81
9. Close Discovery on Geology/Seismology and emergency planning (interrogatories)	2/20/81
10. Complete depositions	3/2/81
11. ACRS full committee supplement (All Exc. TMI and Offsite Emergency Planning)	3/5/81
12. SER Supplement TMI/Offsite Emergency Planning and ACRS letter on geology/seismology	<del>4/1/81</del> 5/81
13. Prehearing Conference	4/14/81
14. FES issued	4/30/81
15. Testimony filed	5/29/81
16. Hearing begins	<del>6/15/81</del> 7/8
17. Hearing ends	7/10/81
18. Applicants' findings due	7/30/81
19. Intervenors' findings due	8/10/81
20. Staff findings due	8/19/81
21. Applicants' reply findings	9/4/81
22. Initial Decision (I.D.)	<del>10/14/81</del> 1/8
23. Exceptions to I.D./Motion for Stay	10/29/81
24. Responses to stay	11/13/81

25. Applicants' brief on appeal	11/30/81
26. ALAB Decision on Stay	12/28/81
27. Respondent's brief on appeal	12/30/81
28. Staff brief on appeal	1/11/82
29. Commission decision on stay	1/17/82

Shoreham Scheduling Considerations  
For Operating License

1. Ruling on contentions (estimated date dependent upon date of publication of SER)		June 1, 1981
2. Prehearing Conference		June 15, 1981
3. Prehearing Conference Order		July 1, 1981
4. Discovery conducted		August 17, 1981
5. Motions for Summary Disposition		September 1, 1981
6. Hearings start (about 25 contentions)	01/82	<del>September 15, 1981</del>
7. Hearings conclude earliest		November 13, 1981
8. Applicant's Findings		December 4, 1981
9. Intervenor's Findings		December 14, 1981
10. Staff Findings		December 24, 1981
11. Applicant's Reply Findings		January 5, 1982
12. Licensing Board Findings	7/82	<u>February 15, 1982</u>
13. Exceptions to Initial Decision and Stay Request		February 25, 1982
14. Responses to Stay Request		March 15, 1982
15. Appellant's Brief on Appeal		April 5, 1982
16. Appeal Board Decision on Stay		April 20, 1982
17. Commission Decision on Stay		April 30, 1982
18. Earliest issuance of License if no Stay	10/82	<del>April 30, 1982</del>
19. Response Briefs on Appeal		May 10, 1982
20. Staff Response on Appeal		May 20, 1982
21. Oral Argument on Appeal		June 15, 1982

- |  |                   |
|--|-------------------|
| 22. Appeal Board Decision  | July 20, 1982     |
| 23. Petitions for Commission Review                                      | August 5, 1982    |
| 24. Responses to Petition for Review                                     | August 16, 1982   |
| 25. Commission Decision on Whether to Review                             | September 7, 1982 |
| 26. If no Commission Review But Stay Was issued, Earliest Licensing Date | September 7, 1982 |
| 27. If Commission Grants Review; Briefs to Commission                    | October 7, 1982   |
| 28. If No Oral Argument, Commission Decision                             | November 8, 1982  |
| 29. If Argument, Commission Decision                                     | December 8, 1982  |
| 30. Earliest low power test authorization                                | April 30, 1982    |
| If no stays  |                   |
| If stay and Commission Review  | December 8, 1982  |



TIME LINE FOR SUMMER OL HEARING SCHEDULES

Discovery concluded	March 1, 1981	
Second prehearing conference to rule on issues	April 1, 1981	
Board Order setting hearing	April 22, 1981	
Objections to Order from parties	May 22, 1981	
Staff Objections to Order	May 11, 1981	
Final Board Order (Approx)	May 18, 1981	
Motions for Summary Disposition due	May 29, 1981	
Testimony filed	June 26, 1981	
Responses to Summ. Disp. motions	June 23, 1981	
Board ruling on Summ. Disp.	July 6, 1981	
Hearing Commences	<u>July 13, 1981</u>	
Record closes	August 14, 1981	
Applicant Proposed Findings due	September 4, 1981	
Parties' Proposed Findings due	September 21, 1981	
Staff proposed findings due	October 1, 1981	
Applicant's reply findings due	October 16, 1981	
Initial Decision	<u><del>December 4, 1981</del></u>	3/82
Exceptions on Appeal and/or Motions for stay	December 21, 1981	
Responses to Stay Request	January 8, 1982	
Appellant's Brief on Appeal	January 20, 1982	
Appeal Board decision on stay motion	February 9, 1982	
Commission decision on stay motion	<u>March 2, 1982</u>	6/82

It is noted that 1 year 6 months is the minimum schedule for a contested OL or CP proceeding. This assumes a complete application, timely Staff testimony and strict adherence to Part 2 times by licensing boards. Experience indicates none of the foregoing assumptions is warranted.

Susquehanna, Unit 1, Scheduling Considerations  
for Operating License

1. FES without serious accident discussion 1/30/81
2. DES Supplement with serious accident discussion 1/30/81
3. Discovery requests on new information in FES 2/16/81
4. Outstanding discovery requests on Contention 6  
(emergency plan) 2/23/81
5. Discovery requests on DES Supplement with serious  
accident discussion 3/6/81
6. Responses to discovery requests on new information  
in FES 3/9/81
7. Additional contentions may be submitted on new information  
in FES 3/30/81
8. Second prehearing conference to rule on issues 4/81
9. Responses to discovery requests on DES Supplement 4/10/81
10. Responses to new FES contentions from parties 4/14/81
11. Responses to new FES contentions from Staff 4/20/81
12. SER 4/30/81
13. FES with serious accident discussion 4/30/81
14. Discovery requests on new information in serious  
accident discussion in FES 5/15/81
15. Responses to discovery requests on new information in  
serious accident discussion in FES 6/4/81
16. Board Order setting hearing 6/4/81
17. Supplementary discovery requests on new information in SER 6/4/81
18. Objections to Order from parties 6/14/81
19. Staff objections to Order 6/19/81
20. Submission of additional contentions on new information in  
serious accident discussion in FES 6/24/81

21. Final Board Order	6/25/81
22. Responses to discovery requests on new information in SER	7/9/81
23. Responses of parties to new contentions on serious accidents	7/9/81
24. Staff response to new contentions on serious accidents	7/14/81
25. Submission of new contentions based on new information in SER or SER discovery responses	7/29/81
26. Motions for summary disposition due	8/7/81
27. Responses of parties to new contentions based on new information in SER or SER discovery responses	8/13/81
28. Staff response to new contentions based on new information in SER or SER discovery responses	8/18/81
29. Responses to summary disposition motions	3 wks + 5 day after filed
30. Testimony filed	9/4/81
31. Board ruling on summary disposition	<del>9/18/81</del> 10/8/81
32. Hearing commences	<del>9/21/81</del> 10/8
33. Record closes	12/18/81
34. Applicant proposed findings due	1/12/82
35. Parties' proposed findings due	1/27/82
36. Staff proposed findings due	2/11/82
37. Plant construction completed	3/82
38. Applicant's reply findings due	3/3/82
39. Initial decision	<del>4/7/82</del> 8/8
40. Exceptions on appeal and/or motions for stay	4/22/82
41. Responses to stay request	5/7/82
42. Appellant's brief on appeal	5/27/82
43. Appeal Board decision on stay motion	6/8/82
44. Commission decision on stay motion	<del>6/28/82</del> 11/82

45. Earliest date for issuing operating license if no stay of initial decision	6/28/82
46. Response briefs on appeal due	7/1/82
47. Staff response on appeal due	7/7/82
48. Oral argument on appeal	8/6/82
49. Appeal Board decision	9/6/82
50. Petitions for Commission review	9/21/82
51. Responses to petition for review	10/6/82
52. Commission decision on whether to review	11/1/82
53. If no review by Commission but stay was issued, earliest operating license	11/2/82
54. If Commission review is undertaken, briefing schedule as follows	12/2/82
55. Briefs on issue designated by Commission	1/7/83
56. Decision by Commission if no argument is scheduled	2/7/83
57. Decision by Commission if argument scheduled	3/7/83

7/2/81

WATERFORD 3

1. DES issued 3/6/81
2. Discovery of new information in DES related to admitted contentions per 9/25/79 stipulation 4/11/81 (30 days from service of DES)
3. New contentions on long term health/ enviro. effects of radiation to be filed per 5/31/79 stipulation 4/11/81 (30 days from service of DES)
4. Applicant's response to new contentions 4/26/81
5. Staff's response to new contentions 5/1/81
6. Parties' objections to 4/11/81 discovery per 9/25/79 stipulation 5/1/81
7. Responses to 4/11/81 discovery per 9/25/79 stipulation 5/16/81 (30 days from service)
8. ASLB decision on admissibility of new contentions 6/1/81
- 9. SER issued 7/1/81
10. Discovery requests on new contentions admitted by ASLB on 6/1/81 per 9/25/79 stipulation 7/6/81 (30 days from service)
11. Parties' objections to 7/6/81 discovery requests per 9/25/79 stipulation 7/26/81 (15 days from service)
- 12. Discovery on new information in SER related to admitted contentions per 9/25/79 stipulation 8/6/81 (30 days from service of SER)
13. FES issued 8/8/81
14. Responses to 7/6/81 discovery requests on new contentions per 9/25/79 stipulation 8/11/81 (30 days from service)
- 15. ACRS letter issued 8/12/81
- 16. Parties' objections to 8/6/81 discovery per 9/25/79 stipulation 8/26/81
17. Final discovery on newly admitted contentions of 6/1/81 per 9/25/79 stipulation 8/31/81 (15 days from service of first round discovery responses)

- 18. Responses to 8/6/81 discovery per 9/25/79 stipulation 9/11/81 (30 days from service)
- 19. Responses to 8/31/81 discovery per 9/25/79 stipulation 9/20/81 (15 days from service)
- 20. Motions for summary disposition on environmental issues 9/20/81
- 21. SER Supplement issued 10/7/81
- 22. Responses to motions for summary disposition on environmental issues 10/15/81
- 23. Prehearing conference to rule on summary disposition motions, set issues for environmental hearing 10/19/81
- 24. File written testimony on environmental issues 10/26/81
- 25. Commence Environmental Hearing 11/9/81
- 26. New contentions on financial qualifications filed 30 days after service of SER Supplement dealing with financial qualifications per 5/21/79 stipulation 11/12/81
- 27. Applicant's response to new financial qualifications contentions 11/27/81
- 28. Staff's response to new financial qualifications contentions 12/2/81
- 29. ASLB decision on admissibility of new financial qualifications contentions 1/2/82
- 30. Complete environmental hearing 1/8/82
- 31. Applicant's proposed findings on environmental issues 1/28/82
- 32. Intervenor's proposed findings on environmental issues 2/7/82
- 33. Discovery on new contentions admitted 1/2/82 per 9/25/79 stipulation 2/7/82 (30 days from service of ruling)

- 34. Staff proposed findings on environmental issues 2/17/82
- 35. Parties' objections to 2/7/82 discovery per 9/25/79 stipulation 2/27/82 (15 days from service)
- 36. Applicant's reply findings on environmental issues 3/4/82
- 37. Responses to 2/7/82 discovery per 9/25/79 stipulation 3/12/82 (30 days from service)
- 38. Final discovery on newly admitted contentions of 2/7/82 per 9/25/79 stipulation 4/1/82 (15 days from service of first round responses)
- 39. Partial Initial Decision - environmental issues 4/15/82
- 40. Motion for summary disposition on safety issues 4/21/82
- 41. Responses to 4/1/82 discovery per 9/25/79 stipulation 4/21/82 (15 days from service of discovery)
- 42. Exceptions on appeal of PID on environmental issues 4/30/82
- 43. Responses to summary disposition motion on safety issues 5/15/82
- 44. Prehearing Conference to rule on summary disposition motions and finalize safety issues 5/18/82
- 45. File written testimony on safety issues 5/25/82
- 46. Appellants' brief on appeal of PID on environmental matters 5/30/82
- 47. Commence safety hearing 6/10/82
- 48. Appellees' brief on appeal of PID on environmental issues 7/5/82
- 49. Staff's brief on appeal of PID on environmental issues 7/15/82
- 50. Complete safety hearings 8/5/82

- 51. Oral argument on appeal of PID on environmental issues 9/15/82
- 52. Applicant's proposed findings on safety issues 8/25/82
- 53. Intervenors' proposed findings on safety issues 9/5/82
- 54. Staff's proposed findings on safety issues 9/15/82
- 55. Appeal board decision on appeal of PID on environmental issues 9/20/82
- 56. Applicant's reply findings on safety issues 9/30/82
- 57. Petition for Commission review of appeal board decision on environmental issues 10/10/82
- 58. Responses to petition for Commission review 10/25/82
- 59. Commission decision on whether to review on environmental matters 11/9/82
- 60. Partial Initial Decision on safety issues and authorization of GL issuance ~~11/10/82~~
- 61. Exceptions on appeal and/or motion for stay of PID on safety issues 11/25/82
- 62. Responses to stay request for PID on safety issues 12/10/82
- 63. If Commission review of environmental matters undertaken, briefs on issues designated by Commission 12/15/82
- 64. Appellant's brief on appeal of PID on safety issues 12/24/82
- 65. Appeal board decision on request for stay of PID on safety issues 1/10/83
- 66. Decision by Commission on environmental matters if no oral argument 1/20/83
- 67. Appellees' brief on appeal of PID on safety issues 1/29/83

1/83



- 68. Commission decision on stay motion on PID on safety issues 1/30/83
- \*\*\* 69. Earliest date for OL issuance if no oral argument before Commission on review of environmental matters and no stay of PID on safety issues 1/31/83
- 70. Staff brief on appeal of PID on safety issues 2/8/83
- 71. Commission Decision on environmental matters if oral argument held 2/20/83
- \*\*\* 72. Earliest date for OL issuance if no stay of PID on safety issues and oral argument before Commission on environmental issues 2/21/83 4/83
- 73. Oral argument on appeal of PID on safety issues 3/8/83
- 74. Appeal board decision on safety issues 4/12/83
- 75. Petition for Commission review of safety issues 5/2/83
- 76. Responses to Petition for Commission review of safety issues 5/17/83
- 77. Commission Decision on whether to review safety issues 6/2/83
- \*\*\* 78. Earliest date for OL issuance if no Commission review of safety issues but stay has been granted 6/3/83
- 79. If Commission review of safety issues undertaken, brief on issues designated by Commission 7/7/83
- 80. Decision by Commission on safety issues if no oral argument 8/1/83
- \*\*\* 81. Earliest date for OL issuance where stay granted, Commission reviews safety issues without oral argument 8/2/83
- 82. Decision by Commission on safety issues if oral argument held 9/1/83
- \*\*\* 83. Earliest date for OL issuance if stay granted, Commission reviews safety issues with oral argument 9/2/83

TIME LINE FOR ZIMMER OL HEARING SCHEDULES

*lost to  
content  
issue*

Notice of Hearing Published in Federal Register

Final day to file Petition for Leave to Intervene (Responses required 15 days after rate of filing (10 days for other parties).)

Amend Petitions and Contentions due

Parties' response to contentions and Special Prehearing Conference (§ 2.751a)

Staff Response to contentions

Board Order following prehearing setting schedule and opening discovery

Discovery concluded

Second prehearing conference to rule on issues

SER Supp with emergency planning, technical qualifications, Three Mile Island issues, generic safety

June 1, 1981

Board Order setting discovery and hearing

June 15, 1981

Objections to Order from parties

June 20, 1981

Staff Objections to Order

June 25, 1981

Final Board Order (45 days prior to hearing)

July 6, 1981

Motions for Summary Disposition due

July 13, 1981

Testimony filed

July 16, 1981 (if necessary)

Responses to Summ. Disp. motions (15 days added to respond to Staff new info)

July 17, 1981

Board ruling on Summ. Disp.

August 17, 1981

Hearing Commences

~~August 17, 1981~~ (60 days from Bd. Order setting hearing)

10/81

Record closes

September 13, 1981

Applicant Proposed Findings due	October 13, 1981	
Parties' Proposed Findings due	October 23, 1981	
Staff proposed findings due	November 2, 1981	
Applicant's reply findings due	November 17, 1981	
Initial decision	<u>December 30, 1981</u>	4/82
Exceptions on Appeal and/or Motions for stay	January 14, 1982	
Responses to Stay Request	January 29, 1982	
Appellant's Brief on Appeal	February 15, 1982	
Appeal Board decision on stay motion	March 2, 1982	
Commission decision on stay motion	<u>March 22, 1982</u>	7/82

It is noted that 1 year 6 months is the minimum schedule for a contested OL or CP proceeding. This assumes a complete application, timely Staff testimony and strict adherence to Part 2 times by licensing boards. Experience indicates none of the foregoing assumptions is warranted.

OTHER CASES

A. Early Site Reviews

Blue Hills  
Carroll County

B. Special Proceeding

Bailly CP Extension  
Rancho Seco (B&W Order case)  
Seabrook - Seismic review  
TMI-1 Restart  
TMI-2 Amendment  
IP 2 & 3 Special Investigative Proceeding  
GETR - Show Cause  
- Contested Renewal  
- Material License Renewal

C. FTOL (Conversion from POL)

GINNA  
LaCrosse  
Oyster Creek

D. Cases Before Appeal Board on Radon

Cherokee  
Harris  
Hope Creek  
Marble Hill  
Phipps Bend  
WPPS 1-4  
Yellow Creek  
St. Lucie 2 (CP) also before Commission on ALAB-603  
Peach Bottom (OL)  
North Anna (OL) also before Appeal Board on Turbines  
TMI-2 (OL) also before Appeal Board on Airplane Crash

E. Cancelled CP's

Barton  
Davis Besse 2-3  
Fulton  
Greene County  
Jamesport  
Montague  
North Coast

F. Spent Fuel Pool & Transshipment Cases

Big Rock  
Dresden  
Maine Yankee  
Salem  
Zion  
Dresden-Quad Cities  
Oconee-McGuire

G. Steam Generator Replacement

Palisades  
Turkey Point

H. Materials Licensees

Alabama Fuel Fabrication  
GE Morris  
GETR - materials (See special proceedings)  
*Sheffield*

Reactor Name Blue Hills, Units 1&2

Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case CP application amended to request Early Site hearing

Status Awaiting ASLB decision of early site review request. Uncontested hearing

Number of Contentions: None

General Subject of Issues Site suitability issues

Schedule

Date Schedule Est. May 1979

SER Date Early site review report 1/77  
FES Date July 1978

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing Site Hearing 4/79  
Close Envir. Hearing

ASLB Decision Still pending.

Issuance of OL or CP

Notes:

1. Pacing items - ASLB Order
2. Slips ASLB has not yet acted on this matter.
3. Fixes

MILLER BOARD  
WE ASK FOR DECISION  
HE ASKGD QUESTIONS  
RESPONDED

Reactor Name Carroll County 1/2 (ESR)  
Attorneys: Goddard/Olmstead  
Type of Case Early Site Review  
Status Pre-Hearing Stage  
Number of Contentions: Three (formerly 4) intervenors; One interested state § 2.715(c)

General Subject of Issues Full range environmental and safety issues

Schedule

Date Schedule Est. not scheduled  
SER Date not scheduled  
FES Date not scheduled  
Safety Hearing Start not scheduled  
Envir. Hearing Start  
Close Safety Hearing not scheduled  
Close Envir. Hearing  
ASLB Decision not scheduled  
Issuance of OL or CP Greater than or equal to 3 years

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Bailly
<u>Attorneys:</u>	Goldberg/Olmstead
<u>Type of Case</u>	CP amendment - permit extension
<u>Status</u>	Prehearing
<u>Number of Contentions:</u>	11
<u>General Subject of Issues</u>	Grounds for noncompletion, extension period, environmental effects of extension, need for EIS.
<u>Schedule</u>	
Date Schedule Est.	
SER Date	April, 1981
EIA Date	May, 1981
Safety Hearing Start	August 1981
Envir. Hearing Start	August 1981
Close Safety Hearing	September 1981
Close Envir. Hearing	September 1981
ASLB Decision	November 1981
Issuance of OL or CP	November 1981 (CP)

Notes:

1. Pacing items - Undefined delay in issuing SER & EIA, NRR explains delay in EIA (in part) on need to hire consultant for dewatering evaluation position, Commission review ALAB-619, pending motion to refer ASLB ruling denying extension proposed safety issues, potential need to prepare EIS.
2. Slips Commission consideration of comprehensive safety reassessment of Bailly interjects to get priority attention. Delays work on extension case. Slips in completion of technical review assignments (including short pilings review). Appellate review (now before Commission) of denial of intervention led to delay in final ASLB ruling on contentions and scope of proceeding. Extensive discovery. Pending litigation. If EIS eventually required, estimate 1-2 year delay.
3. Fixes



Reactor Name Rancho Seco

Attorneys: Black/Reis

Type of Case B&W Orders

Status Hearing completed. Pending before Licensing Board for decision.

Reactor Name Seabrook 1 & 2  
Attorneys: Lessy/Reis  
Type of Case Post CP-contested  
Status A. Commission reopened proceeding on seismic issues 9/25/80. Hearing on reopened issues to commence before Appeal Board 4/6/81. Hearing expected to last no more than two weeks.  
B. As to issues other than seismic issues, an OL application is expected to be filed in April 1981, the SER date is 11/82, the FES date is 2/82.

Number of Contentions: Two seismic issues

General Subject of Issues  
1. Chinnery's probabilistic methodology.  
2. Staff's methodology for correlating vibratory ground motion.

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start Remanded seismic hearing to start 4/6/81 before Appeal Board.  
Envir. Hearing Start

Close Safety Hearing 4/20/81  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP CP already issued

Notes:

1. Pacing items - If the Appeal Board permits intervenor to expand the remanded issues to include the definition of tectonic province, the whole schedule will slip 3 months due to unavailability of Geosciences personnel to address that issue.

2. Slips

3. Fixes

4. Resources

Geosciences Branch - all dates have been met so far.  
But see note 1.

<u>Reactor Name</u>	TMI-1
<u>Attorneys:</u>	Tourtellotte
<u>Type of Case</u>	Contested Enforcement Proceeding on whether to allow resumption of operation
<u>Status</u>	Hearing in progress
<u>Number of Contentions:</u>	More than 100 contentions are yet to be heard
<u>General Subject of Issues</u>	Design and procedure modifications, separation of Units 1 and 2, Emergency planning, management competence, operator training, financial qualifications
<u>Schedule</u>	
Date Schedule Est.	August 15, 1980 (design modifications) Comm. Order of 3/6/80 and August 15, 1980 (Management) January 25, 1980, February 15, 1980, February 29, 1980, October 31, 1980 (Emergency Planning)
SER Date	NUREG-0680, June 1980, Supp 1 (Management) November 1980. NUREG-0746 December 1980 (Emergency Planning) Supp on design etc yet to come
FES Date	None
Safety Hearing Start	October 15, 1980
Envir. Hearing Start	N/A
Close Safety Hearing	To be addressed in letter to Chairman Ahearne and Commissioner Hendrie due February 12, 1981
Close Envir. Hearing	N/A
ASLB Decision	Undetermined
Issuance of OL or CP	N/A - Shutdown ordered by Commission and to be lifted by Commission

Notes:

1. Pacing items - Not clear at moment whether hearing process, review process or plant design and procedure modifications is pacing. This question is to be answered to Chairman Ahearne and Commissioner Hendrie in a letter due February 12, 1981.
2. Slips
3. Fixes

<u>Reactor Name</u>	Three Mile Island, Unit 2
<u>Attorneys:</u>	Chandler .
<u>Type of Case</u>	2 - OL Amendment (OLA)
<u>Status</u>	OLA - Before Licensing Board
<u>Number of Contentions:</u>	OLA-Approximately 15 contentions have been raised by the three intervenors but the Board has not ruled on admissibility of specific contentions.
<u>General Subject of Issues</u>	OLA-Adequacy of technical specifications for recovery mode.
<u>Schedule</u>	
Date Schedule Est.	OLA-Issues not yet fully identified, since refinement going on.
SER Date	OLA-SER and Environmental Assessment accompanied Denton's order of 2/11/80.
FES Date	OLA-Ser and Environmental Assessment accompanied Denton's order of 2/11/80
Safety Hearing Start	OLA-One hearing. Timing dependent on completion of TMI-1 Restart hearing since Licensee's Counsel and one of the intervenors participating there. Not yet scheduled.
Envir. Hearing Start	OLA-One hearing. Timing dependent on completion of TMI-1 Restart hearing since Licensee's Counsel and one of the intervenors participating there. Not yet scheduled.
Close Safety Hearing	OLA-See above - not scheduled.
Close Envir. Hearing	OLA-See above - not scheduled
ASLB Decision	
Issuance of OL or CP	Note that the requirements contained in the proposed Tech Specs have already been imposed on the Licensee by Order.

Notes:

1. Pacing items - TMI-1 Restart hearing due to involvement of licensee's counsel and one intervenor.
2. Slips Related to TMI-1
3. Fixes Active discussions of settlement are ongoing. One intervenor appears ready to withdraw. Second intervenor ready to withdraw some of his contentions. Settlement discussions now underway with third intervenor.

<u>Reactor Name</u>	Indian Pt. 2 and 3 Special Proceeding
<u>Attorneys:</u>	Moore/Olmstead
<u>Type of Case</u>	Special investigative proceeding
<u>Status</u>	No adjudicatory board has been established and proceeding has not been noticed in the <u>Federal-Register</u>
<u>Number of Contentions:</u>	unknown
<u>General Subject of Issues</u>	unknown
<u>Schedule</u>	
Date schedule Est.	January 8, 1981 Order states this proceeding should be completed within one year of the date of the order.
SER Date	N/A
FES Date	N/A
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	N/A
<u>Notes:</u>	
1. Pacing items -	Order establishing board
2. Slips	None
3. Fixes	None

Reactor Name General Electric Test Reactor (GETR)  
Attorneys: Daniel Swanson/Richard Bachmann (Attorneys); S.A. Treby (Hearing Branch Chief)  
Type of Case Show Cause Proceeding  
Status Hearing scheduled for May 27, 1981  
Number of Contentions: N/A

General Subject of Issues Schedule 1) Seismic design basis 2) Structural safety

Date of Show Cause Order October 24, 1977

SER Date January 15, 1981, October 27, 1980, May 23, 1980  
FES Date N/A

Safety Hearing Start May 27, 1981  
Envir. Hearing Start N/A

Close Safety Hearing June 5, 1981  
Close Envir. Hearing N/A

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items - February 25, 1981 - Discovery complete - commence new discovery  
March 16, 1981 - complete new discovery  
April 3, 1981 - Discovery responses due  
May 1, 1981 - File written testimony  
May 12, 1981 - Prehearing conference

All reviews are complete, no outstanding issues.  
Staff is currently updating discovery.

(

Reactor Name General Electric Test Reactor (GETR)

Attorneys: Daniel Swanson (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case Contested OL renewal

Status ASLB has not yet ruled on contentions. Staff filed motion on 12/24/80 for ruling on contentions

Number of Contentions: Unknown at this time - no ASLB ruling

General Subject of Issues Schedule Unknown at this time

Date Schedule Est. No ASLB ruling on contentions

SER Date No schedule yet Awaiting Show Cause Decision  
 FES Date No schedule yet (per proj. mgr.)

Safety Hearing Start No schedule yet  
 Envir. Hearing Start No schedule yet

Close Safety Hearing No schedule yet  
 Close Envir. Hearing No schedule yet

ASLB Decision No schedule yet

Issuance of OL or CP No schedule yet

Notes:

1. Pacing items - Project Manager (Jim Miller) of Standardization & Special Projects Branch stated that all issues are now outstanding and Staff review will not begin until decision is made in Show Cause proceeding. This is due to lack of Staff resources, since effort would be wasted if plant is not allowed to start up. Also, SER developed for the Show Cause proceeding will form the basis of the renewal SER
  2. Slips
  3. Fixes
- (



<u>Reactor Name</u>	General Electric Test Reactor (GETR)
<u>Attorneys:</u>	Daniel Swanson, (Case attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Contested Materials License Renewal
<u>Status</u>	ASLB has not yet ruled on contentions. Staff filed motion on 12/24/80 for ruling on contentions
<u>Number of Contentions:</u>	Unknown at this time - no ASLB ruling
<u>General Subject of Issues Schedule</u>	Unknown at this time
Date Schedule Est.	No ASLB ruling on contentions
SER Date	June 1981
FES Date	Environmental assessment by May 1981
Safety Hearing Start	No schedule yet
Envir. Hearing Start	No schedule yet
Close Safety Hearing	No schedule yet
Close Envir. Hearing	No schedule yet
ASLB Decision	No schedule yet
Issuance of OL or CP	No schedule yet

Notes:

1. Pacing items - Accident Analysis by June 1981 (which will complete review)  
 No particular holdups anticipated.  
 Be reviewed by Advanced Fuel & Spent Fuel Licensing Board (NMSS)  
 Resources have not yet been identified.
2. Slips
3. Fixes

Reactor Name                      Ginna  
Attorneys:                         Ketchen/Tourtellotte  
Type of Case                        Full term OL (conversion from provisional OL)  
Status                                No hearing scheduled until Staff completes SEP review.

Number of Contentions:

General Subject  
of Issue                              Quality assurance; Amended ECCS criteria; Federal and New York Water Quality Standard; Cold Shock-Biota; Energy Conservation Alternatives; Site Contingency Plan; Flood Protection; ALARA.

Schedule

Date Schedule Est.

SFR Date                                None  
FES Date                                12/73

Safety Hearing Start                    No hearing scheduled  
Envir. Hearing Start

Close Safety Hearing                    No hearing scheduled  
Close Envir. Hearing

ASLB Decision                          No schedule until Staff completes SEP review  
Issuance of OL or CP                  After SEP review

Notes:

1. Pacing items -                      SEP Review
2. Slips
3. Fixes

Reactor Name

LaCrosse

Attorneys:

Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case

FTOL conversion

Status

Contested hearing; proceeding suspended pending disposition of Show Cause proceeding, possibly in 3rd Quarter FY 1981; hearings now scheduled for July 1981 on safe shutdown earthquake; also awaiting decision by ASLB on dewatering system (liquifaction). Final S.E.P. report (to be out by end of 1982) will become basis for FTOL SER

Number of Contentions:

General Subject of Issues

Environmental monitoring of radiation, consequence of releases

Schedule:

No schedule capable of prediction at this time

Date Schedule Est.

SER Date  
FES Date

1982  
April 1980

Safety Hearing Start  
Envir. Hearing Start

4th quarter 1980

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -

Proceeding suspended including discovery - discovery not completed yet

2. Slips

3. Fixes

Reactor Name Oyster Creek, Unit 1  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Conversion of Provisional OL to Full Term OL  
Status Originally contested proceeding on full term OL; now uncontested proceeding. Schedule for SER and FTOL issuance contingent on Staff production of SER document S.E.P. (SEP being done by Systemic Evaluation Program Branch)  
Number of Contentions: N/A  
General Subject of Issues Unresolved generic safety issues affecting the plant  
Schedule  
Date Schedule Est. ASLAB Order (ALAB-612) remanding to ASLB to consider safety issues - 9/5/80  
SER Date 4th quarter 1982  
FES Date December 1974  
Safety Hearing Start  
Envir. Hearing Start  
Close Safety Hearing  
Close Envir. Hearing  
ASLB Decision  
Issuance of OL or CP 1983  
Notes:  
1. Pacing items - Schedule for SER and FTOL issuance contingent on Staff production of SER documenting S.E.P. (SEP being done by Systemic Evaluation Program Branch)

2. Slips

3. Fixes

Reactor Name Cherokee, Units 1-3; STN 50-491/452/493  
Attorneys: Barth/Olmstead  
Type of Case Uncontested CP  
Status CP's issued - before Appeal Board on Radon  
Number of Contentions: 0  
General Subject of Issues Schedule 0  
Date Schedule Est.  
SER Date 3/77, sp 7/77  
FES Date 10/75  
Safety Hearing Start April 5, 1976  
Envir. Hearing Start April 5, 1976  
Close Safety Hearing July 21, 1977  
Close Envir. Hearing July 21, 1977  
ASLB Decision December 30, 1977; Appeal Board Decision - (?)  
Issuance of OL or CP N/A  
Notes:  
1. Pacing items - Appeal Board decision on radon

Reactor Name Shearon Harris Units 1-4  
Attorneys: Barth/Olmstead  
Type of Case CP (already issued)  
Status Before Appeal Board on Radon issue.  
Number of Contentions:  
General Subject of Issues

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision  
Issuance of OL or CP

Notes:

1. Pacing items - Appeal Board decision on Radon.
2. Slips
3. Fixes

Reactor Name Hope Creek  
Attorneys: Black/Reis  
Type of Case CP (Contested).  
Status Pending before Appeal Board on Radon.

Reactor Name Marble Hill, Units 1 & 2  
Attorneys: Lessy/Reis  
Type of Case Post CP  
Status Initial decision issued 4/78, affirmed by Appeal Board. Radon issue pending before Appeal Board. FSAR scheduled to be submitted 12/82.

Number of Contentions: 1

General Subject of Issues Schedule Only radon issue remains pending before Appeal Board.

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP Target OL date 6/80.

Notes:

1. Pacing items -
2. Slips
3. Fixes



Reactor Name Phipps Bend  
Attorneys: Goldberg/Olmstead  
Type of Case CP  
Status Pending before Appeal Board on Radon.

Reactor Name WPPSS units 1 and 4  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (post)  
Status CP issued 2/78. Pending before ASLAB on radon issue

Number of Contentions: N/A

General Subject  
of Issues  
Schedule N/A

Date Schedule Est.

SER Date 5/75  
FES Date 3/75

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision

Issuance of OL or CP N/A

Notes:

1. Pending items -
2. Slips
3. Fixes

Reactor Name Yellow Creek  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (Post)  
Status Pending before ASLAB on radon issue  
Number of Contentions: N/A

General Subject  
of Issues

Schedule

Date Schedule Est.

SER Date 12/77, Supp 6/70  
FES Date 11/77

Safety Hearing Start N/A (1978)  
Envir. Hearing Start

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A (November 1978)

Issuance of OL or CP N/A (CP - 1978)

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name St. Lucie 2  
Attorneys: Paton/Olmstead  
Type of Case CP (Issued).  
Status Pending before Appeal Board on Radon and before Commission  
on ALAB-603.

Reactor Name Peach Bottom Units 2 and 3  
Attorneys: Cutchin/Tourtellotte  
Type of Case OL  
Status Before Appeal Board on Radon issue only

Number of Contentions:

General Subject  
of Issues  
Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	North Anna 1&2
<u>Attorneys:</u>	Daniel Swanson (Case Attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	OLs Issued
<u>Status</u>	OLs issued but issues of turbine missile risk and radon remain before Appeal Board. On the Turbine Missile issue, review and evaluation is being done by NRR's Engineering Division, Materials & Qualification Engineering Section with 7 personnel engaged in the evaluation. L.Engle (LPM) is coordinating the review. No holdups in NRR's review are anticipated. Licensee's arrangements to obtain a new turbine rotor for NA 1 may result in delays in final resolution of the Turbine Missile issue for N.A. 1.
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues</u>	Turbine missile risk and radon issues remain before Appeal Board
<u>Schedule</u>	
Date Schedule Est.	N/A
SER Date	N/A
FES Date	N/A
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	OLs issued

Notes:

1. Pacing items -
2. Slips
3. Fixes

*See Spade issue  
Keeping AP Bd informed*

Reactor Name TMI Unit 2

Attorneys: Chandler

Type of Case Contested OL

Status The case is completed except for 2 items on Appeal; the Radon issue and the Airplane crash issue. The records on these are completely closed. Case only awaits Appeal Board decision.

*Since July 80.*

Reactor Name Barton

Attorneys: Gray/Treby

Type of Case CP (Cancelled plant)

Status Applicant has requested termination of proceeding. Pending before Licensing Board.



Reactor Name Davis-Besse Nuclear Power Station, Units 2 and 3

Attorneys: Marjorie Rothschild (Case Attorney); S.A. Treby  
(Hearing Branch Chief)

Type of Case Termination of Uncontested CP-2 LWAs were issued  
(12/31/75 and 8/30/78)

Status LWAs have been issued & work on site undertaken. CP  
hearing partially completed when Applications for CPs  
withdrawn by Applicants on 11/17/80; motion for  
termination of proceedings filed with ASLB. ASLB has  
requested briefs from Applicants and Staff on 2/19/81  
re. action necessary to terminate proceedings.

Applicants' proposed plans to redress the site is the  
single outstanding issue. (Staff review will be  
complete by 2/19/81)

NRR - Offices involved: B.J. Youngblood &  
A.Dromerick. Adequate. I&E (Region III - W.B. Grant  
& C.E. Jones)

Number of Contentions: N/A

General Subject  
of Issues N/A

Schedule

Date Schedule Est. N/A

SER Date N/A

FES Date N/A

Safety Hearing Start N/A

Envir. Hearing Start N/A

Close Safety Hearing N/A

Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP N/A

Notes:

1. Pacing items -

2. Slips

3. Fixes

Reactor Name     Fulton

Attorneys:       Gray/Treby

Type of Case     ESR

Status           Applicant has requested termination or proceeding. Pending  
before Licensing Board.

Reactor Name Greene County

Attorneys: Moore/Olmstead

Type of Case CP (Cancelled plant)

Status Applicant has informed Licensing Board that it does not intend to pursue application. Withdrawal request expected soon.

Reactor Name Jamesport  
Attorneys: Bordenick/Reis  
Type of Case CP (issued then plant cancelled)  
Status Applicant requested termination of proceeding. Pending  
before Appeal Board.

Reactor Name Montague  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (Project cancelled by utility on December 31, 1980)  
Status Application suspended (motion requesting termination of the proceeding will be filed with ASLR). No hearing schedule  
Number of Contentions: N/A  
General Subject of Issues Schedule N/A  
Date Schedule Est.  
SER Date 7/78  
FES Date 2/77  
Safety Hearing Start No hearing scheduled  
Envir. Hearing Start No hearing scheduled  
Close Safety Hearing No hearing scheduled  
Close Envir. Hearing No hearing scheduled  
ASLB Decision N/A  
Issuance of OL or CP N/A

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name North Coase

Attorneys: McGurren/Reis

Type of Case CP (Cancelled plant)

Status Applicant has moved to terminate proceeding. Pending before  
Licensing Board ("with prejudice" issue).

Reactor Name Big Rock  
Attorneys: Moore/Olmstead  
Type of Case License amendment - spent fuel pool  
Status Awaiting issuance of SER. Environmental issue on appeal.

Number of Contentions: 18

General Subject of Issues Spent fuel pool accidents and hazards, corrosion, criticality, management capability, environmental impacts.

Schedule

Date Schedule Est. January 17, 1980

SER Date Expected April 1981.

EIA Date Expected April 1981.

Safety Hearing Start Approximately 148 days after SER issuance  
Envir. Hearing Start unknown

Close Safety Hearing unknown  
Close Envir. Hearing unknown

ASLB Decision January 1982

Issuance of OL or CP Amendment - January 1982

Notes:

1. Pacing items - SER issuance
2. Slips SER/EIA slipped from Feb. 1980 to April 1981. EIA issuance depends upon Appeal Board ruling on environmental impact statement issue.
3. Fixes None.

Reactor Name Dresden 2/3  
Attorneys: Goddard  
Type of Case SFP Mod.  
Status Hearings resume Mar/Apr 81  
Number of Contentions: 2 open issues  
General Subject of Issues (1) Channel Bowing; (2) Generic Item Relevance to SFP's

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing April 30, 1981  
Close Envir. Hearing April 30, 1981

ASLB Decision June 1981

Issuance of OL or CP Amendment June 1981

Notes:

1. Pacing items -
2. Slips
3. Fixes



Reactor Name      Maine Yankee  
Attorneys:        McGurren/Reis  
Type of Case      Spent Fuel Pool  
Status

Reactor Name Salem 1  
Attorneys: Moore/Olmstead  
Type of Case License amendment - spent fuel pool  
Status On appeal to the appeal board  
Number of Contentions: 7  
General Subject of Issues Corrosion, alternatives, loss of water accident in the spent fuel pool, effect of TMI-type accident on Salem spent fuel pool

Schedule

Date Schedule Est. Briefs in opposition to exceptions due 2/27/81  
SER Date 1/15/79  
EIA Date 1/15/79  
Safety Hearing Start May 2, 1979  
Envir. Hearing Start May 2, 1979  
Close Safety Hearing April 30, 1980  
Close Envir. Hearing April 30, 1980 - Safety and environmental not divided  
ASLB Decision Oct. 27, 1980  
Issuance of OL or CP Amendment issued Fe. 2, 1981.

Notes:

1. Pacing items - N/A
2. Slips N/A
3. Fixes N/A

Reactor Name Zion 1/2  
Attorneys: Goddard/Olmstead  
Type of Case SFP mod.  
Status Commission has not issued go/no go on sua sponte  
review of ALAB-616  
Number of Contentions: 26  
General Subject  
of Issues Safety  
Schedule  
Date Schedule Est.  
SER Date  
FES Date  
Safety Hearing Start  
Envir. Hearing Start  
Close Safety Hearing  
Close Envir. Hearing  
ASLB Decision 9/80  
Issuance of OL or CP Amendment issued.

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Dresden - Quad Cities  
Attorneys: Goddard/Olmstead  
Type of Case Transshipment of spent fuel  
Status Contested (Ill. and NRDC)  
Number of Contentions: 20+

General Subject of Issues Safety and environmental

Schedule

Date Schedule Est.

SER Date May-June, 1981  
EIA Date May-June, 1981

Safety Hearing Start Undetermined  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name: Oconee-McGuire Spent Fuel Transshipment

Type of Case: Contested Special Proceeding

Status: ASLB denied application to transship. Case presently before ASLAB. Briefing will be completed in February. Oral argument expected in March.

Reactor Name Palisades 50-255  
Attorneys: Barth/Olmstead  
Type of Case Amendment to O.L. to Replace Steam Generators  
Status Intervenors admitted, licensee has dropped the case (but not withdrawn its application for amendment).

Number of Contentions: 2

General Subject of Issues Schedule Radiological dose to workers too high

Date Schedule Est. None, N/A

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Turkey Point
<u>Attorneys:</u>	Goldberg/Olmstead
<u>Type of Case</u>	OL Amendment - Steam Generator Repair
<u>Status</u>	Prehearing
<u>Number of Contentions:</u>	8
<u>General Subject of Issues</u>	Occupational exposure (ALARA), radiological releases during repair, disposition of replaced generator, fire protection, demineralizer system, cost of repair
<u>Schedule</u>	
Date Schedule Est.	N/A
SER Date	December 1980
FES Date	April 1981
Safety Hearing Start	June 1981
Envir. Hearing Start	June 1981
Close Safety Hearing	June 1981
Close Envir. Hearing	June 1981
ASLB Decision	September 1981
Issuance of OL or CP	September 1981
<u>Notes:</u>	
1. Pacing items -	Issuance of FES, Completion of discovery
2. Slips	18 month interval between EIA (June 1979) and DES (December 1980) following Commission decision to require EIS in Surry steam generator repair, licensee changes in some repair procedures and disposition of replaced generator, LPM experienced repeated lack of technical cooperation during review process
3. Fixes	Fully support LPM for FES and Hearing preparation, summary disposition

Reactor Name Alabama Nuclear Fuel Fabrication Plant (70-2909)

Attorneys: Sherwin Turk (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case Part 70 Application for Special Nuclear Material License

Status Contested Hearing; contentions now being negotiated; environmental evaluation underway in NMSS (transportation branch, uranium fuel licensing branch (main effort) safeguards division (re. controls), ORNL); safety review not yet started because application incomplete

Number of Contentions: Approximately 60

General Subject of Issues Safety of plant process, environmental damage, accidental criticality, waste disposal, health effects

Schedule

Date Schedule Est. ASLB Order re. stipulation of contentions 12/80 and 1/81 (case in incipient stage; all dates approximate)

SER Date 2nd quarter FY 1983  
FES Date July 1980

Safety Hearing Start 3rd quarter 1983  
Envir. Hearing Start November 1981

Close Safety Hearing 4th quarter FY 1983  
Close Envir. Hearing December 1981

ASLB Decision First quarter FY 1984

Issuance of OL or CP License may be issued 2nd quarter FY 1984

Notes:

1. Pacing items - Safety review contingent upon receiving & reviewing supplemental safety and design information from Applicant; license issuance would follow completion of construction
2. Slips
3. Fixes



<u>Factor Name</u>	General Electric Company - GE Morris Operation Spent Fuel Storage Facility
<u>Attorneys:</u>	Marjorie Rothschild (Case attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Renewal of Operating License (under <u>new</u> Part 72 of 10 CFR)
<u>Status</u>	Contested license renewal - in prehearing stage, suspended until 2/26/81 because of promulgation of 10 CFR Part 72. Offices involved: NMSS (Division of Fuel Cycle and Material Safety - Advanced Fuel & Spent Fuel Licensing Branch - L.Rouse & A.T. Clark. Uranium Fuel Licensing Branch R.G. Page)  Issues relating to Emergency planning; operator certification and financial qualifications are the principal unresolved issues in the Staff's review. Resources are adequate
<u>Number of Contentions:</u>	7 plus 1 Licensing Board question
<u>General Subject of Issues</u>	Effects of radioactive releases as a result of accidents; physical security; occupational exposure to radiation; decommissioning; emergency planning; need for EIS; activities to be authorized by license
<u>Schedule</u>	
Date Schedule Est.	6/4/80 - but proposed amended contentions to be considered as a result of promulgation of 10 CFR Part 72
SER Date	5/81
EIA issued	6/80 (revision possible because of new Part 72)
Safety Hearing Start	12/20/81
Envir. Hearing Start	12/20/81
Close Safety Hearing	2/20/82
Close Envir. Hearing	2/20/82
ASLB Decision	5/26/82
Issuance of OL renewal	8/15/82

Notes:

1. Pacing items - This is the first licensing action under a new Part (72) of 10 CFR, which became effective on 12/12/80. There has been a delay (suspension of the proceeding until 2/26/81) to allow the parties to consider and raise issues related to application of Part 72 to this licensing action. If the intervenors raise issues relating to Part 72 and such issues are admitted as contentions in the proceeding, discovery may be reopened by the Board.
2. Slips Staff review schedule delayed as a result of application of 10 CFR Part 72 to this licensing action. Staff Draft SER to be revised to account for amendments to license renewal application necessitated by 10 CFR Part 72
3. Fixes Decision by intervenors not to file contentions related to application of 10 CFR Part 72 to this proceeding could result in savings of between two to three months in start of hearing and ultimate issuance of license renewal.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

PDR

May 22, 1981



Ellyn R. Weiss, Esquire  
Harmon & Weiss  
1725 I Street, N.W., Suite 506  
Washington, DC 20006

IN RESPONSE REFER  
TO FOIA-81-104

Dear Ms. Weiss:

This is in further response to your letter dated March 18, 1981, in which you requested, pursuant to the Freedom of Information Act, records relating to two categories of information concerning design, construction and licensing of nuclear plants.

We provided a partial response to your request by letter dated April 9, 1981, notifying you of records placed in the NRC Public Document Room (PDR). Search for, and review of, remaining records subject to your request have now been completed.

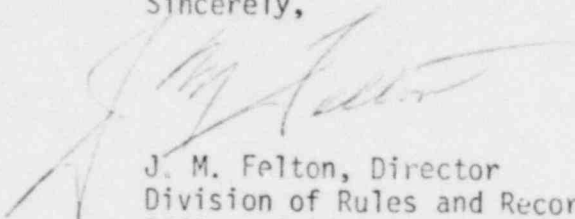
We are placing the 20 records listed in Appendix A in the PDR in file folder FOIA-81-104 filed under your name. NRC has already made available in the PDR additional letters, with monthly reports, from the Commission to Congressman Tom Bevill dated November 21, 1980, December 31, 1980, January 30, 1981, February 27, 1981, March 31, 1981 and April 30, 1981.

We are withholding the 7 records listed in Appendix B in their entirety. These memoranda among Commissioners and staff constitute advice, opinions and recommendations and contain no reasonably segregable factual material. Release of this information would tend to inhibit future communication between and among Commissioners and their staffs, communication which is essential to the deliberative process. This information is therefore being withheld from public disclosure pursuant to Exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. Samuel J. Chilk, Secretary of the Commission.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision".

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. Felton".

J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

## Appendix A

1. 5/8/80 Memo to Stuart Treby et. al. from Scinto, "It is Budget Time Again!"
2. 1/21/81 Memo to H. Thompson from E. A. Licitra, "Effects of the Hearing Process on Licensing Schedules".
3. 2/9/81 "Briefing Notes; CP and OL Case Work".
4. 2/10/81 American Nuclear Energy Council memo to file from G. Gleason, "January, 1981, NRC Report to House Appropriations Subcommittee on Status of NRC Licensing Proceedings".
5. 3/2/81 Memo to Donoghue et. al. from E. Christenbury, "Cases Pending Before the Commission, Appeal Boards and Licensing Boards".
6. 3/4/81 Note to all Members of OELD from Shapar, "Directed Overtime for Members of the Hearing Division".
7. 3/9/81 American Nuclear Energy Council Licensing Delay Report No. 3, "NRC Considerations of Options to Improve the Licensing Process".
8. 3/9/81 Letter to Shea from Chrm. Hendrie Re: revised licensing procedures.
9. 3/9/81 Memo to Comm. from Shapar, "Conduct of Licensing Board Proceedings", with attachment.
10. 3/12/81 Memo to Admin Law Judges Wolfe, Cheatum & Linenberger from Black Re: Allens Creek.
11. 3/12/81 Letter to Chairman Bevill from Chairman Hendrie Re: additional questions for the record, with attachments.
12. 4/8/80 Memo to Comm. Kennedy from Haller, "A Study of Hearing Process Duration for Nuclear Power Reactors in the U.S.", with enclosures.
13. 4/30/80 Memo to Office Directors from Haller, "A Study of Hearing Process Duration for Nuclear Power Reactors in the U.S.".
 

Undated Misc. lists and schedule charts:
14. "Changes in the Commissions Practice Which can Reduce Time Required for Licensing Hearings".

Appendix A

15. "Some Suggestions regarding Hearing Procedures at NRC".
16. "Scheduling Considerations for Diablo Canyon Low Power Test Authorization".
17. "Assumption Used for the Hearing Process (SER Supplement Issue to OL Decision Date)".
- 18-20. Three untitled schedules for various facilities.

Appendix B

1. 2/17/80 W. Manning Chart - NRR Assumptions on OL Processings  
(In Months)
2. 9/19/80 W. Manning Chart - Proposed Program to Revise NRC  
Licensing Procedures to Ensure Compliance with Regulations
3. 2/17/81 W. Manning Notes to Comm. Gilinsky Re: Points to Raise  
with Cotter
4. 2/18/81 Note from W. Manning to Comm. Gilinsky Re: Suggestions  
for Dealing with Licensing Bottle-Neck
5. 2/24/81 Memo from Chairman Hendrie to Commissioners Re: Hearings  
Issues Requiring Commission Attention
6. 3/30/81 Note from J. Austin to Comm. Gilinsky
7. Undated W. Manning Chart - Reduction in Licensing Delays If  
Interim Operations Authorized and If Appendix B Review  
Times Reduced as of April 1, 1981

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
LEE L. BISHOP

TELEPHONE  
(202) 833-9070

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-81-104  
Rec'd 3-19-81

March 18, 1981

Joseph Felton, Director  
Division of Rules & Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

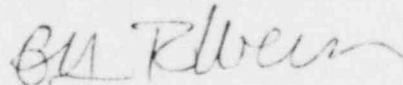
RE: Freedom of Information Act Request

Dear Mr. Felton:

Pursuant to the federal Freedom of Information Act, I hereby request copies of all studies, analyses, memoranda or other documents dealing with the following subjects: 1) delays or slippages in nuclear plant construction or licensing schedules, with particular attention to the causes for such delays or slippages 2) the length of time required to design, construct and license a nuclear plant, with particular attention to the amount or percentage of time attributable to the licensing proceedings and/or interventions in such hearings.

This information is needed immediately in order to prepare comments on NRC's proposed rulemaking 7590-1 which are due on April 7. I would therefore be extremely appreciative if you could expedite your response to this request. Please call if I can do anything to speed the process.

Very truly yours,



Ellyn R. Weiss

ERW/dmw



May 8, 1980

Note to: Stuart Treby  
William Olmstead  
Edwin Reis  
James Tourtellotte

Subject: IT IS BUDGET TIME AGAIN!

Attached are the 1979 revised templates showing manpower for various activities for a typical CP case and a typical OL case. Please review both and provide Mr. Karman your best estimate by May 13, 1980 of how, based on your experience in the last year, this has changed and your best estimate of what we should use for projections for FY 1982. I want you to give particularly thoughtful attention to the OL template. It strikes me as substantially understated for the kind of hearings we are likely to have in contested OL proceedings in FY 1982.

In addition, please give to Mr. Karman, by May 13, your estimate of the status of all cases assigned to your section as they will be on October 1, 1981. if possible, please identify such status in terms of the steps in a proceeding set forth on the typical case templates attached.

We will use the typical case templates for estimated work load on cases for FY 1981, unless you believe that a particular case will have special characteristics which would warrant greater manpower, an extended period of time, or more intense effort than an ordinary case (e.g., TMI-1 in FY 1981 will obviously entail greater manpower and intensity than a normal case). Therefore, please let us know if any of your cases have special characteristics from the standpoint of manpower needs in FY 1982.



Joseph F. Scinto

Attachment

cc: M. Karman

OELD  
 REVISED CP TEMPLATE  
 Showing Manpower for Various Activities and Duration  
 in Calendar Time for Such Activity For a Typical Case

(Does not include travel time in transit)

	<u>Manweeks</u>	<u>Duration</u> <sup>1/</sup>	<u>Milestone</u>
1. Review of Documents for PDR release	1	spread over 5 mos.	
2. Response to Petitions to Intervene	6	2-4	starts 2 mos. after CP docket
3. Discovery (Environmental)	5	}	
4. Review of DES	3		
5. Environmental Prehearing	3.5		
6. Pleadings	3.5		
7. Review of FES	1.5		
8. Prepare Environmental Witnesses	8		
8A. Interlocutory Appeal	2	12-15	
9. Environmental Hearing	7.5	15-17	ASLB Hearing starts 15 mos.
10. Proposed Findings	6	18-19	LWA issues 20 mos.
11. Appeal	4.5	20-23	
12. Discovery (Safety)	3	}	
13. Review of SER	2		
14. Safety Prehearing	1		
15. Pleadings	3.5		
16. Prepare Safety Witnesses	4		

<sup>1/</sup> Time period during which work takes place in months after CP is docketed (Time 0).

Note: This chart is slightly revised from 1978 to reflect the added manpower effort experienced over 1977 and 1978. (See Memorandum 2/2/79, Treby to Engelhardt attached.) It also slightly changes the spread over which this effort takes place.

17. Safety Hearing	7.5	28-31	ASLB Hearings starts 28 mos.
18. Proposed Findings	3	32-33	
19. Appeal	4.5	35-39	Decision 34 mos.
20. Appeal to Commission	2	40-42	
	<u>78.5</u>		

1979  
OELD

Revised CP Time for Attorneys Spent in Transit  
(Not Covered by Work Effort Shown on  
Prior Template)

<u>Purpose</u>	<u>Transit Days</u>	<u>Time Period in Months</u>
1. Four trips to Negotiate contentions	2 2	4-10 23-26
2. Prehearings	2 2	8-10 24-26
3. Three trips for DES & FES	3	6-11
4. Four sessions of hearings	5 5	15-17 29-31
5. Appeals	1 1	20-23 35-39
6. Two trips for depositions or discovery	1 1	4-10 23-26
	TOTAL TRANSIT DAYS	25

REVISED OL TEMPLATE

Showing Manpower for Various Activities and  
Duration in Calendar Time for Such Activity for a Typical Case

(Does not include travel time in transit)

	<u>Manweeks</u>	<u>Duration</u> <sup>1/</sup>	<u>Milestone</u>
1. Review of Documents for PDR release	1	spread	Notice 2 mos. after OL is docketed
2. Response to Petitions to Intervene	6	3-8	Starts 3 mos. after OL is docketed
3. Discovery	5	5-16	
4. Prehearings	1		
5. Pleadings	3.5		
6. Review of DES or FES	4.5		
7. Review of SER	2		
8. Review of Testimony	5		
9. Preparation of Witnesses	2.5		
9A. Interlocutory Appeal	2		
10. Hearings	12		16-20
11. Proposed Findings	6	20-22	
12. Appeal	5	25-31	OL Hearing Decision 24 mos. after OL is docketed
13. Appeal to Commission - (Stay Request)	1	26	
(Appeal)	2	32-34	
	<u>58.5</u>		

<sup>1/</sup> Time period during which work takes place in months after OL is docketed.

OL Time for Attorneys Spent in Transit  
(Not Covered by Work Effort Shown on Prior Template)

<u>Purpose</u>	<u>Transit Days</u>	<u>Time Period in Months</u>
1. Trips to Negotiate Four Contentions	4	4-11
2. Prehearings	2 2	4-6 12-14
3. Three trips for DES & FES	3	6-12
4. Multiple sessions of hearings	10	16-20
5. Appeals	1 1	10-12 26-30
6. Two trips for depositions or discovery	2	7-14
TOTAL TRANSIT DAYS	25	



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JAN 21 1981

MEMORANDUM FOR: Hugh L. Thompson, Jr., Acting Director  
Planning and Program Analysis Staff  
Office of Nuclear Reactor Regulation

FROM: E. A. Licitra  
Resource and Scheduling Branch  
Planning and Program Analysis Staff, NRR

SUBJECT: EFFECTS OF THE HEARING PROCESS ON LICENSING SCHEDULES

Per your request, I have made a review of the subject matter and my findings are presented below.

Section 2.104 of 10 CFR Part 2 states that a notice of hearing shall be published at least 15 days before the start of hearing (30 days for CPs). An application is considered ready for hearing after the ACRS supplement is published (for the safety phase which is usually controlling). The current Bevill schedules assume 1-2 months between supplement issuance and start of hearing. In the past two years, only one (Diablo Canyon for the seismic review phase) of three OL applications has completed this phase within two months (see Enclosure 1).

As would be expected, there is no guidance in the regulations regarding how much time to assume for the duration of a hearing. The current Bevill schedules assume 2-4 months to complete a hearing (after start). In the past two years, two (Diablo Canyon for the seismic review phase and McGuire) of three OL applications have completed this phase within four months (see Enclosure 1).

Following completion of the hearing, proposed findings by the staff (last input from parties) are due within 40 days (Section 2.754 of 10 CFR Part 2) and the Board Initial Decision is due 35 days thereafter (Section VI.(d). of Appendix A to CFR Part 2), representing a total span of about 2 1/2 months. The current Bevill schedules assume 2-3 months between the end of hearing and the issuance of an Initial Decision. In the past two years, none of three OL applications has had a Initial Decision issued within three months of the end of hearing (see Enclosure 1).

Based on the above, we are not allowing enough time for the hearing process in the current Bevill schedules. Diablo Canyon's total span (the shortest of the three OLs) from supplement issuance to Initial Decision (for the seismic review phase) is about 10 1/2 months as compared to the maximum of 9 months assumed in the Bevill schedules. It appears that at least an additional two months, and probably more, should be added to the Bevill schedules (including the remainder of the Diablo Canyon hearing process) to account for a longer hearing process.

8103050688  
CF

Following the TMI-2 accident, the Commission suspended the immediate effectiveness rule for Initial Decisions and defined a revised role for the Licensing and Appeal Boards and for the Commission during this suspension. (Appendix B to 10 CFR Part 2). Enclosure 2 presents my understanding of what Appendix B states regarding those roles.

As indicated in Enclosure 2, the Licensing Board is required to identify, with its Initial Decision, issues which (1) could affect whether a license should become effective before completion of full appellate review (Appeal Board Final Decision and Commission review) or (2) require prompt Commission policy guidance. This additional effort may add to the time the Licensing Board takes to issue an Initial Decision. My intuitive feeling is that the additional time will be less than a month.

After the Initial Decision is issued, the Appeal Board has 60 days to decide whether a license should become effective before completion of full appellate review. Although not specifically addressed in Appendix B to 10 CFR Part 2, the implication is that appellate review by the Appeal Board does not start until after it decides whether the license should become effective before completion of appellate review. Appendix B provides the Commission the option of allowing the Appeal Board more time if the Board cannot decide the stay questions within 60 days. For schedule planning purposes, however, we should assume two months for the Appeal Board review of the stay questions.

Following receipt of the Appeal Board decision on the stay questions, the Commission will seek to issue its own decision within 20 days. Appendix B to 10 CFR Part 2 gives the Commission the option of taking more time if it cannot decide within 20 days. For schedule planning purposes, we should assume at least a month for a Commission decision.

Therefore, assuming a favorable decision by the Commission, the above spans for Appeal Board and Commission review of the stay questions would result in a license being issued about three months after issuance of the Initial Decision. In comparison, the current Beville schedules assume 2-3 months for this process.



One final point; if the decision is made to stay the issuance of a license until the full appellate review is completed, this will probably add several more months to the schedule before a license can issue. In the case of Diablo Canyon, OELD recently estimated this additional time to be a minimum of 4-6 months, depending on whether the Commission decides to review the Final Decision.



E. A. Licitra  
Resource and Scheduling Branch  
Planning and Program Analysis Staff, NRR

Enclosures:

- (1) Actual Spans for the Hearing Process for Near Term OLS
- (2) Role of Boards and Commission During Suspension of Immediate Effectiveness Rule

cc: H. Denton  
E. Case  
D. Eisenhut  
R. Tedesco  
J. Roe

Enclosure 1

Actual Spans for the Hearing Process  
for Near Term OLS

	<u>Suppl to</u> <u>Start</u>	<u>Start to</u> <u>Finish</u>	<u>Finish to</u> <u>Decision</u>	<u>Total</u>
* Diablo Canyon	2 1/2 weeks	2 1/2 mo	7 1/2 mo	10 1/2 mo
** McGuire	3 mo	1 week	7 1/2 mo	11 mo
*** North Anna	2 1/2 mo	6 mo	6 mo	14 1/2 mo

- 
- \* Data for Diablo Canyon is based on the seismic review phase (starting with Supplement No. 8) and excludes the current effort on litigating TMI related issues.
  - \*\* Data for McGuire is based on the period prior to the Board reopening the hearing on the issue of hydrogen control.
  - \*\*\* Data for North Anna assumes Supplement No. 3 (which was the most recent one issued prior to the start of the safety hearing) is the starting point for the spans.

ENCLOSURE 2

Role of Boards and Commission  
During Suspension  
of Immediate Effectiveness Rule

A. Licensing Board Role

1. Issue Initial Decision as before.
2. In addition, the Licensing Board should
  - (a) analyze the evidence on those....issues which... present serious, close questions and which .... may be crucial to whether a license should become effective before full appellate review is completed.
  - (b) identify any aspects of the case which... present issues on which prompt Commission policy guidance is called for.

The Licensing Board may request assistance from the parties on these matters but they are not subject to discovery, examination, or cross-examination.

B. Appeal Board Role

1. Within 60 days (which allows time for service by mail and to hold any required oral arguments), the Appeal Board
  - (a) shall decide any stay motion (one that seeks to defer the effectiveness of an Initial Decision beyond the period necessary for Appeal Board and Commission action described in Appendix B to 10 CFR Part 2).
  - (b) on its own motion, if no stay motion is filed, shall decide whether a stay is warranted.
  - (c) will give particular attention to whether issuance of the license or permit prior to full administrative review may create novel...issues or prejudice review of significant... issues.

- (d) will inform the Commission...[of any] issues on which prompt... policy guidance...would advance the Board's appellate review (Final Decision).

The Appeal Board shall not decide that a stay is warranted without giving affected parties an opportunity to be heard.

2. If the Appeal Board cannot issue a decision on the stay questions within 60 days, it should explain to the Commission the cause of the delay. The Commission shall then either allow the Appeal Board more time or take other action (e.g., take the matter over itself). The running of the 60 day period does not make the Initial Decision immediately effective.
3. Unless otherwise ordered by the Commission, the Appeal Board will then conduct its normal appellate review (Final Decision).

C. Commission Role

1. The Commission will seek to issue a decision on the stay questions within 20 days of receipt of the Appeal Board decision.
2. If it cannot decide within 20 days, it will state the reason and give the time when a decision is expected. The Initial Decision will be considered stayed pending the Commission's decision.
3. After a decision on the stay questions, the Commission may give the Appeal Board instructions on its appellate review of the case (for issuing a Final Decision).



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 2, 1981

MEMORANDUM FOR: Those on Attached List

FROM: Edward S. Christenbury  
Chief Hearing Counsel, Office of  
the Executive Legal Director

SUBJECT: CASES PENDING BEFORE THE COMMISSION, APPEAL  
BOARDS AND LICENSING BOARDS

Attached is the March update of the cases pending before licensing boards, appeal boards, or the Commission.

A handwritten signature in black ink, appearing to read "E. S. Christenbury".

Edward S. Christenbury  
Chief Hearing Counsel  
Office of the Executive Legal Director

Enclosure as stated

8103310263

CF

Multiple Addressees:

Daniel J. Donoghue  
Learned W. Barry  
Edward E. Tucker  
Norman M. Haller  
James R. Shea  
Ray G. Smith  
Robert B. Minogue  
William J. Dircks  
Harold R. Denton (10 cy)  
John G. Davis  
Victor Stello (5 cy)  
Richard E. Cunningham  
Thomas Novak (3 cy)  
Gus Lainas (3 cy)  
Robert Tedesco (3 cy)  
Region I (Boyce Grier)  
Region II (James O'Reilly)  
Region III (James Keppler)  
Region IV (Karl Seyfrit)  
Region V (Robert Engelken)  
Leland Rouse  
Robert Jackson  
Darrell Eisenhut (2 cy)  
Steven Varga  
Leonard Bickwit

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Allens Creek, Units 1 & 2 (50-466/467) (GE)	SER 11/74 Supp. 6/75	Yes 11/74	X	Wolfe, Chairman Linenberger, Cheatum	X	Rosenthal, Chrm. Buck, Kohl		Hearing on environmental issues com- menced on 1/12/81.
Barton, Units 1 & 2 (50-524/525) (GE)	No	No	X	Smith, Chairman Kline, Paxton				On 12/5/80, Applicant filed request to withdraw its application and terminate the proceeding. Staff response filed 12/24/80.
Black Fox, Units 1 & 2 (CP) (STN 50-555/556) (GE)	SER 6/77 SER Supp. 9/78, 3/79, 8/79	Yes 2/77	X	Wolfe, Chairman Purdum, Shon	X	Salzman, Chairman Jonsson		Pending before ASLAB on radon. Motion pending before ASLB to reopen safety hearings on TMI issues and as lead CP case, hearings on these issues expected no sooner than Fall 1981.
Blue Hills, Units 1 & 2 (ESR) (50-510/511) (Comb.)	Early Site Review Report 1/77	Yes 7/78	X	Miller, Chairman Little				Early site review hearing requested by Applicant. Evidentiary hearing held in May 1979; awaiting ASLB decision. No intervention.

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Carroll County Site (ESR) (50-599/600) (West)	No	No	X	Wolf, Chairman Bright, Holton			X	Special prehearing conference held 9/19/79. ASLB granted petitions for leave to intervene. Special prehearing conference order issued 5/30/80 and affirmed by ASLAB 7/29/80; petition for Commission review has been denied.
Cherokee, Units 1-3 (STN 50-491/492/493) (Comb.)	SER 3/77 Supp. 7/77	Yes 10/75		Chairman not appointed deSylva, Jordan	X	Rosenthal, Chm. Salzman, Buck		CPs issued. Appeal Board has approved Initial Decision except for radon issue which is still before the ASLB. Applicant announced indefinite deferral of Unit #3.
Clinch River (suspended) (50-537) (West)	No	No	X	Miller, Chairman Linenberger, Hand				Hearing indefinitely suspended at request of Applicant.
Davis-Besse, Units 2 & 3 (CP) (50-500/501) (B&W)	SER 7/78 No Supp. yet	Yes 3/73	X	Cotter, Chairman Hand, Hetrick				LWA-1 and LWA-2 issued. Applicants have requested that proceedings be terminated and application be withdrawn. On 12/1/80, ASLAB directed (ALAB-622) that the request for withdrawal be presented to ASLB, struck from its docket two PID's which it was to review <u>sua sponte</u> , and removed the proceeding from generic radon issue consideration. Request for withdrawal of application pending before ASLB.

\* Indicates before which tribunal(s) the case is currently pending.



CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

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FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Fulton, Units 1 & 2 (50-463/464) (No vendor)	SER 3/75 Supp. 7/75	Yes 4/75	X	Clark, Chrm. deSylva, Linenberger Callihan, Alt.				On 12/5/80, Applicant filed motion to withdraw its application and terminate the proceeding. Staff response filed 12/24/80.
Greene County (CP) (50-549) (B&W)	SER 9/77 Supp. 9/78	Yes 2/9/79	X	Goodhope, Chrm. Ferguson, Cole				Applicant has advised ASLB that it does not plan to pursue its application further. No further hearings will be held. Applicant has, however, requested ASLB to keep docket open while Applicant seeks to sell its assets in the project. Applicant has withdrawn its application filed with the the State.
Hartsville, Units 1 & 4 (CP) (STN 50-518/519/520/ 521 (GE)	SER 4/76 Supp. 10/76	Yes 6/75		Wolfe, Chairman Leeds, Remick	X	Rosenthal, Chrm. Buck		CP's issued. Before ASLAB on radon issue only.
Hope Creek, Units 1 & 2 (CP) (50-354/355) (GE)	SER 12/71 Supp. 8/73	Yes 2/74		Hill, Paris	X	Johnson, Salzman		Second Supp. Initial Decision issued 4/13/78. ASLAB issued its decision on 1/12/79. Commission declined review of ASLAB decision of 1/12/79. ASLAB has retained jurisdiction over radon.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Marble Hill, Units 1 and 2 (CP) (STN 50-546/547) (West)	SER 7/77 (included ACRS ltr)	Yes 9/76			X (radon issue)	Salzman, Chrm. Buck		Initial Decision issued 4/78, affirmed by ASLAB. Pending before ASLAB on radon issue.
Midland, Units 1 & 2 (CP) Remand (50-329/330) (B&W)	SER 11/70	Yes 3/72	X	Miller, Chairman Leeds, Luebke	X	Salzman, Johnson	X	Pending before ASLB for decision on issue of whether licensee provided full disclosure of information. Hearing record closed.
Montague, Units 1 & 2 (50-496/497) (GE)	SER 7/78 No Supp. Yet	Yes 2/77	X	Bechhoefer, Chrm. Decker, Holton				Application in suspension at request of Applicant. No hearing schedule.
North Coast, Unit 1 (50-376) (West)	No	Yes 4/77	X	Wolfe, Chairman Cole, Linenberger		Rosenthal, Chrm. Buck		Applicant requesting Early Site Review has moved to dismiss proceeding. Intervenor's motion seeking dismissal "with prejudice" has been remanded to ASLB.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Offshore Power Systems (50-437) (West)	SER 5/75	Yes 10/75 9/76 FES III yet to come	X	Wolfe, Chairman Schink, Kornblith Hetrick, Alt.	X	Salzman, Chrm. Buck		Hearing on both safety and environmental issues may conclude in the next few months. Partial proposed findings of fact have been submitted to the ASLB by the Staff and Applicant. TMI-2 related issues are remaining.
Pebble Springs, Units 1 & 2 (CP) (50-514/515) (BAW)	SER 1/76 Supp. 1/78	Yes 4/75	X	Bowers, Chairman Jordan, Martin				In hearing before the ASLB. Staff reviews incomplete. Applicant has announced a four year deferral. Partial findings of fact and conclusions of law on environmental and site suitability issues have been filed.
Perkins, Units 1-3 (CP) (STN 50-488/489/490) (Comb.)	SER 3/77 Supp. 7/77	Yes 10/75	X	Bowers, Chairman deSylva, Jordon	X	Rosenthal, Chrm. Buck, Salzman		Hearing on both safety and environmental issues completed, except for effects of the TMI accident. Applicant has indefinitely deferred the facility. Hearings to be reopened for consideration of TMI-related issues. Appeal by intervenor on alternative site PID is pending before ASLAB.
Phipps Bend, Units 1 & 2 (50-553/554) (GE)	SER 4/77 Supp. 9/77	Yes 2/77		Luton, Chairman Hill, Schink	X	Rosenthal, Chrm. Salzman, Buck		ASLAB affirmed Initial Decision; retained jurisdiction over radon issue.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Pilgrim, Unit 2 (CP) (50-471) (Comb.)	SER 6/75 Supp. 1/76	Yes 9/74 Final Supp. Issued 5/79	X	Goodhope, Chrm. Callihan, Cole	X	Salzman, Chrm. Buck		Partial Initial Decision was issued on 2/5/81, on all issues except emergency planning and TMI-2 related issues.
Seabrook, Units 1 & 2 (50-443/444 (West)	SER 8/74 Supp. 3/75	Yes 12/74		Smith, Chairman Salo	X	Rosenthal, Chrm. Buck	X	Radon issue pending before ASLAB. Commission has remanded to ASLAB for further consideration of seismic issues. Hearing scheduled to begin on 4/6/81.
Shearon Harris, Units 1-4 (CP) (50-400/401/402/403) (West)	SER 12/72 Supp. 4/73	Yes 5/73	X	Smith, Chairman Leeds, Bright		Rosenthal, Chrm. Buck		CP's issued; before ASLAB on radon issue.
Skagit, Units 1 & 2 (CP) (STN 50-422/423) (GE)	SER 8/77 Supp. 10/78	Yes 5/75	X	Deale, Chrm. Hooper, Linenberger		Rosenthal, Chrm. Buck		Applicant has announced change in site of facility. New ER to be filed in late 1981.
St. Lucie, Unit 2 (CP) (50-389) (Comb.)	SER 11/74 Supp. 3/76	Yes 5/74		Hooper, Hetrick	X	Salzman, Johnson	X	CP issued. In ALAB-603 (7/30/80), ASLAB ruled that loss of all AC power is to be considered a design basis event; CP approved subject to this modification. The Commission has decided to review generic aspects of ALAB-603, by order of 12/12/80. Pending before ASLAB on radon release issue.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Construction Permit or Early Site Review:</u>								
Wolf Creek (CP) (STN 50-432) (West)	SER 9/75 Supp. 1/76	Yes 10/75			X	Rosenthal, Chrm. Buck		Pending before ASLAB on radon issue.
WPPSS, Units 1 & 4 (50-513) (B&W)	SER 5/75	Yes 3/75		Lazo, Chairman deSylva	X	Salzman, Chrm. Sharfman, Buck		CP issued 2/78. Pending before ASLAB on radon issue.
Yellow Creek, Units 1 & 2 (CP) (STN 50-566/567) (Comb.)	SER 12/77 Supp. 6/78	Yes 11/77		Smith, Chairman Paris	X	Rosenthal, Chrm. Salzman, Buck		CP issued 11/78. Pending before ASLAB on radon issue.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>								
Byron (Units 1 & 2)- (50-454/455) (West)	No	No	X	Miller, Chairman Callihan, Cole				Orders ruling on contentions issued by ASLB on 12/19/80.
Braidwood (Units 1 & 2) (50-456/457) (West)	No	No	X	Miller, Chairman Callihan, Cole				ASLB determined that two petitions for leave to intervene pending before it satisfy interest requirements. Special prehearing conference held 8/23/79.
Callaway, Units 1 & 2 (50-482/486)	No	No	X	Gleason, Chairman Bright, Kline				ASLB granted petitions for leave to intervene by order of 2/5/81.
Clinton (Units 1 and 2) (50-461/462) (GE)	No	No	X	Clark, Chairman Ferguson, Paris				Special prehearing conference held on 1/29/81. Contentions are to be nego- tiated by 3/12/81; a second special prehearing conference will be scheduled.
Comanche Peak 1 & 2 (50-445/446) (West)	No	No	X	Deale, Chairman Remick, Cole				Contested hearing. No hearing dates scheduled. Board Order admitting con- tentions issued on 6/16/80; modified in part by order of 10/31/80. Intervenors consolidated and lead parties designated by order of 12/31/80. Discovery has commenced.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>								
Diablo Canyon, Units 1 & 2 (50-275/323) (West)	SER 10/74 Supp. 10 issued 8/80	Yes 5/73	X	Bowers, Chairman Bright, Martin	X	Salzman, Chrm. Moore (Security) Johnson Buck (Seismic)	X	Safety hearings closed 2/15/79. Motion to grant fuel load and low power test licenses pending before ASLB. Possible hearing on low power testing to be held in early 1981. Seismic partial initial decision issued 9/29/79. Hearing before ASLAB on seismic issues held on 10/20-25/80; hearing before ASLAB on security issues held on 11/10-15/80.
Fermi, Unit 2 (50-341) (GE)	No (Interim SER issued 9/77)	No	X	Bechhoefer, Chrm. Schink, Shon				Contested hearing. No hearing date scheduled.
Ginna, Unit 1 (FTOL) (50-244) (West)	No	Yes 12/73	X	Grossman, Chairman Luebke, Cole				No hearing to be scheduled until Staff completes its SEP review.
Indian Point, Units 1, 2 & 3 (Seismic) (50-3) (B&W)	No	No		Jensch, Chairman Daiber, Briggs	X	Quarles, Buck		ALAB-436 majority opinion issued. Chairman Farrar's dissenting opinion issued on 8/3/79. Supplemental majority opinion issued on 9/6/79. Commission has declined to review decision.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>							
LaCrosse (FTOL) (50-409) (AC)	No	Yes 4/80	X	Bechhoefer, Chm. Anderson, Decker			Contested hearing. Discovery has been reopened. Motions for summary disposition of environmental contentions are pending before ASLB and may be amended following further discovery. No hearing date set.
McGuire, Units 1 & 2 (50-369/370) (West)	SER 3/78 Supp. 5/78 (1); 3/79 (2); 5/80 (3); 1/81 (4).	Yes 4/76	X	Lazo, Chairman Cole, Luebke			ASLB Initial Decision issued 4/18/79, stayed by ASLB, pending issuance of SER supplement covering generic items. SER Supp. 3, which addresses generic issues, was issued in May 1980; Supp. 4 issued in January, 1981. Intervenor's motion to reopen record has been granted by ASLB. Applicant's motion for low power test license has been granted in part. Hearing on hydrogen generation/control commenced on 2/24/81.
Midland, Units 1 & 2 (50-329, 330) (B&W)	No	No	X	Bechhoefer, Chm. Cowan, Linenberger			Contested hearing. Discovery opened. Staff review delayed. Hearings scheduled after issuance of principal staff documents. Construction completion date revised to mid 1984.
North Anna, Units 1 & 2 (50-338/339) (West)	SER 6/76 Supp. 8/77 12/77	Yes			X Rosenthal, Chm. Buck, Quarles		OL issued. Pending before ASLAB on turbine missile impacts as well as radon.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>								
Oyster Creek, Unit 1 (50-219) (GE)	No	Yes 12/74	X	Lazo, Chairman Paxton, Purdom	X	Rosenthal, Chm. Buck, Moore		Motion to terminate proceeding granted by ASLB on 2/22/80. Order stayed by ASLAB. On 9/5/80, ASLAB remanded the case to ASLB to consider additional information on unresolved generic safety issues which might apply to Oyster Creek operation. ASLB decision is pending.
Palo Verde, Units 1, 2, & 3 (50-528/529/530)	No	No	X	Lazo, Chairman Callihan, Cole				Petition for leave to intervene has been granted by ASLB. Contentions are being formulated.
Peach Bottom, Units 2 & 3 (50-277/278) (GE)	SER 8/72	Yes 4/73		None	X	Buck, Johnson		Pending before ASLAB on radon issue.
Robinson, Unit 2 (Section B) (50-261) (West)	N.A.	Yes 4/75		Wolf, Chairman Callihan, Cole	X	Salzman, Johnson		Partial Initial Decision issued by ASLB; affirmed by ASLAB by decision of 10/31/79 (ALA3-569). Pending before ASLAB on radon only.
San Onofre, Units 2 & 3 (50-361/362) (Comb.)	SER 12/80 2/81 Supp. 2/81	No	X	Smith, Chairman Hand, Luebke				Contested hearing. No hearing dates scheduled. SER on geology/seismology issued on 12/31/80; full SER and SER Supp. (TMI-related) issued in 2/81.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>								
Shoreham (50-322) (GE)	SER expected 3/80	Yes 12/77	X	Bowers, Chairman Paris, Shon				Contested hearing. No hearing dates scheduled.
South Texas, Units 1 and 2 (50-499/499) (West)	No	No	X	Bechhoefer, Chrm. Lamb, Luebke				Contested hearing. Commission has ordered initial hearing on applicant's character and competence; hearing likely to commence in May 1981.
Summer, Unit 1 (50-395) (West)	No	Yes 10/77	X	Grossman, Chairman Hooper, Linenberger				Contested hearing. No hearing dates scheduled.
Susquehanna, Units 1 and 2 (50-397/388) (GE)	No	No	X	Bechhoefer, Chrm. Bright, Paris	X	Salzman, Chrm. Buck, Moore		Contested hearing. Hearing not likely until late 1981. Discovery in progress.
Three-Mile Island, Unit 2 (50-323) (B&W)	SER 9/76 Supp. 3/77 2/78	Yes 12/76		Chairman Salo, Linenberger	X	Rosenthal, Chrm. Johnson, Buck		Hearing before ASLAB on aircraft protection issue concluded on 2/25/80. Also pending before ASLAB on radon.
Waterford 3 (50-382) (Comb.)	No	No	X	Wolfe, Chairman Jordan, Foreman				Contested hearing. No hearing dates scheduled.

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## CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operating License:</u>								
Wolf Creek, Unit 1 (50-482) (West)	No	No	X	Gleason, Chm. Anderson, Leeds				Petitions for leave to intervene have been filed.
Zimmer, Unit 1 (50-358) (GE)	SER 2/79	Yes 6/77	X	Bechhoefer, Chm. Bright, Hooper				Contested hearing. Hearings to be held on technical qualifications, emergency plans, radiological monitoring, finan- cial qualifications and Three Mile Island related issues.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>License Amendment:</u>								
Armed Forces Radiobiology Research Institute (AFRRI) (License Renewal) (50-170)	No	No	X	Carter, Chrm. Hill, Schink				Petition for leave to intervene has been filed. Staff response filed 1/26/81. Contentions are being negotiated.
Big Rock Point Unit 1 (SFP) (50-155) (GE)	No	EIA No	X	Grossman, Chrm. Paris, Shon	X	Moore, Chrm. Buck, Kohl		Contested hearing. Contentions admitted. Discovery in progress. ASLAB has been established to rule on NEPA issue.
Dresden, Unit 1 (Decontamination) (50-10)	No	Yes					X	Commission to determine whether to grant hearing prior to action. Views of Staff and other parties have been filed. Pending before the Commission.
Dresden, Units 2 & 3 (SFP) (50-237/249) (GE)	No	EIA No	X	Wolf, Chairman Little, Remick				Contested hearing. Special prehearing conference held on 8/19/80. Hearing completed 11/21/80 except as to channel bowing issue and additional Board Question; hearing date not yet established.
Dresden-Quad Cities (Shipment of Spent Fuel) (50-237/249) (GE)	No	EIA No	X	Milhollin, Chrm. Johnson, Stober				Contested hearing. Special prehearing conference held 2/01/79.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUE)	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>License Amendment:</u>								
Duke Power Co. (SNM-1773) (Spent Fuel Transportation & Storage) (70-2623)	Yes 1/79	EIA Yes 12/78	X	Miller, Chairman Hand, Luebke	X	Rosenthal, Chm. Buck, Salzman	X	Contested hearing. Hearing completed on 4/29/80. Initial decision issued on 10/31/80, denying application for license amendment. Appeals by Applicant and Staff are pending before ASLAB.
General Electric Co. (GE) Morris Operation Expansion (Spent Fuel Storage) (70-1308)	No	No	X	Goodhope, Chairman Little, Remick				Hearing indefinitely suspended at request of Applicant.
General Electric Co. (GE) Morris Operation (License Renewal) (70-1308)	No	EIA No 6/5/80	X	Goodhope, Chairman Little, Remick				Intervenors' contentions admitted by Order of 6/4/80. Recent promulgation of Part 72 will govern proceeding and may have impact upon previously admitted contentions.
Humboldt Bay (deletion of seismic conditions) (50-133) (GE)	No	No		Chairman Linenberger, Schink				Contested hearing. Motion to withdraw application for license amendment and to terminate the proceeding filed by Applicant on 12/31/80. Staff response filed 1/21/81.
Indian Point, Unit 2 (Cooling Tower) (50-247) (West)	N.A.	Yes 8/76		Daiber, Briggs		Buck, Quarles	X	Pending before Commission for decision on whether NRC has authority to require closed cycle cooling or whether such authority lies solely with EPA.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>License Amendment:</u>								
LaCrosse (SFP) (50-409) (AC)	Yes SER 7/13/79	Yes EIA 7/13/79	X	Bechhoefer, Chrm. Anderson, Decker	X	Rosenthal, Chrm. Quarles, Moore		ASLB issued Initial Decision on 1/10/80 granting the license amendment. Jurisdictional question on need for power issue and hearing is pending before the ASLAB.
Maine Yankee (SFP) 50-309 (Comb.)	No	No	X	Lazo, Chrm. Hand, Linenberger				Petition for leave to intervene has been granted. Prehearing conference held in October 1980. Second notice of opportunity for hearing published on 1/28/81, pursuant to ASLB order.
Salem, Unit 1 (SFP) (50-272) (West)	SER 1/12/79	EIA 1/12/79	X	Milhollin, Chrm. Shon, Lamb	X	Kohl, Chrm. Johnson, Moore		Contested hearing. Initial Decision issued 10/27/80 authorizing amendment. Exceptions to Initial Decision have been filed and briefed.
Trojan (Control Building) (50-344) (West)	SER 2/14/80	No	X	Miller, Chairman McCullom, Paxton		Rosenthal, Chrm. Buck, Johnson		Contested hearing. Further hearing on proposed modifications of control building concluded on 4/17/80 and initial decision issued by ASLB 7/11/80. Appeal filed by State of Oregon has been resolved by stipulation, approved by ASLAB by Order of 1/6/81 (ALAB-627).

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACKS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>License Amendment:</u>								
Turkey Point Nuclear Generating Plant, Units 3 and 4 (Steam Generator Repair) (50-250/251)	SER 6/29/79	No	X	Bowers, Chairman Paris, Luebke				Contested hearing. No hearing date scheduled.
UCLA Research Reactor (License Renewal) (50-142)	No	No	X	Bowers, Chairman Luebke, Paris				Petition for leave to intervene has been granted by ASLB. Further prehearing conference to consider contentions held on 2/4-5/81.
Zion, Units 1 & 2 (SFP) (50-295/304) (West)	No	EIA No	X	Wolf, Chairman Little, Remick				Contested hearing. Hearings held during the weeks of June 11 and June 18, 1979. Initial decision issued by ASLB on 2/14/80 authorizing license amendment. ASLAB affirmed initial decision in ALAB-616.

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CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Special:</u>								
Alabama Nuclear Fuel Fabrication Plant (ANFFP)-Application for a special nuclear material license (70-2909)	No	No	X	John Wolf, Chairman Foreman, Steindler				Petitions for leave to intervene are pending before ASLB. Special prehear- ing conference held on 8/21/80 to con- sider petitions. Stipulation of con- tentions and statements of position to be filed by 3/16/81.
Bally Generating Station (Short piling proposal) (50-367) (GE)	No	No					X	Request for hearing denied per Commis- sion Memorandum and Order of 12/12/79. Petition for review filed with D. C. Circuit.
Bally Generating Station (Construction Permit Extension) (50-367) (GE)	No	No	X	Grossman, Chairman Cole, Bright				Contested hearing. No hearing date scheduled.
Big Rock Point (Increase MOX Fuels) (50-155) (GE)	No	No	X	Wolfe, Chairman Foreman, Shon				Contested hearing. In indefinite sus- pension as a result of GESMO decision.
Midland Nuclear Power Plant, Units 1 and 2 (Soil Construction Activities) (50-329/330) (B&W)	No	No	X	Techhoefer, Chrm. Cowan, Linenberger	X	Salzman, Chrm. Buck, Kohl		Hearing on Order Modifying Construction Permits has been noticed. Order ruling on petitions and admitting contentions issued by ASLB on 10/24/80. Certain DL issues have been consolidated with this proceeding. Prehearing conference scheduled for 3/24/81.

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## CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB* ASLB*	ASLB BOARD MEMBERS	ASLAB* ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Special:</u>								
NECO (Sheffield) (27-39) (Licensee renewal applica- tion, conditions on termination of license and order to show cause)	No	No	X	Goodhope, Chrm. Little, Remick	X	Rosenthal, Chrm. Johnson, Salzman		Contested hearing. Licensee seeks to withdraw application for license renewal. Commission has consolidated with show cause order preventing licensee from abandoning the site. Discovery in progress.
Palisades (Replacement of Steam Generators) (50-255 SP) (Comb.)	No	No	X	Bechhoefer, Chrm. Anderson, Livingston				Intervention granted. Hearing likely in 1981.
Rancho Seco Nuclear Generating Station, Unit No. 1 (Post- start up hearing) (50-312) (B&W)	Yes SER 7/79	N.A.	X	Bowers, Chairman Shon, Cole				Hearing completed on 5/14/80 and record closed. Proposed findings have been filed.
Three Mile Island, Unit 2 (50-320)-OLA (B&W)	Yes 2/11/80	No EIA 2/11/80	X	Wolf, Chairman Shon, Paris				Contested Hearing. Prehearing con- ference held on 7/7-8/80. Negotiations on contentions in progress.

\* Indicates before which tribunal(s) the case is currently pending.

## CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Special:</u>								
Three Mile Island, Unit 1 (50-289) (B&W)	Yes SER 6/16/80 Supp. 1. 11/28/80	No	X	Smith, Chairman Jordan, Little				Contested hearing. A number of petitioners have been admitted as intervenors. Hearing commenced 10/15/80. The Commission has denied motion for certification of psychological stress issue, but may reconsider this matter later (CLI-80-39).
Vallecitos Nuclear Center: GETR (show cause) (50-70) (not LWR)	Yes SER 5/23/79 and 10/27/80	No	X	Grossman, Chairman Foreman, Linenberger				Contested hearing. Discovery in progress. Hearing scheduled to commence 5/27/81.
Vallecitos Nuclear Center: GETR (Renewal) (50-70) (not LWR)	No	No	X	Grossman, Chairman Foreman, Linenberger				Contested hearing. No hearing dates scheduled.
Vallecitos Nuclear Center: (Special Nuclear Material) (70-754) (not LWR)	No	No	X	Grossman, Chairman Foreman, Linenberger				Contested hearing. No hearing dates scheduled.

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Antitrust:</u>								
Barton, Units 1 & 2 (50-524A/525A)	N.A.	N.A.	X	Glaser, Chairman Elzinga, Miller				Hearing suspended. On 12/5/80, Applicant filed request to withdraw its CP applications and to terminate the proceeding.
Comanche Peak Steam Electric Station, Units 1 & 2 (50-445A/446A)	N.A.	N.A.	X	Miller, Chairman Glaser, Wolf				Contested hearing. Proposed license conditions in settlement of antitrust issues have been submitted to ASLB by all parties.
Farley, Units 1 & 2 (50-348A/364A)	N.A.	N.A.			X	Farrar, Chm. Salzman, Sharfman		Pending before ASLAB for decision.
South Texas, Units 1 & 2 (50-498A/499A)	N.A.	N.A.	X	Miller, Chairman Glaser, Wolfe				Contested hearing. Proposed license conditions in settlement of antitrust issues have been submitted to ASLB by DOJ, WRC Staff, some Intervenors and Applicants. Non-settling Intervenors have filed their positions on proposed settlement agreement; other parties have filed responses.

\* Indicates before which tribunal(s) the case is currently pending.

## CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Antitrust:</u>								
St. Lucie, Unit 2 (50-389A)	N.A.	N.A.	X	Smith, Chairman Deale, Lazo				Contested hearing. No hearing date scheduled. Staff, DOJ and Applicant have submitted a proposed settlement agreement to ASLB, to which intervenors have not agreed. Intervenors have filed comments on the proposed license conditions; other parties have filed responses.
St. Lucie Plant, Units 1 & 2 (50-335A/389A)	N.A.	N.A.					X	Commission decision issued on 12/21/79 which denied request for a Section 105a proceeding at this time. Commission to await result of remedy hearing in Federal district court. Matter now pending in D. C. Circuit.
Stanislaus, Unit 1 (P-564-A)	N.A.	N.A.	X	Miller, Chairman Wenner, Wolfe				Contested hearing. No hearing date scheduled. Discovery in process. Motion has been filed to suspend discovery pending resolution of other litigation.
Turkey Point Plant, Units 3 & 4 (50-250A/251A)	N.A.	N.A.					X	See St. Lucie Plant, Units 1 & 2 above.
Virgil Summer Nuclear Station, Unit 1 (50-395A)	N.A.	N.A.					X	DOJ has submitted to Commission its position concerning "significant change" determination. Matter pending before the Commission.

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Enforcement Actions:</u>								
Consumers Power Co. (50-255) (Palisades)	N.A.	N.A.		ALJ Smith				Conducting discovery.
Dairyland Power Cooperative (50-409) (La Crosse Boiling Water Reactor)	N.A.	N.A.	X	Bechhoefer, Chm. Anderson, Decker				Prehearing conference and preliminary hearing held on 12/16/80. Discovery on remaining issues to commence 3/1/81. Hearing not anticipated before mid-1981.
Environmental Qualification Orders	N.A.	N.A.						Requests for hearing being held in abeyance pending issuance of Safety Evaluation Reports.
Niagara Mohawk Power Corp. (50-220) (Nine Mile Point)	N.A.	N.A.						Request for hearing has been received.
Teletherapy Licensees	N.A.	N.A.	X	Goodhope, Chm. Cowan, McCollum				Request for hearing has been referred to Licensing Board for ruling.

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLR BOARD MEMBERS	ASLAB*	ASLAR BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Export License Proceedings</u>								
Taiwan (110-1075/1076) (GE) (110-2058/2175) (WEST) (110-2252/2253/2254) (CE)							X	Petitions for leave to intervene and request for hearing have been denied. Licenses to each of the Applicants have been issued by Order of 2/13/81 (CLI-81-2).

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (Docket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Formal Rulemakings:</u>								
Storage and Disposal of Nuclear Waste (RM 50-B)	N.A.	N.A.		Presiding Officer- Miller				Commission Order issued on 1/16/81. Summary of Statements of Position filed on 1/29/81; responses to be filed by 3/5/81.

\* Indicates before which tribunal(s) the case is currently pending.

CASES PENDING BEFORE THE COMMISSION, APPEAL BOARDS AND LICENSING BOARDS

FACILITY (ocket No. & Vendor)	SER/ACRS SUPP. ISSUED	FES ISSUED	ASLB*	ASLB BOARD MEMBERS	ASLAB*	ASLAB BOARD MEMBERS	COMMISSION*	HEARING STATUS
<u>Operator License Denials</u>								
Individual at TMI-Unit 1	N.A.	N.A.						Request for hearing has been received. Notice has not yet been issued.

\* Indicates before which tribunal(s) the case is currently pending.



BRIEFING NOTES

CP AND OIL CASE WORK

FEBRUARY 9, 1981

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AGENDA

Attendance & Times  
(Keys to Schedule)

8:15 - 9:55 Board Chairmen, Legal Staff, Denton and Project Managers present to discuss OLs before Boards 1/ (Block 1)

9:55 - 10:00 Break

10:00 - 11:45 Continue to discuss CPs 1/ (Block 2)

11:45 - 12:05 Break

12:05 - 1:40 Legal Staff, Denton and LB-1 PMs present to discuss OL Reviews 2/ (Block 3, Section 1)

1:40 - 1:45 Break

1:45 - 3:05 Continue (Block 3, Section 2)

3:05 - 3:10 Break

3:10 - 4:25 Continue (Block 3, Section 3)

4:25 - 4:40 Other CP applications

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1/ Cotter, Rosenthal, Bickwit, Shapar & Staff, Denton, Proj. Mgrs.

2/ Shapar & Staff, Denton, Proj. Mgrs.

AGI NVA  
(Suggested Order)

February 9, 1981

I. OL - SER ISSUED - BOARD

- |                        |                   |
|------------------------|-------------------|
| 1. Diablo Canyon 1 & 2 | (LB#3 B. Buckley) |
| 2. McGuire 1 & 2       | (LB#1 R. Birkel)  |
| 3. San Onofre 2 & 3    | (LB#3 H. Rood)    |
| 4. Summer 1            | (LB#2 W. Kane)    |
| 5. Zimmer 1            | (LB#2 I. Peltier) |

II. CP/ML

- |                         |                    |
|-------------------------|--------------------|
| 1. Allens Creek         | (LB#1 C. Moon)     |
| 2. Black Fox 1 & 2      | (LB#2 W. Kane)     |
| 3. Pilgrim 2            | (LB#3 D. Scaletti) |
| 4. FNP 1-8 (ML)         | (LB#1 R. Birkel)   |
| 5. Pebble Springs 1 & 2 | (LB#2 S. Keblusek) |
| 6. Skagit 1 & 2         | (LB#2 I. Peltier)  |
| 7. Perkins 1 & 2        | (LB#1 C. Moon)     |

III. OTHER OL'S (FSAR DOCKETED - BEVILL)

LB#1

- |                      |                |
|----------------------|----------------|
| 1. LaSalle 1 & 2     | (A. Bourria)   |
| 2. Susquehanna 1 & 2 | (R. Stark)     |
| 3. Shoreham          | (J. Wilson)    |
| 4. WNP-2             | (D. Lynch)     |
| 5. Byron 1 & 2       | (C. Moon)      |
| 6. Callaway 1        | (A. Dromerick) |
| 7. Brafdwood 1 & 2   | (R. Auluck)    |
| 8. Wolf Creek        | (A. Dromerick) |
| 9. Bellefonte        | (R. Stark)     |

III. Cont'd

LB#2

- |                         |               |
|-------------------------|---------------|
| 10. Farley 2            | (L. Kintner)  |
| 11. Fermi 2             | (L. Kintner)  |
| 12. Waterford 3         | (S. Koblusek) |
| 13. Comanche Peak 1 & 2 | (S. Burwell)  |
| 14. Sequoyah 2          | (C. Stahle)   |
| 15. Watts Bar 1 & 2     | (T. Kenyon)   |
| 16. South Texas 1 & 2   | (D. Sells)    |
| 17. Perry 1 & 2         | (D. Houston)  |

LB#3

- |                        |               |
|------------------------|---------------|
| 18. Salem 2            | (J. Kerrigan) |
| 19. Grand Gulf 1 & 2   | (J. Martore)  |
| 20. Clinton 1 & 2      | (C. Grimes)   |
| 21. Midland 1 & 2      | (D. Hood)     |
| 22. Palo Verde 1, 2, 3 | (J. Kerrigan) |

OL (Peview)

OL (Boards)

Plant	Block
1. Bellefonte 1 & 2	3
2. Braidwood 1 & 2	3
3. Byron 1 & 2	3
4. Callaway 1 & 2	3
5. Catawba 1 & 2	3
6. Clinton 1 & 2 (References GESSAR)	3
7. Comanche Peak 1* & 2	3
9. Farley 2	3
10. Fermi 2*	3
11. Grand Gulf 1 & 2	3
12. Harris 1, 2, 3, 4	3
13. LaSalle 1 & 2	3
15. Midland 1 & 2	3
16. Palo Verde 1, 2, 3 (References CESSAR)	3
17. Perry 1 & 2	3
18. Salem 2	3
20. Sequoyah 2	3
21. Shoreham*	3
22. South Texas 1 & 2	3
23. St. Lucie 2	3
25. Susquehanna 1* & 2	3
26. WPPS 2	3
27. Waterford 3*	3
28. Watts Bar 1 & 2	3
29. Wolf Creek	3

8. Diablo Canyon 1* & 2*	1
14. McGuire 1* & 2	1
19. San Onofre 2* & 3	1
24. Summer*	1
30. Zimmer*	1

CPs (plus ML)

31. Allens Creek 1	2
32. Black Fox 1 & 2	2
33. Pebble Springs 1 & 2	2
34. Perkins 1, 2, 3	2
35. Pilgrim 2	2
36. Skagit 1 & 2	2
37. Floating Nuclear 1-8	2

Category	Plants	Time (Mins)	
Block 1	8,14,19,24,30	(20)	100 min.
Block 2	31,32,33,34, 35,36,37	(15)	105 min.
Block 3 Sec. 1 (LB-1)	1,2,3,4,12,13, 21,23,25,26,29	(5-15)	95 min.
Block 3 Sec. 2 (LB-2)	7,9,10,17,20, 22,27,28		80 min.
Block 3 Sec. 3 (SSPB & LB-3)	6,16,5,11,15,18		75 min.
Block 4	Blue Hills, etc. ELD Discussion		15 min.

Definition of Blocks

1. OLs before Boards, SER issued
2. Active CPs & MLs before Boards, SER (non-TMI) issued
3. Other OLs (ordered by DL branches)
4. Other CP applications

470 min.

BEVILL SCHEDULE

1/29/81





OPERATIONAL PERFORMANCE OF THE REACTOR SYSTEMS

PLANT	PLANT OPERATED	UNRELIABLE OPERATED	UNRELIABLE OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED	PLANT OPERATED
SOLOPHANNA 1	01/78C	06/78C	09/01	06/01	01/01	10/01	09/02	11/02	01/03	01/03	01/03	01/03
SOLOPHANNA 2	01/78C	06/78C	09/01	06/01	01/01	10/01	09/02	11/02	01/03	01/03	01/03	01/03
WENTZ 1	10/02	17/02	10/00	10/00	01/05	02/05	06/05	12/05	06/05	06/05	06/05	06/05
WASHINGTON NUCLEAR 1	02/02	02/02	02/00	02/00	05/04	06/04	10/04	07/02	07/02	07/02	07/02	07/02
WASHINGTON NUCLEAR 2	06/78C	09/77C	01/02	01/02	01/01	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WASHINGTON NUCLEAR 3	02/03	02/03	02/05	02/05	05/05	06/05	10/05	12/05	12/05	12/05	12/05	12/05
WASHINGTON NUCLEAR 4	02/02	02/02	02/00	02/00	07/01	06/04	10/04	10/02	10/02	10/02	10/02	10/02
WYCK FORD 1	12/78C	12/78C	10/01	10/01	01/01	06/02	01/03	01/03	01/03	01/03	01/03	01/03
WYCK FORD 2	10/76C	11/76C	10/01	10/01	12/78C	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WOLF CREEK 1	08/80C	11/80C	03/03	03/03	12/82	01/03	10/03	12/03	12/03	12/03	12/03	12/03
ZIRCON 1	09/75C	09/75C	01/79C	01/79C	06/81	10/81	09/82	07/82	07/82	07/82	07/82	07/82

\* TRACTIVE STATUS  
\*\* IMPACTED PLANTS

MOVE OUTSIDE OF TIME PARAMETER

06/80C      06/80C      07/82      10/82      12/81      11/82      03/83      05/85      05/86

TARGET DATES OF LICENSING STEPS FOR PLANTS SEEKING  
CONSTRUCTION PERMITS IN THE NEXT FIVE YEARS

PLANT	PSAR DUCKETED	EP DUCKETED	SR	ACRS MEETING	LATEST SR SUPPL.	FES	START HEARING	ASLB DECISION	LICENSING COMPLETE
ALBENS CREEK 1	12/73C	12/73C	11/74C	12/74C	03/79C	12/80C	01/83	N/S	N/S
BLACK FOX 1	12/75C	12/75C	06/77C	07/77C	N/S	02/77C	08/77C	N/S	N/S
BLACK FOX 2	12/75C	12/75C	06/77C	07/77C	N/S	02/77C	08/77C	N/S	N/S
NEW HAVEN 1	12/78C	01/79C	N/S	N/S	N/S	N/S	N/S	N/S	N/S
NEW HAVEN 2	12/78C	01/79C	N/S	N/S	N/S	N/S	N/S	N/S	N/S
PEDDLE SPRINGS 1	10/74C	08/74C	01/76C	02/76C	N/S	04/75C	05/78C	N/S	N/S
PEDDLE SPRINGS 2	10/74C	08/74C	01/76C	02/76C	N/S	04/75C	05/78C	N/S	N/S
PERKINS 1	05/74C	06/74C	03/77C	04/77C	07/77C	10/75C	04/76C	N/S	N/S
PERKINS 2	05/74C	06/74C	03/77C	04/77C	07/77C	10/75C	04/76C	N/S	N/S
PERKINS 3	05/74C	06/74C	03/77C	04/77C	07/77C	10/75C	04/76C	N/S	N/S
PILGRIM 2	12/73C	12/73C	06/75C	11/75C	01/79C	10/74C	10/75C	N/S	N/S
SKAGIT 1	01/75C	09/74C	08/77C	11/77C	10/78C	06/75C	07/75C	N/S	N/S
SKAGIT 2	01/75C	09/74C	08/77C	11/77C	10/78C	06/75C	07/75C	N/S	N/S

\* INACTIVE STATUS  
\*\* IMPACTED PLANTS

JANUARY REPORT

UPDATED SUMMARY FOR IMPACTED OL PLANTS  
WITH CONSTRUCTION COMPLETION ESTIMATED  
IN THE NEXT TWO YEARS

1/29/81

Plant	DECEMBER REPORT			JANUARY REPORT		
	Construction Complete*	Licensing Effort Complete	Delay (Months)	Construction Complete	Licensing Effort Complete	Delay** (Months)
Summer 1	8/81	10/81	2	10/81	06/82	8
Diablo Canyon 1	1/81	9/81 (LP) 12/81 (FP)	8 11	3/81	02/82 (LP) 03/82 (FP)	11 12
Diablo Canyon 2	6/81	12/81 (FP)	6	10/81	03/82 (FP)	5
San Onofre 2	7/81	5/82	10	NO CHANGE	04/82	9
Zimmer	11/81	1/82	2	NO CHANGE	07/82	8
McGuire 1	1/81	2/81 (ZP) 6/81 (FP)	1 5	COMPLETE 2/81 ***	Issued 1/23/81 03/82	0 13
Enrico Fermi 2	Not in December Report			11/82	06/83	7
Susquehanna 1	Not in December Report			03/82	11/82	8
Waterford 3	Not in December Report			10/82	04/83	6
Shoreham	Not in December Report			09/82	10/82	1
Comanche Peak 1	Not in December Report			12/82	02/83	2

\* Staff Estimate

\*\* Changes are due basically to the staff's reexamination

LP-Low Power License

FP-Full Power License

ZP-Zero Power

\*\*\* Construction Complete for Full Power License

PROJECT ASSIGNMENTS

LICENSING BRANCH NO. 1 -

1-51

B. Joe Youngblood, Chief

Rm. 124

49-27243

<u>PROJECT</u>	<u>DOCKET NO.</u>	<u>TYPE REACTOR</u>	<u>LICENSE DATE - OL</u>	<u>PROJECT* MANAGER</u>
Altons Creek 1	50-466	PWR 6/III	82-CP/88	Moon
Bailey 1	50-367	LWR 5/II	87	Lynch
Bellefonte 1&2	50-483/9	PWR/B&W	6-84/2-85	Stark (Bournia)
Braidwood 1&2	STN 50-456/7	PWR/W	4-85/4-86	Auluck (Moon)
Byron 1&2	STN 50-454/5	PWR/W	4-83/4-84	Moon (Auluck)
Callaway 1&2	STN 50-483/486	PWR/W	2-83/1-87	Dromerick (Stark)
Cherokee 1, 2&3	STN 50-491/2/3	PWR/CE	89/90/91	Moon
Clinton 1-8	STN 50-437	PWR/W	12-81 ML	Birkel
Harris 1-4	50-400/1/2/3	PWR/W	84/87/93/88	Auluck (Wilson)
LaSalle 1	50-373	LWR 5/II	6-81	Bournia
LaSalle 2	50-374	LWR 5/II	6-82	Bournia
Marble Hill 1&2	STN 50-456/7	PWR/W	86/87	Wilson
Millstone 3	50-423	PWR/W	12-85	Dromerick
McGuire 1	50-369	PWR/W	1-81/6-81 FP	Birkel
McGuire 2	50-370	PWR/W	6-82	Birkel
Nine Mile Pt. 2	50-410	BWR 5/II	11-85	Kiper (Lynch)
Perkins 1, 2&3	STN 50-488/9/0	PWR/CE	> 90	Moon
St. Lucie 2	50-389	PWR/CE	12-83	Nerses (Birkel)
Seabrook 1&2	50-443/4	PWR/W	2-84/2-86	(Dromerick)
Shoreham 1	50-322	LWR 4/II	9-82	Wilson
Susquehanna 1&2	50-387/8	LWR 4/II	2-82/4-83	Stark
WNP 1&4	50-460/513	PWR/B&W	12-84/12-85	Bournia (Lynch)
WNP 2	50-397	BWR 5/II	7-82	Lynch
WNP 3&5	50-508/9	PWR/CE	12-85/12-86	Bournia (Lynch)
Wolf Creek	STN 50-482	PWR/W	12-83	Dromerick (Stark)

\* Backup PM indicated by Parenthesis.

JAN 28 1981

DIVISION OF LICENSING

Albert Schwencer, Chief - Licensing Branch No. 2  
 Margaret Service, Licensing Assistant

<u>FACILITY</u>	<u>DOCKET NO.</u>	<u>PROJECT MANAGER</u>	<u>BACKUP</u>
Black Fox 1 & 2	STN 50-556/557	W. Kane	T. Kenyon
Comanche Peak 1 & 2	50-445/446	S. Burwell	L. Kintner
Enrico Fermi 2	50-341	L. Kintner	I. Peltier
Farley 2 *	50-364	L. Kintner	S. Burwell
Forked River **	50-363	M. D. Houston	W. Kane
Hartsville 1-4	50-518/519/520/521	C. Stahle	S. Keblusek
Limerick 1 & 2	50-352/353	D. Sells	L. Kintner
Pebble Springs 1 & 2	50-514/515	S. Keblusek	C. Stahle
Perry 1 & 2	50-440/441	M. D. Houston	D. Sells
Sequoyah 1 & 2	50-327/328	C. Stahle	T. Kenyon
Skagit 1 & 2	50-522/523	I. Peltier	M. D. Houston
South Texas 1 & 2	50-398/499	D. Sells	S. Burwell
Vogtle 1 & 2	50-424/425	S. Burwell	D. Sells
Waterford 3	50-382	S. Keblusek	W. Kane
Watts Bar 1 & 2	50-390/391	T. Kenyon	C. Stahle
Zimmer 1	50-358	I. Peltier	M. D. Houston
Summer	50-395	W. Kane	S. Keblusek

\* Will be transferred to ORPM after issuance of FP license (3-81)  
 \*\* Will not be built - CP needs to be revoked

1/30/81

DIVISION OF LICENSING

Frank J. Miraglia, Acting Chief - Licensing Branch No. 3  
I. Jean Lee Licensing Assistant

<u>FACILITY</u>	<u>DOCKET NO.</u>	<u>PRESENT PROJECT MANAGER</u>
Beaver Valley 2	50-412	K. Jabbour
Catawba 1 & 2	50-413/414	J. Martore*
Diablo Canyon 1 & 2	50-275/323	B. Buckley
Grand Gulf 1 & 2	50-416/417	J. Martore
Hope Creek 1 & 2	50-354/355	H. Rood
Midland 1 & 2	50-329/330	D. Hood
Palo Verde 1, 2 & 3	50-528/529/530	J. Kerrigan
Phipps Bend 1 & 2	50-553/554	D. Scaletti
Pilgrim 2	50-471	D. Scaletti
River Bend 1 & 2	50-458/459	D. Hood
San Onofre 2 & 3	50-361/362	H. Rood** D. Scaletti**
Salem 2	50-311	J. Kerrigan
Yellow Creek 1 & 2	STN 50-566/567	H. Rood

\*K. Jabbour will be PM in February 1981  
\*\*D. Scaletti is PM for environmental  
H. Rood is PM for safety



STANDARDIZATION AND SPECIAL PROJECTS BRANCHPower Reactor Projects

Branch Chief - James R. Miller  
Licensing Assistant - Leah Tremper

<u>REACTOR NAME</u>	<u>DOCKET NO.</u>	<u>PROJECT MANAGER</u>
Fort St. Vrain	50-267	George Kuzmycz
Clinton	50-461/462	Chris Grimes
CE SAR	STN-50-535	Chris Grimes
GE SAR	STN-50-477/550	Jack Berggren
RE SAR	STN-50-480/545/572	Chris Grimes
GA SAR	STN-50-595	George Kuzmycz
BR UNSAR	STN-50-532	Jack Berggren

OL PROJECTIONS  
1981 AND 1982  
AND  
SUMMARY THROUGH 1985

PROJECTIONS FOR OPERATING  
LICENSES ISSUED FOR  
YEARS 1981 AND 1982

<u>PLANT</u>	<u>MONTH</u>	<u>YEAR</u>
FARLEY 2	MARCH	1981
SALEM 2	MARCH	1981
LASALLE 1	JUNE	1981
SEQUOYAH 2	JULY	1981
DIABLO CANYON 1 AND 2	MARCH	1982
MCGUIRE 1	MARCH	1982
SAN ONOFRE 2	APRIL	1982
LASALLE 2	JUNE	1982
MCGUIRE 2	JUNE	1982
SUMNER	JUNE	1982
GRAND GULF 1	JULY	1982
WASHINGTON NUCLEAR 2	JULY	1982
ZIMMER	JULY	1982
WATTS BAR 1	AUGUST	1982
SAN ONOFRE 3	OCTOBER	1982
SHOREHAM	OCTOBER	1982
SUSQUEHANNA	NOVEMBER	1982

OL'S EXPECTED TO BE  
ISSUES IN PERIOD 1981 - 1985

<u>YEAR</u>	<u>NO. OF OL'S</u>
1981	4
1982	14
1983	18
1984	6
1985	<u>11</u>
TOTAL	53

UPDATE ON  
CASELOAD FORECAST

L I C E N S I N G   R E P O R T I N G   S U B S Y S T E M  
F U E L   L O A D I N G   V S .   L I C E N S I N G   S T A T U S

2/2/81

R. Tedesco

110-B PAGE 1

BUCKET	FACILITY	LICENSING EFFORT COMPLETE	APPLICANT ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO APPL. EST. CONST. Cmpl.	STAFF ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO STAFF EST. CONST. Cmpl.	SOURCE OF STAFF ESTIMATE
1-00311	SALEM 2 (1115)	03-00-81	04-18-80	- 10.4	04-16-80	- 0.5	LOW POWER TESTING.
1-00369	MCGUIRE 1 (1180)	06-00-81	01-28-81	- 4.1	01-00-81	- 5.0	ZERO PWR. LIC 1-23-81.
1-00275	DIABLO CANYON 1 (1084)	01-00-82	01-01-81	- 12.0	03-00-81	- 10.0	APP. SLIP (CP EXT 8-21-81)
1-00364	FARLEY 2 (0829)	03-00-81	02-00-81	- 1.0	03-00-81	.0	LOW POWER LICENSE 10/80
1-00373	LASALLE 1 (1078)	05-00-81	06-00-81	1.0	06-00-81	1.0	APP. SLIP 11-13-80.
1-00328	SEQUOYAH 2 (1140)	07-00-81	04-15-81	- 4.0	06-00-81	.0	SITE VISIT 12/80.
1-00361	SAN ONOFRE 2 (1140)	05-00-82	04-15-81	- 12.5	07-15-81	- 9.5	SITE VISIT 09-80.
1-00323	DIABLO CANYON 2 (1106)	01-00-82	06-00-81	- 7.0	10-00-81	- 3.0	APP. SLIP (CP EXT 8-21-81)
1-00395	SUMNER 1 (0900)	11-00-81	04-24-81	- 6.2	10-00-81	- 1.0	SITE VISIT 11-80.
1-00358	ZIMMER 1 (0810)	01-00-82	11-00-81	- 2.0	11-00-81	- 2.0	APP. SLIP (LTR. 6-3-81)
1-00387	SUSQUEHANNA 1 (1052)	02-00-82	06-01-81	- 8.0	03-00-82	1.0	SITE VISIT 11/80.
1-00374	LASALLE 2 (1078)	06-00-82	06-00-82	.0	06-00-82	.0	APP. SLIP 11/13/80
1-00370	MCGUIRE 2 (1180)	06-00-82	06-00-82	.0	06-00-82	.0	APP. SLIP (LTR. 8-8-81)
1-00416	GRAND GULF 1 (1250)	07-00-82	08-00-81	- 11.0	07-00-82	.0	SITE VISIT 11-80.
1-00397	WASHINGTON NUCLEAR 2 (1103)	07-15-82	07-00-82	- .5	07-00-82	- .5	SITE VISIT 02-80.
1-00390	WATTS BAR 1 (1165)	11-00-81	11-00-81	.0	08-00-82	9.0	SITE VISIT 12/80.
1-00322	SHOREHAM (0849)	09-00-82	05-31-82	- 3.0	09-00-82	.0	SITE VISIT 05-80.
1-00362	SAN ONOFRE 3 (1140)	10-00-82	04-00-82	- 6.0	10-00-82	.0	15 MONTHS AFTER UNIT 2.
1-00382	WATERFORD 3 (1165)	10-15-82	10-00-82	- .5	10-00-82	- .5	SITE VISIT 01-81.
1-00341	ENRICO FERMI 2 (1123)	11-00-82	11-01-82	.0	11-01-82	.0	APP. LTR 8-26-80
1-00445	COMANCHE PEAK 1 (1150)	04-00-82	12-00-81	- 5.0	12-00-82	8.0	SITE VISIT 10-80.
1-00483	CALLAWAY 1 (1150)	02-01-83	10-00-82	- 4.0	02-00-83	- .0	SITE VISIT 10-80.
1-00388	SUSQUEHANNA 2 (1052)	04-00-83	09-01-82	- 7.0	04-00-83	.0	MODEL ESTIMATE.

## FUEL LOADING VS. LICENSING STATUS

BUCKET	FACILITY	LICENSING EFFORT COMPLETE	APPLICANT ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO APPL. EST. CONST. Cmpl.	STAFF ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO STAFF EST. CONST. Cmpl.	SOURCE OF STAFF ESTIMATE
3-00391	WATTS BAR 2 (1165)	04-00-83	08-00-82	- 8.0	04-00-83	.0	SITE VISIT 12/80.
3-00528	PALO VERDE 1 (1304)	05-01-83	11-01-82	- 6.0	05-00-83	- .0	SITE VISIT 10-80.
3-00440	PERRY 1 (1205)	07-00-83	05-00-83	- 2.0	07-00-83	.0	VISIT 11-79.
3-00461	CLINTON 1 (0950)	08-00-83	01-00-83	- 7.0	08-00-83	.0	SITE VISIT 11-80.
3-00498	SOUTH TEXAS 1 (1250)	09-15-83	09-01-83	- .4	09-00-83	- .5	APP. LTR. 8-12-80.
3-00413	CATAWBA 1 (1145)	10-15-83	08-00-83	- 2.5	10-00-83	- .5	SITE VISIT 4-80.
3-00330	MIDLAND 2 (0818)	10-00-83	07-00-83	- 3.0	10-00-83	.0	SITE VISIT 07-80.
3-00352	LIMERICK 1 (1065)	11-00-83	10-00-83	- 1.0	11-00-83	.0	SITE VISIT 08-79
3-00454	BYRON 1 (1120)	04-01-83	04-00-83	- .0	12-00-83	8.0	SITE VISIT 01-81.
3-00389	ST LUCIE 2 (0842)	12-00-83	11-00-82	- 13.0	12-00-83	.0	SITE VISIT 09/80.
3-00482	WOLF CREEK 1 (1150)	12-00-83	04-00-83	- 8.0	12-00-83	.0	SITE VISIT 10-80.
3-00443	SEABROOK 1 (1194)	02-00-84	01-00-83	- 13.0	02-00-84	.0	MODEL ESTIMATE
3-00329	MIDLAND 1 (0492)	10-00-83	12-00-83	2.0	04-00-84	6.0	SITE VISIT 07-80.
3-00529	PALO VERDE 2 (1304)	05-00-84	11-01-83	- 6.0	05-00-84	.0	12 MONTHS AFTER UNIT 1.
3-00438	BELLEFRONTE 1 (1235)	05-00-84	06-00-84	.0	06-00-84	.0	APP. SLIP (8-19-80 LTR.
3-00400	HARRIS 1 (0915)	06-00-84	06-00-84	.0	06-00-84	.0	APP. LTR. 8-13-80.
3-00455	BYRON 2 (1120)	04-00-84	04-00-84	.0	12-00-84	8.0	12 MONTHS AFTER UNIT 1.
3-00446	COMANCHE PEAK 2 (1150)	12-00-84	12-00-83	- 12.0	12-00-84	.0	SITE VISIT 10-80.
3-00460	WASHINGTON NUCLEAR 1 (1267)	12-00-84	12-00-84	.0	12-00-84	.0	APP. LTR. 8-8-80.
3-00439	BELLEFRONTE 2 (1235)	02-00-85	02-00-85	.0	02-00-85	.0	APP. SLIP LTR. 8-19-80
3-00414	CATAWBA 2 (1145)	02-00-85	02-01-85	.0	02-00-85	.0	APP SLIP (LTR. 7-28-80
3-00456	BRAIDWOOD 1 (1120)	04-01-85	04-00-85	- .0	04-00-85	- .0	APP. LTR. 6-20-80.
3-00530	PALO VERDE 3 (1304)	05-00-85	11-01-84	- 6.0	05-00-85	.0	24 MOS. AFTER UNIT 1.

## FUEL LOADING VS. LICENSING STATUS

BUCKET	FACILITY	LICENSING EFFORT COMPLETE	APPLICANT ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO APPL. EST. CONST. Cmpl.	STAFF ESTIMATE CONSTRUCTION COMPLETE	DELTA - LIC. EFF. Cmpl. TO STAFF EST. CONST. Cmpl.	SOURCE OF STAFF ESTIMATE
3-00367	BAILLY 1 (0660)	N/S	12-00-89	.0	12-00-89	.0	NY TIMES 11/6.
3-00486	CALLAWAY 2 (1150)	N/S	N/S	.0	01-00-90	.0	CONSTR. HALTED.
3-00491	CHEROKEE 1 (1280)	N/S	07-00-89	.0	01-00-90	.0	APP. LTR. 8-4-80.
3-00462	CLINTON 2 (0950)	01-00-90	N/S	.0	01-00-90	.0	CONSTR. HALTED.
3-00404	NORTH ANNA 3 (0907)	01-00-90	00-00-89	- 13.0	01-00-90	.0	MODFL ESTIMATE.
3-00444	SEABROOK 2 (1194)	01-00-90	N/S	.0	01-00-90	.0	CONST. STOPPED. LTR. 8-
3-00403	HARRIS 4 (0915)	06-00-91	06-00-91	.0	06-00-91	.0	APP. SLIP (LTR. 7-11-80)
3-00492	CHEROKEE 2 (1280)	01-00-92	07-00-91	- 6.0	01-00-92	.0	SEE UNIT 1.
3-00567	YELLOW CREEK 2 (1285)	10-00-92	10-00-92	.0	10-00-92	.0	APP. LTR. 9-10-80.
3-00402	HARRIS 3 (0915)	06-00-93	06-00-93	.0	06-00-93	.0	APP. SLIP (LTR. 7-11-80)
3-00554	PHIPPS BEND 2 (1220)	07-00-93	07-00-93	.0	07-00-93	.0	APP. LTR. 9-10-80.
3-00520	HARTSVILLE B-1 (1205)	07-00-94	07-00-94	.0	07-00-94	.0	APP. LTR. 9-10-80.
3-00493	CHEROKEE 3 (1280)	01-00-95	N/S	.0	01-00-95	.0	INDEFINITELY DEFERRED.
3-00459	RIVER BEND 2 (0934)	01-00-95	N/S	.0	01-00-95	.0	DEFERRED INDEFINITELY
3-00521	HARTSVILLE B-2 (1205)	07-00-95	07-00-95	.0	07-00-95	.0	APP. LTR. 9-10-80.



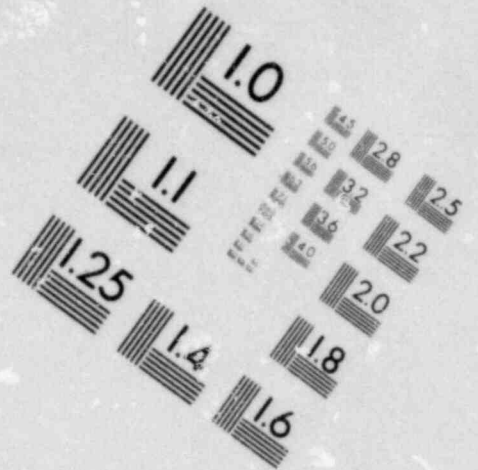
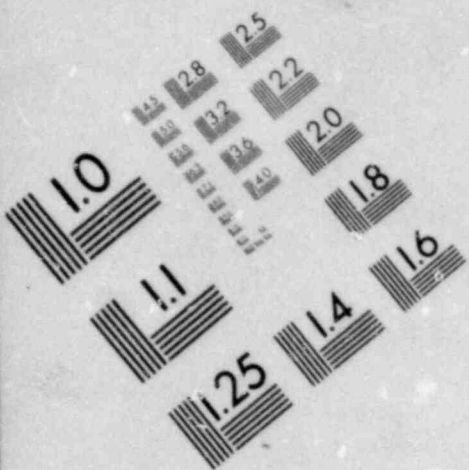
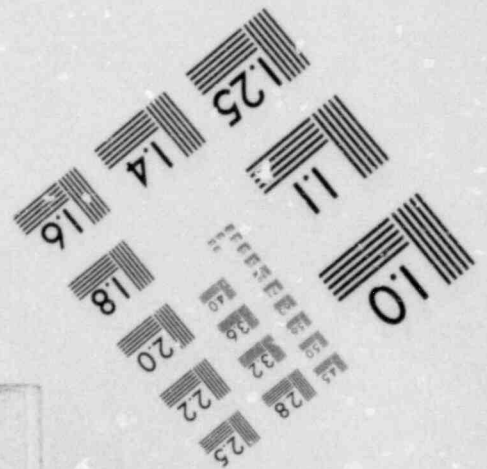
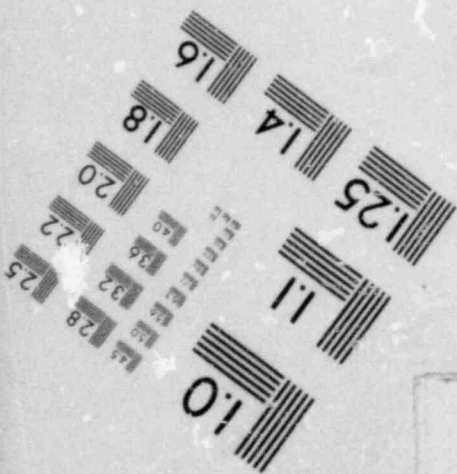
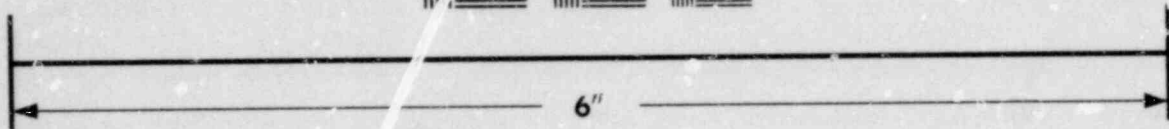
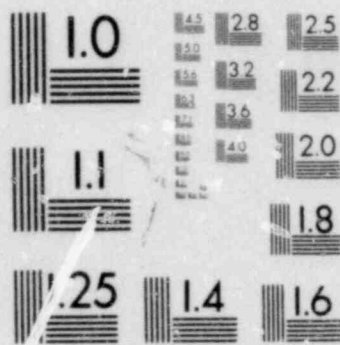


IMAGE EVALUATION  
TEST TARGET (MT-3)



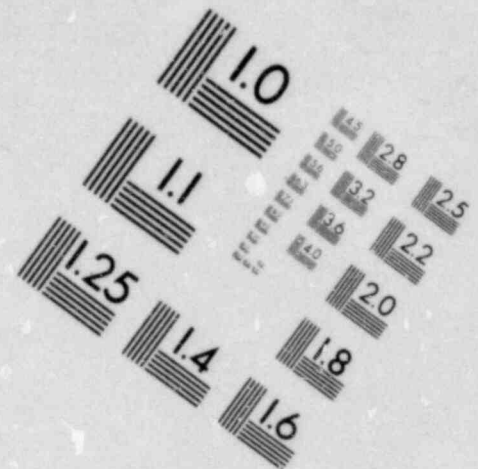
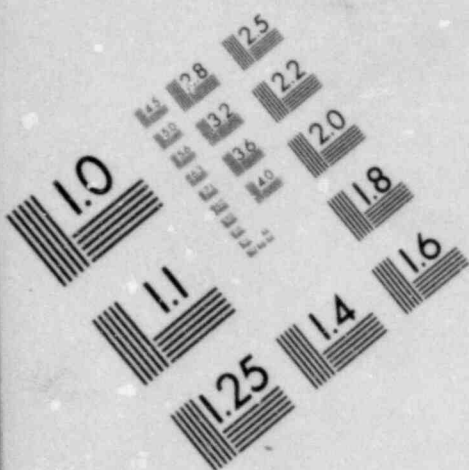
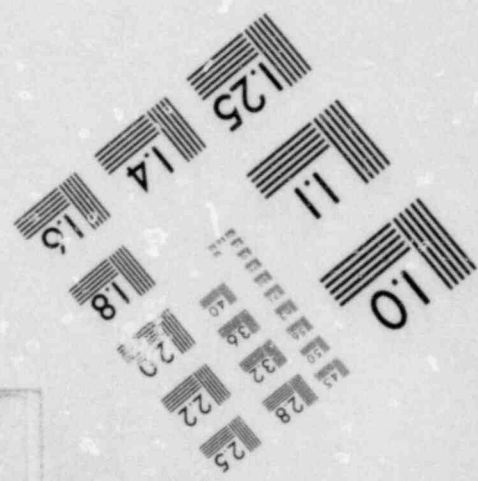
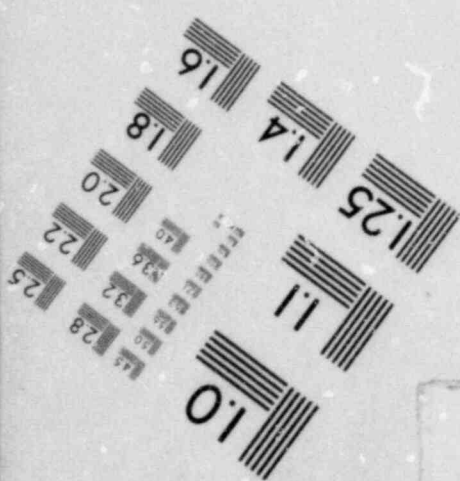
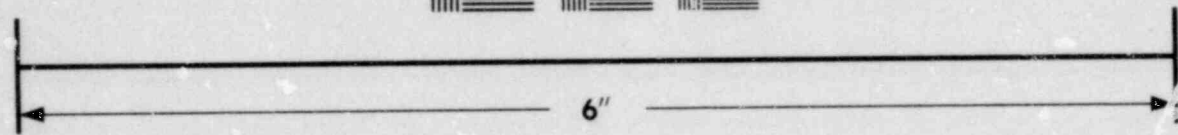
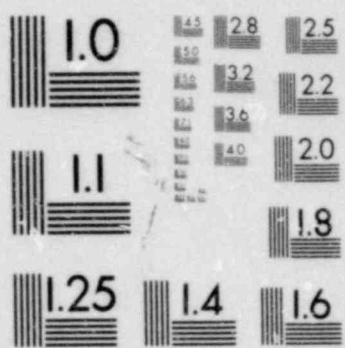


IMAGE EVALUATION  
TEST TARGET (MT-3)



STAFF OF EVALUATIONS  
TO BE ISSUED IN  
1981 AND 1982

## STAFF EVALUATIONS ISSUED FOR 1981

## TYPE OF EVALUATION

MONTH	PLANT	S E R	S S E R
JAN.	-----	-----	-----
FEB.	Lasalle 1 & 2 Summer San Onofre 2 & 3 Farley 2 Mc Guire 1 & 2 Salem 2	X X X	X X X Y
MARCH	Shoreham Diablo Canyon 1 & 2	X	X
APRIL	Summer 1 Susquehanna 1 & 2	X	X
MAY	Lasalle 1 San Onofre 2 & 3		X X
JUNE	Commanche Peak 1 & 2 Grand Gulf 1 & 2 Sequoyah 2 Susquehanna 1 & 2 Zimmer	X X	X X X
JULY	Waterford 3 Shoreham	X	X
AUGUST	-----	-----	-----
SEPT.	Commanche Pea 1 & 2 Grand Gulf 1 & 2		X Y
OCT.	Waterford 3 Watts Bar 1 & 2	X	Y
NOV.	-----	-----	-----
DEC.	Enrico Fermi 2	X	
	TOTAL	10	14

## STAFF EVALUATIONS ISSUED FOR 1982

MONTH	PLANT	TYPE OF EVALUATION	
		S E R	S S E R
JAN.	Watts Bar 1 & 2		X
FEB.	-----	-----	-----
MARCH	Washington Nuclear 2 Enroco Fermi 2 Lasalle 2	X	X X
APRIL	Callaway 1	X	
MAY	-----	-----	-----
JUNE	Bainwood 1 Byron 1 & 2 Washington Nuclear 2	X X	X
JULY	Midland 1 & 2 Palo Verde 1, 2 & 3 Callaway 1	X X	X
AUGUST	Limerick	X	
SEPT.	Perry 1 Byron 1 & 2	X	X
OCT.	Clinton Midland 1 & 2 Palo Verde 1, 2 & 3	X	X X
NOV.	Sea Brook 1 South Texas 1 & 2 Limerick	X X	X
DEC.	Catawba 1 & 2 Perry 1	X	X
	TOTAL	12	10

STATUS OF EMERGENCY

PLANNING

STATUS OF EMERGENCY PLANS

<u>SITE</u>	<u>NRC REVIEW STATUS</u>	<u>DUE DATE</u> <u>NRC</u>	<u>FEMA REVIEW STATUS (OFFSITE)</u>	<u>DUE DATE</u> <u>FEMA</u>
Comanche Peak	Applicant is revising plan	Plan submitted 3/81E	TX State plan in for review	*
Diablo Canyon	SER in final draft	SER issued to PM	CA State plan under informal review	5/81E
Fermi 2	Plan not received	Plan submitted 3/81E	MI State plan under review	*
Farley 2	SER draft in final	SER issued to PM	AL Plan submitted to FEMA Headquarters for review and approval	*
Grand Gulf	Plan under review	Q 1 transmitted 3/81E	FEMA review MS Plan	5/81E
LaSalle	SER issued. New plan under review	Complete SSER-3/81 to PM	IL State plan reviewed Comments to State	5/81E
McGuire	Questions to applicant 11/80	Positions transmitted 2/81E	Comments to NC from FEMA Response due this month	2/81E
San Onofre	SER completed	SER issued to PM	CA State & local plan under informal review	5/81E
Salem 2	SER completed	SER issued to PM	DE & NJ plan under review	*
Sequoyah 2	SER completed	Complete	TN State plan approved 8/7/80	*
Shoreham	Plan not received	Date not established	NY State plan under review	*
Summer 1	Plan under review	Q 1 transmitted 1/81	SC State plan due for review	4/81E
Susquehanna	Plan under review	Q 2 transmitted 2/81E	PA State plan being revised	6/81E
WNP 2	Plan not received	Plan submitted 3/81E		*
Waterford	Plan does not meet 0654 Meeting scheduled	Meeting 2/81E	LA State plan under State review	*
Zimmer	Plan under review	Q 1 transmitted 3/81E	OH Plan under review KY Plan due for review	KY 5/81E

\* - FEMA HAS NOT PROVIDED COMPLETION DATE

PROJECTION OF  
FSAR DOCKETING FOR 1981-1986



PROJECTION FOR DOCKETING

FSAR'S FOR YEARS

1981 THROUGH 1986

YEAR	MONTH	PLANT
1981	January	Perry 1
	February	Catawba 1 & 2 St. Lucie 2
	March	Limerick 1 & 2
	April	Seabrook 1 & 2
	May	River Bend 1 & 2
	August	Harris 1, 2, 3 & 4
1982	February	Washington Nuclear 1 Washington Nuclear 4
	October	Marble Hill 1 & 2 Vogtle 1 & 2
1983	January	Yellow Creek 1 & 2
	February	Beaver Valley 2 Millstone 3 Washington Nuclear 3 Washington Nuclear 5
	March	Nine Mile Point 2
	December	Hope Creek 1 & 2
1984	March	Hartsville 1, 2, 3 & 4 Phipps Bend 1 & 2
	December	North Anna 3
1985	October	Cherokee 1, 2 & 3
1986	March	Bailly

NUCLEAR POWER PLANTS

UNDER CONSTRUCTION!

NUCLEAR POWER PLANTS UNDER CONSTRUCTION

FSAR NOT DOCKETED

PLANT	DATE CP ISSUED	EXPECTED FSAR DOCKET DATE	EST. CONSTRUCTION COMPLETE	
			NRC	APPLICANT
Bailly	5/1/74	3/86	12/89	12/89
Beaver Valley 2	5/3/74	2/83	12/85	12/85
Catawba 1	8/7/75	3/81	10/83	8/83
Catawba 2	8/7/75	3/81	2/85	2/85
Cherokee 1	12/30/77	10/85	1/90	7/89
Cherokee 2	12/30/77	10/85	1/92	7/91
Cherokee 3	12/30/77	10/85	1/95	NS*
Forked River	7/10/73	NS	NS	NS**
Harris 1	1/27/78	8/81	6/84	6/84
Harris 2	1/27/78	8/81	6/87	6/87
Harris 3	1/27/78	8/81	6/93	6/93
Harris 4	1/27/78	8/81	6/91	6/91
Hartsville 1	5/9/77	3/84	1/87	1/87
Hartsville 2	5/9/77	3/84	10/87	10/87
Hartsville 3	5/9/77	3/84	7/94	7/94
Hartsville 4	5/9/77	3/84	7/95	7/95
Hope Creek 1	11/4/74	12/83	6/86	6/86
Hope Creek 2	11/4/74	12/83	6/89	6/89
Limerick 1	6/19/74	3/81	11/83	10/83
Limerick 2	6/19/74	3/81	10/87	10/87
Marble Hill	4/4/78	10/82	6/86	6/86
Marble Hill 2	4/4/78	10/82	6/87	6/87
Millstone 3	8/9/74	2/83	12/85	12/85
Nine Mile Point 2	6/24/74	3/83	3/86	3/86
North Anna 3	7/26/74	12/84	1/90	1/89
North Anna 4	7/26/74	12/84	NS	NS**
Phipps Bend 1	1/12/78	3/84	12/87	12/87
Phipps Bend 2	1/12/78	3/84	7/93	7/93
River Bend 1	3/25/77	5/81	10/85	3/84
River Bend 2	3/25/77	5/81	1/95	NS*
Saint Lucie 2	5/2/77	2/81	12/83	11/82
Seabrook 1	7/7/76	3/81	2/84	1/83
Seabrook 2	7/7/76	3/81	1/90	NS*
Vogtle 1	6/28/74	3/82	8/85	11/84
Vogtle 2	6/28/74	3/82	5/87	5/87
Washington Nuclear 1	12/23/75	2/82	12/84	12/84
Washington Nuclear 3	4/11/78	2/83	12/85	12/85
Washington Nuclear 4	2/21/78	2/82	12/85	12/85
Washington Nuclear 5	4/11/78	2/83	12/86	12/86
Yellow Creek 1	11/29/78	1/83	10/86	10/86
Yellow Creek 2	11/29/78	1/83	10/92	10/92

\* Deferred

\*\*To be Cancelled

2/3/81

INDIVIDUAL  
OPERATING LICENSE  
PLANTS

BELLEFONTE 1 & 2

Docket No.:	50-438/439	NRC Estimate Construction	
Location:	Scottsboro, Alabama	Completion:	6/84
Utility:	Tennessee Valley Authority	Application Estimate	
Vendor:	Babcock & Wilcox	Construction Completion:	6/84
Reactor Type:	PWR	SER Issued:	2/84
Containment Type:	Post tensioned reinforced concrete	SSER Issued:	5/84
		ASLB Decision:	N/A
Architect/Engineer:	Tennessee Valley Authority	OL Issuance Estimated:	6/84
MWe Rating:	1235		

Overview

CP Issued: 12/24/74

Major Issues at CP Stage: No hearing is anticipated

OL FSAR Docketed: 6/12/78      Last Amendment Submitted: Amendment 20 1/16/81

Safety Review Status

- . Status of Q-1, Q-2: Q-1's expected 7/82
- . Number of basic subject of Outstanding Issues Non-TMI: to be determined
- . Number of basic subject of Outstanding Issues - TMI: all applicable NUREG-0737 items
- . ACRS Meeting: 3/84 E
- . Commission Briefing: 5/84 E
- . Emergency Planning:

Environmental Review Status

- . DES Date: 1/82
- . FES Date: 7/82
- . Class 9 Evaluation Required: yes

Hearings

- . Noticed: 7/17/78 No Hearing is anticipated

BRAIDWOOD

Docket No.:	50-456/457	NRC Estimate Construction	
Location:	Joliet, Illinois	Completion:	4/85
Utility:	Commonwealth Edison Co.	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	4/85
Reactor Type:	PWR	SER Issued:	8/82
Containment Type:	Reinforced concrete cylinder with steel liner	SSER Issued:	9/84
Architect/Engineer:	Sargent & Lundy	ASLB Decision:	2/85
MWe Rating:	1120	OL Issuance Estimated:	4/85

Overview

CP Issued: 12/75      CP Hearings: 1/18/75

Major Issue: CP Stage: Turbine missiles, asymmetric blowdown forces on R.V. supports

OL FSAR Docketed: 11/30/78      Last Amendment Submitted: Amendment 28, 10/80

Safety Review Status

- . Status of Q-1, Q-2: Q-1's complete; Q-2's partially complete
- . Number and basic subject of Outstanding Issues Non-TMI: unknown
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: None
- . ACRS Meeting: 8/82
- . Commission Briefing: 3/85 E
- . Emergency Planning:

Environmental Review Status

- . DES Date: 6/1/83
- . FES Date: 2/84
- . Class 9 Evaluation Required: Yes

Hearings

- . Noticed: 12/15/78      Discovery Completed: 2/84      Expected Start: 4/84  
Expected End: 12/84
- . Major Intervenors: Miss Bridget Little Rorem  
Bob Niener Farms
- . Major Contentions: QA/QC Requirements; Financial Qualifications, Emergency Planning

BYRON UNIT 1

Docket No.:	50-454/455	NRC Estimate Construction	
Location:	Rockford, Illinois	Completion:	4/83
Utility:	Commonwealth Edison Co.	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	4/83
Reactor Type:	PWR	SER Issued:	8/82
Containment Type:	Reinforced concrete cylinder with steel liner	SER Issued:	9/82
Architect/Engineer:	Sargent & Lundy	ASLP Decision:	2/83
MWe Rating:	1120	OL Issuance Estimated:	4/83

Overview

CP Issued: 12/75      CP Hearings: 11/18/75

Major Issues at CP Stage: Geological structures at the site, turbine missiles, asymmetric blowdown forces on R.V. supports

OL FSAR Docketed: 11/30/78      Last Amendment Submitted: Amendment 28, 10/80

Safety Review Status

- . Status of Q-1, Q-2: Q-1's complete, Q-2's partially complete
- . Number of basic subject of Outstanding Issues Non-TMI: Unknown
- . Number of basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: None
- . ACRS Meeting: 7/82
- . Commission Briefing: 3/83 E
- . Other Items: Deconvolution
- . Emergency Planning:

Environmental Review Status

- . DES Date: 12/1/81
- . FES Date: 5/82
- . Class 9 Evaluation Required: Yes

Hearings

- . Noticed: 12/15/78      Discovery Completed: 5/82      Expected Start: 7/82  
Expected End: 12/82
- . Major Intervenors: Mrs. Phillip B. Johnsen  
Mrs. Julianne Mahler
- . Major Contentions: QA - QC Requirements; Financial Qualifications, Emergency Planning

## CALLAWAY UNIT 1

Docket No.:	50-483	NRC Estimate Construction	
Location:	Callaway County, Missouri	Completion:	2/83
Utility:	Union Electric Company	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	10/82
Reactor Type:	PWR	SER Issued:	4/82
Containment Type:	Dry - Pre stress concrete	SSER Issued:	7/82
		ASLB Decision:	12/82
Architect/Engineer:	Bechtel	OL Issuance Estimate:	2/83
MWe Rating:	1150		

### Overview

CP Issued: 4/16/76 CP Hearings: 12/9/75 to 1/27/76

Major Issues at CP Stage: Financial Qualif., Geology underground caverns

OL FSAR Docketed: 8/80 Last Amendment Submitted: None-Revision I to SNUPPS  
FSAR Submitted

### Safety Review Status

- . Status of Q-1, Q-2: Q-1, not yet transmitted to applicant-estimated transmitted date 3/6/81
- . Number of basic subject of Outstanding Issues Non-TMI: Not yet known
- . Number of basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: None
- . ACRS Meeting: 5/82 E
- . Commission Briefing: 1/83 E
- . Emergency Planning:

### Environmental Review Status

- . DES Date: 7/81
- . FES Date: 12/81
- . Class 9 Evaluation Required: Yes

### Hearings

- . Noticed: 11/21/80 Discovery Completed: No Expected Start: 8/1/82  
Expected End: 10/1/82
- . Major Inter-tenors: Not known as of now
- . Major Contentions: Not known as of now



PLANT NAME: CLINTON POWER STATION, UNITS 1 & 2

Docket No.:	50-461/462	NRC Estimate Construction Completion:	8/83 (1)
Location:	DeWitt County, Illinois	Applicant Estimate	1/90 (2)
Utility:	Illinois Power Company	Construction Completion:	1/83 (1)
Vendor:	General Electric		N/S (2)
Reactor Type:	BWR-6	SER Issued:	8/82
Containment Type:	Mark III Pressure Suppression	SSER Issued:	1/83
Architect/Engineer:	Sargent & Lundy	ASLB Decision:	6/83
MWe Rating:	933	OL Issuance Estimated:	8/83

#### Overview

CP Issued: 2/24/76 CP Hearings: (E) 6/17/75-7/3/75 (S) 1/7/76-1/8/76  
Major Issues at CP Stage: Mark III design, seismic bases, need for power  
OL FSAR Docketed: 9/8/80 Last Amendment Submitted: #2-12/30/80

#### Safety Review Status

- Schedule: Q 1 - 7/17/81, Q 2 - 2/82, ACRS - 11/82
- FSAR will include all NUREG-0660 issues (2/81)
- first complete NUCLINET control room
- Emergency Planning

#### Environmental Review Status

- ER docketed 9/8/80
- DES to be issued 10/81
- FES to be issued 3/82

#### Hearings

- Prehearing Conference - 1/29/81
- Combined hearing start - 2/83, end - 4/83
- Major Intervenors - Prairie Alliance, Illinois (interested state)
- Major Contentions - General Safety (e.g., unresolved safety issues)

#### Other Special Problems or Considerations

- Considerable media interest - "60 Minutes" report
- Unit 2 - Deferred (construction halted except for common areas)

## COMANCHE PEAK

Docket No.:	50-445/446	NRC Estimate Construction Completion:	12/82
Location:	Somervell County, Texas	Application Estimate Construction Completion:	12/81
Utility:	Texas Util. Gen. Co.	SER Issued:	6/81
Vendor:	Westinghouse	SSER Issued:	9/81
Reactor Type:	PWR-4 loop (RESAR-3)	ASLB Decision:	11/82
Containment Type:	steel lined reinforced concrete	OL Issuance Estimated:	2/83
Architect/Engineer:	Gibbs & Hill		
MWe Rating:	1161		

### Overview

CP Issued: 12/19/74 CP Hearings: 11/25/74 to 11/26/74

Major Issues at CP Stage: None

OL FSAR Docketed: 5/12/78 Last Amendment Submitted: 1/30/81

### Safety Review Status

- . Status of Q-1, Q-2: Q-2's are 95% issued with about 90% responses received
- . Number and basic subject of Outstanding Issues Non-TMI: Unknown-SER input outstanding
- . Number and basic subject of Outstanding Issues - TMI: Unknown-Applicant responses in latest FSAR Amendment - SER inputs outstanding
- . Unique Design Features: This is first OL with equipment qualified to IEEE-323-1974. This is the lead Westinghouse plant incorporated their "instrumentation upgrade package", and design in response to boron dilution transients
- . ACRS Meeting: 7/81
- . Commission Briefing: 12/82 E
- . Other Items of Importance, Potential Problems: Equipment qualification for accident environmental & fire protection are receiving extra effort by the applicant
- . Emergency Planning: Applicant is revising their Emergency Plans submitted in Oct. to incorporate NUREG-0654, Rev. 1,

### Environmental Review Status

- . DES Date: 3/81
- . FES Date: 8/81
- . Class 9 Evaluation Required: yes
- . Other Items: None

### Hearings

- . Noticed: 2/5/79 Discovery Completed: In progress Expected Start: late 3/82 Expected End: late 6/82
- . Major Intervenors: Citizens Association for Sound Energy (CASE)  
Association of Community Organization for Reform Now (ACRON)  
Citizens for Fair Utility Regulation (CFUR)
- . Major Contentions: The ASLB has accepted 24 contentions. More important ones relate to QA/QC during construction, emergency planning, and a list of unresolved safety issues

## DIAE O CANYON UNITS 1 & 2

Docket No.:	50-273/325	NRC Estimate Construction	#1	3/81
Location:	San Luis Obispo, Ca.	Completion:	#2	10/81
Utility:	Pacific Gas & Electric Co.	Application Estimate	#1	3/81
Vendor:	Westinghouse	Construction Completion:	#2	10/81
Reactor Type:	PWR	SER Issued:	10/74, 8/80 (LP)	
Containment Type:	Dry	SSER Issued:		3/81
		ASLP Decision:		11/81
Architect/Engineer:		OL Issuance Estimated:	#1	3/82
MWe Rating:	#1 1084; #2 1106		#2	3/82

### Overview

CP Issued: 4/23/68; 12/9/70 CP Hearings: 2/20/68; 1/13/70 to 2/21/68; 8/7/70

Major Issues at CP Stage: Seismic, evacuation plan, storage-disposal and transportation of radioactive waste.

OL FSAR Docketed: 10/2/73 Last Amendment Submitted: 85

### Safety Review Status

- . Status of Q-1, Q-2: Complete; however, certain issues that are identified as we receive SER inputs where it is found that the applicant does not meet our position
- . Number and basic subject of Outstanding Issues Non-TMI: 7 will have to be resolved: DOE - 4 (Equipment Qual., Q-List, GDC-51, and masonry walls); DSI - 2 (Containment Sump debris, Cont. penetration heat x for.)
- . Number and basic subject of Outstanding Issues - TMI: 8 low power issues and all but 2 FP issues; DHFS-6, DSI-4, DOE-0, Eppo-1
- . Emergency Planning:
- . Unique Design Features: None
- . ACRS Meeting: 7/6/78
- . Commission Briefing: 2/82(E)

### Environmental Review Status

- . DES Date: 12/12/72
- . FES Date 5/30/73
- . Class 9 Evaluation Required: Not required

### Hearings

- . Noticed:1/1/74 Discovery Completed:3/25/81 Expected Start:5/81 Expected End:6/81
- . Major Intervenors: 1. Governor Brown, CA.; 2. Joint Intervenors
- . Major Contentions: Seismic, Security, QA, Environmental Qualifications, Emergency plan, TMI-issues

### Review Status

TMI Issues: 8 low power issues (procedures, B&Q Task Force, emergency plans) and all but 2 full power issues need to be reviewed.

DHFS - (I.A.1.1 - Shift Technical Advisor; I.A.1.3 - Shift Manning; I.C.1 - Short Term Accident & Procedures Review; I.C.5 - Licensee Dissemination of Operating Experience; I.C.7 - NSSS Vendor Review of Procedures; I.G.1 - Training During Low Power Testing)

DIABLO CANYON UNITS 1 & 2

TMI Issues (Cont.):

DSI - (I.C.1 - Short Term Accident & Procedure Review; I.G.1 - Training During Low Power Testing; II.K.3 - Final Recommendations B&O Task Force; III.A.2 - Emergency Preparedness)

OI&E - (Division of Emergency Preparedness - III.A.2 - Emergency Preparedness)

Non-TMI Issues: 7 outstanding issues (QA, environmental qualifications, metalurgy, sump debris)

DE - (Environmental Qualification of Class IE Equipment; Acceptability of QA-Q List; Containment Boundary fracture toughness; Masonry Walls)

DSI - (Acceptability of heat transfer analysis for containment penetration cable; sump debris)

DHFS - (ATWS - acceptability of procedures)

FARLEY 2

Docket No.:	50-364	NRC Estimate Construction	
Location:	Houston County	Completion:	3/81
Utility:	Alabama Power Company	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	3/81
Reactor Type:	PWR - 3 Loop	SER Issued:	5/75
Containment Type:	Dry	SSER Issued:	2/81
		ASLB Decision:	N/A
Architect/Engineer:	Bechtel	OL Issuance Estimated:	3/81
MWe Rating:	829		

Overview

CP Issued: 8/72 CP Hearings: 6/72

Major Issues at CP Stage: N/A

OL FSAR Docketed: 8/73 Last Amendment Submitted: 9/80

Safety Review Status

- . Status of Q-1, Q-2: Completed
- . Number and basic subject of Outstanding Issues Non-TMI: 3 -
  - Containment Purge
  - Containment Temperature - MSLB
  - Masonry Walls
- . Number and basic subject of Outstanding Issues - TMI: 3 -
  - Emergency Preparedness Plan
  - Long Term Emergency Preparedness
  - Inadequate Core Cooling
- . ACRS Meeting: N/A
- . Commission Briefing: 2/81 E
- . Emergency Planning:

TMI Issues

- . III.A.1.1 Emergency Preparedness
- . III.A.2 Long Term Emergency Preparedness
- . II.F.2 Inadequate Core Cooling

Non-TMI Issues

- . Containment Purge Valves
- . Containment Temperature - MSLB
- . Masonry Walls

Environmental Review Status: Completed

Hearings: None

## FERMI 2

Docket No.:	50-341	NRC Estimate Construction	
Location:	Monroe County, Michigan	Completion:	11/82
Utility:	Detroit Edison Company	Application Estimate	
Vendor:	General Electric	Construction Completion:	11/82
Reactor Type:	BWR	SER Issued:	12/81
Containment Type:	Mark I	SSER Issued:	3/82
		ASLR Decision:	3/83
Architect/Engineer:	Detroit Edison/Sargent &	OL Issuance Estimated:	6/83
MWe Rating:	1154 MWe, gross Lundy		

### Overview

CP Issued: 9/72 CP Hearings: 6/72 (Environmental); 10/71 (Safety)  
Major Issues at CP Stage: Blasting at Quarry, cooling towers  
OL FSAR Docketed: 6/75 Last Amendment Submitted: 1/81

### Safety Review Status

- . Status of Q-1, Q-2: Completed, except TMI responses
- . Number and basic subject of Outstanding Issues Non-TMI: 49 Reactor Systems
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features:
- . ACRS Meeting: 1/82
- . Commission Briefing: 5/83
- . Emergency Planning:

### Environmental Review Status

- . DES Date: 7/81
- . FES Date: 12/81
- . Class 9 Evaluation Required: Yes

### Hearings

- . Noticed:9/78 Discovery Completed:10/78 Expected Start:8/82 Expected End:1/83
- . Major Intervenors: Citizens for Employment and Energy
- . Major Contentions:
  - . Quality control during construction

GRAND GULF NUCLEAR STATION, UNITS 1 & 2

Docket No.:	50-416/417	NRC Estimate Construction	#1	7/82
Location:	Vicksburg, Mississippi	Completion:	#2	8/85
Utility:	Mississippi Power & Light	Application Estimate	#1	12/81*
Vendor:	General Electric	Construction Completion:	#2	8/85
Reactor Type:	BWR 6	SER Issued:		6/81E
Containment Type:	Mark III	SSER Issued:		9/81E
Architect/Engineer:	Bechtel	ASLB Decision:	No OL Hearing	
MWe Rating:	1250 (Each Unit)	OL Issuance Estimated:	#1	7/82
			#2	8/85
				*1/16/81 Ltr.

Overview

CP Issued: 9/3/74 CP Hearings: 2/74 to 8/74

Major Issues at CP Stage: Combustible Gas Control, Seismic Issues, Financial Qualifications.

OL FSAR Docketed: 6/27/78 Last Amendment Submitted: 12/80 (Amendment 45)

Safety Review Status

- . Status of Q-1, Q-2: Q-1 Responses virtually complete, 50% of Q-2's issued with most responses received. Draft SER procedure being pursued.
- . Number and basic subject of Outstanding Issues Non-TMI: Mark III Containment Loads (DE/DSI), ATWS (DSI)
- . Number and basic subject of Outstanding Issues - TMI: All TMI issues outstanding. Major items: Hydrogen Control (DSI), Equipment Qualification (DE)
- . Emergency Planning:
- . Unique Design Features: BWR-6, Mark III Containment
- . ACRS Meeting: 7/-1
- . Commission Briefing: 3/82 (E)
- . Other Items of Importance, Potential Problems: Lead BWR-6, Mark III Plant; Draft SER procedure being used to expedite review process; OL Review schedule consistent with applicant's construction - complete schedule

Environmental Review Status

- . DES Date: 3/81E
- . FES Date: 7/81E
- . Class 9 Evaluation Required: Yes

Hearings No OL Hearing

## LASALLE 1 & 2

Docket No.:	50-373/374	NRC Estimate Construction	
Location:	Seneca, Illinois	Completion:	6/81
Utility:	Commonwealth Edison Company	Application Estimate	
Vendor:	General Electric	Construction Completion:	6/81
Reactor Type:	BWR	SER Issued:	2/81
Containment Type:	Mark II	SSER Issued:	5/81
		ASLP Decision:	5/81
		OL Issuance Estimated:	6/81
Architect/Engineer:	Sargent & Lundy		
MWe Rating:	3293 MW		

### Overview

CP Issued: 9/73 CP Hearings: 1/73 to 7/73

Major Issues at CP Stage: size of cooling lake, providing vacuum relief valve, seal system for MSIV

OL FSAR Docketed: 5/11/77 Last Amendment Submitted: Amendment 54-2/3/81

### Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: 51 issues
- . Number and basic subject of Outstanding Issues - TMI: 48 issues
- . Unique Design Features: Two unit boiling water reactors with prestressed concrete containment with over under water-suppression design
- . ACRS Meeting: 4/81 E
- . Commission Briefing: 5/81 E
- . Other Items of Importance, Potential Problems: Potential problems are projected in equipment qualification and inservice inspection of material, pumps and valves.
- . Emergency Planning:

### Environmental Review Status

- . DES Date: 3/78
- . FES Date: 11/78
- . Class 9 Evaluation Required: Not required

### Hearings N/A

### Other Special Problems or Considerations

- . First boiling water reactor through the Post-TMI operating license review process
- . First BWR/5 Mark II through the review process
- . Containment will be inerted

### Review Status - TMI Issues

Total 48 The major portion of the open issues are in the Reactor System Branch (16 1/2)  
DHFS 15 The applicant is appealing our position to remove carpets in control room  
DSI 29 as a result of our fire protection review and our position on its job  
DEP 3 description on its STA.  
DE 1

### Non-TMI Issues

Total 50 The major portion of the open issues are in the Reactor Systems (18),  
DE 10 Instrumentation and Control (7), and Power Systems Branches (7). The  
DSI 39 applicant is appealing our position on vacuum breaker surveillance  
DST 1 tests at a certain pressure level and on our position of its reactor  
containment electrical penetration design



MCQUIRE 1 & 2

Docket No.:	50-369/370	NRC Estimate Construction #1	1/81
Location:	Mecklenburg County, N.C.	Completion:	#2 7/82
Utility:	Duke Power Company	Application Estimate	
Vendor:	Westinghouse Elec. Corp.	Construction Completion:	Same
Reactor Type:	PWR	SSER Issued:	3/78
Containment Type:	Ice Condenser	SSER Issued:	#4 1/81
		ASLB Decision:	2/81 reopen
Architect/Engineer:	Duke Power Company	OL Issuance Estimated:	#1-issued
MWe Rating:	1180	zero power; OL 1/23/81 #2	7/82

Overview

CP Issued: 2/28/73 CP Hearings: N/A

Major Issues at CP Stage: Quality Assurance

OL FSAR Docketed: 5/31/74 Last Amendment Submitted: No. 66 - 11/05/80

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number of basic subject of Outstanding Issues Non-TMI: 12 (see page 2)
- . Number of basic subject of Outstanding Issues - TMI: 30 (see page 2)
- . Unique Design Features: Ice condenser containment; upper head injection ECCS
- . ACRS Meeting: 4/7/78 C
- . Commission Briefing: Commissioner Gilinsky (Alone): 1/21/80 ZP
- . Other Items of Importance, Potential Problems: TMI hydrogen issue contested - now in ASLB hearing (2/81)
- . Emergency Planning:

Environmental Review Status

- . DES Date: 10/29/75
- . FES Date: 4/20/76
- . Class 9 Evaluation Report: Not required

SSER (FP): 4/15/81 (Issue)  
Hearing Start: 6/81  
ASLB Decision (FP): 12/81  
Commission: 3/82  
OL (FP): 3/82

Hearings

- . Initial ASLB decision, April 1979; reopened 2/81
- . Major Intervenors: Carolina Environmental Study Group
- . Major Contentions: TMI-2 loss-of-coolant accident hydrogen generation, combustion and breach of containment

REVIEW STATUS

TMI Issues

- . Total issues - 30
- . By Division: DE=1; DSI=23; HF=6
- . All issues are full power requirements; hydrogen control measure is contested ASLB issue

NON-TMI ISSUES

- . Seismic system & subsystem analysis; justification of piping seismic design MEB (DE)
- . Inservice testing of pumps and valves MEB (DE)
- . Evaluate underclad cracking potential in Unit 2 reactor vessel nozzles MTEB (DE)
- . ECCS performance - split break analysis - 100% RSB (DSI)
- . ESF actuation system reset control (IE 80-06) ICSB (DSI)
- . Equipment qualification for safety-related equipment EQB (DE)
- . Containment pressure boundary fracture toughness (GDC-51) MTEB (DE)
- . Loss of non-IE instrumentation & control system bus during operation (IE 79-27) ICSB (DSI)
- . Containment isolation (GDC-57) CSB (DSI)
- . ATWS PTRB (HF)
- . Fuel handling/cork drop update ASB (DSI)
- . Quality assurance for operation QAB (DE)
- . Total items (non TMI) by Division

DE=6  
DSI=5  
HF=1

## MIDLAND UNITS 1 & 2

Docket No.:	50-329/330	NRC Estimate Construction	
Location:	Midland, Michigan	Completion:	10/83
Utility:	Consumers Power Company	Application Estimate	
Vendor:	Babcock & Wilcox	Construction Completion:	7/83
Reactor Type:	PWR	SER Issued:	7/82
Containment Type:	Dry; bonded Steel liner	SSER Issued:	10/82
		ASLB Decision:	7/83
Architect/Engineer:	Bechtel	OL Issuance Estimated:	10/83
MWe Rating:	#1 504.8; #2 852		

### Overview

CP Issued: 12/15/72 CP Hearings: 12/1/70 to 6/15/72

Major Issues at CP Stage: QA (Cadwell Splicing), Dow Chemical use of steam, Financial Qualification, Antitrust

OL FSAR Docketed: 11/18/77 Last Amendment Submitted: 87 (1/21/81)

### Safety Review Status

- . Status of Q-1, Q-2: Supplement Q-2's (New Branches & Update) - 7/1/81
- . Number and basic subject of Outstanding Issues Non-TM<sup>+</sup>: >100; Seismic, B&W Sensitivity, Soils, Instrumentation, RSB
- . Number and basic subject of Outstanding Issues - TMI: All (No review to date)
- . Emergency Planning:
- . Unique Design Features: Cogeneration ( $4 \times 10^6$  lb/hr process steam to Dow Chemical)
- . ACRS Meeting: 4/82
- . Commission Briefing: Target - 8/83
- . Other Items of Importance, Potential Problems. 1. Hearing on Soils Settlement and QA Breakdown in 6/81. 2. Reactor Vessel Holddown Bolts

### Environmental Review Status

- . DES Date: 11/15/81
- . FES Date: 04/01/82
- . Class 9 Evaluation Required: Yes
- . Other Items: Increased plant cost - Dow intentions - Value Impact Analysis; Cooling Pond Dike Failure

### Hearings OL

- . Noticed: 4/4/78 Discovery Completed: No Expected Start: 12/82 Expected End: 4/83
- . Major Intervenors: 1. Stramis 2. Warren 3. Marshall 4. Sinclair 5. Kelly (St. Att. Gen.)
- . Major Contentions: Soil Settlement; Unresolved Safety Issues (NUREG-0510)

Other Special Problems or Considerations: CP Expires 10/1/81; Potential loss of staff soils consultants; Independent Design Review concept being considered (like Palo Verde review).

PALO VERDE UNITS 1, 2, & 3

Docket No.:	50-528/529/530	NRC Estimate Construction Completion:	#1 5/83 #2 5/84 #3 5/86
Location:	Phoenix, Arizona	Application Estimate #1-11/82; #2-11/83	
Utility:	Arizona Public Service	Construction Completion:	#3-11/85
Vendor:	Combustion Engineering	SER Issued:	7/82
Reactor Type:	PWR	SSER Issued:	10/82
Containment Type:	Dry reinforced concrete	ASLB Decision:	3/83
Architect/Engineer:	Bechtel	OL Issuance Estimated:	5/83
MWe Rating:	1270		

Overview

CP Issued: 5/76 CP Hearings: 3/23/76 to 3/27/76

Major Issues at CP Stage: None

OL FSAR Docketed: 6/80 Last Amendment Submitted: 12/80

Safety Review Status

- . Status of Q-1, Q-2: Q-1's currently being received
- . Number and basic subject of Outstanding Issues Non-TMI: all except DC power
- . Number and basic subject of Outstanding Issues - TMI: All
- . Emergency Planning:
- . Unique Design Features: all plant cooling from Phoenix sewage effluent
- . ACRS Meeting: 8/82
- . Commission Briefing: Target: 4/83
- . Other Items of Importance, Potential Problems: CE System 80 standard plant design

Environmental Review Status

- . DES Date: 7/81
- . FES Date: 12/81
- . Class 9 Evaluation Required: Yes
- . Other Items: Site visit completed 1/30

Hearings

- . Noticed: 7/11/80 Discovery Completed: 6/81 Expected Start: 11/82 Expected End: 1/83
- . Major Intervenors: Lee Hourihan
- . Major Contentions: No assured supply of cooling water, awaiting ASLB decision on validity of other contentions

Other Special Problems or Considerations

Independent Design Review (IDR) approach being used in several review areas

PERRY

Docket No.:	50-440/441	NRC Estimate Construction	#1	7/83
Location:	Painesville, Ohio	Completion:	#2	5/87
Utility:	Cleveland Elec. Ill.	Application Estimate	#1	5/83
Vendor:	General Electric	Construction Completion:	#2	5/87
Reactor Type:	BWR	SER Issued:		9/82 E
Containment Type:	MARK III	SSER Issued:		12/82 E
		ASLB Decision:		5/83 E
		OL Issuance Estimated:		7/83
Architect/Engineer:	Gilbert			
MWe Rating:	#1 1205; #2 1265			

Overview

CP Issued: 5/3/77 CP Hearings: 9/74 to 4/77

Major Issues at CP Stage: Geological anomalies, under-drain system, need for power

OL FSAR Docketed: 1/30/81 Last Amendment Submitted: N/A

Safety Review Status

- . Status of Q-1, Q-2: Q-1 - 6/30/81 E; Q-2 - 12/30/81 E
- . Number and basic subject of Outstanding Issues Non-TMI: Review not started
- . Number and basic subject of Outstanding Issues - TMI: 0731
- . Unique Design Features: Underground Dewatering System
- . ACRS Meeting: 10/8; E
- . Commission Briefing: 6/83 E
- . Emergency Planning: 8/82 E

Environmental Review Status

- . DES Date: 1/82 E
- . FES Date: 6/82 E
- . Class 9 Evaluation Required: Yes

Hearings

- . Noticed:Unknown Discovery Completed:Unknown Expected Start:1/83 Expected End:3/83
- . Major Intevenors: (for CP) - Ms. Evelyn Stebbins, Coalition for Safe Electric Power

## SALEM UNIT 2

Docket No.:	50-311	NRC Estimate Construction	
Location:	Alloways Creek Township, NJ	Completion:	4/80
Utility:	PSE&G Company	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	4/80
Reactor Type:	PWR	SER Issued:	10/74
Containment Type:	Dry, Steel-lined Reinforced Concrete	SSER Issued:	6/75, 8/76, 12/78, 4/80, 1/81
Architect/Engineer:	PSE&G	ASLB Decision:	10/74
MWe Rating:	1158	OL Issuance Estimated:	4/81

### Overview

CP Issued: 9/68 CP Hearings: 8/15/68 to 8/16/68

Major Issues at CP Stage: None

OL FSAR Docketed: 8/27/71 Last Amendment Submitted: 3/6/80

### Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: None
- . Number and basic subject of Outstanding Issues - TMI: Emergency Planning
- . Emergency Planning: FEMA's finding and determination with respect to the Delaware and N.J. State and local plans will not be available until late 4/81.
- . Unique Design Features: None
- . ACRS Meeting: 2/79
- . Commission Briefing: 1/81 C (FP)
- . Other Items of Importance, Potential Problems: Some action necessary prior to expiration of low power license

### Environmental Review Status

- . DES Date: 10/72
- . FES Date: 4/73
- . Class 9 Evaluation Required: N.A.
- . Other Items: None

Hearings No hearings required

## SAN ONOFRE UNITS 2 & 3

Docket No.:	50-361/362	NRC Estimate Construction	
Location:	San Diego County, Calif.	Completion:	7/81
Utility:	So. Calif. Edison, S.D. G&E	Application Estimate	
Vendor:	Combustion Engineering	Construction Completion:	6/81
Reactor Type:	PWR	SER Issued:	12/80 (Partial) 2/81
Containment Type:	Dry	SSER Issued:	3/81 & 5/81
		ASLB Decision:	1/82
Architect/Engineer:	Bechtel	OL Issuance Estimated:	4/82
MWe Rating:	1100		

### Overview

CP Issued: 10/18/73 CP Hearings: 4/73 to 6/73  
Major Issues at CP Stage: Seismology, Geology, Exclusion Area Control  
OL FSAR Docketed: 3/77 Last Amendment Submitted: 2/81

### Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: 15: DSI - 5; EPP0 - 1; DOE - 8; NMSS - 1
- . Emergency Planning:
- . Number and basic subject of Outstanding Issues - TMI: 27: DHFS - 12; DSI - 11; EPP0 - 3; DOE - 1
- . Unique Design Features: High G Value (0.67g's)
- . ACRS Meeting: 2/5/81, 3/5/81
- . Commission Briefing: 2/82
- . Other Items of Importance, Potential Problems: FEMA review of Emergency Plan is pacing item in review

### Environmental Review Status

- . DES Date: 11/78
- . FES Date: 4/81
- . Class 9 Evaluation Required: Yes - Supplemental DES issued 1/81

### Hearings

- . Noticed:4/77 Discovery Completed:5/81 Expected Start:7/81 Expected End:11/81
- . Major Intervenors: Friends of the Earth, Guard (local enviro. group)
- . Major Contentions: Seismic - SSE not severe enough; Emergency Plan - Evacuation not possible following earthquake plus accident

### Review Status

TMI Issues: 27 Open Issues (DHFS-12, DSI-11, EPP0-3, DE-1)

- . I.A.1.1 thru I.A.1.3 Operating Personnel
- . I.B.1.2 Operations Management
- . I.C.1, I.C.5, I.C.6, I.C.7, I.C.8 Operating Procedures
- . I.D.2 Safety display consent
- . I.G.1 Low Power Test Training
- . II.B.1 thru II.B.A Degraded Core Cooling Considerations
- . II.D.1 RCS Relief and Safety Valves
- . II.E.4.1 and II.E.4.2 Containment Design
- . II.F.1 and II.F.2 Instrumentation and Controls
- . II.K.1 and II.K.3 Measures to mitigate small break LOCA's
- . III.A.1.1, III.A.1.2 and III.A.2 Emergency Planning
- . III.D.1.1 Radiation Source Control

SAN ONOFRE UNITS 2 & 3

Non-TMI Issues: 15 Open Issues (DHFS-0, DSI-5, EPP0-1, DE-8, NMSS-1)

- . Explosion hazards. SAB-DE
- . Toxic gas hazards. SAB-DE
- . Systems Interaction. SIB-DSI
- . Seismic qualification of equipment. EQB-DE
- . Reactor internals analysis. MEB-DE
- . Independent piping analysis. MEB-DE
- . Environmental qualification of equipment. EQB-DE
- . Seismic plus LOCA loads on FEA. CPB-DSI
- . Core protection calculator. CPB-DSI
- . DNBR testing of revised FEA. CPB-DSI
- . Containment Pressure Boundary Fracture Toughness. MTEB-DE
- . Emergency planning. EPP0
- . Industrial security. NMSS
- . Review of CENPD-183. CPB-DSI
- . Review of Q-list. QAB-DE



SEQUOYAH 2

Docket No.:	50-328	NRC Estimate Construction	
Location:	Chattanooga, Tennessee	Completion:	7/81
Utility:	Tennessee Valley Authority	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	4/81
Reactor Type:	PWR	SER Issued:	3/79
Containment Type:	Ice condenser	SSER Issued:1-4 (2/80,8/80,9/80,1/82)	
		ASLB Decision:	N/A
Architect/Engineer:	TVA	OL Issuance Estimated:	6/81
MWe Rating:	1140 MWe		

Overview

CP Issued: 5/70 CP Hearings: 4/70 to 4/70

Major Issues at CP Stage: N/A

FSAR Docketed: 3/77 Last Amendment Submitted: N/A

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: 5 -
  - Barge Collision
  - ERCW Intake
  - Purge/Vent
  - Equipment Qualification
  - SG Tubes & Inspection Ports
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: Ice Condenser with Ingitor System
- . ACRS Meeting: N/A
- . Commission Briefing: 5/81
- Other Items: Hydrogen Control; Centralization of EOF for all TVA Plants
- . Emergency Planning: Complete

Environmental Review Status

- . DES Date: 10/71
- . FES Date: 7/74
- . Class 9 Evaluation Required: Not required

Hearings: None Required

SHOREHAM

Docket No.:	50-322	NRC Estimate Construction	
Location:	Brookhaven, New York (LI)	Completion:	9/82
Utility:	Long Island Lighting (LILCO)	Application Estimate	
Vendor:	General Electric	Construction Completion:	6/82
Reactor Type:	BWR 4/5	SER Issued:	3/81
Containment Type:	Mark II	SSER Issued:	7/81
		ASLP Decision:	7/82
Architect/Engineer:	Stone & Webster	OL Issuance Estimated:	10/82
MWe Rating:	820 (NET)		

Overview

CP Issued: 4/73 CP Hearings: 5/70 to 1/73

Major Issues at CP Stage: NEPA, ATWS

OL FSAR Docketed: 1/76 Last Amendment Submitted: 12/80

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: 66
- . Number and basic subject of Outstanding Issues - TMI: All NUREG-0737 - 63
- . Unique Design Features: Mark II Containment & Once-Through Cooling
- . ACRS Meeting: 5/81 E
- . Commission Briefing: 9/82 E
- . Emergency Planning:

Environmental Review Status

- . DES Date: 3/77
- . FES Date: 10/77
- . Class 9 Evaluation Required: Not required

Hearings

. Noticed:3/76 Discovery Completed:10/81 Expected Start:1/82 Expected End:5/82

. Major Intervenors:

Suffolk County, N. Y.	<u>CONTENTIONS</u>
Shoreham Opponents Coalition (SOC)	79
North Shore Committee Against Thermal & Nuclear	14
Pollution Oil Heat Institute of Long Island	2

Other Special Problems or Considerations

- . SOC request for hearing on Shoreham CP Extension
- . SOC 2.206 requesting suspension of Shoreham CP

SOUTH TEXAS 1 AND 2

Docket No.:	50-498/499	NRC Estimate Construction	#1	9/83
Location:	Bay City, Texas	Completion:	#2	9/85
Utility:	Houston Lighting & Power Co.	Application Estimate	#1	9/83
Vendor:	Westinghouse (3 Co-Appl's)	Construction Completion:	#2	9/85
Reactor Type:	PWR	SER Issued:		11/82 E
Containment Type:	Post-tensioned concrete cylinder	SSER Issued:		2/83 E
Architect/Engineer:	Brown and Root	ASLP Decision:		7/83 E
MWe Rating:	3817 Mwt, 1250 MWe	OL Issuance Estimated:		9/83 E

Overview

CP Issued: 12/75 CP Hearings: 8/75  
Major Issues at CP Stage: N/A  
OL FSAR Docketed: 7/78 Last Amendment Submitted: #14 - 12/80

Safety Review Status

- . Status of Q-1, Q-2: Q-1 Complete, Q-2 being developed on limited basis QA complete
- . Number and basic subject of Outstanding Issues Non-TMI: Not yet defined except QA (2 items)
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: N/A
- . ACRS Meeting: 12/82 E
- . Commission Briefing: 8/83 E
- . Other Items: Expedited hearing on QA program and management charcter and qualification ordered by Commission, 9/80.
- . Emergency Planning:

Environmental Review Status

- . DES Date: 3/82 E
- . FES Date: 9/82 E
- . Class 9 Evaluation Required: 2/82 E
- . Other Items: Branch input/ANL Input 1/82 E

Hearings

- . Noticed:8/78 Discovery Completed:N/S Expected Start:5/81 Expected End:5/83
- . Major Intervenors: Citizens Concerned About Nuclear Power, Citizens for Equitable Utilities
- . Major Contentions
  - . QA and Management Qualifications
  - . Inadequate water supply
  - . Emergency plans
  - . Overpressure on RPV
  - . Underdesign for wind loadings
  - . Radionuclide bioaccumulation & deposition

SUMMER

Docket No.:	50-395	NRC Estimate Construction	
Location:	Jenkinsville, South Carolina	Completion:	10/81
Utility:	South Carolina Electric &	Application Estimate	
Vendor:	Westinghouse Gas Co.	Construction Completion:	8/81
Reactor Type:	PWR	SER Issued:	2/81
Containment Type:	Large Dry	SSER Issued:	4/81
		ASLP Decision:	3/82
Architect/Engineer:	Gilbert Associates	OL Issuance Estimated:	6/82
MWe Rating:	900		

Overview

CP Issued: 3/73 CP Hearings: 1/73 to 1/73  
Major Issued at CP Stage: Seismicity, ECCS, turbine missiles  
OL FSAR Docketed: 2/77 Last Amendment Submitted: 1/81

Safety Review Status

- . Status of Q-1, Q-2: complete
- . Number and basic subject of Outstanding Issues Non-TMI: 11
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: N/A
- . ACRS Meeting: 3/81
- . Commission Briefing: 11/81
- . Other Items: Resolution of differing opinion on reservoir-induced seismicity
- . Emergency Planning: Exercise in late 5/81

Environmental Review Status

- . DES Date: 6/79
- . FES Date: 2/81
- . Class 9 Evaluation Required: Yes

Hearings

- . Noticed:4/77 Discovery Completed:Not scheduled Expected Start:5/81 Expected End: 7/81
- . Major Intervenors: Brett Bursey
- . Major Contentions:
  - . Seismicity
  - . Emergency Planning

## SUSQUEHANNA UNITS 1 AND 2

Docket No.:	50-387/388	NRC Estimate Construction
Location:	Berwick, Pennsylvania	Completion: 3/82
Utility:	Pennsylvania Power & Light	Application Estimate
Vendor:	General Electric	Construction Completion: 6/81
Reactor Type:	BWR 4	SER Issued: Scheduled for 4/81
Containment Type:	Mark II	SSER Issued: Scheduled for 6/81
		ASLB Decision: 8/82
Architect/Engineer:	Bechtel	OL Issuance Estimated: 11/82
MWe Rating:	1135 MWe	

### Overview

CP Issued: 11/73 CP Hearings: 2/73 to 8/73 (2 days)

Major Issues at CP Stage: No major issues

OL FSAR Docketed: 7/78

### Safety Review Status

- . Status of Q-1, Q-2: Q-2, 52 outstanding unanswered questions exist
- . Number and basic subject of Outstanding Issues Non-TMI: To be determined in 4/81
- . Number and basic subject of Outstanding Issues - TMI: To be determined in 4/81
- . Unique Design Features: Inerled containment
- . ACRS Meeting: 5/81 E
- . Commission Briefing: 10/82 E
- . Emergency Planning:

### Environmental Review Status

- . DES Date: Issued 6/79
- . FES Date: To be issued 2/81
- . Class 9 Evaluation Required: Yes, to be issued in 2/81

### Hearings

- . Noticed: 8/78 Discovery Completed: Summer 81 Expected Start: 10/81 Expected End: 6/82
- . Major Intervenors: Marsh, Susquehanna Environmental Advocates, Citizens Against Nuclear Dangers, Environmental Coalition on Nuclear Power
- . Major Contentions: Evacuation, Need for Power

## WATERFORD

Docket No.:	50-382	NRC Estimate Construction	
Location:	Taft, Louisiana	Completion:	10/82
Utility:	Louisiana Power & Light	Application Estimate	
Vendor:	Combustion Engineering	Construction Completion:	10/82
Reactor Type:	PWR	SER Issued:	7/81
Containment Type:	Large, dry containment	SSER Issued:	10/81
		ASLR Decision:	1/83
Architect/Engineer:	EBASCO	OL Issuance Estimated:	4/83
MWe Rating:	1165		

### Overview

CP Issued: 11/74 CP Hearings: 2/74 to 2/74

Major Issues at CP Stage: U.H.S., seismic geology/floating plant

OL FSAR Docketed: 12/78 Last Amendment Submitted: #14 12/80, #15 due 2/81

### Safety Review Status

- . Status of Q-1, Q-2: Q-1's not received on I&C or SEB
- . Number and basic subject of Outstanding Issues Non-TMI: All areas under review
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: UHS, control of water tables because it's "floating"
- . ACRS Meeting: 8/81 E
- . Commission Briefing: 3/83 E
- . Emergency Planning: Plan & Evacuation time estimates have been submitted, reviewer to meet with Applicant 2/10/81 to discuss adequacy of their Plan. State & local plans not yet approved by FEMA.

### Environmental Review Status

- . DES Date: 3/81
- . FES Date: 8/81
- . Class 9 Evaluation Required: Yes
- . Other Items: DES will address Appendix I

### Hearings

- . Noticed:1/79 Discovery Completed:9/81 Expected Start:N/A Expected End:N/A
- . Major Intervenors: Save Our Wetlands/Oystershell Environmental 11/81 1/81
- . Major Contentions: Louisiana Consumers Legal Alliance Safety 6/82 8/82
  - . Emergency Planning
  - . Synergistic effects of low level radiation and known carcinogens

WATTS BAR

Docket No.:	50-390/391	NRC Estimate Construction	#1	8/82
Location:	Spring City, Tennessee	Completion:	#2	4/83
Utility:	Tennessee Valley Authority	Application Estimate	#1	3/82
Vendor:	Westinghouse	Construction Completion:	#2	4/83
Reactor Type:	PWR	SER Issued:		10/81
Containment Type:	Ice Condenser	SSER Issued:		1/82
		ASLB Decision:		N/A
Architect/Engineer:	TVA	OL Issuance Estimated:	#1	8/82
MWe Rating:	1165		#2	4/83

Overview

CP Issued: 1/73 CP Hearings: 11/72 to 11/72  
Major Issues at CP Stage: N/A  
OL FSAR Docketed: 10/76 Last Amendment Submitted: 3/81

Safety Review Status

- . Status of Q-1, Q-2: Q-2 responses completed when TMI occurred
- . Number and basic subject of Outstanding Issues Non-TMI: 102 Non-TMI Issues to be addressed 3/81
- . Number and basic subject of Outstanding Issues - TMI: All TMI Issues to be addressed 3/81 (to meet NUREG-0737)
- . Unique Design Features: Ice Condenser
- . ACRS Meeting: 11/81
- . Commission Briefing: 2/82
- . Other Items:
  - . Hydrogen Control
  - . Watts Bar is similar in design to Sequoyah Units 1 & 2 - should minimize staff review on non-site specific review areas
  - . Watts Bar proposed to develop a Waste Heat Utilitization Industrial Park
- . Emergency Planning: To be completed 10/81 - Similar to Sequoyah Plan - trying to built a centralized EOF

Environmental Review Status

- . DES Date: 6/78
- . FES Date: 12/78
- . Class 9 Evaluation Required: Not required

Hearings: No hearings

WNP-2

Docket No.:	50-397	NRC Estimate Construction	
Location:	Richland, Washington	Completion:	7/82
Utility:	Washington Pub. Pow. Su. Sys.	Application Estimate	
Vendor:	General Electric	Construction Completion:	7/82
Reactor Type:	BWR	SER Issued:	3/82
Containment Type:	Mark II/ free standing steel shell	SSER Issued:	6/82
Architect/Engineer:	Burns & Roe	ASLB Decision:	N/A
MWe Rating:	1100	OL Issuance Estimated:	7/82

Overview

CP Issued: CPPR-93 3/19/73 CP Hearings: 1/26/73 (one day)  
Major Issues at CP Stage: Potential faulting close to site  
OL FSAR Docketed: 6/78 Last Amendment Submitted: No. 12 12/17/80

Safety Review Status

- . Status of Q-1, Q-2: Q-1's completed
- . Number and basic subject of Outstanding Issues Non-TMI: unknown
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: free standing steel containment and GE cross-quencher
- . ACRS Meeting: 5/82
- . Commission Briefing: 6/82 E
- . Other Items of Importance, Potential Problems: Recent developments in geology & seismology may cause a revision in the design basis seismic event
- . Emergency Planning:

Environmental Review Status

- . DES Date: 7/81
- . FES Date: 12/81
- . Class 9 Evaluation Required: yes

Hearings

- . Noticed: 7/78 Discovery Completed: N/A Expected Start: N/A Expected End: N/A
- . Major Intervenors: N/A
- . Major Contentions: N/A
- . Other Items: Petitioners denied status of Intervenors based on extreme distance (180 miles) from site

Other Special Problems or Considerations

- . Project slipping schedule steadily due to strikes, low worker productivity and Stop Work actions by Region V; significant failures in the QA/QC system; Caseload Forecast Panel visit will be made since slippage is greater than six months; apparent weaknesses in utility management



## WOLF CREEK

Docket No.:	50-482	NRC Estimate Construction	
Location:	Burlington, Kansas	Completion:	12/83
Utility:	Kansas Elec. & Gas Co.	Application Estimate	
Vendor:	Westinghouse	Construction Completion:	4/83
Reactor Type:	PWR	SER Issued:	3/83
Containment Type:	Dry - Pre Stress	SSER Issued:	5/83
	Concrete	ASLR Decision:	10/83
Architect/Engineer:	Bechtel	OL Issuance Estimated:	12/83
MWe Rating:	1150		

### Overview

CP Issued: 5/17/77 CP Hearings: 1/26/76 to 6/25/76

Major Issues at CP Stage: Sizing of lake for one or two units

OL FSAR Docketed: 8/80 Last Amendment Submitted: None-Revision I to SNUPPS  
FSAR Submitted

### Safety Review Status

- . Status of Q-1, Q-2: Q-1, Estimated transmittal date to applicant - 6/15/81
- . Number of basic subject of Outstanding Issues Non-TMI: Not yet known
- . Number of basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: None
- . ACRS Meeting: 4/83 E
- . Commission Briefing: 11/83 E
- . Other Items of Importance, Potential Problems: Not yet known
- . Emergency Planning:

### Environmental Review Status

- . DES Date: 7/82
- . FES Date: 12/82
- . Class 9 Evaluation Required: Yes
- . Other Items: N/A

### Hearings

- . Noticed: 12/18/80 Discovery Completed: No Expected Start: 7/83  
Expected End: 7/83
- . Major Intervenors: Not known as of now
- . Major Contentions: Not known as of now

ZIMMER

Docket No.:	50-358	NRC Estimate Construction
Location:	Moscow, Ohio	Completion: 11/81
Utility:	Zimmer	Application Estimate
Vendor:	General Electric	Construction Completion: 11/81
Reactor Type:	BWR/5	SER Issued: 1/79
Containment Type:	Mark II	SSER Issued: N/A
		ASLB Decision: N/A
		OL Issuance Estimated: 3/82
Architect/Engineer:	Sargent & Lundy	
MWe Rating:	2436 Mwt/839 MWe (Gross)	
	797 MWe (Net)	

Overview

CP Issued: 10/72 CP Hearings: 5/72 to 9/72

Major Issues at CP Stage: N/A

OL FSAR Docketed: 9/75 Last Amendment Submitted: No. 112, 12/80

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues Non-TMI: 58, SRP Requirements
- . Number and basic subject of Outstanding Issues - TMI: 0737
- . Unique Design Features: N/A
- . ACRS Meeting: 3/79
- . Commission Briefing: Not scheduled
- . Other Items of Importance, Potential Problems: N/A
- . Emergency Planning: Exercise in late 81

Environmental Review Status

- . DES Date: 8/76
- . FES Date: 6/77
- . Class 9 Evaluation Required: No
- . Other Items: Environmental Tech. Specs.; Flood Plain; EIA for CP Ext.

Hearings

- . Noticed: 9/75 Discovery Completed: Open Expected Start: Started Expected End: 12/81
- . Major Intervenors: City Cincinnati, State of Kentucky, Faulkhauser, MVPP, City of Mentor, ZAC, ZACK
- . Major Contentions:
  - . Financial
  - . Emergency Preparedness
  - . Staffing

MANUFACTURING LICENSE

AND

CONSTRUCTION PERMIT

PLANTS

M, L, AND C, P. PLANTS

- . ALLFNS CREEK 1 (GE)
- . BLACK FOX 1 & 2 (GE)
- . PILGRIM 2 (CE)
- . PEBBLE SPRINGS (R&W)
- . SKAGIT 1 & 2 (GE)
- . PERKINS 1, 2, 3 (CF)
- . FNP (W)

PENDING CP

ALLENS CREEK

Docket No.:	50-466	Hearings:	Environ. Resumed 1/12/81
Location:	Houston, Texas		Safety (Non-TMI) 7/81
Utility:	Houston Lighting & Pwr. Co.	SER Issued:	11/74
Vendor:	General Electric	SSER Issued:	7/81
Reactor Type:	BWR/6	ACRS:	8/81
Containment Type:	Mark III	SSER:	9/81
Architect/Engineer:	ESASCO		
MWe Rating:	1150		

A second supplement to the Allens Creek FES regarding the issues of alternative sites and transportation of the reactor vessel to the site was issued in December 1980. An hearing on environmental issues resumed on January 12, 1981. Testimony on selected non-TMI safety issues is to be prepared by May 31, 1981 and it is anticipated that the safety hearings on these matters will resume in early July 1981.

PENDING CP

BLACK FOX

Docket No.:	STN 50-556/557	NRC Estimate Construction	
Location:	Inola, Oklahoma	Completion:	
Utility:	Public Service Co. of Okla.	Application Estimate	
Vendor:	General Electric	Construction Completion:	
Reactor Type:	BWR	SER Issued:	6/77
Containment Type:	Mark III Pressure Suppression	SSER Issued:	9/78
		ASLB Decision:	2/79
Architect/Engineer:	Black & Veatch	CP Issuance Estimated:	?
MWe Rating:	1150		

Overview

CP Issued: N/A CP Hearings: 8/77 to ?

Major Issues at CP Stage: Seismicity, containment loads

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues - TMI: NUREG-0718
- . Unique Design Features: Mark III pressure suppression containment
- . ACRS Meeting: 7/77
- . Commission Briefing: ?

Environmental Review Status

- . DES Date: 7/76
- . FES Date: 2/77

Hearings

- . Noticed:N/A Discovery:N/A Expected Start: 8/77 Expected End: N/A
- . Major Intervenors: Case
- . Major Contentions
  - . Containment loads

PENDING CP

PEBBLE SPRINGS

Docket No.:	50-414, 415	NRC Estimate Construction
Location:	Arlington, Oregon	Completion:
Utility:	Portland General Electric	Application Estimate
Vendor:	Babcock & Wilcox	Construction Completion:
Reactor Type:	PWR	SER Issued:
Containment Type:	Large, Dry	SSER Issued:
		ASLR Decision:
Architect/Engineer:	Bechtel	OL Issuance Estimated:
MWe Rating:	1260	

Overview

Major Issues at CP Stage: Volcanic Ash, seismicity

OL PSAR Docketed: 10/74

Safety Review Status

- . Number and basic subject of Outstanding Issues Non-TMI: 2, unresolved safety issues, cold shutdown using safety-grade systems.
- . Unique Design Features: designed for 8 1/2" volcanic ash.
- . Other Items: Referendum passed 11/80 which prohibits construction or operation of nuclear plants until a high-level waste repository is licensed by appropriate federal government agency.

Environmental Review Status

- . DES Date: 1/75
- . FES Date: 4/75, FES Supplement issued 4/80
- . Class 9 Evaluation Required: No
- . Other Items: Environmental-site suitability issue to be closed out after Summer hearing, partial initial decision to be issued mid-April.

Hearings

- . Noticed:N/A Discovery Completed:No Expected Start:7/81 Expected End:7/81
- . Major Intervenors: Lloyd Marbet
- . Major Contentions
  - . Alternative sites

PENDING CP

PILGRIM UNIT 2

Docket No.:	50-471	NRC Estimate Construction	
Location:	Plymouth, Mass.	Completion:	No estimate
Utility:	Boston Edison Co.	Applicant Estimate	
Vendor:	Combustion Eng.	Construction Completion:	Depends on CP issue
Reactor Type:	PWR	SER Issued:	6/75
Containment Type:	Large Dry	SSER Issued:	1/79
Architect/Engineer:	Bechtel Corp.	ASLB Decision	PID - 2/3/81*
MWe Rating:	1150	OL Issuance Estimated:	No estimate

Overview

CP Issued: No CP to date CP Hearings: 10/20/75 to 8/28/79

Major Issues at CP Stage: Need for power, health effects, soil stability, alternative sites

Safety Review Status

- . Number and basic subject of Outstanding Issues Non-TMI: None
- . Number and basic subject of Outstanding Issues - TMI: NUREG-0718 including emergency planning
  - Emergency Plan is under staff review estimated completion date for submittal to ASLB 5/31/81
  - SER (TMI issues) estimated for 6/81
- . Unique Design Features: Large dry containment
- . ACRS Meeting: 7/81 E
- . Commission Briefing: TBD based on completion of hearing

Environmental Review Status

- . DES Date: 6/74
- . FES Date: 9/74, Draft Supplement - 2/79, Final Supplement - 5/74
- . Class 9 Evaluation Required: Not at CP stage

Hearings (completed for non-TMI items)

- . Noticed: 1/14/74 Discovery Completed: (non-TMI) yes
- . Major Intervenors: Massachusetts Attorney Generals Office
- . Major Contentions: Emergency planning-only admitted contention related to TMI others may be admitted after TMI issues are resolved.

Other Special Problems or Considerations

Awaiting Guidance on NUREG-0718, cannot project a CP date until TMI issues have been resolved.

\*PID on non-TMI issues only; TMI-2 issues and emergency planning open.



PENDING CP

SKAGIT

Docket No.: 50-522/523  
Location: Hanford Reservation  
Utility: Puget Sound Power & Light  
Vendor: General Electric  
Reactor Type: BWR/6 GESSAR 251  
Containment Type: Mark III

NRC Estimate Construction  
Completion:  
Application Estimate  
Construction Completion:  
SER Issued: 9/77  
SSER Issued: 10/78  
ASLB Decision: None  
OL Issuance Estimated:

Architect/Engineer: Bechtel  
MWe Rating: 3600 MWt/1335 MWe

Safety Review Status

(in hold until new site is announced)

Environmental Review Status

(in hold until new site is announced)

Unique Design Features: None

ACRS Meeting: 11/77

Hearing: Cancelled - will reopen on new site.

PENDING CP

PERKINS 1, 2 & 3

Docket No.:	50-488/489/450	SER Issued:	3/77
Location:	Mocksville, N.C.	SSER Issued:	7/77
Utility:	Duke Power Company	ASLB Decision:	Initial Decision Deferred to take account of TMI
Vendor:	Combustion Eng.		
Reactor Type:	PWR		
Containment Type:	Dry		
Architect/Engineer:	Duke Power Company		
MWe Rating:	1280		

By letter of July 27, 1977, applicant confirmed that no final decision has been made on construction of Perkins

PENDING ML

FLOATING NUCLEAR PLANTS, 1-8

Docket No.:	STN 50-437	NRC Estimate Construction	
Location:	Jacksonville, FL	Completion:	N/A
Utility:	Offshore Power Systems	Application Estimate	
Vendor:	" " "	Construction Completion:	N/A
Reactor Type:	PWR	SER Issued:	9/30/75
Containment Type:	Ice Condenser	SSER Issued:	(TMI) 12/8;
Architect/Engineer:	Offshore Power Systems	ASLB Decision:	
MWe Rating:	1150	ML Issuance Estimated:	

Overview

ML Issued: FY 81      ML Hearings: 03-28-76      to Present

Major Issues at ML Stage: Class 9 accident

ML PDR Docketed: 07/05/73      Last Amendment Submitted: No. 27 - 5/14/79

Safety Review Status

- . Status of Q-1, Q-2: N/A
- . Number and basic subject of Outstanding Issues Non-TMI: None
- . Number and basic subject of Outstanding Issues - TMI: See NUREG-0718
- . Unique Design Features: Floating nuclear power plant with core ladle design (Class 9)
- . ACRS Meeting: 3/7/80 (more recent)
- . Commission Briefing: N/A
- . Other Items of Importance, Potential Problems: TMI hydrogen control measures (containment design)

Environmental Review Status

- . DES Date: Part I-7/24/74; Part II-12/08/75
- . FES Date: Part I-10/06/75; Part II-09/03/76; Addendum 09/30/78
- . Class 9 Evaluation Required: completed (see SSER No. 2 and FES Part III)

Hearings

- . ASLB hearings started 3/28/76
- . Major Intervenors: initial intervenors have withdrawn due to cancellation of Atlantic Generating Station project (PSE&G, NJ); NRDC remains.
- . Major Contentions: Floating aspect and ice condenser design  
Programmatic environmental impact statement

STATUS AND PROJECTED TARGET SCHEDULES  
FOR PENDING CONSTRUCTION PERMIT APPLICATIONS

PLANT	FSAR Docketed	ER Docketed	ER	ACRS Mtg.	Latest non-TMI SSER	FES	Hearing non-TMI Start	Hearing non-TMI End	(4) TMI SER	ACRS TMI	TMI SSER
Allens Creek 1	12/73C	12/73C	11/74C	12/74C	03/79C	12/80C	01/81C	09/81	07/81	08/81	09/81
Black Fox 1 & 2	12/75C	12/75C	06/77C	06/77C	03/79C	02/77C	08/77C	02/79C	08/81	09/81	10/81
Pebble Springs 1 & 2	10/74C	08/74C	01/76C	02/76C	05/78C	04/75C	05/78C	(1)	09/81	10/81	11/81
Perkins 1-3	05/74C	06/74C	03/77C	04/77C	07/77C	10/75C	11/75C	02/79C	(2)	(2)	(2)
Pilgrim 2	12/73C	12/73C	06/75C	11/75C	01/79C	10/75C	10/75C	08/79C	06/81	07/81	08/81
Skagit 1 & 2	01/75C	09/74C	08/77C	11/77C	10/78C	06/75C	07/75C	(3)	(3)	(3)	(3)
FNP 1-8	07/73C	07/73C	08/75C	Series	02/80C	10/75C	06/76C	10/79C	10/81	11/81	12/81

- (1) Seismic issues delayed safety review. Alternative site review based on the Seabrook decision resulted in FES supplement on this matter. Hearings not concluded; in addition to TMI-2 issues, generic issues (ALAB-444), need-for-power, and alternative site matters are pending. Site Certification by State is not complete. The State had imposed a moratorium on further consideration of Pebble Springs through November 1980. Environmental review resumed with testimony anticipated to be filed in April 1981. TMI schedule predicated on applicant providing TMI PSAR in July 1981.
- (2) Motion was filed to reopen to consider TMI-2 issues. Applicant indicated in July 1979 that no final decision has been made by them on the construction of Units 1, 2 and 3.
- (3) As a result of field explorations conducted by USGS, the seismic design of the facility must be reexamined. Applicants indicated in September 1980 that proposed facility to be relocated to site on the Hanford reservation. Amended ER and PSAR will be filed in September 1981.
- (4) Schedules shown are based on preliminary estimates of where PSAR amendments will be filed.

AMERICAN NUCLEAR ENERGY COUNCIL

410 FIRST STREET, SE • WASHINGTON, DC 20003

(202) 484-2670

*all office Directors  
by Glue <sup>egg</sup>  
Brennour to Baull  
Hearing*

February 10, 1981

MEMORANDUM

TO: File

FROM: George L. Gleason, Executive Vice President

RE: January, 1981, NRC Report to House Appropriations Subcommittee on Status of NRC Licensing Proceedings

The status reports are significant both for what they tell you about licensing delays, and, perhaps more importantly, for what they don't reveal. The reasons for this are discussed below. However, as a preliminary matter, it is interesting to note the expanding pattern of delays in the issuance of operating licenses as evident from NRC's estimates of both the number of plants impacted and the total number of plant-months of delay, beginning with its testimony of last April 17 to the Subcommittee.

April 17, 1981 testimony:	Three plants impacted for 10 months of delays.
November, 1980, Report:	Five plants for 29 months of delay.
December, 1980, Report:	Seven plants for 36 months of delay.
January, 1981, Report:	Eleven plants for 79 months of delay.

NOTE: The NRC figures do not include Farley 2 or Salem 2 as impacted plants, because they already hold zero power licenses; however, they should be included since the plants cannot be put into the rate base until a full power license is issued. Including these two plants would increase the projected delays by 11 months, or to 90 months total. (See attachment)

CONSTRUCTION PERMITS NOT COVERED

There is no information in the January report upon which delays in the processing of application for construction permits can be determined; however, most applications are known to be a year or more behind schedule. This appears to be the Commission's lowest priority program. A moratorium on the issuance of such construction permits is still in effect. The Commission should be required to begin processing these applications on an expedited schedule. Moreover, the status report indicates that NRC has allocated only 12 man-years in FY81 to process construction permits and only 10 man-years in FY82 and FY83. Given the requirement of 7 man-years of effort required to review a Preliminary Safety Analysis Report (PSAR), this allocation of NRC manpower is hardly sufficient to review the current inventory of construction permit applications (6 plants, 11 units).

## DELAYS IN OPERATING LICENSES

### The Reports Do Not Indicate Actual Delays

The January report indicates that, including Farley and Salem, 13 plants are impacted for a total delay of 90 months. What the report does not reveal is that the actual delay is far in excess of that amount. This is because delays estimated in the report are calculated as the number of months between NRC's estimated completion of construction, and issuance of a license; however, the pace at which construction proceeds is often constrained by the pace at which NRC's licensing review proceeds, or by NRC's advice to licensees as to when a license may be expected, e.g., a licensee may go from a three-shift construction schedule to a two-shift schedule in response to a slippage in NRC's licensing schedule. Therefore, the measure of actual delay should be the length of time between when construction could have been completed under normal licensing constraints, and NRC's schedule for license issuance. For example:

\* For Summer 1, NRC estimates an eight month delay; however, construction could be completed 8/81, rather than 10/81, as NRC estimates. Additional delay is two months.

\* For Susquehanna, NRC estimates an eight month delay; however, construction could be completed in 12/81, rather than the estimated 3/82. Additional delay is three months.

\* For Shoreham, NRC estimates a one month delay; however, construction could be completed 6/82, rather than 9/82, as NRC estimates. Additional delay is three months.

The pattern is the same for the other impacted plants. It is significant that many applicants advise that the schedules included in the report were never discussed with them.

Another measure of delay is to compare the length of time current applications have been pending against previous experience. In the three year-period preceeding Three Mile Island, the time from the docketing of the Final Safety Analysis Report (FSAR) to issuance of an operating license averaged between 51 and 53 months (NUREG-0380, 5/23/80); the estimated average time for issuance of the full operating licenses for the 13 impacted plants is 79 months, or about 50 percent longer.

Review of these reports indicates that, because of the methodology used, they do not reflect actual expected delays, which in most cases will be greater than that estimated. Nevertheless, even the delays which are reported indicate a serious and growing problem.

### Arbitrary and Inconsistent Assumptions

Another problem is that the assumptions used to estimate delay are arbitrary and are inconsistently applied from one plant to another. In particular, it appears that the hearing schedules have been lengthened for certain close-in hearings, but not for others which are expected to experience similar duration. In other words, they have expanded the schedules

for certain hearings, and compressed it for others without any evident reasons. For example, the duration of the hearing on Comanche Peak 1 has been expanded from five months in the second report to eight months in the third report; however, the schedule for Shoreham, which is a similarly heavily contested proceeding, has been compressed from eight months to six months. The schedule for the start of the Waterford 3 hearing has been slipped six months, with a similar slip in the date for issuance of the license. The report states that the reason for this is "to allow for an initial decision on the environmental issues before starting the safety hearings" (page 3). There has been no decision by the hearing board to this effect, and the need for such a bifurcated hearing has not been discussed with the applicant or the other parties. Nevertheless, the extended hearing schedule will now become a pacing item in the staff's review.

#### List of Impacted Plants is Incomplete

The list of impacted plants is incomplete. There is no reason why the assumptions listed on page three should not be applied to all of the pending operating license applications, rather than just those scheduled for Fiscal Years 1981 and 1982. That they are not so applied indicates that NRC simply has not extended its analysis to the remainder of the plants. If the same assumptions were applied, it would probably add four to seven months each to the projected schedules for the remaining 40 applications, for an additional total delay of 160 to 280 months.

Is it reasonable to expect that these additional delays will actually be encountered? The answer is yes. The reason for this is the diversion of staff from the more distant licenses to other non-licensing-related work. In most cases, the schedules for the more distant licenses, as listed in the report, are simply paper exercises, unsupported by sufficient staff resources to carry them out. However, there is no information in the report, or elsewhere available, to know just how bad the problem is. It would appear that this would be an appropriate line of inquiry for the Subcommittee.

#### Cost of Delays

The report does not calculate the costs to applicants and their stockholders, and their ratepayers associated with the projected delays. The costs are enormous. For example --

- \* Diablo Canyon, Units 1 and 2 -- Cost of delay of the two units is \$1 billion per year, or \$83 million per month.
- \* San Onofre, Units 1 & 2 -- Cost of delay of two units is \$3 million per day, or \$90 million per month.
- \* Susquehanna, Unit 1 -- Cost of delay is \$480 million per year, or \$40 million per month.
- \* Shoreham -- Cost of delay is \$1.3 million per day, or \$39 million per month.

These figures include the cost of interest paid during construction and the cost of replacement power, both of which vary from plant to plant. While detailed figures are not yet available for each of the impacted plants, a conservative estimate of the average costs incurred for each of the 13 impacted plants would be in the range of \$30-40 million per plant per month. Since the impacted plants have accumulated a total delay of 90 months, the current costs of delay would be between \$2.7 and \$3.6 billion. As one applicant put it, "for want of a couple of GS-15s it's costing us billions."

#### REASONS FOR DELAYS

Licensing delays appear to be epidemic and continue despite the increase in additional NRC personnel assigned to the Office of Nuclear Reactor Regulation. Shortly after the TMI accident, 100 additional personnel were provided to assist NRC in coping with generic TMI-related tasks and to continue casework reviews of construction permits and operating licenses. Notwithstanding the increase in personnel, licensing delays persist and appear to indicate that something more serious than manpower shortage is the principal cause of delay.

Immediate effectiveness rule. After Three Mile Island, the NRC suspended its rule which provided for issuance of a license upon decision by the hearing board, so that the Commission itself could review each application. This suspension was originally directed at construction permits, the rationale being that construction should not commence until any new TMI requirements were incorporated. This suspension has now been extended to operating licenses as well. The effect of this suspension is to add three or more months to the schedule of each plant.

Staff Unpreparedness. Many applicants believe that staff unpreparedness is a principal cause of delay. For example, the January report shows delays by staff in issuance of Safety Evaluation Reports (SER) of two months each for Grand Gulf 1 and 2; one month for LaSalle 2; two months for Shoreham; one month for Summer 1; and three months each for Watts Bar 1 and 2.

Delay in Start of Hearings. Too much time is being allowed to lapse before start of the hearing. In the case of Comanche Peak the hearing is not scheduled to start until nine months after the issuance of the SER, six months after issuance of SER Supplement and eight months after issuance of the Draft Environment Statement (DES); for Susquehanna, the hearing is six months after SER, four months after the supplement and nine months after the DES. For Comanche Peak, two years will have passed from the time intervention was permitted to the start of the hearing. No reason is given in report three for the indicated delays in the start of the hearing for Comanche Peak (6 months); Susquehanna (9 months); or for the hearing start delays in Fermi (6 months); McGuire (5 months); or Shoreham (9 months).

Hearing Board Problems. One problem with hearing boards is that some members are serving on several boards at the same time. For example, the board chairman in the Susquehanna proceeding is currently a member of four other boards. Too much time (4-5 months) is allotted for decision-writing, perhaps in part because of the multiple board problems. There is some concern also about the qualifications of some board members, and their general procedural bias in favor of intervenors.



Policy Guidance to Boards. Last December 18 the Commission changed its policy which had precluded intervenors from litigating in individual proceedings the sufficiency of NRC's new post-TMI licensing requirements. The new policy (copy attached) permits these requirements to be raised in each pending proceeding. Chairman Ahearne dissented from the policy on the grounds that it "relinquishes Commission control and attention from a major portion of this process." The new policy is already resulting in an estimated eight month delay in the McSuire case where, after issuance of a low power license, the board has reopened the hearing to consider two issues (hydrogen control and emergency planning) at the behest of a lone intervenor, even though the Commission rules on those items in issuing the low power license. Other plants potentially affected are Diablo Canyon, Summer, Zimmer, Shoreham, San Onofre, Lacrosse and Comanche Peak. The additional delays caused by this change in policy are not yet fully reflected in the status reports and are presently not completely known, but are predicted to be lengthy.

This change in policy has created an ambiguity for the hearing boards, since Section 2.758 of the Commission's regulations prohibits challenging Commission regulations in individual license proceedings. Each and every hearing board will now have to make its own determination as to the relationship between this rule and the new policy, possibly with conflicting results, since the Commission has given no guidance on the subject. Alternatives to this policy would include having the Commission itself make this determination, or, alternatively, to have it resolved after public notice and comment in a rulemaking proceeding. This is an important issue upon which Commission clarification should be sought.

Sua Sponte Rule. Until the Commission changed its rule in November, 1979, to permit hearing boards to examine any "serious" uncontested matter, a board could review matters not put in issue by a party only in "extraordinary circumstances". The appeal board just recently used this expanded authority to retain jurisdiction of an operating license proceeding from which all intervenors had withdrawn. This unnecessarily enlarges the boards' role. The Commission should change its policy to limit board review to matters put in contention by the parties.

Emergency Planning. In several cases NRC emergency planning requirements have caused a delay in the issuance of a full power operating license. NRC's current requirements call for state emergency plans to be tested prior to the receipt of an operating license. Under a joint memorandum of understanding, FEMA has the responsibility of determining the adequacy of state emergency plans; however, NRC retains the responsibility for determining overall emergency preparedness. Therefore, the Commission itself may in some cases review the results of the emergency test before issuing a full power operating license. The multipartite responsibility between NRC, FEMA, the states, and local communities inevitably results in delays. The requirement that state emergency plans be tested prior to the receipt of a full power operating license exceeds the requirements of P.L. 96-295, and NRC should relax this requirement in order to prevent serious delays.

6

## CONCLUSION

For the reasons stated above, the reports are of limited usefulness in assessing the actual extent of delay in the NRC licensing proceedings. However, they do indicate a significant and growing problem, although its magnitude is understated. The reasons for this are varied, but generally indicate a lack of management discipline within NRC, a lack of appropriate priorities in allocating personnel to licensing activities, confusion as to Commission policy and an inefficient hearing process. Some would add that NRC does not have enough manpower, but the problem seems rather to be the inexperience of a large number of the reviewers and personnel allocation to non-licensing functions.

While the allocation problem is difficult to quantify, it is clear that substantial staff resources are being diverted to non-essential or low priority tasks at the expense of licensing. One example of this is the Commission's proposed program to implement Section 110 of Public Law 96-293. This is the so-called Bingham amendment which requires NRC to develop a program for the systematic safety evaluation of all currently operating nuclear power plants. When this amendment was pending before Congress NRC advised that the task could be accomplished in 120 days at a cost of \$4 million. Its current proposal calls for a 7-10 year program which will require several hundred man-years of NRC manpower and several thousand man-years of industry engineering time. The payoff for this program in terms of enhanced safety will be minimal, since it will result only in a paper documentation of existing plant designs against unproven acceptance criteria, which, even the NRC staff admits, "may not be particularly useful or necessary in evaluating the overall safety of the plant." (See attachment for details.)

Another program which consumes a significant amount of NRC staff and Commissioner time is export licensing. Chairman Ahearne is on record as saying this consumes 15-20 percent of the Commission's time. This program should be shifted back to the Department of State.

In assessing the low priority which NRC assigns to processing licensing, it is significant to note that during Fiscal Year 1981 only 198, or less than seven percent, of NRC's 3200 personnel are assigned to reactor license casework; in FY 1982 this is projected to drop to 157 casework reviewers.

Of all the reasons for delay, our analysis suggests three leading causes. The first is the Commission's suspension of its immediate effectiveness rule, which has added three or more months to the licensing process. The second is staff delay in issuing the SERs, without which a hearing cannot begin. More staff must be assigned to this priority activity. The third reason, and the one which is growing the fastest, is delay in the hearing process. Here there are several contributory factors: (1) the Commission's December 18 policy change which permits post-TMI requirements to be litigated in each individual hearing; (2) the change in the sua sponte rule, which unnecessarily enlarged the hearing boards' role; and (3) the assignment of some hearing board members to as many as five on-going proceedings. The hearing boards are under the direct supervision of the Commission itself, not the staff, and it has simply abdicated its responsibility for assuring exper-

ditious hearings. One additional problem looming on the horizon is the multiparty responsibility for approval of emergency plans. This is already delaying the Salem plants, and offers the potential for substantially delaying several others.

In conclusion, one gets the impression from reading the reports that they are being treated by NRC as a simple documentation process for the benefit of the Subcommittee, and that the commissioners have not used them as an analytical tool for seeking means to reduce licensing delays, as, I believe, the Subcommittee intended. It would be interesting to hear from NRC just what consideration they have given to the reports' findings.

Attachments

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February 10, 1981

SUMMARY OF IMPACTED CP & OL PLANTS

Construction Permits:

Delay is calculated assuming on a historic high processing time of 40 months (Ref. NUREG-0380). This processing time is considerably greater than the NRC estimate of about 24 months (for contested cases) used to determine licensing schedules and manpower requirements. (For multi-unit plants, delay is calculated for only the lead unit.)

<u>Plant</u>	<u>PSAR Docketed</u>	<u>CP Issue</u>	<u>Delay to date</u>
1. Allens Creek 1	12/73	N/S	45+
2. Black Fox 1 & 2	12/75	N/S	21+
3. Pebble Springs 1 & 2	10/74	N/S	35+
4. Parkins 1, 2, & 3	5/74	N/S	40+
5. Pilgrim 2	12/73	N/S	45+
6. Skagit 1 & 2	1/75	N/S	32+
TOTAL:			218 mos.

N/S = Not Scheduled

Operating Licenses:

Delay is based on the time lapse between NRC's current estimate for construction completion, and the estimated date for issuance of a full power license.

NRC APRIL 17 TESTIMONY

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Summer	12/80	4/81	4
2. Diablo Canyon 1	5/80	10/80	5
3. San Onofre 2	5/81	6/81	1
TOTAL:			10 mos.

NOVEMBER REPORT

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Summer	1/81	10/81	9
2. Diablo Canyon 1	1/81	5/81	4
3. Diablo Canyon 2	6/81	9/81	3
4. San Onofre 2	7/81	5/82	10
5. La Salle 1	12/80	3/81	3
*6. Salem 2	4/80	10/80	0
*7. Farley 2	10/80	1/81	3
TOTAL:			38 mos.

DECEMBER REPORT

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Sumner	8/81	10/81	2
2. Diablo Canyon 1	1/81	12/81	11
3. Diablo Canyon 2	6/81	12/81	6
4. San Onofre 2	7/81	5/82	10
5. La Salle 1	6/81	4/81	0
6. Zimmer	11/81	1/82	2
7. McGuire	1/81	6/81	5
*8. Salem 2	4/80	2/81	12
*9. Farley 2	3/81	3/81	<u>0</u>
		TOTAL:	48 mos.

JANUARY REPORT

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Sumner	10/81	06/82	8
2. Diablo Canyon 1	3/81	03/82	12
3. Diablo Canyon 2	10/81	03/82	5
4. San Onofre	7/81	04/82	9
5. Zimmer	11/81	07/82	8
6. McGuire	2/81	3/82	13
7. Enrico Fermi 2	11/82	06/83	7
8. Susquehanna 1	03/82	11/82	8
9. Waterford 3	10/82	04/83	6
10. Shoreham	09/82	10/82	1
11. Comanche Peak 1	12/82	02/83	2
*12. Salem 2	4/80	03/81	11
*13. Farley 2	3/81	03/81	<u>0</u>
		TOTAL:	90 mos.

\* Plants with FL/ZP licenses which are not listed as impacted plants by NRC.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



COMMISSIONERS:

John F. Ahearne, Chairman  
Victor Gilinsky  
Joseph M. Handrie  
Peter A. Bradford

In the Matter of

STATEMENT OF POLICY:  
FURTHER COMMISSION GUIDANCE FOR  
POWER REACTOR OPERATING LICENSES

PR-Miscellaneous Notice  
(45 FR 41738)

MEMORANDUM AND ORDER  
(CLI-80-42)

Recently the Commission, by a vote of 3-2, issued a Statement of Policy entitled "Further Commission Guidance for Power Reactor Operating Licenses." 45 Fed. Reg. 41738 (June 20, 1980). In essence, the Statement of Policy announced the intent of the Commission that in future actions on nuclear power reactor operating license applications, it would look to the list of "Requirements for New Operating Licenses" found in NUREG-0694 (June 1980) as setting forth requirements for new operating licenses which should be "necessary and sufficient for responding" to the accident at Three Mile Island ("TMI"). Consequently, current operating license applications were to be judged against present NRC regulations, as supplemented by these TMI-related requirements. Insofar as certain of the provisions of NUREG-0694 sought to impose operating

license requirements beyond those necessary to show compliance with the regulations:

although the [licensing and appeal] boards may entertain contentions asserting that the supplementation is unnecessary (in full or in part) and they may entertain contentions that one or more of the supplementary requirements are not being complied with; they may not entertain contentions asserting that additional supplementation is required. Id.

On November 3, 1980, by a vote of 2-2, the Commission denied a request for a stay of the Statement of Policy filed by the Union of Concerned Scientists and the Shoreham Opponents Coalition.

On October 28, 1980, by a vote of 4-0, the Commission approved NUREG-0737, "Clarification of TMI Action Plan Requirements," which is a letter from D. G. Eisenhut, Director of the Division of Licensing, NRR, to licensees of operating power reactors and applicants for operating licenses forwarding post-TMI requirements. NUREG-0737 now supersedes NUREG-0694, the latter being the document which forms the core of the substantive requirements in the aforementioned Statement of Policy. NUREG-0737 makes numerous significant changes in NUREG-0694. In some instances, the requirements in NUREG-0694 are made more flexible, especially as to implementation schedules. In some instances, the requirements in NUREG-0694 are made more strict. In addition, NUREG-0737 adds new requirements, taken from previously issued Bulletins and Orders, which were not part of NUREG-0694.

The Commission's approval of NUREG-0737 requires that some changes be made in the previously adopted Statement of Policy.

Moreover, the Commission has now had more time to reflect upon the distinction between interpretive and supplementary requirements, as originally set forth in NUREG-0694 and as modified in NUREG-0737, and believes that the number of supplementary requirements may be quite small. For these reasons, the Commission has decided that the Statement of Policy should be amended as set forth in the Appendix to this Memorandum and Order. 1/

It is so ORDERED.

For the Commission,



*Samuel J. Chilk*  
 SAMUEL J. CHILK  
 Secretary of the Commission

Dated at Washington, D.C.  
 this 18<sup>th</sup> day of December, 1980.

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1/ Chairman Measne concurs in amending the policy statement, but disagrees in how it should be amended. His dissenting views are attached to the Appendix.



U.S. NUCLEAR REGULATORY COMMISSION  
FURTHER COMMISSION GUIDANCE  
FOR POWER REACTOR OPERATING LICENSES  
REVISED STATEMENT OF POLICY\*

I. BACKGROUND

After the March 1979 accident at Three Mile Island, Unit 2, the Commission directed its technical review resources to assuring the safety of operating power reactors rather than to the issuance of new licenses. Furthermore, the Commission decided that power reactor licensing should not continue until the assessment of the TMI accident had been substantially completed and comprehensive improvements in both the operation and regulation of nuclear power plants had been set in motion.

At a meeting on May 30, 1979, the Nuclear Regulatory Commission decided to issue policy guidance addressing general principles for reaching licensing decisions and to provide specific guidance for near-term operating license cases.<sup>1/</sup> In November 1979, the Nuclear Regulatory Commission issued the policy guidance in the form of an amendment to 10 CFR Part 2 of its regulations,<sup>2/</sup> describing the approach to be taken by the Commission regarding licensing of power reactors. In particular, the Commission noted that it would "be providing case-by-case guidance on changes in regulatory policies." The Commission has now acted on four operating licenses, has given extensive consideration to issues arising as a result of the Three Mile Island accident, and is able to provide general guidance.

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\* All footnotes for this Statement of policy appear at end of text.

Following the accident at Three Mile Island 2, the President established a Commission to make recommendations regarding changes necessary to improve nuclear safety. In May 1979, the Nuclear Regulatory Commission established a Lessons Learned Task Force,<sup>3/</sup> to determine what actions were required for new operating licenses and chartered a Special Inquiry Group to examine all facets of the accident and its causes. These groups have published their reports.<sup>4/</sup>

The Lessons Learned Task Force led to NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations" and NUREG-0585, "TMI-2 Lessons Learned Task Force Final Report." The Commission addressed these reports in meetings on September 6, September 14, October 14, and October 16, 1979. Following release of the report of the Presidential Commission the Commission provided a preliminary set of responses to the recommendations in that report.<sup>5/</sup> This response provided broad policy directions for development of an NRC Action Plan, work on which was begun in November 1979. During the development of the Action Plan, the Special Inquiry Group Report was received, which had the benefit of review by panels of outside consultants representing a cross section of technical and public views. This report provided additional recommendations.

The Action Plan<sup>6/</sup> was developed to provide a comprehensive and integrated plan for the actions judged appropriate by the Nuclear Regulatory Commission to correct or improve the regulation and operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. In developing the Action Plan, the various recommendations and possible actions of all the principal investigations were assessed and either rejected, adopted or modified. A detailed summary of the development and review process for the Action Plan was initially provided in NUREG-0694,<sup>7/</sup> "TMI-Related Requirements For New Operating Licenses," and can now be found, as changed, in NUREG-0737, "Clarification of TMI Action Plan Requirements."<sup>8/</sup>

Actions to improve the safety of nuclear power plants now operating were judged to be necessary immediately after the accident and could not be delayed until the Action Plan was developed, although they were subsequently included in the Action Plan. Such actions came from the Bulletins and Orders issued immediately after the accident, the first report of the Lessons-Learned Task Force issued in July 1979, the recommendations of the Emergency Preparedness Task Force, and the NRC staff and Commission. Before these immediate actions were applied to operating plants, they were approved by the Commission. Many of the required immediate actions have already been taken by licensees and most are scheduled to be completed in the near future.

On February 7, 1980, based on its review of initial drafts of the Action Plan, the Commission approved a listing of near-term operating license (NTOL) requirements, as being necessary but not necessarily sufficient TMI-related requirements, for granting new operating licenses. Since then, the fuel load requirements on the NTOL list have been used by the Commission in granting operating licenses, with limited authorizations for fuel loading and low power testing, for Sequoyah, North Anna, Salem, and Farley. Full operating licenses were granted, based on the NTOL list, for Sequoyah and North Anna.

On May 15, 1980, after review of the last version of the Action Plan, the Commission approved a list of "Requirements For New Operating Licenses," contained in NUREG-0694, which the staff recommended for imposition on current operating license applicants. That list was recast from the previous NTOL list and sets forth four types of TMI-related requirements and actions for new operating licenses: (1) those required to be completed by a license applicant prior to receiving a fuel-loading and low-power testing license, (2) those required to be completed by a license applicant to operate at appreciable power levels up to full power, (3) those the NRC will take prior to issuing a fuel-loading and low-power testing or full-power operating license, and (4) those required to be completed ~~by a licensee~~ prior to a specified date.

The Commission also approved the staff's recommendation that the remaining items from the TMI reviews should be implemented or considered over time to further enhance safety.

On October 28, 1980, the Commission approved a "Clarification of TMI Action Plan Requirements," now contained in NUREG-0737, which supersedes NUREG-0694. More explicit requirements, revisions in previous requirements, different time schedules for implementation, and new requirements in NUREG-0694, but taken from previously issued Commission bulletins and orders, form the core of NUREG-0737.

In approving the schedules for developing and implementing changes in requirements, the Commission's primary considerations were the safety significance of the issues and the immediacy of the need for corrective actions. As discussed above, many actions were taken to improve safety immediately or soon after the accident. These actions were generally considered to be interim improvements. In scheduling the remaining improvements, the availability of both NRC and industry resources was considered, as well as the safety significance of the actions. Thus, the Action Plan approved by the Commission presents a sequence of actions that will result in a gradually increasing improvement in safety as individual actions are completed and the initial immediate actions are replaced or supplemented by longer term improvements.

## II. COMMISSION DECISION

Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident -- a review that is still continuing -- the Commission has concluded that the list of TMI-related requirements for new operating licenses found in NUREG-0737 can provide a basis for responding to the TMI-2 accident. The Commission has decided that current operating license applications should be measured by the NRC staff against the regulations, as augmented by these requirements.<sup>9/</sup> In general, the remaining items of the Action Plan should be addressed through the normal process for development and adoption of new requirements rather than through immediate imposition on pending applications.

## III. LITIGATION OF TMI-2 ISSUES IN OPERATING LICENSE PROCEEDINGS

In the November 1979 policy statement, the Commission provided the following guidance for the conduct of adjudicatory proceedings:

In reaching their decisions, the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. In this regard, it should be understood that as a result of analyses still underway, the Commission may change its present regulations and regulatory policies in important aspects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application.

The Commission is now able to give the Boards more guidance.

The Commission believes the TMI-related operating license requirements list as derived from the process described above should be the principal basis for consideration of TMI-related issues in the adjudicatory process. There are good reasons for this. First, this represents a major effort by the staff and Commissioners to address more than one hundred issues and recommendations in a coherent and coordinated fashion. This entire process cannot be reproduced in individual proceedings. Second, the NRC does not have the resources to litigate the entire Action Plan in each proceeding. Third, many of the decisions involve policy more than factual or legal decisions. Most of these are more appropriately addressed by the Commission itself on a generic basis than by an individual licensing board in a particular case. Consequently, the Commission has chosen to adopt the following policy regarding litigation of TMI-related issues in operating license proceedings.

The "Clarification of Action Plan Requirements" in NUREG-0737, like the TMI-related "Requirements For New Operating Licenses" in NUREG-0694, can, in terms of their relationship to existing Commission regulations, be put in two categories: (1) those that interpret, refine or quantify the general language of existing regulations, and (2) those that supplement the existing regulations by imposing requirements in addition to specific ones already contained therein. Insofar as the first category --

refinement of existing regulations -- is concerned, the parties may challenge the new requirements as unnecessary on the one hand or insufficient on the other within the limits of the regulations. Insofar as the second category -- supplementation of existing regulations -- is concerned, the parties may challenge either the necessity for or sufficiency of such requirements. It would be useful if the parties in taking a position on such requirements stated (a) the nexus of the issue to the TMI-2 accident, (b) the significance of the issue, and, (c) any differences between their positions and the rationale underlying the Commission consideration of additional TMI-related requirements. It would be helpful if any certifications of questions regarding such positions to the Commission included the same information and such certifications are encouraged where Boards are in doubt as to the Commission's intentions in approving NUREG-0737. The Atomic Safety and Licensing and Appeal Boards' present authority to raise issues sua sponte under 10 CFR 2.760a extends to both categories.

In order to focus litigation of TMI-related issues, the staff and the Boards should use the Commission's existing summary disposition procedures, where applicable, in responding to TMI-related contentions.

The Commission believes that where the time for filing contentions has expired in a given case, no new TMI-related contentions should be accepted absent a showing of good cause and balancing of the factors in 10 CFR 2.714(a)(1). The Commission expects adherence to its regulations in this regard.



Also, present standards governing the reopening of hearing records to consider new evidence on TMI-related issues should be adhered to. Thus, for example, where initial decisions have been issued, the record should not be reopened to take evidence on some TMI-related issue unless the party seeking reopening shows that there is significant new evidence, not included in the record, that materially affects the decision.

Finally, the Commission will continue to monitor developments with regard to the litigation of our Action Plan requirements and will continue to offer guidance where appropriate.



*Samuel J. Calk*  
 Samuel J. Calk  
 Secretary of the Commission

Dated at Washington, D.C.

the 18<sup>th</sup> day of December 1980.

FOOTNOTES

- 1/ "Staff Requirements - Discussion of Options Regarding Deferral of Licenses," memorandum from Samuel J. Chalk, Secretary to Lee V. Gossick, Executive Director for Operations, May 31, 1979.
- 2/ "Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings," 44 FR 65050 (November 9, 1979).
- 3/ "Lessons Learned from TMI-2 Accident," Roger Mattson to NRC staff, May 31, 1979.
- 4/ Report of the President's Commission on The Accident at Three Mile Island, "The Need for Change: The Legacy of TMI," October 1979;  
 U.S. Nuclear Regulatory Commission, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations," NUREG-0578, July 1979;  
 U.S. Nuclear Regulatory Commission, "TMI-2 Lessons Learned Task Force Status Report," NUREG-0585, August 1979;  
 U.S. Nuclear Regulatory Commission Special Inquiry Group, "Three Mile Island: A Report to the Commissioners and to the Public," January 1980.
- 5/ U.S. Nuclear Regulatory Commission, "NRC Views and Analysis of the Recommendations of the President's Commission on the Accident at Three Mile Island," NUREG-0632, November 1979.
- 6/ U.S. Nuclear Regulatory Commission, "NRC Action Plans Developed as a Result of the TMI-2 Accident," NUREG-0660.
- 7/ U.S. Nuclear Regulatory Commission, "TMI-Related Requirements for New Operating Licenses," NUREG-0694, June 1980.
- 8/ U.S. Nuclear Regulatory Commission, "Clarification of TMI Action Plan Requirements," NUREG-0737, November 1980.
- 9/ Consideration of applications for an operating license should include the entire list of requirements unless an applicant specifically requests an operating license with limited authorization (e.g., fuel loading and low-power testing).

## CHAIRMAN AHEARNE'S DISSENTING VIEWS

I now support amending the guidance for litigating TMI-2 issues for the reasons mentioned in the Commission order and below. However, I do not support the Commission's revised statement of policy. Little guidance is provided to either the Board or the parties--they are simply told they can litigate whatever they wish and it would be "useful" or "helpful" to address certain questions.

Throughout the development of the TMI Action Plan and the various policy statements, I have believed the Commissioners should play a central role in determining the appropriate response to the TMI-2 accident. Unfortunately the "Revised Statement of Policy" relinquishes Commission control and attention from a major portion of this process. Therefore I would have preferred the following approach:

### Revised Statement of Policy

#### I. Background

In June 1980 the Commission issued a Statement of Policy dealing with TMI-related requirements for new operating licenses. 1/ This statement outlined the process by which the Commission evaluated the TMI-2 accident and then agreed to a list of requirements to be adopted in response to the accident. 2/ It then provided guidance for litigation of TMI-2 issues in operating license proceedings.

Subsequently substantial controversy developed over the statement-- particularly over treatment of requirements and issues which go beyond existing regulations. Due in part to this controversy, in part to a change in the composition of the Commission, in part to the uncertain results of ongoing litigation, and in part to confusion created by subsequent Commission statements, the Commission has decided to modify this aspect of the policy statement. In the long run the Commission believes it will save time by modifying its guidance at this juncture.

## II. Modified Commission Guidance of Litigation on TMI-2 Issues in Operating License Proceedings

In the June Statement of Policy the Commission described the TMI-related requirements as falling into two categories: "(1) those that interpret, refine or quantify the general language of existing regulations, and (2) those that supplement the existing regulations by imposing requirements in addition to specific ones already contained therein." The Commission is modifying its guidance with respect to the second category. Rather than entirely precluding litigation of requirements that go beyond the regulations (other than those found in the Commission's list of requirements), the Commission will now provide parties an opportunity to certify such questions to the Commission. To the extent that an issue addresses items within the current regulations, certification is unnecessary since litigation was permissible under the original policy statement.

However issues which raise matters going beyond the existing regulations may now be certified directly to the Commission. 3/

A request for certification should clearly present (a) the nexus of the issue to the TMI-2 accident (i.e., in what way does the TMI accident provide a basis for the concerns presented), (b) the significance of the issue (i.e., what is the consequence of not addressing the issue), (c) to the extent possible, the differences in rationale underlying the certification from the rationale underlying the Commission consideration of additional TMI-related requirements (e.g., different reasoning, incorrect assumptions, incomplete information).

To the extent that a contention raises the need for a requirement already included in the Commission's list of requirements for new operating licenses, certification is unnecessary. As under the old policy statement, litigation of the need for those requirements is permitted without further action by the Commission. The Commission itself has already found sufficient basis for allowing consideration of those items.

It should be emphasized that this policy statement (as well as the previous policy statement) is intended to address issues arising from the TMI-2 accident. Other issues are to be treated according to normal Commission procedures. 4/

- 1/ "Further Commission Guidance for Power Reactor Operating Licenses; Statement of Policy," 45 Fed Reg 41738 (June 20, 1980).
- 2/ "TMI-Related Requirements for New Operating Licenses," NUREG-0694 (June 1980) as modified by "Clarification of TMI Action Plan Requirements," NUREG-0737 (Nov 1980).
- 3/ The Licensing Board should certify any such questions directly to the Commission. In the event that a party wishes to request directed certification, the Board should be given a reasonable opportunity to address the certification question prior to Commission action since (a) the Board might rule that the issue is within the existing regulations rendering certification unnecessary and (b) otherwise it would be helpful to have the benefit of the Board's reasoning. See Toledo Edison Co. (Davis-Besse Nuclear Power Station, Unit 1), ALAB-297, 7 NRC 727 (1975).
- 4/ See e.c., 10 CFR 2.758.

M. L. AND C. P. PLANTS

- . ALLENS CREEK 1 (GE)
- . BLACK FOX 1 & 2 (GE)
- . PILGRIM 2 (CE)
- . PEBBLE SPINGS (R&H)
- . SKAGIT 1 & 2 (GE)
- . PERKINS 1, 2, 3 (CF)
- . FNP (M)

PENDING CP

ALLENS CREEK

Docket No.:	50-466	Hearings:	Environ. Resumed 1/12/81
Location:	Houston, Texas		Safety (Non-TMI) 7/81
Utility:	Houston Lighting & Pwr. Co.	SER Issued:	11/74
Vendor:	General Electric	SSER Issued:	7/81
Reactor Type:	BWR/6	ACRS:	8/81
Containment Type:	Mark III	SSER:	9/81
Architect/Engineer:	ESASCO		
MWe Rating:	1150		

A second supplement to the Allens Creek FES regarding the issues of alternative sites and transportation of the reactor vessel to the site was issued in December 1980. An hearing on environmental issues resumed on January 12, 1981. Testimony on selected non-TMI safety issues is to be prepared by May 31, 1981 and it is anticipated that the safety hearings on these matters will resume in early July 1981.



PENDING CP

BLACK FOX

Docket No.:	STN 50-556/557	NRC Estimate Construction	
Location:	Inola, Oklahoma	Completion:	
Utility:	Public Service Co. of Okla.	Application Estimate	
Vendor:	General Electric	Construction Completion:	
Reactor Type:	BWR	SER Issued:	6/77
Containment Type:	Mark III Pressure Suppression	SSER Issued:	9/78
		ASLB Decision:	2/79
Architect/Engineer:	Black & Veatch	CP Issuance Estimated:	?
MWe Rating:	1150		

Overview

CP Issued: N/A CP Hearings: 8/77 to ?

Major Issues at CP Stage: Seismicity, containment loads

Safety Review Status

- . Status of Q-1, Q-2: Complete
- . Number and basic subject of Outstanding Issues - TMI: NUREG-0718
- . Unique Design Features: Mark III pressure suppression containment
- . ACRS Meeting: 7/77
- . Commission Briefing: ?

Environmental Review Status

- . DES Date: 7/76
- . FES Date: 2/77

Hearings

- . Noticed:N/A Discovery:N/A Expected Start: 8/77 Expected End: N/A
- . Major Intervenors: Case
- . Major Contentions
  - . Containment Loads

PENDING CP

PEBBLE SPRINGS

Docket No.:	50-414, 415	NRC Estimate Construction
Location:	Arlington, Oregon	Completion:
Utility:	Portland General Electric	Application Estimate
Vendor:	Babcock & Wilcox	Construction Completion:
Reactor Type:	PWR	SER Issued:
Containment Type:	Large, Dry	SSER Issued:
		ASLR Decision:
Architect/Engineer:	Bechtel	OL Issuance Estimated:
MWe Rating:	1260	

Overview

Major Issues at CP Stage: Volcanic Ash, seismicity

OL PSAR Docketed: 10/74

Safety Review Status

- . Number and basic subject of Outstanding Issues Non-TMI: 2, unresolved safety issues, cold shutdown using safety-grade systems.
- . Unique Design Features: designed for 8 1/2" volcanic ash.
- . Other Items: Referendum passed 11/80 which prohibits construction or operation of nuclear plants until a high-level waste repository is licensed by appropriate federal government agency.

Environmental Review Status

- . DES Date: 1/75
- . FES Date: 4/75, FES Supplement issued 4/80
- . Class 9 Evaluation Required: No
- . Other Items: Environmental-site suitability issue to be closed out after Summer hearing, partial initial decision to be issued mid-April.

Hearings

- . Noticed:N/A Discovery Completed:No Expected Start:7/81 Expected End:7/81
- . Major Intervenors: Lloyd Marbet
- . Major Contentions
  - . Alternative sites

PENDING CP

PILGRIM UNIT 2

Docket No.:	50-471	NRC Estimate Construction	
Location:	Plymouth, Mass.	Completion:	No estimate
Utility:	Boston Edison Co.	Applicant Estimate	
Vendor:	Combustion Eng.	Construction Completion:	Depends on CP issue
Reactor Type:	PWR	SER Issued:	6/75
Containment Type:	Large Dry	SSER Issued:	1/79
Architect/Engineer:	Bechtel Corp.	ASLB Decision	PID - 2/3/81*
MWe Rating:	1150	OL Issuance Estimated:	No estimate

Overview

CP Issued: No CP to date CP Hearings: 10/20/75 to 8/28/79

Major Issues at CP Stage: Need for power, health effects, soil stability, alternative sites

Safety Review Status

- . Number and basic subject of Outstanding Issues Non-TMI: None
- . Number and basic subject of Outstanding Issues - TMI: NUREG-0718 including emergency planning
  - Emergency Plan is under staff review estimated completion date for submittal to ASLB 5/31/81
  - SER (TMI issues) estimated for 6/81
- . Unique Design Features: Large dry containment
- . ACRS Meeting: 7/81 E
- . Commission Briefing: TBD based on completion of hearing

Environmental Review Status

- . DES Date: 6/74
- . FES Date: 9/74, Draft Supplement - 2/79, Final Supplement - 5/74
- . Class 9 Evaluation Required: Not at CP stage

Hearings (completed for non-TMI items)

- . Noticed: 1/14/74 Discovery Completed: (non-TMI) yes
- . Major Intervenors: Massachusetts Attorney Generals Office
- . Major Contentions: Emergency planning-only admitted contention related to TMI others may be admitted after TMI issues are resolved.

Other Special Problems or Considerations

Awaiting Guidance on NUREG-0718, cannot project a CP date until TMI issues have been resolved.

\*PID on non-TMI issues only; TMI-2 issues and emergency planning open.

PENDING CP

SKAGIT

Docket No.:	50-522/523	NRC Estimate Construction
Location:	Hanford Reservation	Completion:
Utility:	Puget Sound Power & Light	Application Estimate
Vendor:	General Electric	Construction Completion:
Reactor Type:	BWR/6 GESSAR 251	SER Issued: 9/77
Containment Type:	Mark III	SSER Issued: 10/78
		ASLB Decision: None
Architect/Engineer:	Bechtel	OL Issuance Estimated:
MWe Rating:	3800 MWt/1335 MWe	

Safety Review Status

(in hold until new site is announced)

Environmental Review Status

(in hold until new site is announced)

Unique Design Features: None

ACRS Meeting: 11/77

Hearing: Cancelled - will reopen on new site.

PENDING CP

PERKINS 1, 2 & 3

Docket No.:	50-488/489/450	SER Issued:	3/77
Location:	Mocksville, N.C.	SSER Issued:	7/77
Utility:	Duke Power Company	ASLB Decision:	Initial Decision Deferred to take account of TMI
Vendor:	Combustion Eng.		
Reactor Type:	PWR		
Containment Type:	Dry		
Architect/Engineer:	Duke Power Company		
MWe Rating:	1280		

By letter of July 27, 1979, applicant confirmed that no final decision has been made on construction of Perkins

PENDING ML

FLOATING NUCLEAR PLANTS, 1-8

Docket No.:	STN 50-437	NRC Estimate Construction	
Location:	Jacksonville, FL	Completion:	N/A
Utility:	Offshore Power Systems	Application Estimate	
Vendor:	" " "	Construction Completion:	N/A
Reactor Type:	PWR	SER Issued:	9/30/75
Containment Type:	Ice Condenser	SSER Issued:	(TMI) 12/81
Architect/Engineer:	Offshore Power Systems	ASLB Decision:	
MWe Rating:	1150	ML Issuance Estimated:	

Overview

ML Issued: FY 81      ML Hearings: 03-28-76      to Present

Major Issues at ML Stage: Class 9 accident

ML PDR Docketed: 07/05/73      Last Amendment Submitted: No. 27 - 5/14/79

Safety Review Status

- . Status of Q-1, Q-2: N/A
- . Number and basic subject of Outstanding Issues Non-TMI: None
- . Number and basic subject of Outstanding Issues - TMI: See NUPEG-0718
- . Unique Design Features: Floating nuclear power plant with core ladle design (Class 9)
- . ACRS Meeting: 3/7/80 (more recent)
- . Commission Briefing: N/A
- . Other Items of Importance, Potential Problems: TMI hydrogen control measures (containment design)

Environmental Review Status

- . DES Date: Part I-7/24/74; Part II-12/08/75
- . FES Date: Part I-10/06/75; Part II-09/03/76; Addendum 09/30/78
- . Class 9 Evaluation Required: completed (see SSER No. 3 and FES Part III)

Hearings

- . ASLB hearings started 3/28/76
- . Major Intervenors: initial intervenors have withdrawn due to cancellation of Atlantic Generating Station project (PSE&G, NJ); NRDC remains.
- . Major Contentions: Floating aspect and ice condenser design  
Programmatic environmental impact statement

STATUS AND PROJECTED TARGET SCHEDULES  
FOR PENDING CONSTRUCTION PERMIT APPLICATIONS

PLANT	FSAR Docketed	ER Docketed	SER	ACRS Mtg.	Latest non-TMI SSER	FES	Hearing non-TMI Start	Hearing non-TMI End	(4) TMI SER	ACRS TMI	TMI SSER
Allens Creek 1	12/73C	12/73C	11/74C	12/74C	03/79C	12/80C	01/81C	09/81	07/81	08/81	09/81
Black Fox 1 & 2	12/75C	12/75C	06/77C	06/77C	03/79C	02/77C	08/77C	02/79C	08/81	09/81	10/81
Pebble Springs 1 & 2	10/74C	08/74C	01/76C	02/76C	05/78C	04/75C	05/78C	(1)	09/81	10/81	11/81
Perkins 1-3	05/74C	06/74C	03/77C	04/77C	07/77C	10/75C	11/75C	02/79C	(2)	(2)	(2)
Pilgrim 2	12/73C	12/73C	06/75C	11/75C	01/79C	10/75C	10/75C	08/79C	06/81	07/81	08/81
Skagit 1 & 2	01/75C	09/74C	08/77C	11/77C	10/78C	06/75C	07/75C	(3)	(3)	(3)	(3)
FNP 1-8	07/73C	07/73C	08/75C	Series	02/80C	10/75C	06/76C	10/79C	10/81	11/81	12/81

- (1) Seismic issues delayed safety review. Alternative site review based on the Seabrook decision resulted in FES supplement on this matter. Hearings not concluded; in addition to TMI-2 issues, generic issues (ALAB-444), need-for-power, and alternative site matters are pending. Site Certification by State is not complete. The State had imposed a moratorium on further consideration of Pebble Springs through November 1980. Environmental review resumed with testimony anticipated to be filed in April 1981. TMI schedule predicated on applicant providing TMI PSAR in July 1981.
- (2) Motion was filed to reopen to consider TMI-2 issues. Applicant indicated in July 1979 that no final decision has been made by them on the construction of Units 1, 2 and 3.
- (3) As a result of field explorations conducted by USGS, the seismic design of the facility must be reexamined. Applicants indicated in September 1980 that proposed facility to be relocated to site on the Hanford reservation. Amended ER and PSAR will be filed in September 1981.
- (4) Schedules shown are based on preliminary estimates of when PSAR amendments will be filed.

March 4, 1981

Note To All Members Of OELD

SUBJECT: DIRECTED OVERTIME FOR MEMBERS OF THE HEARING DIVISION

As you are aware, the Office of Nuclear Reactor Regulation has undertaken an intensive effort to expedite the processing of facility license applications. In support of the effort ONRR has instituted an extended workweek. Beginning on Saturday, March 14, 1981, ONRR plans to have all of its employees work from 8:00 a.m. to 12:00 noon each Saturday. All work during this four hour period will be dedicated to work on facility license applications. In addition, the staff of ONRR will be substantially expanded by the reassignment of technical personnel from their offices within NRC.

Since the Hearing Division is the primary OELD interface with ONRR with respect to facility license applications, it must prepare itself to deal with the anticipated increase in workload that will stem from the above development. After considering the various alternatives available to deal with this situation, we believe that initially all members of the Hearing Division must extend their workweek by four hours. This additional four hours would be considered directed overtime and thus subject to overtime pay for all personnel who are eligible to receive it. We do not anticipate offering compensatory time for such overtime work. The four hours of directed overtime may be spread over the normal workweek of Monday through Friday or may be worked during the weekend.

In addition, to provide legal services to ONRR staff on Saturday mornings, we will maintain limited staffing of the Hearing Division during the hours of 8:00 a.m. to 12:00 noon. This staffing will consist of the Chief Hearing Counsel or his deputy, the Assistant Chief Hearing Counsel or their deputies, one attorney from each Hearing Division unit and a single secretary. Thus, the Hearing Division will be staffed on Saturday mornings with a total of at least 10 staff members. Overtime worked on Saturday mornings will serve to satisfy the four hours of directed overtime.

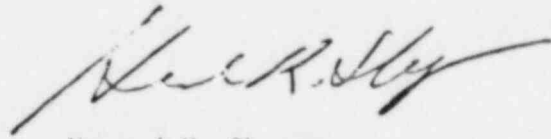
The above described staffing plan for Saturday mornings may be supplemented from time to time dependent on work conditions, client requirements and office needs. We also expect that Hearing Division attorneys will be available by telephone during Saturday mornings from 8:00 a.m. to 12:00 noon to respond to any emergencies that may develop during the morning.

Hopefully the above means to cope with the anticipated influx of work will be adequate. Only time will tell. If, however, the work expected of OELD cannot be adequately dealt with under the above plan, we will take additional steps to assure that OELD does not become a obstacle to the expeditious processing of facility license applications.



One other matter I wish to note is that at least five attorneys from other Divisions within OELD will be detailed to the Hearing Division to assist in the work of that Division. We also hope that additional help from outside OELD will be available soon to supplement the attorney staff of the Hearing Division.

I would like to meet with all members of the Hearing Division at 3:00 p.m. on Friday, March 6, 1981, in Room 6507 to discuss with them the above matters and to answer any questions.

A handwritten signature in cursive script, appearing to read "Howard K. Shapar". The signature is written in dark ink and is positioned above the printed name.

Howard K. Shapar

AMERICAN NUCLEAR ENERGY COUNCIL

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*Duckert*  
*A. A. Caswell*  
*Rehm*  
*Denton*  
*Chapman*  
*Omstead*

LICENSING DELAY REPORT NO. 3  
March 9, 1981

Subject: NRC Consideration of Options  
to Improve the Licensing Process

The Commission has now had four days of meetings to consider options to accelerate the reactor licensing process. These options are summarized in a memorandum to the Commission dated March 3, 1981, from the Director, Office of Policy Evaluation and the General Counsel, and are covered in more detail in memoranda from the Director of NRR and the Executive Director for Operations. Two meetings on this subject are scheduled for this week. The Commission's report is scheduled to be submitted to Chairman Bevell's Appropriations Subcommittee this Friday, March 13.

The Commission has not yet made any decisions on the options which are before them. In fact, as discussed below, several key items have yet to be discussed. In addition, the Commission has not been able to reach a decision on issuing the rule on near-term construction permit requirements and Commissioner Gilinsky has requested more time to study it. Commissioner Bradford has indicated that he will oppose it.

It is clear that the overriding problem facing the Commission is that with respect to important policy issues it is almost always evenly divided. One concern is that even if it is able to get a majority for making a decision on any of the options pending before it, the compromise required will result in less than optimum action. The Administration should give highest priority to the appointment of a fifth commissioner.

The principal problems before the Commission this week, with respect to expediting licensing, are decisions on increasing the staff assigned to reactor casework, whether to modify or reinstate the immediate effectiveness rule, and how to reduce the extensive delays associated with the hearing and appellate process.

Reallocation of Staff to Licensing Casework

Mr. Denton has presented a plan to take the staff review off the critical licensing path by increasing the casework staff by 145 man-years. This is about double the current manpower level, which had been substantially reduced in the aftermath of TMI. Mr. Denton has also informed the Commission that the additional 145 man-years

3/9...To EDO for Appropriate Action...Cpys to: Chm, Cmrs, OPE, OGC  
SECY....81-0302

could be reduced by about 30 man-years if the length of time to complete hearing is reduced from 15 months to 11 months. Mr. Denton believes that implementation of this plan would eliminate some 130 months of delay now being projected for plants scheduled for operating licenses during 1983. There would still be 69 months of delay for the 11 near-term impacted plants, since staff review of them is already completed.

The benefits of Mr. Denton's plan are very significant in terms of reduced costs due to delay in issuing licenses which, during 1983 alone, would amount to between \$4 and 5 billion. Moreover, its implementation, at least in principal part, is within the authority of the Commission to immediately order, since about 120 of the 145 man-years would come from reassignment of personnel already on board, and from mandatory overtime. Thus, the hiring freeze, or the difficulty in securing authority for additional personnel, is no excuse for putting off a decision on this plan. There is no reason why the Commission cannot make the decision this week to reassign the necessary personnel.

#### Action on the Immediate Effectiveness Rule

The Commission's decision to suspend its rule which provided for issuance of an operating license or construction permit immediately upon issuance of a favorable decision by a hearing board is adding up to three months to the licensing process. After hours of debate spread out over several meetings, the Commission has not yet been able to reach any consensus on this important issue. Chairman Hendrie and Commissioner Ahearne favor reinstating the rule. Commissioners Gilinsky and Bradford oppose it. Commissioner Gilinsky has proposed, as an alternative, that the rule be modified to give the Commission 10 days to review a board's decision to issue a low-power license before it could go into effect, and 30 days for issuance of a full-power license. While this appears to offer some potential for eliminating delay, substantial questions about it have been raised by the staff and others. (See discussion, transcript of 3/5/81 afternoon meeting, pages 4-26.) For example:

- \* It would require monitoring of the hearing record by the OGC and OPE staffs, which are inexperienced in such matters.
- \* It would require the commissioners to treat the staff as "adversaries", thus cutting the Commissioners off from the little expertise that remains available to them under their already overly restrictive ex parte rule.
- \* It could require additional hearings if the commissioners relied on matters outside the hearing record.
- \* It is unclear how the Commission's expedited review would relate to the remainder of the Appendix B procedures.

- \* It is unclear how the Commission's review would interface with the appeal board's review.
- \* It could give the process the facade of a review without any real opportunity for meaningful review, thus subjecting it to legal challenge.

Whatever the merits of keeping the commissioners in the review process, it is clear that Commissioner Gilinsky's approach raises substantial questions which will not be easily resolved. As an alternative, the General Counsel has proposed that rather than rush to a decision on what to do about it, that the Commission issue a proposed rule that sets out the alternatives for public comment. He believes this could be done quickly and, in any event, no case which would be affected by its outcome will be before the Commission until the end of the year.

A strong case can be made for promptly reinstating the immediate effectiveness rule. The appeal board chairman has already advised the Commission that there are "precious few" cases where appellate review has resulted in substantive changes in the initial decision. The director of NLR has also told the Commission that the changes which result from hearings at the operating license stage have historically not resulted in design changes but, rather, in imposing conditions for additional surveillance, which are not precluded by plant start-up. This makes a strong case for reinstating the immediate effectiveness rule. If the Commission cannot agree on this, perhaps it should accept the General Counsel's recommendation for rulemaking.

#### Problems Associated with Public Hearings

The Commissioners spent a good part of several meetings talking about how to shorten the discovery process in the pre-hearing stage before it became clear that discovery is just one part of the hearing problem. The staff, and especially Mr. Cotter, the chairman of the hearing board panel, found the discussion on the afternoon of March 5 to be particularly frustrating

Mr. Cotter: Obviously, the more this is discussed, the more you become aware of the morass you have thrust yourself into (page 34).

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Mr. Cotter: In general, my frustration level is rising as I sit here and listen to you debate my business. Why do you not just tell me to do my business and let me do it with my Boards (page 44).

The staff's current estimate is that it takes seven months from issuance of the last staff document (the SSER) to the start of the hearing. This includes 155 days before the hearing board even

make a decision as to what contentions will be allowed, which is the decision which commences formal discovery. The staff schedule shows that an inordinate amount of time is wasted at each step in the pre-hearing process. It suggests that hearing boards are being over-generous in granting requests for delays, and leisurely in establishing schedules. It suggests that the Commission's own rules of procedure are being largely ignored, and that procedures designed to expedite hearings, such as summary judgment and discovery, are, instead, being misused in such a way as to prolong them. Nothing short of a complete overhaul of the process will reduce the delays now being experienced in the pre-hearing and hearing process.

So far, the Commission has only touched the edges of this problem. The Commission is discussing issuing a policy statement which would reiterate its policy that hearings should be held in an efficient manner, and it is talking about somehow reducing the seven month pre-hearing stage to five months. Issuance of the policy statement may do some good, but one must wonder what inducements or sanctions it must include to get the boards to abide by the rules they are now ignoring. However, the effort to reduce the pre-hearing process from seven months to five months is misdirected; there is no reason why, in most cases, it should take more than 60 or 70 days.

NRC should not establish a policy based on the assumption that there will be new contentions and new discovery following issuance of the SSER. Such a policy would have at least two harmful consequences. First, it would encourage intervenors to file new contentions and new discovery at that late stage. And second, it would encourage licensing boards to admit new contentions and tolerate new discovery at that stage, regardless of such requirements as good cause, specificity and basis. The Commission should not establish in licensing boards or intervenors the mindset that the SSER triggers a minimum five to seven month delay before those issues can be decided. A policy statement such as is contemplated will only codify the presently unsatisfactory practice.

Rather, the Commission should set strict guidelines, and provide firm guidance to boards, on admitting new contentions. Firm adherence to "good cause" requirements should be demanded, in particular a showing that the information in the SER or SSER was in fact new. In this connection, an intervenor should not be allowed to have a new contention admitted which merely alleges that the applicant's resolution, or staff's review, of an issue is "inadequate".

Even if the staff is to address a nominal schedule assuming new contentions at the SSER stage, the time intervals discussed at the Commission's March 5 meeting are unduly lengthy. First, there is no reason why 30 days is required to formulate new contentions on discovery; 15 days is more than adequate. A second pre-hearing conference should be held at most two weeks later; allowing 65 days

is totally unjustified. Following the pre-hearing conference, the board should issue its order in no more than one week. No time should be allowed for objections to the pre-hearing order; that process, if it is to occur, should move concurrently. Summary disposition motions should be allowed, but should not be included as additional time in the schedule. Neither the applicant nor the staff would sensibly file for summary disposition if doing so would delay the overall schedule. There is no reason why the hearing could not start 30 days after the pre-hearing conference order. If these changes were made, the time from issuance of the SSEK to the start of the hearing would be 67 days, instead of seven months spelled out at the Commission meeting. These intervals would be nominal goals and would, of course, be subject to adjustment in unusual cases.

Even if the above steps are taken, it is speculative as to whether there will be any shortening of the hearing process. The fact is that the Commission has still not even discussed the core problem with the hearing process which has been pointed out to it by the Executive Director for Operations, and others: The need for a fundamental reexamination of its purpose. Rather than being directed, like courts, to resolve matters in dispute among parties, the hearing boards, as a result both of Commission policy and neglect, appear to be becoming another layer of technical review, on top of the staff and ACRS review. If the Commission is unwilling to clarify its policy on this matter, no improvement should be looked for in the hearing process.

#### Conclusion

The Commission will meet this week to consider improvements in the reactor licensing process. As discussed above, there are three things of particular importance upon which it must decide:

- \* The decision to make the staff reassignments to reactor casework, which it has the immediate authority to do?
- \* The decision to reinstate the immediate effectiveness rule?
- \* The decision to clarify its policy on the purpose of public hearings, and enforce the required procedural changes?

Several of the matters discussed in this memorandum are covered more fully in the attached ANEC report, dated March 2, 1981.

AMERICAN NUCLEAR ENERGY COUNCIL

410 FIRST STREET, SE • WASHINGTON, DC 20003

(202) 484-2670

*all office Directors  
by Glue  
Background to Baull  
Hearing*

February 10, 1981

MEMORANDUM

TO: File

FROM: George L. Gleason, Executive Vice President

RE: January, 1981, NRC Report to House Appropriations Subcommittee on  
Status of NRC Licensing Proceedings

The status reports are significant both for what they tell you about licensing delays, and, perhaps more importantly, for what they don't reveal. The reasons for this are discussed below. However, as a preliminary matter, it is interesting to note the expanding pattern of delays in the issuance of operating licenses as evident from NRC's estimates of both the number of plants impacted and the total number of plant-months of delay, beginning with its testimony of last April 17 to the Subcommittee.

April 17, 1981 testimony:	Three plants impacted for 10 months of delays.
November, 1980, Report:	Five plants for 29 months of delay.
December, 1980, Report:	Seven plants for 36 months of delay.
January, 1981, Report:	Eleven plants for 79 months of delay.

NOTE: The NRC figures do not include Farley 2 or Salem 2 as impacted plants, because they already hold zero power licenses; however, they should be included since the plants cannot be put into the rate base until a full power license is issued. Including these two plants would increase the projected delays by 11 months, or to 90 months total. (See attachment)

CONSTRUCTION PERMITS NOT COVERED

There is no information in the January report upon which delays in the processing of application for construction permits can be determined; however, most applications are known to be a year or more behind schedule. This appears to be the Commission's lowest priority program. A moratorium on the issuance of such construction permits is still in effect. The Commission should be required to begin processing these applications on an expedited schedule. Moreover, the status report indicates that NRC has allocated only 12 man-years in FY81 to process construction permits and only 10 man-years in FY82 and FY83. Given the requirement of 7 man-years of effort required to review a Preliminary Safety Analysis Report (PSAR), this allocation of NRC manpower is hardly sufficient to review the current inventory of construction permit applications (6 plants, 11 units).

(13)

## DELAYS IN OPERATING LICENSES

### The Reports Do Not Indicate Actual Delays

The January report indicates that, including Farley and Salem, 13 plants are impacted for a total delay of 90 months. What the report does not reveal is that the actual delay is far in excess of that amount. This is because delays estimated in the report are calculated as the number of months between NRC's estimated completion of construction, and issuance of a license; however, the pace at which construction proceeds is often constrained by the pace at which NRC's licensing review proceeds, or by NRC's advice to licensees as to when a license may be expected, e.g., a licensee may go from a three-shift construction schedule to a two-shift schedule in response to a slippage in NRC's licensing schedule. Therefore, the measure of actual delay should be the length of time between when construction could have been completed under normal licensing constraints, and NRC's schedule for license issuance. For example:

\* For Summer 1, NRC estimates an eight month delay; however, construction could be completed 8/81, rather than 10/81, as NRC estimates. Additional delay is two months.

\* For Susquehanna, NRC estimates an eight month delay; however, construction could be completed in 12/81, rather than the estimated 3/82. Additional delay is three months.

\* For Shoreham, NRC estimates a one month delay; however, construction could be completed 6/82, rather than 9/82, as NRC estimates. Additional delay is three months.

The pattern is the same for the other impacted plants. It is significant that many applicants advise that the schedules included in the report were never discussed with them.

Another measure of delay is to compare the length of time current applications have been pending against previous experience. In the three year-period preceeding Three Mile Island, the time from the docketing of the Final Safety Analysis Report (FSAR) to issuance of an operating license averaged between 51 and 53 months (NUREG-0380, 5/23/80); the estimated average time for issuance of the full operating licenses for the 13 impacted plants is 79 months, or about 50 percent longer.

Review of these reports indicates that, because of the methodology used, they do not reflect actual expected delays, which in most cases will be greater than that estimated. Nevertheless, even the delays which are reported indicate a serious and growing problem.

### Arbitrary and Inconsistent Assumptions

Another problem is that the assumptions used to estimate delay are arbitrary and are inconsistently applied from one plant to another. In particular, it appears that the hearing schedules have been lengthened for certain close-in hearings, but not for others which are expected to experience similar duration. In other words, they have expanded the schedules



for certain hearings, and compressed it for others without any evident reasons. For example, the duration of the hearing on Comanche Peak 1 has been expanded from five months in the second report to eight months in the third report; however, the schedule for Shoreham, which is a similarly heavily contested proceeding, has been compressed from eight months to six months. The schedule for the start of the Waterford 3 hearing has been slipped six months, with a similar slip in the date for issuance of the license. The report states that the reason for this is "to allow for an initial decision on the environmental issues before starting the safety hearings" (page 3). There has been no decision by the hearing board to this effect, and the need for such a bifurcated hearing has not been discussed with the applicant or the other parties. Nevertheless, the extended hearing schedule will now become a pacing item in the staff's review.

#### List of Impacted Plants is Incomplete

The list of impacted plants is incomplete. There is no reason why the assumptions listed on page three should not be applied to all of the pending operating license applications, rather than just those scheduled for Fiscal Years 1981 and 1982. That they are not so applied indicates that NRC simply has not extended its analysis to the remainder of the plants. If the same assumptions were applied, it would probably add four to seven months each to the projected schedules for the remaining 40 applications, for an additional total delay of 160 to 280 months.

Is it reasonable to expect that these additional delays will actually be encountered? The answer is yes. The reason for this is the diversion of staff from the more distant licenses to other non-licensing-related work. In most cases, the schedules for the more distant licenses, as listed in the report, are simply paper exercises, unsupported by sufficient staff resources to carry them out. However, there is no information in the report, or elsewhere available, to know just how bad the problem is. It would appear that this would be an appropriate line of inquiry for the Subcommittee.

#### Cost of Delays

The report does not calculate the costs to applicants and their stockholders, and their ratepayers associated with the projected delays. The costs are enormous. For example --

- \* Diablo Canyon, Units 1 and 2 -- Cost of delay of the two units is \$1 billion per year, or \$83 million per month.
- \* San Onofre, Units 1 & 2 -- Cost of delay of two units is \$3 million per day, or \$90 million per month.
- \* Susquehanna, Unit 1 -- Cost of delay is \$480 million per year, or \$40 million per month.
- \* Shoreham -- Cost of delay is \$1.3 million per day, or \$39 million per month.

These figures include the cost of interest paid during construction and the cost of replacement power, both of which vary from plant to plant. While detailed figures are not yet available for each of the impacted plants, a conservative estimate of the average costs incurred for each of the 13 impacted plants would be in the range of \$30-40 million per plant per month. Since the impacted plants have accumulated a total delay of 90 months, the current costs of delay would be between \$2.7 and \$3.6 billion. As one applicant put it, "for want of a couple of GS-15s it's costing us billions."

#### REASONS FOR DELAYS

Licensing delays appear to be epidemic and continue despite the increase in additional NRC personnel assigned to the Office of Nuclear Reactor Regulation. Shortly after the TMI accident, 100 additional personnel were provided to assist NRC in coping with generic TMI-related tasks and to continue casework reviews of construction permits and operating licenses. Notwithstanding the increase in personnel, licensing delays persist and appear to indicate that something more serious than manpower shortage is the principal cause of delay.

Immediate effectiveness rule. After Three Mile Island, the NRC suspended its rule which provided for issuance of a license upon decision by the hearing board, so that the Commission itself could review each application. This suspension was originally directed at construction permits, the rationale being that construction should not commence until any new TMI requirements were incorporated. This suspension has now been extended to operating licenses as well. The effect of this suspension is to add three or more months to the schedule of each plant. 10-1

Staff Unpreparedness. Many applicants believe that staff unpreparedness is a principal cause of delay. For example, the January report shows delays by staff in issuance of Safety Evaluation Reports (SER) of two months each for Grand Gulf 1 and 2; one month for LaSalle 2; two months for Shoreham; one month for Summer 1; and three months each for Watts Bar 1 and 2.

Delay in Start of Hearings. Too much time is being allowed to lapse before start of the hearing. In the case of Comanche Peak the hearing is not scheduled to start until nine months after the issuance of the SER, six months after issuance of SER Supplement and eight months after issuance of the Draft Environment Statement (DES); for Susquehanna, the hearing is six months after SER, four months after the supplement and nine months after the DES. For Comanche Peak, two years will have passed from the time intervention was permitted to the start of the hearing. No reason is given in report three for the indicated delays in the start of the hearing for Comanche Peak (6 months); Susquehanna (9 months); or for the hearing start delays in Fermi (6 months); McGuire (5 months); or Shoreham (9 months).

Hearing Board Problems. One problem with hearing boards is that some members are serving on several boards at the same time. For example, the board chairman in the Susquehanna proceeding is currently a member of four other boards. Too much time (4-5 months) is allotted for decision-writing, perhaps in part because of the multiple board problems. There is some concern also about the ~~qualifications~~ qualifications of some board members, and their general procedural bias in favor of intervenors.

Policy Guidance to Boards. Last December 18 the Commission changed its policy which had precluded intervenors from litigating in individual proceedings the sufficiency of NRC's new post-TMI licensing requirements. The new policy (copy attached) permits these requirements to be raised in each pending proceeding. Chairman Ahearne dissented from the policy on the grounds that it "relinquishes Commission control and attention from a major portion of this process." The new policy is already resulting in an estimated eight month delay in the McGuire case where, after issuance of a low power license, the board has reopened the hearing to consider two issues (hydrogen control and emergency planning) at the behest of a lone intervenor, even though the Commission rules on those items in issuing the low power license. Other plants potentially affected are Diablo Canyon, Summer, Zimmer, Shoreham, San Onofre, Lacrosse and Comanche Peak. The additional delays caused by this change in policy are not yet fully reflected in the status reports and are presently not completely known, but are predicted to be lengthy.

This change in policy has created an ambiguity for the hearing boards, since Section 2.758 of the Commission's regulations prohibits challenging Commission regulations in individual license proceedings. Each and every hearing board will now have to make its own determination as to the relationship between this rule and the new policy, possibly with conflicting results, since the Commission has given no guidance on the subject. Alternatives to this policy would include having the Commission itself make this determination, or, alternatively, to have it resolved after public notice and comment in a rulemaking proceeding. This is an important issue upon which Commission clarification should be sought.

Sua Sponte Rule. Until the Commission changed its rule in November, 1979, to permit hearing boards to examine any "serious" uncontested matter, a board could review matters not put in issue by a party only in "extraordinary circumstances". The appeal board just recently used this expanded authority to retain jurisdiction of an operating license proceeding from which all intervenors had withdrawn. This unnecessarily enlarges the boards' role. The Commission should change its policy to limit board review to matters put in contention by the parties.

Emergency Planning. In several cases NRC emergency planning requirements have caused a delay in the issuance of a full power operating license. NRC's current requirements call for state emergency plans to be tested prior to the receipt of an operating license. Under a joint memorandum of understanding, FEMA has the responsibility of determining the adequacy of state emergency plans; however, NRC retains the responsibility for determining overall emergency preparedness. Therefore, the Commission itself may in some cases review the results of the emergency test before issuing a full power operating license. The multipartite responsibility between NRC, FEMA, the states, and local communities inevitably results in delays. The requirement that state emergency plans be tested prior to the receipt of a full power operating license exceeds the requirements of P.L. 96-295, and NRC should relax this requirement in order to prevent serious delays.

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## CONCLUSION

For the reasons stated above, the reports are of limited usefulness in assessing the actual extent of delay in the NRC licensing proceedings. However, they do indicate a significant and growing problem, although its magnitude is understated. The reasons for this are varied, but generally indicate a lack of management discipline within NRC, a lack of appropriate priorities in allocating personnel to licensing activities, confusion as to Commission policy and an inefficient hearing process. Some would add that NRC does not have enough manpower, but the problem seems rather to be the inexperience of a large number of the reviewers and personnel allocation to non-licensing functions.

While the allocation problem is difficult to quantify, it is clear that substantial staff resources are being diverted to non-essential or low priority tasks at the expense of licensing. One example of this is the Commission's proposed program to implement Section 110 of Public Law 96-295. This is the so-called Bingham amendment which requires NRC to develop a program for the systematic safety evaluation of all currently operating nuclear power plants. When this amendment was pending before Congress NRC advised that the task could be accomplished in 120 days at a cost of \$4 million. Its current proposal calls for a 7-10 year program which will require several hundred manyears of NRC manpower and several thousand man years of industry engineering time. The payoff for this program in terms of enhanced safety will be minimal, since it will result only in a paper documentation of existing plant designs against unproven acceptance criteria, which, even the NRC staff admits, "may not be particularly useful or necessary in evaluating the overall safety of the plant." (See attachment for details.)

Another program which consumes a significant amount of NRC staff and Commissioner time is export licensing. Chairman Abearne is on record as saying this consumes 15-20 percent of the Commission's time. This program should be shifted back to the Department of State.

In assessing the low priority which NRC assigns to processing licensing, it is significant to note that during Fiscal Year 1981 only 198, or less than seven percent, of NRC's 3200 personnel are assigned to reactor license casework; in FY 1982 this is projected to drop to 157 casework reviewers.

Of all the reasons for delay, our analysis suggests three leading causes. The first is the Commission's suspension of its immediate effectiveness rule, which has added three or more months to the licensing process. The second is staff delay in issuing the SERs, without which a hearing cannot begin. More staff must be assigned to this priority activity. The third reason, and the one which is growing the fastest, is delay in the hearing process. Here there are several contributory factors: (1) the Commission's December 18 policy change which permits post-TMI requirements to be litigated in each individual hearing; (2) the change in the sua sponte rule, which unnecessarily enlarged the hearing boards' role; and (3) the assignment of some hearing board members to as many as five on-going proceedings. The hearing boards are under the direct supervision of the Commission itself, not the staff, and it has simply abdicated its responsibility for assuring expe-

ditious hearings. One additional problem looming on the horizon is the multiparty responsibility for approval of emergency plans. This is already delaying the Salem plants, and offers the potential for substantially delaying several others.

In conclusion, one gets the impression from reading the reports that they are being treated by NRC as a simple documentation process for the benefit of the Subcommittee, and that the commissioners have not used them as an analytical tool for seeking means to reduce licensing delays, as, I believe, the Subcommittee intended. It would be interesting to hear from NRC just what consideration they have given to the reports' findings.

Attachments

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February 10, 1981

SUMMARY OF IMPACTED CP & OL PLANTS

Construction Permits:

Delay is calculated assuming on a historic high processing time of 40 months (Ref. NUREG-0380). This processing time is considerably greater than the NRC estimate of about 24 months (for contested cases) used to determine licensing schedules and manpower requirements. (For multi-unit plants, delay is calculated for only the lead unit.)

<u>Plant</u>	<u>PSAR Docketed</u>	<u>CP Issue</u>	<u>Delay to date</u>
1. Allens Creek 1	12/73	N/S	45+
2. Black Fox 1 & 2	12/75	N/S	21+
3. Pebble Springs 1 & 2	10/74	N/S	35+
4. Perkins 1, 2, & 3	5/74	N/S	40+
5. Pilgrim 2	12/73	N/S	45+
6. Skagit 1 & 2	1/75	N/S	32+

TOTAL: 218 mos.

N/S = Not Scheduled

Operating Licenses:

Delay is based on the time lapse between NRC's current estimate for construction completion, and the estimated date for issuance of a full power license.

NRC APRIL 17 TESTIMONY

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Summer	12/80	4/81	4
2. Diablo Canyon 1	5/80	10/80	5
3. San Onofre 2	5/81	6/81	1

TOTAL: 10 mos.

NOVEMBER REPORT

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Summer	1/81	10/81	9
2. Diablo Canyon 1	1/81	5/81	4
3. Diablo Canyon 2	6/81	9/81	3
4. San Onofre 2	7/81	5/82	10
5. La Salle 1	12/80	3/81	3
*6. Salem 2	4/80	10/80	6
*7. Farley 2	10/80	1/81	3

TOTAL: 38 mos.

DECEMBER REPORT

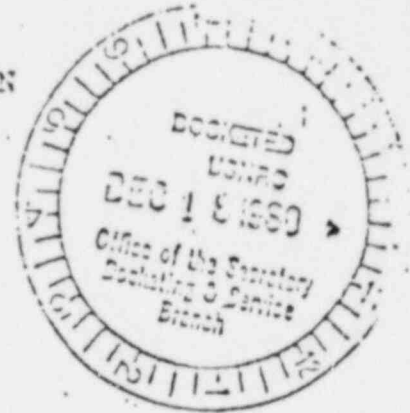
<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Sumner	8/81	10/81	2
2. Diablo Canyon 1	1/81	12/81	11
3. Diablo Canyon 2	6/81	12/81	6
4. San Onofre 2	7/81	5/82	10
5. La Salle 1	6/81	4/81	0
6. Zimmer	11/81	1/82	2
7. McGuire	1/81	6/81	5
*8. Salem 2	4/80	2/81	12
*9. Farley 2	3/81	3/81	<u>0</u>
TOTAL:			48 mos.

JANUARY REPORT

<u>Plant</u>	<u>Construction Complete</u>	<u>OL Issue</u>	<u>Delay</u>
1. Sumner	10/81	06/82	8
2. Diablo Canyon 1	3/81	03/82	12
3. Diablo Canyon 2	10/81	03/82	5
4. San Onofre	7/81	04/82	9
5. Zimmer	11/81	07/82	8
6. McGuire	2/81	3/82	13
7. Enrico Fermi 2	11/82	06/83	7
8. Susquehanna 1	03/82	11/82	8
9. Waterford 3	10/82	04/83	6
10. Shoreham	09/82	10/82	1
11. Comanche Peak 1	12/82	02/83	2
*12. Salem 2	4/80	03/81	11
*13. Farley 2	3/81	03/81	<u>0</u>
TOTAL:			90 mos.

\* Plants with FL/ZP licenses which are not listed as impacted plants by NRC.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



COMMISSIONERS:

John F. Ahearne, Chairman  
Victor Gilinsky  
Joseph M. Handrie  
Peter A. Bradford

In the Matter of )  
 )  
 )  
 STATEMENT OF POLICY: )  
 FURTHER COMMISSION GUIDANCE FOR )  
 POWER REACTOR OPERATING LICENSES )

PR-Miscellaneous Notice  
(45 FR 41738)

MEMORANDUM AND ORDER  
(CLI-80-42)

Recently the Commission, by a vote of 3-2, issued a Statement of Policy entitled "Further Commission Guidance for Power Reactor Operating Licenses." 45 Fed. Reg. 41738 (June 20, 1980). In essence, the Statement of Policy announced the intent of the Commission that in future actions on nuclear power reactor operating license applications, it would look to the list of "Requirements for New Operating Licenses" found in NUREG-0694 (June 1980) as setting forth requirements for new operating licenses which should be "necessary and sufficient for responding" to the accident at Three Mile Island ("TMI"). Consequently, current operating license applications were to be judged against present NRC regulations, as supplemented by these TMI-related requirements. Insofar as certain of the provisions of NUREG-0694 sought to impose operating

Dupe of 8101140046



license requirements beyond those necessary to show compliance with the regulations:

although the [licensing and appeal] boards may entertain contentions asserting that the supplementation is unnecessary (in full or in part) and they may entertain contentions that one or more of the supplementary requirements are not being complied with; they may not entertain contentions asserting that additional supplementation is required. Id.

On November 3, 1980, by a vote of 2-2, the Commission denied a request for a stay of the Statement of Policy filed by the Union of Concerned Scientists and the Shoreham Opponents Coalition.

On October 28, 1980, by a vote of 4-0, the Commission approved NUREG-0737, "Clarification of TMI Action Plan Requirements," which is a letter from D. G. Eisenhut, Director of the Division of Licensing, NRR, to licensees of operating power reactors and applicants for operating licenses forwarding post-TMI requirements. NUREG-0737 now supersedes NUREG-0694, the latter being the document which forms the core of the substantive requirements in the aforementioned Statement of Policy. NUREG-0737 makes numerous significant changes in NUREG-0694. In some instances, the requirements in NUREG-0694 are made more flexible, especially as to implementation schedules. In some instances, the requirements in NUREG-0694 are made more strict. In addition, NUREG-0737 adds new requirements, taken from previously issued Bulletins and Orders, which were not part of NUREG-0694.

The Commission's approval of NUREG-0737 requires that some changes be made in the previously adopted Statement of Policy.

Moreover, the Commission has now had more time to reflect upon the distinction between interpretive and supplementary requirements, as originally set forth in NUREG-0694 and as modified in NUREG-0737, and believes that the number of supplementary requirements may be quite small. For these reasons, the Commission has decided that the Statement of Policy should be amended as set forth in the Appendix to this Memorandum and Order. 1/

It is so ORDERED.



For the Commission,

*Samuel J. Chilk*  
 SAMUEL J. CHILK  
 Secretary of the Commission

Dated at Washington, D.C.

this 18<sup>th</sup> day of December, 1980.

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1/ Chairman Hearne concurs in amending the policy statement, but disagrees in how it should be amended. His dissenting views are attached to the Appendix.

U.S. NUCLEAR REGULATORY COMMISSION  
FURTHER COMMISSION GUIDANCE  
FOR POWER REACTOR OPERATING LICENSES  
REVISED STATEMENT OF POLICY\*

I. BACKGROUND

After the March 1979 accident at Three Mile Island, Unit 2, the Commission directed its technical review resources to assuring the safety of operating power reactors rather than to the issuance of new licenses. Furthermore, the Commission decided that power reactor licensing should not continue until the assessment of the TMI accident had been substantially completed and comprehensive improvements in both the operation and regulation of nuclear power plants had been set in motion.

At a meeting on May 30, 1979, the Nuclear Regulatory Commission decided to issue policy guidance addressing general principles for reaching licensing decisions and to provide specific guidance for near-term operating license cases.<sup>1/</sup> In November 1979, the Nuclear Regulatory Commission issued the policy guidance in the form of an amendment to 10 CFR Part 2 of its regulations,<sup>2/</sup> describing the approach to be taken by the Commission regarding licensing of power reactors. In particular, the Commission noted that it would "be providing case-by-case guidance on changes in regulatory policies." The Commission has now acted on four operating licenses, has given extensive consideration to issues arising as a result of the Three Mile Island accident, and is able to provide general guidance.

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\* All footnotes for this Statement of policy appear at end of text.

Following the accident at Three Mile Island 2, the President established a Commission to make recommendations regarding changes necessary to improve nuclear safety. In May 1979, the Nuclear Regulatory Commission established a Lessons Learned Task Force,<sup>3/</sup> to determine what actions were required for new operating licenses and chartered a Special Inquiry Group to examine all facets of the accident and its causes. These groups have published their reports.<sup>4/</sup>

The Lessons Learned Task Force led to NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations" and NUREG-0585, "TMI-2 Lessons Learned Task Force Final Report." The Commission addressed these reports in meetings on September 6, September 14, October 14, and October 16, 1979. Following release of the report of the Presidential Commission the Commission provided a preliminary set of responses to the recommendations in that report.<sup>5/</sup> This response provided broad policy directions for development of an NRC Action Plan, work on which was begun in November 1979. During the development of the Action Plan, the Special Inquiry Group Report was received, which had the benefit of review by panels of outside consultants representing a cross section of technical and public views. This report provided additional recommendations.

The Action Plan<sup>5/</sup> was developed to provide a comprehensive and integrated plan for the actions judged appropriate by the Nuclear Regulatory Commission to correct or improve the regulation and operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. In developing the Action Plan, the various recommendations and possible actions of all the principal investigations were assessed and either rejected, adopted or modified. A detailed summary of the development and review process for the Action Plan was initially provided in NUREG-0694,<sup>7/</sup> "TMI-Related Requirements For New Operating Licenses," and can now be found, as changed, in NUREG-0737, "Clarification of TMI Action Plan Requirements."<sup>8/</sup>

Actions to improve the safety of nuclear power plants now operating were judged to be necessary immediately after the accident and could not be delayed until the Action Plan was developed, although they were subsequently included in the Action Plan. Such actions came from the Bulletins and Orders issued immediately after the accident, the first report of the Lessons-Learned Task Force issued in July 1979, the recommendations of the Emergency Preparedness Task Force, and the NRC staff and Commission. Before these immediate actions were applied to operating plants, they were approved by the Commission. Many of the required immediate actions have already been taken by licensees and most are scheduled to be completed in the near future.

On February 7, 1980, based on its review of initial drafts of the Action Plan, the Commission approved a listing of near-term operating license (NTOL) requirements, as being necessary but not necessarily sufficient TMI-related requirements, for granting new operating licenses. Since then, the fuel load requirements on the NTOL list have been used by the Commission in granting operating licenses, with limited authorizations for fuel loading and low power testing, for Sequoyah, North Anna, Salem, and Farley. Full operating licenses were granted, based on the NTOL list, for Sequoyah and North Anna.

On May 15, 1980, after review of the last version of the Action Plan, the Commission approved a list of "Requirements For New Operating Licenses," contained in NUREG-0694, which the staff recommended for imposition on current operating license applicants. That list was recast from the previous NTOL list and sets forth four types of TMI-related requirements and actions for new operating licenses: (1) those required to be completed by a license applicant prior to receiving a fuel-loading and low-power testing license, (2) those required to be completed by a license applicant to operate at appreciable power levels up to full power, (3) those the NRC will take prior to issuing a fuel-loading and low-power testing or full-power operating license, and (4) those required to be completed by a licensee prior to a specified date.

The Commission also approved the staff's recommendation that the remaining items from the TMI reviews should be implemented or considered over time to further enhance safety.

On October 28, 1980, the Commission approved a "Clarification of TMI Action Plan Requirements," now contained in NUREG-0737, which supersedes NUREG-0694. More explicit requirements, revisions in previous requirements, different time schedules for implementation, and new requirements in NUREG-0694, but taken from previously issued Commission bulletins and orders, form the core of NUREG-0737.

In approving the schedules for developing and implementing changes in requirements, the Commission's primary considerations were the safety significance of the issues and the immediacy of the need for corrective actions. As discussed above, many actions were taken to improve safety immediately or soon after the accident. These actions were generally considered to be interim improvements. In scheduling the remaining improvements, the availability of both NRC and industry resources was considered, as well as the safety significance of the actions. Thus, the Action Plan approved by the Commission presents a sequence of actions that will result in a gradually increasing improvement in safety as individual actions are completed and the initial immediate actions are replaced or supplemented by longer term improvements.

## II. COMMISSION DECISION

Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident -- a review that is still continuing -- the Commission has concluded that the list of TMI-related requirements for new operating licenses found in NUREG-0737 can provide a basis for responding to the TMI-2 accident. The Commission has decided that current operating license applications should be measured by the NRC staff against the regulations, as augmented by these requirements.<sup>9/</sup> In general, the remaining items of the Action Plan should be addressed through the normal process for development and adoption of new requirements rather than through immediate imposition on pending applications.

## III. LITIGATION OF TMI-2 ISSUES IN OPERATING LICENSE PROCEEDINGS

In the November 1979 policy statement, the Commission provided the following guidance for the conduct of adjudicatory proceedings:

In reaching their decisions, the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island Accident. In this regard, it should be understood that as a result of analyses still underway, the Commission may change its present regulations and regulatory policies in important aspects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application.

The Commission is now able to give the Boards more guidance.



The Commission believes the TMI-related operating license requirements list as derived from the process described above should be the principal basis for consideration of TMI-related issues in the adjudicatory process. There are good reasons for this.

First, this represents a major effort by the staff and Commissioners to address more than one hundred issues and recommendations in a coherent and coordinated fashion. This entire process cannot be reproduced in individual proceedings. Second, the NRC does not have the resources to litigate the entire Action Plan in each proceeding. Third, many of the decisions involve policy more than factual or legal decisions. Most of these are more appropriately addressed by the Commission itself on a generic basis than by an individual licensing board in a particular case. Consequently, the Commission has chosen to adopt the following policy regarding litigation of TMI-related issues in operating license proceedings.

The "Clarification of Action Plan Requirements" in NUREG-0737, like the TMI-related "Requirements For New Operating Licenses" in NUREG-0694, can, in terms of their relationship to existing Commission regulations, be put in two categories: (1) those that interpret, refine or quantify the general language of existing regulations, and (2) those that supplement the existing regulations by imposing requirements in addition to specific ones already contained therein. Insofar as the first category --

refinement of existing regulations -- is concerned, the parties may challenge the new requirements as unnecessary on the one hand or insufficient on the other within the limits of the regulations.

Insofar as the second category -- supplementation of existing regulations -- is concerned, the parties may challenge either the necessity for or sufficiency of such requirements. It would be useful if the parties in taking a position on such requirements stated (a) the nexus of the issue to the TMI-2 accident, (b) the significance of the issue, and, (c) any differences between their positions and the rationale underlying the Commission consideration of additional TMI-related requirements. It would be helpful if any certifications of questions regarding such positions to the Commission included the same information and such certifications are encouraged where Boards are in doubt as to the Commission's intentions in approving NUREG-0737. The Atomic Safety and Licensing and Appeal Boards' present authority to raise issues sua sponte under 10 CFR 2.760a extends to both categories.


In order to focus litigation of TMI-related issues, the staff and the Boards should use the Commission's existing summary disposition procedures, where applicable, in responding to TMI-related contentions.

The Commission believes that where the time for filing contentions has expired in a given case, no new TMI-related contentions should be accepted absent a showing of good cause and balancing of the factors in 10 CFR 2.714(a)(1). The Commission expects adherence to its regulations in this regard.

Also, present standards governing the reopening of hearing records to consider new evidence on TMI-related issues should be adhered to. Thus, for example, where initial decisions have been issued, the record should not be reopened to take evidence on some TMI-related issue unless the party seeking reopening shows that there is significant new evidence, not included in the record, that materially affects the decision.

Finally, the Commission will continue to monitor developments with regard to the litigation of our Action Plan requirements and will continue to offer guidance where appropriate.



  
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Samuel J. Chalk  
Secretary of the Commission

Dated at Washington, D.C.  
the 18<sup>th</sup> day of December 1980.

FOOTNOTES

- 1/ "Staff Requirements - Discussion of Options Regarding Deferral of Licenses," memorandum from Samuel J. Chalk, Secretary to Lee V. Gossick, Executive Director for Operations, May 31, 1979.
- 2/ "Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings," 44 FR 65050 (November 9, 1979).
- 3/ "Lessons Learned from TMI-2 Accident," Roger Mattson to NRR staff, May 31, 1979.
- 4/ Report of the President's Commission on The Accident at Three Mile Island, "The Need for Change: The Legacy of TMI," October 1979;

U.S. Nuclear Regulatory Commission, "TMI-2 Lessons Learned Task Force Status Report and Short-Term Recommendations," NUREG-0585, July 1979;

U.S. Nuclear Regulatory Commission, "TMI-2 Lessons Learned Task Force Status Report," NUREG-0585, August 1979;

U.S. Nuclear Regulatory Commission Special Inquiry Group, "Three Mile Island: A Report to the Commissioners and to the Public," January 1980.
- 5/ U.S. Nuclear Regulatory Commission, "NRC Views and Analysis of the Recommendations of the President's Commission on the Accident at Three Mile Island," NUREG-0632, November 1979.
- 6/ U.S. Nuclear Regulatory Commission, "NRC Action Plans Developed as a Result of the TMI-2 Accident," NUREG-0660.
- 7/ U.S. Nuclear Regulatory Commission, "TMI-Related Requirements for New Operating Licenses," NUREG-0694, June 1980.
- 8/ U.S. Nuclear Regulatory Commission, "Clarification of TMI Action Plan Requirements," NUREG-0737, November 1980.
- 9/ Consideration of applications for an operating license should include the entire list of requirements unless an applicant specifically requests an operating license with limited authorization (e.g., fuel loading and low-power testing).

## CHAIRMAN AHEARNE'S DISSENTING VIEWS

I now support amending the guidance for litigating TMI-2 issues for the reasons mentioned in the Commission order and below. However, I do not support the Commission's revised statement of policy. Little guidance is provided to either the Board or the parties--they are simply told they can litigate whatever they wish and it would be "useful" or "helpful" to address certain questions.

Throughout the development of the TMI Action Plan and the various policy statements, I have believed the Commissioners should play a central role in determining the appropriate response to the TMI-2 accident. Unfortunately the "Revised Statement of Policy" relinquishes Commission control and attention from a major portion of this process. Therefore I would have preferred the following approach:

### Revised Statement of Policy

#### I. Background

In June 1980 the Commission issued a Statement of Policy dealing with TMI-related requirements for new operating licenses. 1/ This statement outlined the process by which the Commission evaluated the TMI-2 accident and then agreed to a list of requirements to be adopted in response to the accident. 2/ It then provided guidance for litigation of TMI-2 issues in operating license proceedings.

Subsequently substantial controversy developed over the statement-- particularly over treatment of requirements and issues which go beyond existing regulations. Due in part to this controversy, in part to a change in the composition of the Commission, in part to the uncertain results of ongoing litigation, and in part to confusion created by subsequent Commission statements, the Commission has decided to modify this aspect of the policy statement. In the long run the Commission believes it will save time by modifying its guidance at this juncture.

## II. Modified Commission Guidance of Litigation on TMI-2 Issues in Operating License Proceedings

In the June Statement of Policy the Commission described the TMI-related requirements as falling into two categories: "(1) those that interpret, refine or quantify the general language of existing regulations, and (2) those that supplement the existing regulations by imposing requirements in addition to specific ones already contained therein." The Commission is modifying its guidance with respect to the second category. Rather than entirely precluding litigation of requirements that go beyond the regulations (other than those found in the Commission's list of requirements), the Commission will now provide parties an opportunity to certify such questions to the Commission. To the extent that an issue addresses items within the current regulations, certification is unnecessary since litigation was permissible under the original policy statement.

However issues which raise matters going beyond the existing regulations may now be certified directly to the Commission. 3/

A request for certification should clearly present (a) the nexus of the issue to the TMI-2 accident (i.e., in what way does the TMI accident provide a basis for the concerns presented), (b) the significance of the issue (i.e., what is the consequence of not addressing the issue), (c) to the extent possible, the differences in rationale underlying the certification from the rationale underlying the Commission consideration of additional TMI-related requirements (e.g., different reasoning, incorrect assumptions, incomplete information).

To the extent that a contention raises the need for a requirement already included in the Commission's list of requirements for new operating licenses, certification is unnecessary. As under the old policy statement, litigation of the need for those requirements is permitted without further action by the Commission. The Commission itself has already found sufficient basis for allowing consideration of those items.

It should be emphasized that this policy statement (as well as the previous policy statement) is intended to address issues arising from the TMI-2 accident. Other issues are to be treated according to normal Commission procedures. 4/

- 1/ "Further Commission Guidance for Power Reactor Operating Licenses; Statement of Policy," 45 Fed Reg 41738 (June 20, 1980).
- 2/ "TMI-Related Requirements for New Operating Licenses," NUREG-0694 (June 1980) as modified by "Clarification of TMI Action Plan Requirements," NUREG-0737 (Nov 1980).
- 3/ The Licensing Board should certify any such questions directly to the Commission. In the event that a party wishes to request directed certification, the Board should be given a reasonable opportunity to address the certification question prior to Commission action since (a) the Board might rule that the issue is within the existing regulations rendering certification unnecessary and (b) otherwise it would be helpful to have the benefit of the Board's reasoning. See Toledo Edison Co. (Davis-Besse Nuclear Power Station, Unit 1), ALAB-297, 7 NRC 727 (1975).
- 4/ See e.c., 10 CFR 2.758.



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March 9, 1981

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\*ADM KEN

Chairman Joseph M. Hendrie  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
11th Floor, Room H-1156  
Washington, D.C. 20555

Dear Mr. Chairman:

We are following with interest the Commission's continuing discussion of "Revised Licensing Procedures"--part of its effort to mitigate or eliminate delays in completing licensing action on a number of nuclear power plants which will be ready to operate in the next several years. In those discussions, a considerable amount of time has been spent in attempting to establish the time period which would (in the "normal" case) elapse between issuance of the NRC Staff's last supplement to the safety evaluation reports (SSER) and commencement of the evidentiary hearing.

We suggest that an essential point is being overlooked in those discussions and unnecessary and expensive prolongation of the adjudicatory process is thereby being invited.

For the most part (and, obviously, there will be exceptions), an SSER does not address any issue which is new to a diligent participant in the adjudicatory proceeding which began years before that document was produced.

In the usual case, therefore, there is simply no reason for a lengthy period between issuance of the SSER and convening the hearing. Discovery should long since have been completed; motions for summary disposition likely to be successful (i.e., on matters as to which there is no genuine issue to be heard) can have been filed and answered; and testimony can have been prepared and filed on many issues (if not all issues except those to be dealt with in the SSER).

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Dupl of 81-464-697

March 9, 1981

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We note that these facts appear to have been recognized when the Staff prepared its "Assumptions Issued for Projecting Target Schedules" which are attached to first Monthly Status Report (January 1981) to Congress. The NRC Staff there assumed that hearings would begin no later than two months after the issuance of the SSER. The two-month time period is used only for a "Heavily contested proceeding." A one-month period is allowed for a "Moderately contested proceeding."

Nevertheless, the current Commission discussions of revised licensing procedures seem to assume that a hearing cannot begin until substantially longer periods than one or two months after the issuance of the SSER have elapsed. This assumption appears to have grown from knowledge of what is in fact happening in NRC proceedings and from the rarely-questioned supposition that the SSER ordinarily justifies the assertion of new contentions and the triggering of a new round of discovery.

In our view, issuance of the SSER will justify admission of new contentions or new discovery only in exceptional circumstances. The regulations contained in 10 C.F.R. Part 2 require that a notice of opportunity for hearing be published shortly after the FSAR (or PSAR) is docketed; intervention petitions are filed shortly thereafter; and a prehearing conference is convened "within ninety (90) days after the notice of hearing is published, or such other time as the Commission or the presiding officer may deem appropriate . . . ." (10 C.F.R. § 2.751a.) The order following the prehearing conference admits intervenors and contentions and triggers the initiation of discovery; discovery continues while Staff documents such as the Draft and Final Environmental Statements, the SER and Supplemental SER are being prepared.

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The "early" commencement of the proceeding (i.e., shortly after docketing of the application) was deliberately prescribed by amendments to Part 2 adopted by the Commission in 1972. Among the purposes of those amendments were "to provide potential intervenors a better opportunity for more meaningful participation in the hearing process" and to avoid the type of delay which the Commission now seems to assume is unavoidable. In 1972 the Commission "expressly recognize[d] the positive necessity for expediting the decisionmaking process and avoiding undue delays." Adoption of the "early start" provisions was intended to accomplish that. (See "Restructuring of Facility License Application Review and Hearing Processes," 37 Fed. Reg. 15,127-43 (July 28, 1972).) The Commission's present goal is similar and it cannot be met by adoption of planning assumptions or policy statements which would routinely admit (or appear to encourage the admission of) new contentions and new discovery after publication of the SSER.

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The SSER may address matters not dealt with in the SER and/or questions asked by the ACRS. However, the essential point is that, in most cases, those matters will not be new to the participants in the proceeding. That is to say, it will long have been evident that the questions the SSER addresses are involved in the proceeding and that these matters have not yet been resolved to the Staff's satisfaction. Furthermore, the SSER will reflect what has been generated by oral and written exchanges between the Staff and the applicant during review of the FSAR. Under governing Appeal Board decisions, intervenors receive copies of relevant letters and other documents exchanged between the applicant and the Staff; Staff policy requires giving intervenors advance notice of and opportunity to attend meetings between the Staff and the applicant. Thus, an intervenor with an interest in the matters addressed in the SSER should be familiar with them long before that document is issued. *of course no problem*

The purpose of discovery is to reveal the material on which parties rely, which may lead to evidence relevant to the admitted contentions. The exchanges between the Staff and the applicant usually contain or point to the existence of all or the bulk of such material. A request to admit a new contention can be made as soon as such exchanges indicate that it is justified. In most cases, this would be many months before the issuance of the SSER. Consequently, the issuance of the SSER should not ordinarily justify the filing of new contentions or any extensive additional discovery.

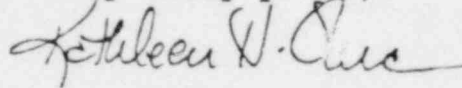
Of course, discovery is not the only activity which may occur after publication of the SSER. The schedules which have been discussed by the Commission acknowledge that motions for summary disposition may be filed, answered, and ruled on and that testimony must be filed before the hearing begins. However, the SSER would not usually contain significant information relating to a matter which is the subject of a motion for summary disposition (*i.e.*, as to which there is no genuine issue to be heard) and the planning schedules therefore need not assume that such motions would be affected by the SSER in the "normal" case. Testimony on topics covered by the SSER can be completed after its issuance but convening of the hearing (particularly on other topics) need not be delayed for that purpose.

In summary, it is our view that existing Commission regulations and policy contemplate that hearings, even on matters covered by an SSER, will convene shortly after the SSER is

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published. We urge the Commission to reaffirm and emphasize that policy, which was adopted and intended to be implemented by the 1972 amendments to Part 2.

Very truly yours,



Kathleen H. Shea

KHS:vd

cc: Commissioners Ahearne, Bradford, Gilinsky  
Mr. Dircks  
Mr. Bickwit  
✓ Mr. Shapar

*To Oswald for info  
from Paule*

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March 9, 1931

MEMORANDUM FOR: Chairman Hendrie  
Commissioner G. Ginsky  
Commissioner Bradford  
Commissioner Ahearne

FROM: Howard K. Shapar  
Executive Legal Director

SUBJECT: CONDUCT OF LICENSING BOARD PROCEEDINGS

I have reviewed Paul Cotter's Draft Proposed Statement of Policy on the subject of "Commission Guidance on Conduct of Licensing Board Proceedings" which he sent you on March 5, 1931.

I believe some revisions are needed in that draft. In light of this, I have prepared an OELD version, which is attached, for your consideration.

Howard K. Shapar  
Executive Legal Director

Attachment: DRAFT Memorandum

cc: Dircks  
Bickwit  
Hanrahan  
Denton  
Cotter  
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DRAFT

MEMORANDUM FOR: R. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: Chairman Hendrie

SUBJECT: Reiteration of Commission Policy on Expediting the  
Decisionmaking Process and Avoiding Undue Delays

In the past, the scheduling and processing of licensing reviews has typically provided sufficient time so that the hearings would be completed and the license issued by the time the nuclear plant is completed and ready to operate. For the first time, however, these hearings are or will be continuing for at least eleven nuclear power plants that should be complete and ready to operate before the hearings conclude. This situation is an indirect consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for a period of over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and to the preparation of an action plan which specified a discrete set of TMI-related requirements for new operating reactors. During this period utilities which had received construction permits continued to build the authorized plants.

The severe public interest impact of these delays has been discussed extensively before interested committees in the House and Senate. Although there may be differences of opinion on the precise overall impact of these delays, as well as in the different estimates of the consequences for each of the plants, as a general proposition, the delay costs now are estimated to range in the tens of millions of dollars per month for each completed plant. Moreover, these plants would need an operating license if their generating capacity is to be responsive to any severe need for power situation which may develop.

As you are aware, the Commission is making every effort to see that available resources are devoted to the completion of its licensing reviews of these plants and to avoid all unnecessary delays in these hearings. For example, the Office of Nuclear Reactor Regulation (ONRR), as a part of its intensive effort to expedite the processing of facility license applications, has instituted an extended work week. Beginning on Saturday, March 14, 1981, ONRR plans to have all of its employees work from 8 a.m. to 12:00 noon each Saturday. Appropriate staff members of the Hearing Division of OELD will also work to provide legal services to the NRR staff on Saturday mornings.

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The hearing process could add as much as a year or longer in some cases to the date on which an operating license may be issued for the impacted plants which are the subject of contested hearings. Under existing law, there is no authority for the Commission to issue an interim operating license without waiting for the conclusion of the hearing process.

A presiding licensing board is really the only entity which is in a position to impose an informed direction over the hearing phase of the overall licensing process based on detailed knowledge of what is required to meet the legitimate interest of the public as well as legitimate interest of the parties. For this reason, a presiding licensing board has the responsibility for controlling the course of the hearing so that it is completed expeditiously. The authority (see §§ 2.713 and 2.757) and the procedural tools to carry it out are provided in the Rules of Practice, 10 CFR Part 2, and more detailed guidance is given the Statement of General Policy and Procedure in Appendix A to Part 2.

I fully recognize the difficulties under which licensing boards labor, even under normal circumstances. I also recognize that efficiency and expedition of the hearing process are not the only interests at stake. It is central in the Commission's accomplishment of its role that the hearing process be fair. There will may be conflicts in particular situations between the demands of expedition and the demands of fairness. One of a hearing boards most difficult jobs is to develop and apply consistently a reasonably balanced approach in the resolution of these conflicting interests. Dedicated effort, good sense, judgment, and the exercise of managerial skills are all obviously needed in abundant proportions to carry out this responsibility. Unnecessary delay, on the other hand, does not properly serve any of the interests which could be affected by the hearing process.

In view of the unique responsibility and authority bestowed on a presiding licensing board, and the vitally important challenge which the Commission is intensively acting to devote every available resource to deal with, I would like to reiterate the Commission's firm policy on expediting cases:

In The Statement of Considerations which accompanied the restructured Rules of Practice, the Commission said (37 Fed. Reg. 15127, July 23, 1972):

"The Commission is concerned not only with its obligation to the segment of the public participating in licensing proceedings but also with a responsibility to the general public--a responsibility to arrive at sound decisions, whether favorable or unfavorable to any particular party, in a timely fashion. The Commission expressly recognizes the positive necessity for expediting the decisionmaking process and avoiding undue delays. It expects that its responsibilities under the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and other applicable statutes, will be carried out in a manner consistent with this policy in the overall public interest."

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The Statement of General Policy and Procedure (10 CFR Part 2, Appendix A) on the conduct of hearings for the licensing of nuclear power plants now states:

"The Statement [of General Policy and Procedure] reflects the Commission's intent that such proceedings be conducted expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without unnecessary delay. These factors take on added importance in nuclear power reactor licensing proceedings where the growing national need for electric power and the companion need for protecting the quality of the environment call for decision making which is both sound and timely. The Commission expects that its responsibilities under the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969, and other applicable statutes as set out in the statement which follows, will be carried out in a manner consistent with his position in the overall public interest".

More recently, the Commission has noted (Miscellaneous Amendments to its Rules of Practice, 43 F.R. 17798 and 17801, April 27, 1978) that it is "committed to developing a hearing process which will produce decisions in a timely fashion" and referred to its "responsibility to the general public to arrive at sound licensing decisions in a timely fashion."

Implementation of this long-standing policy of the Commission is the responsibility of each presiding licensing board. Rules of Practice (with their accompanying general policy guidance in Appendix A to Part 2) were developed to carry out this policy in a manner which is fully compatible with the demands of fairness. Recently in public Commission meetings which you attended, as well as in an earlier seminar which I convened ("Seminar Report on the Public Hearing Process For Nuclear Power Plants", NUREG-0545, June 26-27, 1978), constructive suggestions have been discussed on steps which presiding boards could take to reduce or eliminate unnecessary delay from each of the three phases (prehearing, the hearing itself, posthearing, including the rendering of a decision) of the hearing process. The final analysis, the actions, consistent with applicable rules, which can be taken to accomplish that objective are limited primarily by the good sense, judgment, and managerial skills of a fully informed presiding board which is dedicated to the task of seeing that the process moves along at an expeditious pace consistent with the demands of fairness. Nevertheless, some of the major observations which have emerged from these discussions are:

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The effectiveness of a presiding licensing board depends on its ability to organize and manage the proceeding. In this regard, the establishment of schedules and deadlines for the completion of the hearing and for the completion of significant actions is a necessity. This action would demonstrate to the presiding board and to everyone else involved in the proceeding that the board has the responsibility to act affirmatively to manage the pace of the proceeding, rather than simply resolve the conflicting position of the various parties. Even though such schedules and deadlines would of necessity be flexible because of "good cause" shown, a presiding board should insist that all parties make dedicated efforts to meet schedules and deadlines. In this regard, the times provided for in the Rules of Practice are the maximum times for the various milestones in the hearing process. Reasonable reductions in these times are entirely proper if a presiding board deems such reduction to be in the interest of regulating the course of the hearing. A board should be satisfied that the section 2.711 "good cause" for adjusting times fixed by it or prescribed by Part 2 is present. All requests for extension of time should be in writing and should be filed with the Board three working days before the time specified expires.

With regard to its duty to manage and regulate the course of a hearing, a presiding board should make it clear to participating parties that the failure to comply with any obligation properly imposed in accordance with applicable law and Commission regulations, without a showing of good cause, will result in appropriate sanctions which include, when appropriate, dismissal of that party from the proceeding.

Informal Consultation and Conferences. Full advantage should be taken of the use of informal consultation and informal conferences to work out measures such as with respect to the admissibility of contentions, the nature and scope of discovery. Use of these informal approaches have a clear potential for resulting in a more expeditious hearing than a situation in which every dispute in these areas must ultimately be resolved by the board itself. A board should encourage parties to negotiate through informal consultation at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

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Settlements. A board should encourage settlements either as to particular issues in a proceeding or the entire proceeding. At least, following completion of discovery, and prior to the filing of motions for summary disposition, boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions which they no longer consider as valid or important so that such contentions can be eliminated from the proceeding, and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference would not replace the prehearing conferences provided by §§ 2.751a and 2.752 in the Rules of Practice.

*Call to be removed*

Summary Disposition. In exercising its authority to regulate the course of a hearing, full use should be made of the summary disposition procedure so that evidentiary hearing time on any issue, which although allegedly in controversy, is not the subject of a factual dispute which needs to be resolved at an evidentiary hearing.

*Strongly encourage to eliminate*

Timely rulings on crucial issues. A board should issue timely rulings on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. For example, a ruling on such an issue may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of the evidentiary presentation, and the time and resources needed for such a presentation, should be rendered promptly so that resources would not unnecessarily be used because of the uncertainties regarding the definition of matters in controversy which would continue to exist without the ruling. In other words, a board should issue timely rulings on questions of fact and law so as to define the issues in controversy in as narrow and specific manner as is justified. Rulings on procedural matters to regulate the course of the hearing should also be rendered in a timely manner.

*From bench*

If a requested ruling on a crucial issue presents a significant legal or policy question on which Commission guidance is needed in order to prevent detriment to the public interest or expense, a board should promptly certify such question to the Commission. The Commission, for its part, will make its best effort to answer such questions promptly. A board should exercise its best judgment to try to anticipate crucial issues which may require such Commission guidance so that the certification can be made and the response received without holding up the proceeding.

*1/20/83*

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- Board management of discovery. Discovery should be limited to matters relating to the key issues in controversy. In no event should the parties be permitted to use discovery procedures to delay the proceeding or to conduct a "fishing expedition." Unless there is a compelling reason for the non-disclosure of documents relating to such issues, they should be made available as a matter of course. When a party resists a reasonable discovery request, the entire progress of the proceeding slows.

A board should manage and supervise all discovery, not only the initial discovery relating to admitted contentions, the application and accompanying environmental report, the original Safety Evaluation Report, and the Draft and Final Environmental Statement, but also discovery arising out of any relevant supplement to those documents. A board, in consultation with the parties, should establish time frames for the completion of both voluntary and involuntary discovery.

Each board should determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

With respect to discovery following the filing of supplements to the SER and the FES, a board should closely monitor such discovery and insure that it is completed as quickly as possible. All useful management devices should be employed, and specific time frames should be established.

The failure of a party to comply with the letter or the spirit of discovery is subject to appropriate sanctions. A board should, when justified, rule against the interests of a party which fails to cooperate in discovery requests. For example, such sanctions may include denial of the right to cross-examine or present evidence, dismissal of the offending party, or dismissal of one or more of its contentions.

- Schedule for commencement of hearing. As a general goal, with recognition that there may be differences among individual proceedings, boards should manage all prehearing procedures so that the evidentiary hearings will commence not later than five months following the issuance of the requisite staff documents which are needed for the staff's presentation on key issues which are in controversy in the proceeding. In all instances, however, if a board believes it advantageous and practicable to do so, it should commence the evidentiary hearing and decide discrete issues even prior to the availability of such staff documents.

*can't be done if above procedure are followed*

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- Consolidated Intervenor. In accordance with Section 2.715a of the Rules of Practice, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions...." As stated in this section, consolidation may not be ordered which would prejudice the rights of any party. However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.
- Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans. All or any combination of these devices should be required at the discretion of a board to expedite the orderly presentation by each party of its case. Cross-examination plans, which are to be submitted to the board alone, should be beneficial in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by, among others, limiting repetitive and unnecessary direct oral testimony and cross-examination.
- Combining Rebuttal and Surrebuttal Testimony. For particular, highly technical issues, a board is encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a roundtable basis after the receipt in evidence of prepared testimony. *should not be needed*
- Simultaneous Filing of Proposed Findings. Whenever possible, a board is encouraged to require all parties to file proposed findings of fact and conclusions of law simultaneously.
- Issuance of Initial Decisions. Appendix A to Part 2 states as a target goal the desirability of having a board render its initial decision within 35 days after its receipt of the proposed findings of fact and conclusions of law which are filed by the parties in a contested case. Contested hearings vary in complexity and obviously the 35-day target goal may not be a realistic one in the more complex cases. On the other hand, under the existing licensing system, a completed nuclear power plant cannot be licensed to operate until the requisite adjudicatory decision is

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rendered. Accordingly, and to deal with the challenge which is the reason for this memorandum, all unnecessary delay must be eliminated from the decisionmaking phase of the hearing process so that a decision is issued as soon as it is reasonably practicable to do so, with the objective of achieving the target goal of 35 days with the minimum s ippage possible. To that end, you are directed to schedule all board assignments so that individual board members are free to devote full time to writing those Initial Deciaions that could delay construction or operation of a nuclear facility immediately after the record has been completed. You are also directed to furnish all available rsources in the form of staff work and law clerks to each licensing board when it is working on an Initial Decision. The issuance of Initial Decisions on completed proceedings, which could delay construction or operation of nuclear facilities, takes precedence over other responsibilities.

While the Commission recognizes that hearings involving particularly difficult, complex, or novel issues may take longer to decide than others, boards are encouraged to make every effort to complete their work within the time frame established by the guidelines. Boards are also encouraged to adopt proposed findings as frequently as they deem appropriate.

Steps such as those which I have identified herein, if vigorously implemented, should reduce substantially unnecessary delay in the hearing process. I ask you and each of your colleagues on the panel to join in our all out and very best efforts to deal with the challenge we face and to do so in a highly professional manner which serves the public interest. I an confident that I can depend on the full cooperation and dedication from you and your colleagues in responding to Licensing Board's part of the task we now face.

Joseph H. Hendrie  
Chairman

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*Reis*

March 12, 1981

Sheldon J. Wolfe, Esq., Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. E. Leonard Cheatum  
Route 3, Box 350A  
Watkinsville, Georgia 30677

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Mr. Gustave A. Linenberger  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
Houston Lighting and Power Company  
(Allens Creek Nuclear Generating Station, Unit 1)  
Docket No. 50-466

Dear Administrative Judges:

The Staff has reviewed its manpower resources, its internal review schedules, and the current schedule in this proceeding and has attempted to set forth a realistic schedule for the upcoming safety hearing sessions to commence on May 11, 1981. The Applicant has reviewed this revised proposed schedule and is in agreement with it. The Staff's revised proposed schedule for the first two hearing sessions is attached

Sincerely,

Richard L. Black  
Counsel for NRC Staff

Attachment: As Stated

cc: (w/attachment)  
See Page 2

*8103/60168*  
*PDR*

*⊖*

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cc: The Honorable Ron Waters  
J. Gregory Copeland, Esq. .  
Susan Plettman, Esq.  
David Preister, Esq.  
Hon. Jerry Sliva  
Hon. John R. Mikeska  
Mr. John F. Doherty  
Mr. William J. Schuessler  
Mr. F. H. Potthoff III  
Jack Newman, Esq.  
Brenda A. McCorkle  
Mr. Wayne Rentfro  
Carro Hinderstein  
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Group, Inc.  
Rosemary N. Lemmer  
Leotis Johnston  
U.S. Nuclear Regulatory Commission  
Region IV, I&E  
Bryan L. Baker  
Robin Griffith  
Mr. William Perrenod  
Docketing and Service Section

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Proposed Schedule

Testimony Submittal - April 20

May 11, 12		Alternate sites (Staff)
May 13	Doherty 20(a) Doherty 39	Gap conductance Fuel swelling
May 14	Doherty 3 Doherty 7	Fuel specific enthalpy LPCI cold-slug
May 15	Bishop 4,5,7, 9,10	Pipelines
May 18	TEXPIRG 6	Aircraft hazards
May 19	Doherty 9 Doherty 27	Containment building Reactor Pedestal
May 20	TEXPIRG 26	Computer code error
May 21,22	Open hearing dates for completion of above issues	



Testimony Submittal - May 11

June 1	Doherty 30 Doherty 10	Interconnection/grid stability Diesel generator reliability
June 2	TEXPIRG 12 TEXPIRG 39	Cable fires Fracture toughness
June 3	Doherty 47	Turbine Missiles
June 4	ASLB 10 ASLB 6	Bypass leakage Compliance with General Design Criteria 50
June 5	ASLB 8  Doherty 48	Seismic Category - control rods, control rod drives and control units CRD return line
June 8	Doherty 6 Doherty 50	Recirculation pump overspeed Jet pump beam */
June 9	TEXPIRG AC 21 TEXPIRG 30	Occupational exposure Charcoal adsorber
June 10	Doherty 14,25	Fuel failure/MSLRM
June 11, 12	Open	

\*/ Subject to admission by the Board as a contention.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 12, 1981

*[Handwritten signatures and initials]*

The Honorable Tom Beville  
Chairman  
Subcommittee on Energy and  
Water Development  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Answers to "additional questions for the record" concerning NRC's 1982 appropriation request were provided to you on February 25, 1981 with the exception of a report on options to review and accelerate the licensing process. On February 27, 1981 we submitted the monthly status report updating our licensing scheduling which showed a 13 reactor month improvement in the total delays projected for licensing plants. This letter responds to the request to provide a report on possible additional improvements to the licensing process.

The basic problem we are confronting is the backlog of licensing decisions for new plants ready to come on line. As stated in our previous responses, we believe the problem is a direct consequence of the TMI accident and of the nationally accepted need to carefully reexamine the way in which the NRC and the nuclear industry fulfill their shared responsibility for safety. As a consequence of that accident we were forced to slow our licensing process for more than a year, in spite of the utilization of additional resources provided by the Congress for that purpose and the internal redirection of staff resources.<sup>1/</sup> This substantial pause occurred while plant construction continued. Due to the need for applicants to address TMI requirements and the need to adjudicate these new requirements in some cases, our licensing approval process is now on the critical path for operation of a number of plants.

We believe that considerable reductions in the delays are possible. To that end the Commission has already made it clear to the staff that expedited licensing decisions are a high priority in this agency. As is evident from the February 27 monthly status report, we have already found ways to reduce the impact on two plants by expediting staff review, and in the case of McGuire, improving the hearing schedule. Construction slippage on the Zimmer and San Onofre-2 plants has also reduced the impact of the licensing process. However, the Commission is also investigating changes which could be made to reduce the length of the licensing process in general, in order to benefit all potentially affected plants.

<sup>1/</sup>Commissioner Ahearne notes these were to develop and evaluate additional requirements based on lessons learned from TMI.

8 10 3270110  
PDR

Obviously there are different solutions depending on where in the process an affected plant might be. For this reason this discussion is divided into two parts, one addressing possible solutions to the short term problem, i.e. plants now affected or soon to be affected, and the other the longer term problem, i.e. plants completed in 1983 and beyond. I believe we can reduce the delay in the process for both cases within existing statutory constraints, although the most difficult cases are those few plants presently well along in the process.

The plants in the short-term category include those presently complete and those which will be completed in 1981 and 1982. For many of these plants, the primary problem will be the projected length of the hearing process, and subsequent Commission review. In general, increased staff review effort would come too late to provide any significant time savings. For a few plants in this category, however, by adjusting staff resources, expedited and rescheduled staff review will help. For example, we have already reduced the delay to Fermi and Waterford by a total of 10 months. Generally, for those plants not involving a hearing, delay caused by the licensing process is minimal. For seven of the eight plants not scheduled for hearing,<sup>2/</sup> a total of one month of delay is estimated. Twelve months of delay is expected for the eighth plant, Salem-2, which is now awaiting FEMA approval of emergency preparedness planning.

Further time savings for the short term group of plants can be gained by increasing the efficiency of the hearing process and subsequent Commission and Appeals Board review. The hearing process itself consists of a pre-hearing phase, an evidentiary hearing phase, and a post-hearing phase during which the Licensing Board writes its decision. While it appears that there may be opportunities for time savings in the hearing process, speeding up proceedings to minimize possible economic consequences must be balanced against the need to make administrative decisions which represent fair opportunity for public participation and which are sound and will survive judicial review.

Within that constraint, our legal staff and the Licensing and Appeal Boards believe that time savings could be realized during the pre-hearing and post-hearing phases. A review of the actual length of our most recent operating licensing hearings indicates that the time period between issuance of the supplemental staff evaluation report and initial Licensing Board decisions averages 18 months. These hearings were conducted under somewhat relaxed time schedules since the hearings were scheduled to be completed well before plant completion. We believe we can compress the average time to approximately 10 months by tightening the periods allowed for each part of the pre-hearing process and by providing firmer time management

---

<sup>2/</sup>These plants include Salem-2, LaSalle-1 and 2, Farley-2, Sequoyah-2, Grand Gulf-1, Watts Bar-1, and WNP-2. The Commission has authorized the Director, Nuclear Reactor Regulation, to issue a full power license to Farley-2 when he determines that NRC requirements are met.

of the entire process. The Commission is publishing for comment on an expedited schedule, proposed changes to NRC rules which would accomplish this. Implementation of these changes could eliminate most of the impact for those plants with hearings scheduled to be completed in late 1981 and 1982.

Present Commission review practices could also be modified to save time. The suspension of the immediate effectiveness rule resulted in the following review procedure: an initial Licensing Board decision approving plant operation is automatically stayed for 60 days for Appeal Board review, and for a further 20 days for Commission review. Nominally, the review adds an additional three months to the process.

While the Commission has agreed tentatively to shorten this review, we have not yet decided upon the best mechanism to accomplish this. Two alternatives are available. Under the first approach the Commission would decide whether or not to stay the Licensing Board's decision within 10 days of the decision to grant a low power license and within 30 days of a decision to grant a full power license. The Appeal Board would not participate in this review. The normal Appeal Board review process and consideration of ancillary stay motions would proceed in parallel and if the Appeal Board found that the initial decision should be reversed, it could order a plant to shut down. For a plant whose Licensing Board approval was not reversed (most plants have historically fallen into this category) a nominal savings of two months could be achieved in beginning operation if the Commission acted quickly.

The other alternative is to make the initial Licensing Board decision immediately effective. Appeal Board and Commission review would consist of a post-effectiveness review, as was the case prior to the TMI-2 accident. Thus, the Commission would not play a direct role in determining whether a plant can be initially permitted to operate and would have to rely on the ability to give clear guidance to the Boards, but would have the opportunity to shut down a plant upon review. This alternative would require that the regulations be changed by rulemaking. The time savings for plants on the hearing schedule would be a nominal three months. The Commission has decided to seek public comment on both alternatives through publication of a proposed rule. Reducing review time, by either alternative, would be of particular benefit to those few plants which are now well into the hearing process. These plants include Diablo Canyon, McGuire, and San Onofre.

For those plants due to be completed in 1983 and beyond, the major action to eliminate potential delay is early completion of staff reviews. Accomplishing this will require better scheduling of specific reviews and increased staff resources applied to casework. We are already in the process of assessing the impact of redirecting existing staff resources to casework. We believe we can redirect some resources by deferring some lower priority projects and reassigning others, but before committing to such a change, we will carefully review the impact on essential safety related activities. Early relief from the hiring freeze is crucial to solving the resource problem. We are also assessing the ability of the

March 12, 1981

DOE laboratories to provide increased assistance for licensing reviews. Compressing present hearing and review schedules would also help reduce the possibility that long term plants would be delayed by the licensing process.

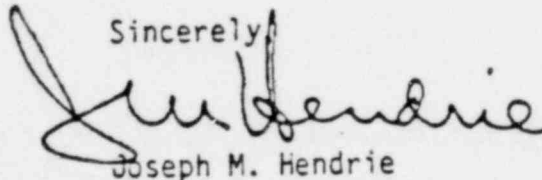
I would also point out that all our efforts in this regard are dependent upon licensees meeting submittal schedules in a timely and comprehensive manner. As demonstrated by the recently reported slippage in completion of both Zimmer and San Onofre-2, optimistic licensee completion schedules not only help create apparent delays, but can in the long term affect staff review scheduling to the detriment of providing timely reviews of other plants which would actually be completed sooner. Early modifications to the existing licensing process can reduce the present backlog. In addition, a careful review of the basic purposes and functions of the licensing process, including the present realities of licensee and staff communication and responsibilities, may provide additional long-term benefits. This review will assess the underlying assumptions of NRC licensing and is expected to be a long-term effort.

For those plants most severely impacted, i.e. Salem-2, Diablo Canyon, and McGuire, another possibility is direct Commission intervention, if a detailed case-by-case review indicates that such intervention would be helpful. While the Commission is considering this as a possibility, no decision has yet been reached. However, we are now reviewing these cases with this alternative in mind.

While you did not specifically request options which would require a change in existing law, I should note that one legislative option exists which would eliminate the impact on presently completed plants delayed by the hearing process. This action is legislation allowing interim operations in advance of completion of hearings. Preliminary consultations within the Commission lead one to believe that we may support some variation of this approach as offering relief to the plants that are held up in licensing over issues that do not, in the Commission's judgment, pose any threat to the public during the initial stages of operation.

I am including as attachments all potential options developed by the staff at the Commission's request. In addition to those changes I have already described, the Commission intends to consider all other options as it continues its resolution of the delay problem. I will keep you informed of our progress.

Sincerely,



Joseph M. Hendrie

Attachments:  
As stated

cc: Rep. John T. Myers

Attachments:

1. OPE/OGC Summary of Options to Accelerate the Licensing Process
2. W. Dircks memorandum of February 23, 1981, "Improvements in the Licensing Review Process"
3. L. Bickwit, Jr. memorandum of February 23, 1981, "Expediting Impacted Operating License Hearings"
4. A. Rosenthal memorandum of February 18, 1981, "Hearing Before the Bevill Committee"
5. B. Cotter, Jr. memorandum of February 25, 1981, "Workload, Resources and Recommendations"
6. B. Cotter, Jr. memorandum of March 5, 1981, "Conduct of Licensing Board Proceedings"
7. H. Shapar note to L. Bickwit, A. Rosenthal, and B. Cotter of March 9, 1981, "Conduct of Licensing Board Proceedings"
8. L. Bickwit, Jr. memorandum of March 10, 1981, miscellaneous charts on licensing proceedings
9. L. Bickwit, Jr. paper of February 17, 1981, "Intervention in NRC Adjudicatory Proceedings"

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 3, 1981

MEMORANDUM FOR: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne

FROM: Edward J. Hanrahan, Director *EJH*  
Office of Policy Evaluation

Leonard Bickwit, Jr. *LB*  
General Counsel

SUBJECT: OPTIONS TO ACCELERATE THE LICENSING PROCESS

Enclosed is a list of options to accelerate the licensing process for use as discussion points in your upcoming meetings on this subject. The list is essentially a summary of the staff suggestions presented in earlier meetings and memoranda.

We have categorized the options as follows:

- Category A - Staff review process options
- Category B - Hearing process options
- Category C - Other options, such as rulemaking

For each option we have also provided the category of plants which we believe would benefit as follows:

- Category I - Plants now complete or nearing completion with staff reviews essentially finished -- awaiting outcome of hearings or licensing decisions.
- Category II - Plants due for completion in 1981-1982 which may be affected by the staff review and hearing processes.
- Category III - Plants due to be completed in 1983 and beyond.

*Dupe of 84-0317-0742*

Additionally, we have provided a preliminary cost/benefit assessment to aid in prioritizing the various options. The criteria used for this assessment are listed in Attachment 2. Those options in the five most favorable benefit/cost categories are listed in Attachment 3.

Attachments:

As stated

cc: S. Chilk  
W. Dircks  
H. Denton  
B. Colter  
A. Rosenthal

JMM  
JLM



SUMMARY OF OPTIONS TO ACCELERATE  
THE LICENSING PROCESS

Category of Plants Affected <sup>1/</sup>	A. <u>Changes to Staff Review Process</u>	Preliminary Evaluation	
		Cost	Benefit
II and III	1. Better Priorization and Management of NRR Work	L	
	- Accelerate OL-SER schedules where flexibility exists to avoid impacting plants	"	
	- Establish NRR priority setting steering group	"	
	- Increased management attention to OL reviews (weekly review meetings)	"	
II and III	2. Changes to NRR staff review process		
	- Reviewers dedicated to finish draft and final SER/SSER during period immediately before input due	L	
	- Utilities will be requested to have review team at Bethesda during finalization of SER	L	
III	- Plan to establish dedicated CP review group	L	
II and III	- Limit/elimination of Q-2's	M	
III	- Independent design review groups		Study f
II and III	3. NRR will redirect resources from other programs to casework consistent with safety priorities and as approved by the EDO	M	
II	4. EDO redirection of resources to NRR	M	
II and III	5. Approval for NRR to hire to fill critical positions	L	
II	6. Mandatory overtime for all NRR employees (Saturday - 1/2 day - emphasis on casework)		Study f

<sup>1/</sup> I - Plants now complete or close to completion with staff reviews essentially finished, awaiting outcome of hearings or licensing decision.

II - Plants due for completion in 1981-1982 which may be affected by staff review or hearing process.

III - Plants due for completion in 1983 and beyond.

<sup>2/</sup> L = low, M = medium, H = high, based on criteria in Attachment 2.

II and III

7. Under current practice no particular attention is paid to intervenor contentions in the staff review. Staff review resources would be allocated so that intervenor contentions are specifically addressed early in the review, and partial evaluations issued. In this way settlement would be facilitated, early hearings encouraged, and the hearing record improved.

M

B. Hearing Process

I, II and III

1. Reiterate a firm policy on expediting cases.

L

I, II and III

2. Restore the immediate effectiveness rule to the extent that it has been suspended in the licensing of nuclear power reactors by Appendix B to Part 2.

Covered  
B.3

I, II and III

3. The Commission could amend Appendix B to 10 CFR Part 2 so as to provide that Licensing Board initial decisions on fuel loading and low power testing (and perhaps full power for limited time periods) may be immediately effective.

L

I, II and III

4. The Commission could exercise surveillance of the licensing process in these contested cases by following a procedure similar to that in Appendix B, except that the initial decisions of Boards would be immediately effective as per 10 CFR 2.764. The procedure would go as follows:

Add to

- Board issues initial decision favorable to licensing. The Director/NRR issues the license, as per 2.764, within 10 days or as soon as any noncontested matters required by the Director are finished.

- Within 60 days, the Appeals Board decides stay motions and also decides on its own motion whether a stay is warranted.

- Then the Commission reviews the case, hopefully within 30 days of the Appeal Board's decision, and decides either to intercede in the case at this point or to allow the case to follow the normal route through the Appeals Board and the plant to operate as it does so.

II and III

5. The Commission could require a discovery schedule to be adhered to, absent a showing of substantial prejudice to an affected party, so that the start of the hearing would not be delayed.

Covered  
B.17

- |               |     |   |                     |
|---------------|-----|---|---------------------|
| I, II and III | 6.  | Establish, at least as a goal, that normally hearings will start within 30 days (or some other specified interval) after the pertinent staff documents are available.   | H                   |
| I, II and III | 7.  | Encourage presiding boards to meet the guideline for rendering timely decisions. Appendix A to Part 2 provides that the Commission expects that "ordinarily a board will render its initial decision within 35 days after its receipt of proposed findings of fact and conclusions of law filed by the parties in a contested case." Typically, presiding boards do not meet this guideline.  | Cove<br>by<br>B.17  |
| I, II and III | 8.  | If the Commission should decide that the role of the Boards in a contested proceeding is essentially only to decide matters placed in controversy by the parties, the Rules of Practice could be revised either to restore the "extraordinary" standard for boards to raise issues <u>sua sponte</u> or to eliminate the board's <u>sua sponte</u> role in contested proceedings.   | H                   |
| III           | 9.  | Strengthen the current requirement for a petitioner for leave to intervene to set forth (not later than 15 days prior to the holding of the special pre-hearing conference called for in §2.751a) the evidentiary basis for each contention.  | H                   |
| II and III    | 10. | Establish a higher threshold before ordering a hearing to be held if a hearing is not otherwise required by law. If a hearing is nevertheless held as a matter of Commission discretion, the hearing could be of a legislative or hybrid-type rather than adjudicatory.   | N/A<br>rele<br>case |
| I, II and III | 11. | Adopt a rule restricting participation by a party to those issues raised by the party's own admitted contentions.   | M                   |
| I, II and III | 12. | Encourage staff to make fuller use of the summary disposition of issues at any time during a proceeding, either on motion by a party or by a presiding board ruling <u>sua sponte</u> that there is no issue to be heard. Presiding boards could fully use summary disposition authority in regulating the course of hearings so that hearing time is not used for issues about which no genuine issue of material fact is in dispute and therefore need no be litigated any further. | H                   |

- |               |     |   |        |
|---------------|-----|---|--------|
| II and III    | 13. | Use an Administrative Law Judge (ALJ) instead of a three-person licensing board to conduct hearings and render initial decisions.   | L      |
| II and III    | 14. | Limit the notification procedure to presiding boards to material which is relevant to admitted contentions.   | Add to |
| I, II and III | 15. | Eliminate all possible licensing and appeal board schedule conflicts.   | L      |
| I, II and III | 16. | The Commission could review the intervenor proffered contentions in selected cases.   | H      |
| I, II and III | 17. | An Order could be issued by the Commission in each docket which would do some or all of the following:  |        |
| "             | a.  | Require the Licensing Board to set firm and stringent time limits on discovery, filing of testimony, cross-examination, and filing of proposed findings. Some illustrative examples of time limits could be included. | L      |
| "             | b.  | Require the Licensing Boards to issue initial decisions within a given time period after close of the record.   | H      |
| "             | c.  | Require filing of cross-examination plans so that cross-examination is focused and non-repetitive.  | L      |
| "             | d.  | Require at least one settlement conference with board attendance. Parties would be required to explain why issues cannot be settled or narrowed.  | M      |
| "             | e.  | Emphasize that failure by any party to comply with discovery, filing or other obligations without good cause will, in serious cases, result in dismissal of that party from the proceeding.                           | L      |
| "             | f.  | Require early partial initial decisions on critical path issues even in advance of complete staff review where this could advance the course of the hearing.  | H      |
| "             | g.  | Encourage the Licensing Board to adopt parties' proposed findings when they are supported by the record.  | M      |
| "             | h.  | Require simultaneous, as opposed to sequential, filing of initial proposed findings.  | L      |

- |               |     |   |                   |
|---------------|-----|---|-------------------|
| II and III    | 18. | Current NRC practice calls for filing of summary disposition motions by NRC staff and applicant only after completion of discovery. However, there is no statutory right to discovery under the Administrative Procedure Act and it may be possible to advance the filing of motions under 10 CFR 2.749 to the pre- or mid-discovery stage.   | Covered<br>by B.5 |
| II and III    | 19. | 10 CFR 2.749 could be amended so as to place the burden on intervenors to show after discovery, prior to hearing, a genuine and substantial issue of material fact by available and specifically identified reliable evidence.  | M                 |
| II and III    | 20. | Where identical TMI-related issues are raised in a number of cases, litigation of the issue could be consolidated into one separate proceeding.   | H                 |
| II and III    | 21. | Parties could be required to depose all prospective witnesses before the hearing, and additional cross-examination would not be permitted at the hearing absent some special showing. The Commission would bear the cost of the depositions.  | M                 |
| II and III    | 22. | Much has been written in recent years about the advantages and disadvantages of formal hearings to resolve disputed technical and policy issues. The concept here would be to use informal hearings as a means of separating out those particular factual issues that require formal examination and cross-examination under the APA. In this way the hearings themselves would become narrowly focused. As part of this concept an effort would be made to determine by general rule the kinds of issues that require oral cross-examinations. | M                 |
| I, II and III | 23. | The Commission could itself preside over the hearing on some issues in some cases.  | H                 |
| II and III    | 24. | The Commission should clarify the Licensing Boards' responsibilities in OL and OL amendment proceedings concerning unresolved safety issues, to make it clear that litigation and findings are required in this area only if a Board determines that a "serious safety environmental or common defense and security matter exist." See 10 CFR 2.760a.   | Covered<br>by B.8 |
| I, II and III | 25. | Increase staffing of licensing panels.  | L                 |

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|---------------|-----|---|----------------|
| I, II and III | 26. | Issue a statement of policy furnishing guidance to the Boards in the hearing and management of licensing cases.   | Covered by B.1 |
| I, II and III | 27. | Seek authorization from the Office of Administrative Law Judges in OPM to: (1) qualify existing Panel Members as ALJs, and (2) obtain authority to use prior Panel Members not ALJs in other agencies, as needed. | Add to B.25    |

C. Generic Changes

- |            |    |  |            |
|------------|----|--|------------|
| II and III | 1. | The Commission could amend 10 CFR Part 50 to include a set of necessary and sufficient TMI-related operating license requirements derived from NUREG-0694 and 0737. This would carve out litigation of some, but not all, pending TMI-related issues and resolve those issues by rulemaking. Parties could still contest compliance with the new regulations. Both proposed and final rulemaking would need to be published.                                   | L          |
| II and III | 2. | NRC staff could be delegated authority by the Commission to issue rules, in compliance with the Administrative Procedures Act, that would not be binding but that would be entitled to prima facie validity in the hearing process. These rules would then be used in conjunction with summary disposition to eliminate contentions that did not cause any genuine issue. This would minimize resources associated with preparing summary disposition motions. | M          |
| II and III | 3. | Increase use of rulemaking to resolve or provide guidance on generic issues so that recurring issues will not have to be adjudicated repeatedly in individual licensing proceedings.   | Add to C.1 |
| III        | 4. | The Commission may determine that the requirement for a demonstration of financial qualifications should be eliminated or that the current scope of the financial qualifications review is excessive in some respects.   | L          |
| III        | 5. | Rulemaking could be initiated to preclude, in the absence of new and significant information, the reconsideration at the operating license stage of need for power and energy alternatives.  | L          |

- |               |  |   |   |
|---------------|--|---|---|
| III           | 6. The Commission could place greater reliance on state assessment of need for power, energy conservation, and alternative energy source analyses to assist in the fulfillment of NRC's NEPA responsibilities. | H | L |
| II and III    | 7. The Commission could define more precisely the safety matter at issue in the TMI Action Plan and the grounds for challenging sufficiency.   | M | M |
| I and II      | 8. Expedite ACRS review or provide ACRS review with draft SER. (Move to Category A.)   | L | M |
| III           | 9. Provide early public question and answer sessions near site to minimize intervention. (Move to Category A.)   | M | M |
| I, II and III | 10. Increase staff support to FEMA to expedite review and approval of state and local emergency plans.   | M | M |

## CRITERIA FOR EVALUATION OF OPTIONS

- Expected value in time savings
- Short term or long term applicability
- Litigative risk
- Impact of safety assurance
- Impact on staff resources
- Impact on public participation
- Impact on NRC credibility



TABLUTION OF OPTIONS IN THE FIVE MOST FAVORABLE  
BENEFIT/COST CATEGORIES

High benefit/Low cost --	A.1, A.5, B.2-4, B.15, B.17.a, B.25
High benefit/Medium cost --	A.3, A.4, A.7, B.17.d
Medium benefit/Low cost --	A.2, A.8 (C.8), B.17.c, B.17.h, C.1
High benefit/High cost --	B.9, B.17.f
Medium benefit/Medium Cost --	A.9 (C.9), B.19, B.22, C.7, C.10



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Attachment 2

February 23, 1981

MEMORANDUM FOR: Chairman Ahearne

FROM: William J. Dircks  
Executive Director for Operations

SUBJECT: IMPROVEMENTS IN THE LICENSING REVIEW PROCESS

This is in response to your memoranda of February 10, 1981, "League of Women Voters" and of February 13, 1981, requesting information which generally deals with the subject of possible changes in the licensing process for nuclear power reactors.

We have included background information prepared by OELD which we believe is responsive to your questions regarding the concerns expressed on February 4, 1981 by a League of Women Voters representative. This background, in turn, will better place in context our response to item number 4 in your February 13 memorandum on proposals to expedite the adjudication process. Suggestions which the Commission may wish to consider (within the framework of existing legislation) in that regard follow the general background discussion. (Questions numbers 1-3 in your February 13 memorandum will be addressed at the briefing on NRR licensing schedules which is set for February 26.)

BACKGROUND

Under the Atomic Energy Act, section 189a., any person whose interest may be affected by a nuclear powerplant licensing proceeding may become a party to the proceeding by filing a petition to intervene with the Commission. In the case of nuclear powerplant construction permit applications, the holding of a hearing is mandatory under the Act even if no person requests a hearing. In the case of operating license applications and applications for amendments to construction permits and operating licenses, a hearing is held when requested by a person whose interest may be affected.

Under the Act these hearings are trial-type in nature, that is, adjudicatory-type hearings that must be conducted in conformance with sections 5, 7 and 8 of the Administrative Procedure Act (APA). The APA affords parties a number of procedural rights, including the right to offer evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The APA also directs agencies to conclude matters before them within a reasonable time, but with due regard for the convenience and necessity of the parties or their representatives, and to base licensing decisions only on the record of the proceeding, including the transcript of testimony and exhibits.

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The formal procedural system, established by these statutory provisions and implemented in the Commission's Rules of Practice in Part 2, now offers the principal means for public participation in the Commission's licensing process. Interested persons have a statutory right to participate, to have reasonable opportunity to make their views known, and to have their views taken into account by the Commission. Of course, the final decision rests with the Commission and no party has the legal right to dictate to the Commission what the decision should be on any issue, whether substantive or procedural.

In addition, under section 102(2)(C) of NEPA, the Commission has the legal obligation to seek comments on major licensing actions with significant environmental impact from certain Federal, State and Local agencies. Here again, though, the final decision rests with the Commission. NEPA does not require that any particular comment be adopted or rejected.

Thus, NRC licensing of nuclear powerplants is subject to a statutory regime which establishes a broad test for "standing" to request a hearing, requires trial-type hearings to resolve contested issues which may encompass radiological and common defense and security matters under the Atomic Energy Act as well as a wide variety of environmental matters under NEPA.

Understandably, a body of law has evolved which our procedures must satisfy if they are to pass muster with the courts. The procedural requirements in Part 2 and in Part 51 (for NEPA) have been developed in light of both practical considerations as well as legal constraints. For example, Part 2 was restructured in 1972, after exhaustive consideration, with the objective of expediting proceedings without sacrificing the fair and impartial consideration and adjudication of issues.

Within the framework of existing law and the basic structure of the Rules of Practice, the Commission has considerable flexibility to again change the process as it now exists. Any such changes necessarily involve questions as to what, beyond adjudicating the contested issues raised by the parties to a proceeding, the Commission wishes the role of the presiding boards, and therefore the purpose of the hearing process, to be.

Under the existing rules, it is clear that the role of presiding boards goes beyond adjudicating matters which are placed in controversy by the parties. In both CP and OL proceedings, presiding boards under the rules now have a responsibility which goes beyond deciding the contested issues raised by the parties. Whether or not the rules should be changed on such matters depends on what role the Commission wishes to bestow on presiding boards.

In addition to the legal constraints applicable to the adjudication of contested issues, and the policy flexibility which the Commission has in assigning other than an adjudicatory role to its presiding boards, there is another practical constraint involved in the realistic consideration of proposals to expedite the adjudication process. This is the limitation of

available resources. On the one hand, changes which would release committed resources, such as by narrowing the scope of the adjudicator / process, would be a distinct plus (from a resource standpoint). On the other hand, some proposals, such as rulemaking, would require the additional commitment of resources which may not be immediately available. Other suggestions to expedite the adjudication process, such as the commencement of a hearing within a specified number of days after completion the staff's reports (Safety Evaluation Report (SER) or Environmental Impact Statement (EIS)), would impose certain additional burdens on the Staff (and other parties).

Before listing specific procedural-type items that have potential for expediting the adjudication process, let me say that I agree completely with your observation (February 10, 1981 memorandum) that we should try to have more informal meetings at which issues can be discussed and, hopefully, resolved without subsequent adjudication. There is no doubt in my mind that such meetings could save time and resources, and would probably be of greater informational value to interested citizens.

The staff has had a productive informal public meeting in Nebraska which resulted in the petition for rulemaking by the Citizens Advisory Committee for Omaha and Council Bluffs (SECY 80-548). The earlier experience with public meetings in Arizona on the Palo Verde reactors 3 and 4 (the applications for which were subsequently withdrawn) probably was less productive than the one in Omaha. Even with this mixed experience, the success of the Omaha meeting demonstrates the potential value of informal meetings when the circumstances (e.g., public concerns on discrete issues) are favorable. The value of such meetings, however, needs to be balanced against the resource and cost commitments of holding them near the reactor site. (The NRC does have an open meeting policy which applies to meetings on applications regardless of whether they are held in the vicinity of the site or elsewhere (see "Open Meetings and Statement of NRC Staff Policy", 43 Fed. Reg. 28058; June 20, 1978)). As you may recall, recommendations to carry out the objective of holding informal meetings in the vicinity of the site were made in "Nuclear Power Plant Licensing: Opportunities For Improvement" (NUREG-0292, June 1977, the so-called "Denton Report"). The Commission approved these recommendations and this in turn led to the meetings held in Arizona and Nebraska. I certainly agree that we should make an effort to build on this experience. To the extent that issues are resolved informally before the required adjudicatory proceeding, this obviously eliminates or reduces the number of issues which would require adjudication and that in turn should save time and resources.

#### POSSIBLE CHANGES

It is with this background that I offer the following items which the Commission may wish to consider as measures to expedite the adjudication process. These items are clearly controversial and have both advantages and disadvantages from a public policy standpoint. They do, however, have potential for decreasing delays in the hearing process. As we have suggested, some of them

are resource dependent and others depend on the role the Commission wishes, as a matter of policy, its presiding boards to perform. To the extent that the Commission wishes to consider further any of these items, we are prepared to furnish an appropriate refinement and analysis together with estimates of the time savings involved.

The items which the Commission may wish to examine are as follows:

- Restore the immediate effectiveness rule to the extent that it has been suspended in the licensing of nuclear power reactors by Appendix B to Part 2. Appendix B procedures, realistically, probably would add at least 10 to 12 weeks to the time for an effective decision which authorizes the issuance of a license.
- Reiterate a firm policy on expediting cases.<sup>1/</sup>

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<sup>1/</sup> In The Statement of Considerations which accompanied the restructured Rules of Practice, the Commission said (37 Fed. Reg. 15127, July 28, 1972):

"The Commission is concerned not only with its obligation to the segment of the public participating in licensing proceedings but also with a responsibility to the general public--a responsibility to arrive at sound decisions, whether favorable or unfavorable to any particular party, in a timely fashion. The Commission expressly recognizes the positive necessity for expediting the decisionmaking process and avoiding undue delays. It expects that its responsibilities under the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and other applicable statutes, will be carried out in a manner consistent with this policy in the overall public interest."

The Statement of General Policy and Procedure (10 CFR Part 2, Appendix A) on the conduct of hearings for the licensing of nuclear power plants now states:

"The Statement [of General Policy and Procedure] reflects the Commission's intent that such proceedings be conducted expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without

(Continued)

Amend the discovery rules. Although the existing rules do not provide a schedule for the completion of discovery, the Statement of General Policy and Procedure (Appendix A to Part 2) states explicitly that: "In no event should the parties be permitted to use discovery procedures to conduct a 'fishing expedition' or to delay the proceeding." Discovery is expected to be completed by the second prehearing conference "except for good cause shown". Typically, discovery probably postpones the start of the hearing.

The Commission could require a discovery schedule to be adhered to, absent a showing of substantial prejudice to an affected party, so that the start of the hearing would not be delayed. It should be noted that most staff documents are publicly available pursuant to current policy and practice and others can be sought under the FOIA.<sup>2/</sup>

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1/ (Continued)

unnecessary delay. These factors take on added importance in nuclear power reactor licensing proceedings where the growing national need for electric power and the companion need for protecting the quality of the environment call for decision making which is both sound and timely. The Commission expects that its responsibilities under the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969, and other applicable statutes as set out in the statement which follows, will be carried out in a manner consistent with his position in the overall public interest".

More recently, the Commission has noted (Miscellaneous Amendments to its Rules of Practice, 43 F.R. 17798 and 17801, April 27, 1978) that it is "committed to developing a hearing process which will produce decisions in a timely fashion" and referred to its "responsibility to the general public to arrive at sound licensing decisions in a timely fashion."

- 2/ The current discovery rules include special provisions (§ 2.720 (h)) to provide reasonable insulation from discovery in NRC proceedings of "the Commissioners and named NRC personnel" other than staff witnesses designated by the EDO. Upon a showing of "exceptional circumstances" a presiding officer may require the attendance and testimony of named NRC personnel other than those designated by the EDO.

(Continued)

- Establish, at least as a goal, that normally hearings will start within thirty days (or some other specified interval) after the pertinent staff documents are available. Some years ago this was the targeted goal which was in most instances met by presiding boards.
- Encourage presiding boards to meet the guideline for rendering timely decisions. Appendix A to Part 2 provides that the Commission expects that "ordinarily a board will render its initial decision within 35 days after its receipt of proposed findings of fact and conclusions of law filed by the parties in a contested case."<sup>3/</sup> Typically, presiding boards do not meet this guideline.
- If the Commission should decide that the role of the boards in a contested proceeding is essentially only to decide matters placed in controversy by the parties, the Rules of Practice could be revised either to restore the "extraordinary" standard for boards to raise issues sua sponte or to eliminate the board's sua sponte role in contested proceedings.
- Strengthen the current requirement for a petitioner for leave to intervene to set forth (not later than fifteen days prior to the holding of the special prehearing conference called for in § 2.751a.) the basis for each contention with reasonable specificity. Although this requirement has been upheld judicially (B.P.I. V. A.E.C., 502 F.2d 424, 426-429, (D.C. Cir., 1974)), it has in effect been arguably read out of the rules by the Appeal Board. (See Houston Light & Power Company

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2/ (Continued)

These provisions were included in the rules of practice to provide a reasonable accommodation to the needs of interested parties in having some discovery access to the staff, but without having uncontrolled requests which would be disruptive and detrimental to the on-going conduct of NRC business (such as the preparation of the SER and EIS). Recent events suggest that the content and purpose of these special provisions may need reiteration or strengthening.

- 3/ Prior to the restructured rules, Appendix A to Part 2 established the goal of an initial decision within 45 days after the boards receipt of the proposed findings of fact and conclusions of law. (37 Fed. Reg. 15127, 15128, July 28, 1972).

(Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542 and ALAB-629 in which, by a divided vote, an Appeal Board reversed an order of a licensing board which denied a petition to intervene and litigate the issue whether the construction and operation of a marine farm is both a viable and environmentally superior alternative to Allens Creek.)

Adopt a rule restricting participation by a party to those issues raised by the party's own admitted contentions. Commission precedent provides to the contrary. See Northern States Power Company (Prairie Island Nuclear Generating Plant Units 1 & 2), CLI-75-1, NRC (1975) and ALAB-244, 8 AEC 857, 867-68 (1974).

Under these holdings, an intervenor may cross-examine witnesses on issues not raised by the intervenor if the intervenor has a discernible interest in resolution of those issues. In its decision affirming the Appeal Board's holding in this regard, the Commission cautioned that licensing boards must carefully restrict and monitor such cross-examination, however, to avoid repetition. Nevertheless, much time is spent in current hearings on repetitive round-robin cross-examination by each participating party.

Provide for the summary disposition of issues at any time during a proceeding, either on motion by a party or by a presiding board ruling sua sponte that there is no issue to be heard. Presiding boards should fully use summary disposition authority in regulating the course of hearings so that hearing time is not used for issues about which no genuine issue of material fact is in dispute and therefore need not be litigated any further.

Use an Administrative Law Judge (ALJ) instead of a three-person licensing board to conduct hearings and render initial decisions. No change in the Atomic Energy Act is required for this to be done. Use of an ALJ would be consistent with a policy determination that the purpose of a hearing is to resolve contested issues raised by parties to the proceeding.

Limit the notification procedure to presiding boards to material which is relevant to admitted contentions. In view of the sua sponte role of these boards, the notification procedure presently covers material which goes well beyond matters in controversy in the hearing.



- Establish a higher threshold before ordering a hearing to be held if a hearing is not otherwise required by law. If a hearing is nevertheless held as a matter of Commission discretion, the hearing could be of a legislative or hybrid-type rather than adjudicatory. This would conserve resources for those adjudications which are required by applicable law or for other regulatory purposes.
- Increase use of rulemaking to resolve or provide guidance on generic issues so that recurring issues will not have to be adjudicated repeatedly in individual licensing proceedings. This was one of the recommendations in the "Denton report," NUREG-0292. Progress on its implementation after March 1979, has been interrupted by resource constraints.

As noted in SECY 79-299, April 27, 1979, the Commission may determine that the requirement for a demonstration of financial qualifications should be eliminated or that the current scope of the financial qualifications review is excessive in some respects. Either approach could be accomplished by rulemaking without change in existing law.

As noted in SECY-81-69, January 27, 1981, rulemaking should be initiated to preclude, in the absence of new and significant information, the reconsideration at the operating license stage of need for power and energy alternatives.

- The Commission could place greater reliance on State assessment of need for power, energy conservation, and alternative energy source analyses to assist in the fulfillment of NRC's NEPA responsibilities. (See SECY 81-69).

\* \* \* \* \*

If the Commission should decide to confine the scope of adjudicatory proceedings to those contested issues which the law requires to be adjudicated, the process could be expedited under existing law without sacrifice of basic elements of fairness to all parties. In addition to a reduction in licensing time, staff resources would be conserved. These resources in turn could be devoted to those matters which are properly at issue, or to other regulatory priorities, such as the timely production of the staff reports needed for the licensing process (SER's, supplements thereto, and EIS's)--with a resultant overall benefit to the public health and safety.

Aside from the steps outlined above, the basic structure in the Rules of Practice provide adequate procedural tools and authority for the conduct of

adjudicatory proceedings. Presiding boards, of course, must use the procedural devices available to them to regulate the course of the hearing and produce a decision without unnecessary delay.

Signed William J. Dircks

William J. Dircks  
Executive Director for Operations

cc: Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford  
H. Shapar  
L. Bickwit  
E. Hanrahan  
H. Denton

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

February 23, 1981

MEMORANDUM FOR: Chairman Ahearne  
Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford

FROM: *RB* Leonard Bickwit, Jr.  
General Counsel

SUBJECT: EXPEDITING IMPACTED OPERATING LICENSE HEARINGS

Some measures that could expedite the conduct of operating license adjudicatory proceedings for the impacted plants are described below. We have assumed for purposes of discussion that current statutory hearing and licensing requirements in the Atomic Energy Act are unchanged. We have also reexamined the issue whether the Atomic Energy Act requires formal adjudicatory hearings and concluded that a "reinterpretation" of the Act so as to require only informal hearings would have only a very small chance of withstanding judicial review. Thus we have assumed that there must be formal hearings in contested cases. However, there is some legislative history encouraging use of informal hearing procedures where possible, and this history would be useful to support any effort to make maximum use of whatever flexibility is afforded by the Administrative Procedure Act.

Most of the impacted cases have been under way for some time but have been delayed because of unavailability of staff documents. In these cases parties have been proceeding under current procedures in 10 CFR Part 2 and there is some question as to the extent which changes to Part 2 may be applied without prejudicing parties' rights. This legal issue will be discussed where applicable in more detail below under Comments.

Our discussion focuses on expedition. We have formed no judgments on whether, as a policy matter, the impact of these measures on public participation is warranted by the time savings.

1. New TMI Rules

Concept

The Commission could amend 10 CFR Part 50 to include a set of necessary and sufficient TMI-related operating license requirements

Contact:

Martin G. Malsch, OGC, 41465

*Dupe of 8103270931*

derived from NUREG-0694 and 0737. This would carve out litigation of some, but not all, pending TMI-related issues and resolve those issues by rulemaking. Parties could still contest compliance with the new regulations. Both proposed and final rulemaking would need to be published.

### Comments

Rulemaking would take substantial time (at least 3 months). Moreover, a preliminary study indicates that, except for Diablo Canyon Units 1 and 2, Waterford Unit 3, and McGuire, there are substantial non-TMI-related contested issues that such a rule would not affect. The rule would probably be too late for Diablo Units 1 and 2 and McGuire. The rule could have some beneficial effect on cases further down the line. The litigation risk would be low if the rule is properly drafted and supported.

## 2. Staff Rulemaking

### Concept

There has been considerable discussion and study in recent years of increased use of Commission rules to resolve generic issues in NRC hearings. However, the concept here would be different. Here NRC staff (NRR, SD, etc.) would be delegated authority by the Commission to issue rules, in compliance with the Administrative Procedure Act, that would not be binding but that would be entitled to prima facie validity in the hearing process. Most regulatory guides and standard review plans could be promulgated as rules in this fashion. These rules would then be used in conjunction with summary disposition to eliminate contentions that did not cause any genuine issue. This would minimize resources associated with preparing summary disposition motions.

### Comments

This would have a greater potential than concept 1. to expedite hearings. However, staff rulemaking would take time and resources and new rules could not likely be issued in sufficient time to significantly impact most of the impacted cases. Litigative risk would be low.

## 3. Immediate Effectiveness

### Concept

The Commission could amend Appendix B of 10 CFR Part 2 so as to provide that Licensing Board initial decisions on fuel loading and

low power testing (and perhaps full power for limited time periods) may be immediately effective. The time savings, assuming a favorable immediately effective decision in each case that is not stayed, is on the order of two to three months. Under 10 CFR Part 50, Appendix B, the Appeal Board must decide on a stay of the initial decision within 60 days. The Commission is then supposed to act itself on the stay request within 20 days. If stay requests were to be filed directly with the Commission, then about 30 days might be saved.

Comments

Such a rule change could be made effective immediately. Litigative risks would be low.

4. Eliminate All Possible Licensing and Appeal Board Schedule Conflicts

Concept

Self explanatory.

Comments

This is a matter of resource allocation. Our initial review suggests that Licensing Board schedule conflicts may be a problem in some cases (San Onofre-2, Shoreham 1, Summer 1, Susquehanna, and Zimmer). The Licensing Board Panel Chairman should be consulted on this. Litigative risk would be low. Substituting board members in the late stages of a complex case will cause some confusion and delay.

5. Review of Contentions

Concept

The Commission could (with OGC and OPE assistance) review the intervenor preferred contentions in selected cases. The time saving is speculative since saving would require Commission disallowance of contentions admitted by the Licensing Board.

Comments

This is only feasible where the number of contentions is manageable -- for example, in Diablo Canyon 1 & 2 and McGuire. Some cases, like Shoreham, have a large number of contentions. We believe, based on a preliminary study, that Commission review under current standards for basis and specificity would result in only a small

number of contentions disallowed. Views of the parties would need to be solicited as part of the Commission review. Litigative risk would be low, depending on the soundness of the individual Commission rulings.

## 6. Changing the Action Plan Policy Statement

### Concept

The Commission could change the TMI Action Plan Policy Statement so as to treat some pending operating license cases the same as existing operating licenses. The effect would be that certain items in the so-called NTOL list would be deferred for the impacted cases. The Commission could also clarify the Action Plan Policy Statement to indicate which items in the NTOL list went beyond the regulations. On these items the Commission could define more precisely the safety matter at issue and the grounds for challenging sufficiency.

### Comments

Treating some pending operating license cases the same as existing operating licenses would not affect licensing hearings since under the Policy Statement intervenors can always challenge the sufficiency of the list. Thus, intervenors can argue in favor of the present NTOL list during the hearings notwithstanding the Commission changes to the Policy Statement. However, we believe that confusion would be diminished if the areas where sufficiency could be challenged could be more precisely defined. Time savings are difficult to estimate. Litigative risk would be moderate.

## 7. Special Order

### Concept

An Order could be issued by the Commission in each docket which would do some or all of the following:

- a. Require the Licensing Board to set firm and stringent time limits on discovery, filing of testimony, cross-examination, and filing of proposed findings. Some illustrative examples of time limits could be included.
- b. Require the Licensing Boards to issue initial decisions within a given time period after close of the record.
- c. Require filing of cross-examination plans so that cross-examination is focused and non-repetitive.

- d. Require at least one settlement conference with Board attendance. Parties would be required to explain why issues cannot be settled or narrowed.
- e. Emphasize that failure by any party to comply with discovery, filing or other obligations without good cause will, in serious cases, result in dismissal of that party from the proceeding.
- f. Require early partial initial decisions on separable issues where this would advance the course of the hearing.
- g. Encourage the Licensing Board to adopt parties' proposed findings when they are supported by the record.
- h. Require simultaneous, as opposed to sequential, filing of initial proposed findings.

#### Comments

Such Orders could significantly expedite pending cases. Each case would have to be examined to make sure that all of the items are applicable and would be helpful. No amendment to the Commission's rules would be required. Litigative risk would be low assuming that the Order is reasonably applied.

### 8. Split Reviews and Hearings

#### Concept

Under current practice no particular attention is paid to intervenor contentions in the staff review. Under this split review and hearing concept staff review resources would be allocated so that intervenor contentions are specifically addressed early in the review, and partial evaluations issued. The hearing could then go forward on these issues while the rest of the evaluation was underway. This concept involves low litigative risk.

#### Comments

This would be most beneficial for cases where delay in the issuance of staff documents is the most serious. However expediting the staff review may be difficult in cases where the intervenor contentions go to troublesome technical issues. 10 CFR 51.52 may need to be amended to allow issuance of and hearings on partial impact statements. This should be a minor matter that could be accomplished by immediately effective rulemaking. This concept involves low litigative risk.

## 9. Summary Disposition

NRC was one of the first agencies to make full use of summary procedures. Under the current rule, 10 CFR 2.749, the Licensing Board may decide issues on the basis of written pleadings without any oral hearing if the moving party shows that there is no genuine issue of material fact. 10 CFR 2.749 is based on Rule 56 of the Federal Rules of Civil Procedure. Under Rule 56 (and 10 CFR 2.749) the burden of proof with respect to summary disposition is upon the movant who must demonstrate the absence of any genuine issue of material fact. J. Moore, Federal Practice, Vol. 6, Ch. 56, para. 56.15[3] (2nd ed. 1966). To meet this burden, the movant must eliminate any real doubt as to the existence of any genuine issue of material fact. Poller v. Columbia Broadcasting Co., Inc., 368 U.S. 464 (1962); Sartor v. Arkansas Natural Gas Corp., 321 U.S. 620, 627 (1954). The record and affidavits supporting and opposing the motion must be viewed in the light most favorable to the party opposing the motion. See Public Service Co. of New Hampshire (Seabrook Station, Units 1 & 2), LBP-74-36, 7 AEC 877 (1974) and cases cited therein at pp. 878-79. The opposing party need not show that he would prevail on the issues but only that there are genuine issues to be tried. American Manufacturers Mut. Inc. Co. v. American Broadcasting - Paramount Theaters, Inc., 388 F. 2d 272, 280 (2d Cir. 1967). The fact that the party opposing summary disposition failed to submit evidence controverting the conclusions reached in documents submitted in support of the motion for summary disposition does not mean that the motion must be granted. The proponent of the motion must still meet his burden of proof to establish the absence of a genuine issue of material fact. Cleveland Electric Illuminating Co. et al. (Perry Nuclear Power Plant, Units 1 & 2), ALAB-443, 6 NRC 741, 753-54 (1977).

Where the existing record is insufficient to allow summary disposition, it is not improper for a Licensing Board to request submission of additional documents which it knows would support summary disposition and to consider such documents in reaching a decision on a summary disposition motion. Cleveland Electric Illuminating Co. et al. (Perry Nuclear Power Plant, Units 1 & 2), ALAB-443, 6 NRC 741, 752 (1977).

### a. Earlier Motions

#### Concept

Current NRC practice calls for filing of summary disposition motions by NRC staff and applicant only after completion of discovery. This is based on the concept, emphasized in case law under Rule 56, that,



where the facts are within the control of the moving party, ruling on a summary judgment motion should be deferred until after the responding party has had a fair chance to gain access to relevant information. Schoenbaum v. Firstbrook, 405 F.2d 215 (2d Cir. 1968), cert. denied, 395 U.S. 906 ( ). However, there is no statutory right to discovery under the Administrative Procedure Act and it may be possible to advance the filing of motions under 10 CFR 2.749 to the pre- or mid-discovery stage.

#### Comment

An amendment to 10 CFR 2.749 may be required to move the time of summary disposition motions to pre- or mid-discovery, but such an amendment could probably be made immediately effective. However, whether the change could be applied to pending cases is a little unclear. As a general matter, procedural rule changes may be applied to pending cases only if no prejudice results. Prejudice would result if, for example, parties proceeded to commit resources and foreclose litigation options in reliance on the current rules. Discovery appears to be in progress under admitted contentions in all of the impacted cases with summary disposition motions due after discovery is completed. Our preliminary view is that early summary disposition motions could be filed in these cases with discovery incomplete, but intervenors would need to be given reasonable time to gather materials and technical experts to respond. However, in some cases neither applicant nor staff is in any position to move for summary disposition because the license application and staff reviews are incomplete. Also, preparation of a summary disposition motion requires substantial resources because the safety rationale for the applicant/staff position must be fully set forth in writing. As noted above, the moving party (applicant or staff) bears the burden of showing that no real issue exists. Finally, the time savings in the impacted cases is speculative even if summary disposition motions are filed early. We believe, based on a preliminary review, that there are substantial issues of fact involved in most, if not all, of the impacted cases.

#### b. Changing the Burden

##### Concept

10 CFR 2.749 could be amended so as to place the burden on intervenors to show, prior to hearing, a genuine and substantial issue of material fact by available and specifically identified reliable evidence.

## Comments

Such a concept would assure that hearings are only held on genuine issues. The burden would be on intervenors to show a genuine issue rather than on staff and applicant to show the absence of a genuine issue. This would be a clear departure from the Federal Rules of Civil Procedure. Our preliminary view is that this rule change would nevertheless be consistent with the Administrative Procedure Act and could be applied to pending cases provided that intervenors are afforded a fair chance to respond and a chance to argue that imposition of such a burden on them in the particular circumstances of the case would be prejudicial. Litigative risk would probably be moderate if the requirement is applied after completion of discovery higher if the burden is imposed before discovery is completed. The impact in pending cases is speculative. We suspect that in some cases where intervenors have little resources and no access to technical expertise contentions would be disallowed. However, the rule could not be applied to contentions relating to areas where the license application is incomplete since intervenors cannot reasonably be expected to be in any position to attack a proposal that does not exist. In many cases applicants' responses to TMI-related issues are incomplete and in such cases the proposal would be unworkable until some later date.

An amendment to 10 CFR 2.749 would be required. Our preliminary view is that there would be considerable difficulty, and substantial litigative risk, in applying the new rule to pending cases.

### 10. Consolidation of Hearings

#### Concept

Where identical TMI-related issues are raised in a number of cases, litigation of the issue could be consolidated into one separate proceeding. Such TMI-related issues would thereby be litigated in the same manner as the radon figure in Table S-3 is currently being litigated.

#### Comments

We have not examined a sufficient number of contentions to know whether identical issues are presented. Whether there would be any time savings is unclear. We suspect that there would be some time savings in cases where the issue is highly contested, but that there would be delays where the issue is lightly contested. This concept would assure that the issue is fully explored and that consistent results are achieved in each affected case. Litigative risk would be low.

## 11. Mandatory Depositions

### Concept

Parties could be required to depose all prospective witnesses before the hearing, and additional cross-examination would not be permitted at the hearing absent some special showing. The Commission would bear the cost of the depositions.

### Comments

This would narrowly focus the actual hearing. Much time is spent at hearings on cross-examination that resembles discovery, i.e., questions as to the bases for the witnesses' opinions and sources relied upon. Under this concept these types of questions would be asked before the hearing. Time savings are unclear since depositions themselves take time. However, depositions do not require Licensing Board attendance and could be conducted in circumstances where conflicts prevent commencing a hearing. We believe that litigative risk would be low, and that there would be no prejudice if applied to pending cases. There may be difficulty in distinguishing Commission payment of the depositions from intervenor funding. Depositions are very expensive and could not be mandated unless the Commission paid for them.

## 12. Hybrid Hearings

### Concept

Much has been written in recent years about the advantages and disadvantages of formal hearings to resolve disputed technical and policy issues. E.g., M. Damaska, "Presentation of Evidence and Factfinding Precision", 123 Univ. of Penn. L.Rev. 1083 (1975); T. McGarity, "Substantive and Procedural Discretion in Administrative Resolution of Science Policy Questions: Regulating Carcinogens in EPA and OSHA", 67 Geo. L.J. 729 (1979); Crampton, "A Comment on Trial-Type Hearings in Nuclear Power Plant Siting", 58 Va. L.Rev. 585 (1972). The concept here would be to use informal hearings as a means of separating out those particular factual issues that require formal examination and cross-examination under the APA. In this way the hearings themselves would become narrowly focused. As part of this concept an effort would be made to determine by general rule the kinds of issues that require oral cross-examination.

### Comments

There does not appear to be any good case law supporting this proposition, but our preliminary view is that it would be consistent

with the Administrative Procedure Act and the Commission's rules. Time savings are speculative since informal hearings take time and extra effort would be required to decide which issues require oral cross-examination. The concept requires that the Licensing Boards be aggressive and thorough in their questions of witnesses in the informal hearings; otherwise the informal hearing record will be incomplete and too much will be left for formal hearings. We believe that the concept could be applied to pending cases where commencement of hearings is some months away. The concept would probably cause confusion and delay in cases where hearings are scheduled in the next few months. Litigative risk would be moderate if the concept is carefully applied.

13. Commission as Presiding Officer

Concept

The Commission could itself preside over the hearing on some issues in some cases.

Comments

10 CFR Part 2 is unclear whether the Commission may substitute itself for the Licensing Board where the hearing has been noticed and there is no issue of the continued availability of the Licensing Board. However, our preliminary view is that no parties could be prejudiced by the Commission itself hearing the case, so any necessary rule changes could be made immediately effective and applied to pending cases.

The Commission itself would probably not want to preside over prehearing matters (discovery, etc.). However, substantial Commission, OPE, and OGC resources would still be required. A favorable Commission decision after hearing would presumably be effective immediately, so the 80 days provided for Appeal Board and Commission review of stay requests under Appendix B of 10 CFR Part 2 would not be needed for the issues considered. However there would be no time savings unless the Commission took up all issues on the "critical path" to an effective licensing decision. Litigative risk would be low.

- cc: OPE
- SECY
- EDO
- ELD

WASHINGTON, D.C. 20555  
Attachment 4  
February 18, 1981

MEMORANDUM FOR: John F. Ahearne  
Chairman

FROM: *ASR* Alan S. Rosenthal, Chairman  
Atomic Safety and Licensing  
Appeal Panel

SUBJECT: HEARING BEFORE THE BEVILL COMMITTEE

In our telephone conversation yesterday afternoon, I agreed to address in writing two questions which may come up during the hearing before the Bevill committee tomorrow.

1. In his February 10, 1981 memorandum to the file (a copy of which was supplied to me yesterday), George L. Gleason assigns as one of the reasons for "licensing delays" the provisions of the Rules of Practice which permit licensing and appeal boards to raise on their own initiative in operating license proceedings matters not put into controversy by the parties. 10 CFR 2.760a (licensing boards); 10 CFR 2.785(b)(2) (appeal boards). He points out that, prior to November 1979, these provisions authorized such action only "in extraordinary circumstances" (and admonished the boards to exercise the authority "sparingly"). In that month Sections 2.760a and 2.785(b)(2) were amended to eliminate the references to "extraordinary circumstances" and "sparingly". 44 Fed. Reg. 67089 (November 23, 1979). As they now read, those Sections allow an adjudicatory board to raise sua sponte any "serious safety, environmental, or common defense and security matter".

Calling attention to this amendment, Mr. Gleason states (memorandum, p. 5):

The appeal board just recently used this expanded authority to retain jurisdiction of an operating license proceeding from which all intervenors had withdrawn. This unnecessarily enlarges the boards' role. The Commission should change its policy to limit board review to matters put in contention by the parties.

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Although he does not identify the proceeding specifically, Mr. Gleason obviously has North Anna in mind.\*

In that proceeding, the Licensing Board rendered two initial decisions which, in combination, authorized the issuance of operating licenses for North Anna 1 and 2. LBP-77-68, 6 NRC 1127 (1977); LBP-78-10, 7 NRC 295 (1978). No appeals were taken from either of those decisions. As a consequence, the Appeal Board assigned to the proceeding undertook its customary sua sponte review of the decisions and the underlying record.

In ALAB-491, 8 NRC 245 (1978), the Appeal Board announced the results of that review. In large measure, the Licensing Board's determination on the contested issues was affirmed. But, on one of those issues (involving settlement of the ground beneath the facility's pumphouse), the Appeal Board determined that developments occurring subsequent to the Licensing Board's second decision required the retention of appellate jurisdiction to await further information. Additionally, the Appeal Board -- invoking 10 CFR 2.785(b)(2) as it then read -- raised on its own initiative an issue which had not been placed in controversy before the Licensing Board. That issue related to the likelihood that turbine missiles might strike and damage vital facility structures or components. In bringing this issue to the fore, the Appeal Board pointed out this was one of the so-called "unresolved generic safety issues" identified by both the ACRS and the NRC staff. The Board also took note of the fact that the orientation of the North Anna turbines was unfavorable; i.e. they were so positioned vis a vis certain safety structures that, if a turbine blade failed and created a missile, one of those structures might well be in the direct path of the projectile.

After obtaining further documentation on the two issues, the Appeal Board decided that an evidentiary hearing was required on both. The hearing was held before the Appeal Board itself in June 1979. The intervenors in the proceeding participated on the pumphouse settlement issue; only the utility and the NRC staff participated on the turbine missile issue.

In February 1980, the Appeal Board rendered its decision on the pumphouse settlement issue. ALAB-578, 11 NRC 189. Although it had initially intended to dispose of the turbine missile issue

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\* As will be seen, the retention of jurisdiction in North Anna occurred before 1979 and involved the prior version of Section 2.785(b)(2). Nonetheless, there are no other operating license proceedings which fit Mr. Gleason's description.

at the same time, the Board explained that it could not do so because "new information of potential importance to [that] issue [had] recently been brought to [its] attention \* \* \*". 11 NRC at 191. That information had been to the effect that cracking of turbine disks had been uncovered at a number of facilities employing equipment made by the same manufacturer that supplied the North Anna turbines. It brought into at least serious question the validity of some of the conclusions of the experts who testified at the June 1979 hearing.

As of the time of the issuance of ALAB-578, Unit 1 was already in operation but Unit 2 was not. In ALAB-589, 11 NRC 539 (1980), the Appeal Board concluded that, despite the recently disclosed turbine disk cracking at other facilities, operation of Unit 1 need not be halted or Unit 2 kept out of operation. In this connection, the Board noted that Unit 1 was scheduled for a routine refueling shutdown in December 1980 at which time its turbines would receive an ultrasonic inspection. (By subsequent order, the Board directed that Unit 1 not be restarted until after the Board had had an opportunity to study the results of the inspection.)

Unit 1 was shutdown at the end of December and the ultrasonic inspection which took place in early January revealed two relatively small cracks in one low-pressure turbine disk. As a consequence, the utility is replacing the entire rotor of which that disk is a part. As you are aware, the Appeal Board has been closely monitoring the situation and is planning to make a site visit tomorrow. If an emergency hearing on the restart of Unit 1 is required, it will be held next week -- prior to the time when that unit is now scheduled to resume operation. On the basis of the information now at hand, it seems unlikely that the Board will find itself constrained to order a restart delay.

It is clear from the foregoing that, contrary to the impression which might be garnered from Mr. Gleason's memorandum, the retention of jurisdiction over the turbine missile issue has not had any effect to date upon the operation of either North Anna unit. It is true, of course, that the exercise by an appeal board of its Section 2.785(b)(2) authority might in some circumstances bring about a delay in the commencement, or a halt, of plant operations. That would only occur, however, where a serious safety or environmental issue was both present and as yet unresolved.

for the reactor in question. One might fairly ask whether, in such a situation, the public interest is adequately served if the reactor is allowed to operate in the face of that unresolved issue

Needless to say, it is for the Commission to decide (as a matter of policy) whether Sections 2.760a and 2.785(b)(2) should be retained in their present form (or at all). My own judgment is that, so long as the authority conferred upon the adjudicatory boards by those Sections is exercised responsibly, there is no cause to narrow or withdraw it. And, I would submit, there is absolutely no evidence that any board -- licensing or appeal -- has employed the authority in an irresponsible manner. Insofar as the North Anna proceeding itself is concerned (Mr. Gleason's example), the turbine missile issue manifestly warranted board scrutiny. Although it is unfortunate that it has proven necessary for the Appeal Board to retain jurisdiction over the issue for such a long period, the reason is the difficulties which the nuclear industry is encountering in coping with the disk cracking problem. As soon as it receives adequate assurance that the North Anna facility can operate safely over its lifetime notwithstanding the prior history of disk cracking and the undesirable turbine orientation in this facility, the Board will terminate that jurisdiction.

2. I have also been asked to provide an estimate of the time required by appeal boards to render their decisions. In circumstances where no appeal has been taken from the Licensing Board's initial decision, the Appeal Board normally will be able to complete its sua sponte review within a period of 60 days. If, however, that review discloses some serious problem with the Licensing Board decision or record (or the Appeal Board finds it necessary to resort to its Section 2.785(b)(2) authority), a considerably longer period may elapse before the appellate review comes to an end. North Anna bears stark witness to this fact.

These days, almost all of the initial decisions produce one or more appeals. Under the Rules of Practice, the interval between the rendition of the initial decision and the filing of the last brief will be approximately three months (This assumes no extensions of time are sought and granted; an unreasonable assumption in a proceeding involving numerous and complex issues.). Oral argument will usually take place approximately a month after all briefs are on file.



How long it will take the appeal board to render its decision following argument will vary widely from case to case. The principal influencing factors are (1) the number and complexity of the issues presented by the appeal; (2) the length and the quality of the evidentiary record on those issues; (3) the completeness of the Licensing Board's treatment of those issues in its decision; (4) the other demands upon the time of the members of the Appeal Board assigned to the proceeding. On the last score, it is to be kept in mind that the Appeal Panel has very few members and an even smaller supporting professional staff. Very frequently, it is not possible for an Appeal Board to turn to the decision in a particular case promptly after argument -- for the reason that its members are reviewing the record or writing opinions in other cases. If there is a sudden outpouring of licensing board decisions in operating license proceedings, this consideration will become even more significant.

My best present estimate is that, in the typical proceeding producing an appeal, between 7 and 10 months is likely to elapse from date of licensing board initial decision to date of appeal board decision. Candor compels the notation, however, that the first post-TMI operating license proceedings (which will involve numerous so-called "TMI requirements") may prove to be quite atypical insofar as the amount of necessary appeal board review time is concerned. It is just too early to tell.

I readily appreciate that, to some, the thought of an appellate process of such duration is abhorrent. But I have no apologies to make. So long as licensing proceedings are open to the litigation on both the trial and appellate levels -- of an almost limitless number and variety of safety and environmental issues, the review of licensing board decisions will be time-consuming. At least this is so if the appeal boards faithfully discharge their responsibility to give thorough and careful consideration to the issues before them and to render reasoned decisions on those issues. I would add that the members of the Appeal Panel not only regard that to be their mandate but also would have it no other way.

cc: Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

Attachment 5

February 25, 1981

MEMORANDUM FOR: Chairman Ahearne  
Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford

FROM: B. Paul Cotter, Jr. *BR*  
Chief Administrative Judge, ASLBP

SUBJECT: WORKLOAD, RESOURCES AND RECOMMENDATIONS

I. INTRODUCTION

We have concluded from workload and scheduling analyses in January of this year that 42 of our 62 active proceedings could go to hearing in the next 12 months. As a result of our analyses, it is clear that to meet this workload, certain actions must be taken with respect to scheduling, personnel resources, and hearing management. This memorandum sets forth the ASLBP's recommendations.

A. Background

1. Staffing

As you are aware from my February 20, 1981, status report, the Panel is presently understaffed in comparison with the full staffing level of 1975. This circumstance arose as a result of a variety of factors that were of a transient nature. It should be noted, however, that since the Panel assumed

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its present form in November 1972 and began to staff up early in 1973, the average length of service for all full-time Panel members is 4.2 years. Many of those who left did so because (1) they did not wish to spend protracted amounts of time away from their families at lengthy hearings, or (2) because they did not like sitting in a Panel of three members, or (3) because they had reached retirement age relatively shortly after they came on the Panel. Many of those interested in joining the Panel are either relatively young (and thus more transient) or are career civil servants nearing retirement. It has become increasingly difficult to obtain qualified Panel members, not only for the foregoing reasons, but also because of the pay cap.

## 2. Proceeding Management

The fundamental fact in judicial management of multi-party proceedings is that it is extremely difficult to get a number of parties in one place at the same time. That difficulty is recognized not only in NRC rules governing licensing procedures but also in the rules governing complex proceedings in other administrative agencies. In our rules, for example, there are only a few sections requiring action by the parties within fixed periods of time, and all these are subject to the requirement of flexibility in administrative proceedings.

The difficulty in managing licensing proceedings is compounded further by provisions authorizing intervention by interested parties, many of whom are not represented by counsel, do not possess resources adequate to manage litigation, and may well never appear before a board again. Because such parties are entitled to full administrative due process under the Administrative Procedure Act, the rule of flexibility is even broader in scope.

In addition, boards do not have final authority over a major party, the Commission staff, in scheduling dates for the submission of documents and taking other actions required by that party. Finally, other factors add to the difficulty of managing licensing proceedings. Examples include delay in the construction of a facility and Commission action in imposing new hearing requirements resulting not only from events such as TMI but also from changes in the current state of the "art."

The foregoing factors point to the principal reasons why licensing proceedings do not lend themselves to absolute predictions of the time between the appointment of a board and the issuance of its final initial decision.

### 3. Decision Writing

The first task in preparing a decision is to review the record. In a recent case, Pilgrim Nuclear Power Station, Unit 2, the record, compiled during 66 days of hearing, was comprised of 12,000 pages of testimony and 128 exhibits of several hundred pages. Generally, the record review is divided among the three judges. Some parts of a transcript can be read quickly; others have to be studied intensively to cover points not well developed at the hearing. Complex technical issues, can require a full day to read and understand a single day's transcript, normally 220 to 320 pages. Next, the decision writers study the briefs and proposed findings of the parties. In Pilgrim these totaled 800 pages. In a major decision this preliminary work can take a minimum of several weeks.

On the basis of their review of the record, the judges select the most difficult issues to be decided. The issues cover matters of vital concern: health and safety; the varied impacts of a nuclear reactor on a community; the effects and ramifications of possible malfunctions; and the effects of construction and operation on the environment. Memoranda on these matters are prepared; conferences are held; and tentative decisions are reached. Then issues are assigned to each judge to prepare a draft decision. This stage two process takes one to three weeks.

Further conferences are held at which the drafts and decisions on specific issues are considered. Absolute accuracy and precision are needed in this work, and sound judgment is attained only after deliberation on issues such as the technical qualifications of the applicants to build and operate a nuclear plant, seismology, and specific engineering issues such as steam generator tube integrity.

In Pilgrim, some 56 issues and contentions had to be decided. Findings of fact and conclusions of law had to be written for all of them. Proposed findings point the decision writer to support for a specific conclusion, but cannot normally be adopted verbatim because they are intrinsically structured to state a partisan point of view.

Fifteen major health and safety issues were addressed in Pilgrim, and complete findings with supporting references to the record were made. Twenty-five environmental issues were decided, with findings on issues such as alternate energy sources, compliance with the Federal Water Pollution Control Act, cost-benefit analysis, radiological effects, and impacts on land and water use.

Findings were also made on sixteen contentions raised by intervenors, such as the impact of aircraft on the site, alternate condenser cooling, etc.

Basic findings detailing these items had to be included in the overall health and safety and environmental analysis so that proper conclusions could be drawn.

The Pilgrim Board held twelve conferences consuming 20 days in dealing with all the foregoing matters. Drafts were rewritten and positions sometimes changed after these deliberations. Rewrites required intensive restudy of parts of the record.

Writing and editing a nuclear decision is a unique undertaking. Decisions concern technical problems not understood fully by laymen. An intense effort is required not only to articulate problems but also to state reasons that will explain to both the public and the reviewing authorities the correctness of a decision under the statutory standards.

Writing decisions in large proceedings takes time, time required by the technical complexity of the record, the length of the record, the time consumed in analyzing and organizing the facts and conclusions, and the need for care and completeness in deciding each of the issues.

In addition, three special factors should be noted. Firstly, conferences and drafting are often delayed because the judges are hearing other cases while the decision in a particular case is being prepared. The situation is aggravated because almost all hearings are held in the field; judges are then not even available for conferences after regular hours.

Secondly, while the opposition in a nuclear proceeding is almost always intense and emotional, it is often inexpert, inadequate, and unskilled in presentation. Contentions are raised and insufficiently developed by the parties, often only through cross-examination. This situation places an extra burden on the Licensing Board to clarify and explore issues not only at the hearing but also during the decisional process. Frequently, much additional research in and analysis of the record is required after the hearing is over.

Finally, judges spend a substantial amount of time in reading, summarizing, and indexing a record. Much of this work could be done by law clerks who could also search the record for material under the direction of the judges. Clerks could also keep running summaries of the record so that at the conclusion of a hearing the judges could address the essential issues immediately. At the Federal Energy Regulatory Commission, one law clerk is assigned



to each group of two judges or some 10 to 12 clerks for 23 judges. It is the unanimous opinion of the Chief Judge and the judges at that agency that these law clerks have substantially increased the productivity of the judges and improved the quality of their decisions. At the Department of Labor one of some 40 law clerks is assigned to each judge. In addition to analyzing records, these law clerks prepare parts of decisions under the direction of the judges. This practice has proved effective in expediting the issuance of decisions.

## II. SCHEDULING

### A. The Problem

We have designed a linear schedule to identify conflicts in proceedings where members of different boards overlap. These conflicts are illustrated in Attachments 1, 2 and 3.

As a consequence ten licensing boards have been identified that need to be reconstituted now. Nine Panel members are affected. (Board members to be replaced are marked with an asterisk.) Set forth below is a tentative plan for reconstituting those boards which assumes that the two frozen Administrative Judges (Lawyer) will not be available. Their names are shown in parentheses where they would be used should they become available.

B. The Solution

## 1. Impacted Boards

Bailly (CPA)	Grossman Cole* Bright*	Holton Leeds
Blue Hills (ESR)	Miller Linenberger* Little	Ferguson
Byron (OL)	Miller Cole* Callihan	Hand
Midland (OM) (OL)	Bechhoefer Linenberger* Cowan	Decker
San Onofre (OL)	Smith* Luebke* Hand	Clark Johnson
Shoreham (OL)	Bowers* Shon Paris	Louis Carter (James Kelley)
South Texas (OL)	Bechhoefer* Luebke* Lamb	Milhollin Hill
Summer (OL)	Grossman Linenberger Hooper*	deSilva
Susquehanna (OL)	Bechhoefer* Bright Paris*	J. Gleason Purdom
Turkey Point (OLA)	Bowers* Paris Luebke	Miller (Peter Bloch)
Zimmer (OL)	Bechhoefer Bright* Hooper	Livingston

The Marble Hill (CP), Pebble Springs (ESR), Perkins (CP), and UCLA Argonaut boards will have to be reconstituted later this year because their chairman plans to retire in February 1982. It should be noted that reconstitution is a continuing practice. For example, four boards have been reconstituted in the last three months alone.

The first set of impacted proceedings identified in "A" above will be reconstituted within the next 10 days. Boards are reconstituted reluctantly because reconstitution means losing the time and expertise of the member being replaced.

### III. PANEL RESOURCES

#### A. Lawyer Chairmen

##### 1. The Problem

The linear charts show that full-time lawyer chairmen are carrying an average of five cases each. Four part-time lawyers have no cases while some part-time lawyers have only one or two cases. As a practical matter, two or at the most three cases are the maximum part-time lawyer chairmen can manage. Consequently, it is clear that the Panel's lawyer chairmen resources are presently strained to the limit.

It is difficult to make pronouncements respecting the maximum number of cases that either full-time or part-time board chairmen should be assigned because of the intermittent nature of the proceedings and other factors which cause periods of inactivity in a given case. However, it is clear: (1) that some further reassignment of cases should be made, and (2) that the Panel does not have adequate resources to handle properly any significant number of new cases.

As noted in my February 20 status report, the number of full-time Panel lawyer chairmen has declined from 14 in 1975 to 8 in 1981. The numerical decline is equivalent to an almost 40 percent reduction in full-time judge years available.

## 2. The Solution

The Panel must obtain an exemption from the freeze for the two recently appointed Board chairmen. Both men are knowledgeable in the field and could assume a full caseload in a very short time. Efforts to have one of these men detailed in the interim from the Department of Energy to NRC are bogged down.

Secondly, the Panel's personnel ceiling should be increased by two more full-time lawyer chairmen. The hiring process, including the work of the

Advisory Screening Committee, takes just as long to complete for a full-time chairman as it does for a part-time. However, full-time chairmen represent 4 to 5 times as many judge years as do part-time Board chairmen.

## B. Legal Secretaries

### 1. The Problem

The ASLBP now has 10 legal secretaries for 19 full-time professionals and managers and 39 part-time professionals. After subtracting the two assigned to the Chairman and Vice Chairman (Executive) and one assigned full time to the TMI restart proceeding, the Panel has seven legal secretaries assigned to perform the work of 12 full-time Administrative Judges, two management personnel, the General Counsel, the Technical Assistant, and 39 part-time Administrative Judges.

Aside from the Chairman and Vice Chairman (Executive), legal secretaries are assigned to two Administrative Judges, one legal and one technical. At that ratio, we have no one to assign to the three full-time members just appointed, should they become available. The Panel has lost three positions since 1977, one clerk-typist, one secretary and one full-time docket clerk.

In fact no secretary is specifically assigned to either the Assistant Executive Secretary, the Management Services Assistant, or the 39 part-time Administrative Judges. The latter situation is particularly distressing for part-time board chairmen. In any given week, at least three part-time members are in the office for the sole purpose of writing and issuing orders, memoranda, and partial or full initial decisions. They compete with only moderate success and considerable frustration for secretarial support.

## 2. The Solution

Increase the ASLBP personnel ceiling by three legal secretary positions. One position would support one full-time Administrative Judge (Legal) and one full-time Administrative Judge (Technical) when those two positions are exempted from the freeze or otherwise become available. The second would support an Administrative Judge (Lawyer) and the Assistant Executive Secretary of the Panel. The third legal secretary would be assigned to the Management Services Assistant who furnishes all administrative support to the 39 part-time Administrative Judges. This last legal secretary would thus be available at all times to support part-time members.

### C. Law Clerks

#### 1. The Problem

At present the Panel has no law clerks. One honor law graduate scheduled to begin work in August 1981 has been caught in the freeze. In comparison, the Federal Energy Regulatory Commission has one law clerk for every two Administrative Law Judges or hearing officers.

Law clerks increase the productivity of Administrative Judges by a substantial percentage. Law clerks can save enormous amounts of time by preparing first drafts of orders and memoranda, reading through and outlining voluminous transcripts, preparing first drafts of findings of fact and conclusions of law and by performing a broad range of legal research assignments. At present, all these functions are performed by the Panel's Administrative Judges.

More significantly, this work can be performed by a law clerk while an Administrative Judge is hearing another case or working on another decision. At present, we frequently have situations where an Administrative Judge assigned to more than one case cannot begin the basic work necessary to draft initial decisions because he or she must attend a hearing previously scheduled. Law clerks would minimize such conflicts and save weeks in the issuance of final decisions.

## 2. The Solution

Increase the personnel ceiling of the ASLBP by a minimum of four full-time law clerk positions. The positions would be two-year appointments.\*

### D. Administrative Law Judges

#### 1. The Problem

At present the Commission has only one Administrative Law Judge ("ALJ"), and he is devoting full time to the TMI restart hearing. To my knowledge, no arrangements have been made with the Office of Administrative Law Judges in OPM to authorize use of NRC qualified ALJs in other agencies as needed.

The Atomic Energy Act authorizes the use, in licensing and related proceedings, of either a single Administrative Law Judge or a three-member panel chaired by one experienced in the conduct of administrative proceedings. Historically (and wisely), the Commission has elected the three-member panel alternative because of the technical and scientific expertise it brings to resolving complex issues affecting the public health, safety and environment.

In the near term, ALJs could be used in four situations: (1) alone in civil penalty proceedings; (2) alone in antitrust proceedings; (3) as chairman in

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\*These positions could well furnish both the Office of the General Counsel and the Office of the Executive Legal Director with a steady supply of experienced attorneys.



licensing proceedings; and (4) alone in spent fuel pool expansion cases not involving complex technical issues. Of these, only four civil penalty cases and six antitrust cases and less than six total spent fuel pool cases have been filed in the last five years.

However, of all the cases heard by the Panel, antitrust proceedings demand the most judge years. By their nature they have the longest hearings and the largest records for decision. The cases arise at the construction permit stage and are normally heard by panels of three lawyers or two lawyers and one economist. Most antitrust cases settle, after the record has been made.

The Office of the Administrative Law Judge exercises strict control over the appointment of ALJs to an agency and interagency assignment of cases to non-agency ALJs. In both instances, control is exercised in part by establishing criteria for qualifying particular ALJs to hear certain types of cases. It should be emphasized that additional ALJs represent an unavailable resource rather than an immediately perceived need.

## 2. The Solution

Authorize the Chairman of the Atomic Safety and Licensing Board Panel to initiate discussions with the Office of the Administrative Law Judge for the purpose of: (1) establishing criteria for qualifying ALJs for NRC hearings;

- (2) determining whether present board members can be designated as ALJs; and
- (3) establishing a specific list of ALJs in other agencies qualified to hear ASLBP cases as needed.

#### E. Financial Resources

##### 1. The Problem

We have conservatively estimated that total travel costs for the 8 months remaining in Fiscal Year 1981 will total \$100,000.00. Our travel budget has been cut from \$210,000.00 to \$180,000.00, and we have spent \$90,000.00, leaving a balance of \$90,000.00.

The foregoing figures include the one-week training session for the entire Panel in May but make no allowance for other individual training after the first week of March of this year. I believe strongly that other training needs should be funded.

The immediate effectiveness of any new Panel members would be greatly enhanced by attendance at a one or two week session at the National Judicial

College. The same holds true for all existing Panel members, at the rate of six per fiscal year. The Judicial College offers invaluable sessions taught by sitting judges in the hearing and management of litigation for hearing officers who are lawyers and for hearing officers who are not lawyers. These sessions can greatly increase the effectiveness of our boards.

## 2. The Solution

Reallocate travel funds to the Panel for hearings (\$10,000.00) and training (\$30,000.00) in the total amount of \$40,000.00.

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#### IV. HEARING MANAGEMENT

##### 1. The Problem

The management of hearings is a function of the size of the record. The size of the record is in turn a function of the number of contentions in a hearing and the factors described in Section I.A.2., above. Given the requirements of the three principal statutes governing board proceedings, I estimate that not more than 25 percent of the time needed to complete a licensing proceeding can be controlled by hearing management tools.

The Administrative Procedure Act and 10 CFR Part 2 presently contain virtually all of the authority Administrative Judges need to conduct their proceedings. However, the issuance of a policy statement by the Commission would reiterate and enhance that authority and facilitate its exercise.

Similarly, the management of hearings depends on the number of issues required to be heard. Public policy dictates that a broad range of issues be considered. NRC case law, largely made by intervenors at the trial and the appellate level, broadly implements that public policy.

In view of the present substantial length of time required for NRC proceedings, a policy statement addressing the subject of contentions would be most helpful at this time. That is particularly true because of the convergence of a large number of proceedings going to hearing in the next 12 months. Attachment A is a working paper in the form of a draft proposed statement of policy addressing the subjects of contentions and hearing management.

Finally, 10 CFR Part 2 has been revised piecemeal over the course of the last eight years. The Panel feels that it is time to revise Part 2 in its entirety

to incorporate the case law of the last eight years, to rewrite its provisions in succinct, simple English, and to more accurately reflect the current nature of Board proceedings.

## 2. The Solution

The Commission should issue a policy statement addressing the subjects of contentions and hearing management within the next 30 to 60 days.

The Commission should direct the Chairman, ASLBP, to review Part 2 and submit a complete revision within 90 days for circulation throughout the Commission. The revised Part 2 should be published for comment within 45 days after inter circulation.

## V. SUMMARY OF RECOMMENDATIONS

The Atomic Safety and Licensing Board Panel recommends that the Commission take the following steps to alleviate problems in the management of licensing proceedings:

1. Obtain an exemption from the freeze for: (a) the three full-time and two part-time Administrative Judges recently appointed; and (b) four part-time technical vacancies;
2. Issue a statement of policy furnishing guidance to the Boards in the hearing and management of licensing cases (a proposed draft is attached);
3. Direct the Panel to review Part 2 and submit a complete revision within 90 days for circulation throughout the Commission with

publication of the proposed revisions scheduled for 30 to 60 days thereafter;

4. Increase the authorized personnel ceiling of the Panel by nine: two full-time Administrative Judges (legal); four full-time law clerks (two-year appointments); and three legal secretaries;
5. Increase the ASLBP budget for travel and training by \$40,000.00 to \$220,000.00 per year for the cost of hearing travel and annual training of Board Members at the National Judicial College; and
6. Direct the ASLBP Chairman to seek authorization from the Office of Administrative Law Judges in OPM to: (1) qualify existing Panel Members as ALJs, and (2) obtain authority to use prior Panel Members not ALJs in other agencies, as needed.

# ADLBP Case Schedule, Calendar 1981, 1982, 1983

## LAWYER - CHAIRMAN

PANEL MEMBER	1981												1982												1983											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
<b>Bechhoefer (8)</b> No schedule: Paluvedes (SG)																																				
<b>Bowers (5)</b>																																				
<b>Carter (1)</b> No schedule: AFRR R.R. (Renewal)																																				
<b>Clark (1)</b>																																				
<b>Deale (1)</b>																																				
<b>Gleason (2)</b>																																				
<b>Goodhope (3)</b> No schedule: GE Morns (SP)																																				
<b>Grossman (6)</b> No schedule: Browns Ferry (SP) Big Rock Pt (SP) Ginna (FTL)																																				
<b>Lazo (6)</b> No schedule: Maine Yankee (SP) St Lucie (A) Humbolt Bay (OLA) Catawba (A)																																				
<b>Milholfin (1)</b>																																				
<b>Miller (7)</b> No schedule: Sanistatus (A) Catawba (A) West Conference (RM)																																				
<b>Smith (3)</b> No schedule: St. Lucie (A)																																				
<b>Wolf (4)</b> No schedule: Carol City (CP) Dresden (SP) TMI 2 (OLA)																																				
<b>Wolfe (4)</b> No schedule: Black Fox (CP) FNP (CP)																																				

**Legend:**

Hearing

Decision writing

"Impacted"

Hearing

Decision writing

"Other"

# ENGINEERS - PHYSICISTS

PANEL MEMBER	1981												1982												1983											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Bright (7) No schedule: Carol City (CP) NP (CP)																																				
Callihan (4)																																				
Decker (2)																																				
Ferguson (1)																																				
Hill (1) No schedule: AFRR R.R. (Renewal)																																				
Johnson (2) No schedule: Browns Ferry (SP)																																				
Jordan (3)																																				
Leeds (2)																																				
Linenberger (7) No schedule: Humboldt Bay (SP) Maine Yankee (SR)																																				
Livingston (1) No schedule: Palisades (SG)																																				
Luebke (7) No schedule: Ginna (FTU)																																				
Remick (4) No schedule: Dresden (SP) GE Morris (SP)																																				
Shon (5) No schedule: Big Rock Pt (SP) Black Fox (CP) TMI 2 (OLA)																																				

**Legend:**

Hearing

Decision writing

"Imposed"

Hearing

Decision writing

"Other"



# ENVIRONMENTAL SCIENTISTS

PANEL MEMBER	1981												1982												1983											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Anderson (3) No schedule: Palisades (SG)							LACROSSE (SC)											LACROSSE (FULL TERM OJ)																	WOLF CREEK (OJ)	
Cheatum (1)							ALLENS CREEK (CP)																													
Cole (8) No schedule: Gins (FTJ)																																				BRADWOOD (OJ) POST - 1983
Cowan (1)																																				MIDLAND
De Sylva (1)																																				
Foreman (3)																																				
Hand (2) No schedule: Maine Yankee (SP)																																				
Holton (1) No schedule: Carol City (CP)																																				
Hooper (2)																																				
Kline (3)																																				
Lamb (1)																																				
Little (4) No schedule: Dresden (SP) GE Mon: (PT 70)																																				
Paris (7) No schedule: Big Rock PT (SP) TMI 2 (OLA)																																				
Purdum (1) No schedule: Black Fox (CP)																																				
Schink (4) No Schedule: FNP (CP) Humbolt Bay (OLA) AFRR (Renewal)																																				
Stober (2) No schedule: Brown's Ferry (SP)																																				

**Legend:**

Hearing

Decision writing "Impacted"

Hearing

Decision writing "Other"

[WORKING PAPER]

U.S. NUCLEAR REGULATORY COMMISSION  
COMMISSION GUIDANCE ON CONDUCT OF LICENSING BOARD PROCEEDINGS  
DRAFT PROPOSED STATEMENT OF POLICY

I. BACKGROUND

The Commission has reviewed the workload of the Atomic Safety and Licensing Board Panel and the current status of proceedings before its individual boards. The Commission has determined that an unprecedented number of board proceedings are scheduled for hearings the next 24 months. Almost half of these proceedings concern applications for construction permits and operating licenses pursuant to the Atomic Energy Act, as amended. These circumstances will severely strain the existing resources of the ASLBP and have the potential to delay operation of qualified power plants. The potential cost of such delays to consumers is clearly of great consequence.

II. COMMISSION DECISION

Based upon an extensive review and consideration of contentions raised in licensing proceedings and the manner in which such proceedings are conducted--a review that is still continuing--the Commission has concluded that the requirements for admissible contentions in operating license proceedings should be refined and that individual boards

ATTACHMENT A.

should be strongly encouraged to employ all of the hearing management devices presently within their authority under the Administrative Procedure Act. Additionally, the Commission has concluded that, while plant operation must abide the resolution of those issues which materially bear on the public health and safety, the common defense and security and the environment, operation need not await the resolution of other issues.

The purpose of this statement is to express the Commission's policy of expediting proceedings by eliminating contentions which do not raise significant public interest issues, making greater use of § 50.57(c) of the Commission's regulations, and, because of the intermittent and protracted nature of licensing proceedings, insuring that all possible hearing management tools are employed by licensing boards. Thus, these guidelines are intended to reduce the time for resolving licensing proceedings following Commission action and response to the Three Mile Island accident.

Recent Supreme Court decisions have reaffirmed the broad latitude which agencies have in shaping their procedures. See Costle v. Pacific Legal Foundation, et al., \_\_\_ U.S. \_\_\_, 63 L. Ed. 2d 329, 100 S. Ct. \_\_\_\_ (1980) and Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519, 55 L. Ed. 2d 460, 98 S. Ct. 1197 (1978). While the Commission views this policy

ATTACHMENT A.

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statement as merely elaborating on existing regulations, these cases provide ample authority for any changes in the interpretation of existing regulations reflected in this statement.

### III. CONTENTION GUIDELINES

The Commission expects licensing boards to admit or retain in operating license hearings those issues which raise significant public interest considerations. Issues which do not raise such considerations, such as issues primarily related to private interests, should be looked upon skeptically. Our proceedings should not be made the vehicle for the vindication of some purely private right of action when other fora are available.

Similarly, the Commission believes that contentions which question the justification for the facility, and the consideration of alternatives (both for the site and the facility), matters which are fully explored in the construction permit proceeding, have no place in operating license proceedings absent a strong showing that some new development or information calls into considerable question the validity of the findings made earlier. Boards should be careful not to relitigate at the operating license stage issues which were adequately aired at the construction permit stage. The doctrines of res judicata and collateral estoppel should be judiciously applied.

ATTACHMENT A.

Page 3 of 9.

In short, contentions should be accepted in operating license proceedings only when they raise significant issues pertaining to the health and safety of the public, the common defense and security, and the environment. Contentions should be rejected: (1) which assert essentially private rights capable of vindication elsewhere; (2) which raise issues which only can be considered meaningfully prior to construction of the facility; and (3) which seek to relitigate issues which were or could have been adequately considered at the construction permit stage.

#### IV. SECTION 50.57(c) PROCEEDINGS

In operating license cases in which applicants seek authority under § 50.57(c) of the Commission's regulations for low-power testing and further operations short of full power, the licensing boards are to view the request in light of the issues raised in the proceeding. The Commission expects the boards to resolve all issues which raise serious implications concerning the impact of plant operation on the public health and safety, common defense and security, and the environment prior to authorizing operation pursuant to Appendix B to Part 2.

The boards are to view other issues in terms of their significance in the context of plant operation. In the event operation is permitted,

ATTACHMENT A.

Boards are to insure that appropriate conditions, including limitations on power levels and the duration of the authority, are imposed to safeguard the public. Boards must also keep in mind their authority to order a cessation of operation at any time. It is the Commission's intent that its regulations be flexibly applied to require resolution of issues which raise significant public interest considerations prior to authorizing operation, while permitting operation to commence prior to the resolution of those issues which do not raise significant public interest considerations. In this context, the Commission notes that it is standard practice to permit operation to go on even though substantial issues may be the subject of further evidentiary proceedings before an appeal board. The propriety of continued operation is, of course, viewed in the context of the issues still to be resolved and is not permitted where those issues so dictate. This consideration necessarily involves questions of the acceptability of the risk of operating, pending resolution of the issues, and whether operation might prejudice the imposition of any conditions which might be required as a result of the proceeding.

ATTACHMENT A.

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## V. QUASI-JUDICIAL MANAGEMENT TOOLS

Individual licensing boards are encouraged whenever possible to expedite the hearings by using all those hearing management methods which presently exist in Rules and Regulations, 10 C.F.R. Part 2 (1980). These devices include, but are not limited to:

### 1. Consolidated Intervenors

In accordance with § 2.715a intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions...." Obviously, no consolidation should be ordered that would prejudice the rights of either party. However, consonant with that condition, single-lead intervenors should be designated to present evidence, conduct cross-examination, and submit briefs, propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest.

ATTACHMENT A.

Page 6 of 9.

2. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

3. Settlement Conference

Following completion of the discovery provided in §§ 2.740, et seq., and prior to the filing of motions for summary disposition, licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery so that such contentions can be eliminated from the proceeding, and (b) to have the



parties negotiate a resolution, wherever possible, of all on part of any contention still held valid and important. The settlement conference is not intended to replace the pre-hearing conferences provided by §§ 2.751a and 2.752.

4. Trial Briefs, Pretrial Testimony Outlined and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the board to expedite the orderly presentation by each party of its case. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding.

5. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues boards are encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an answer to a question by the opposing witness.

ATTACHMENT A.

6. Simultaneous Filing of Proposed Findings

When possible, boards are encouraged to require the simultaneous filing of proposed findings of fact and conclusions of law from all parties.

7. Obligations of Parties

The Commission wishes to emphasize that the failure by a party to comply with discovery, filing or other obligations without good cause should, in serious cases, result in dismissal of that party from the proceeding.

VI. COMMISSION MONITORING

The Commission desires to closely monitor hearing proceedings in order to offer guidance where appropriate. In this connection, should the boards certify close questions regarding the interpretation of this policy statement to the Commission for its consideration, the Commission will exercise its best effort to answer such questions within 20 days of receipt. The Commission recognizes that many such certifications will occur at critical points in the proceeding and that some proceedings will not be able to go forward until such questions are answered.

ATTACHMENT A.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

Attachment 6

March 5, 1981

MEMORANDUM FOR: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne

FROM: B. Paul Cotter, Jr. *APC*  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

SUBJECT: CONDUCT OF LICENSING BOARD PROCEEDINGS

As a consequence of the public meetings of February 26, 27 and March 3, 1981 on licensing procedures, attached hereto is a revised Draft Proposed Statement of Policy on that subject. The draft is based on all the proposals submitted by the ASLBP, the General Counsel, the Executive Director for Operations, the Director of the Office of Policy Evaluation, and the Director of the Office of Nuclear Reactor Regulation concerning possible improvements to licensing proceedings. The draft represents a consensus view of five full-time Panel members (the remaining 10 members were out of the office at hearings and one at the National Judicial College).

[WORKING PAPER]

U.S. NUCLEAR REGULATORY COMMISSION  
COMMISSION GUIDANCE ON CONDUCT OF LICENSING BOARD PROCEEDINGS  
DRAFT PROPOSED STATEMENT OF POLICY

I. BACKGROUND

The Commission has reviewed the docket of the Atomic Safety and Licensing Board Panel ("ASLBP") and the current status of proceedings before its individual boards. In a series of public meetings, the Commission has examined at length all of its major components involved in licensing proceedings.

An unprecedented number of board proceedings are scheduled for hearing in the next 24 months. At least half of these proceedings concern applications for construction permits and operating licenses pursuant to the Atomic Energy Act, as amended. These circumstances will severely strain the existing resources of the ASLBP and have the potential to delay operation of qualified power plants. The potential cost of such delays to consumers is clearly of great consequence.

II. COMMISSION DECISION

Based upon an extensive review and consideration of the Commission's rules of procedure for licensing hearings, the contentions raised in such proceedings, and the manner in which such proceedings are conducted--a review that is still continuing--the Commission has concluded that: (1) individual

boards should be strongly encouraged to employ all of the hearing management devices presently within their authority under the Administrative Procedure Act; (2) the requirements for admissible contentions in operating license proceedings should be refined; and (3) while plant operation must abide the resolution of those issues which materially bear on the public health and safety, the common defense and security and the environment, operation need not await the resolution of other issues. This statement, the first in a series, sets forth the Commission's policy of insuring that all possible hearing management tools are employed by licensing boards. Virtually all of the procedural devices discussed within are currently being employed by sitting Boards. The Commission's reemphasis of the use of such tools is intended to reduce the time for resolving licensing proceedings following Commission action in response to the Three Mile Island accident.

Recent Supreme Court decisions have reaffirmed the broad latitude which agencies have in shaping their procedures. See Costle v. Pacific Legal Foundation, et al., \_\_\_ U.S. \_\_\_, 63 L. Ed. 2d 329, 100 S. Ct. \_\_\_ (1980) and Vermont Yankee Nuclear Power Corp. v. National Resources Defense Council, Inc., 435 U.S. 519, 55 L. Ed. 2d 460, 98 S. Ct. 1197 (1978). While the Commission views this policy statement as merely elaborating on existing regulations, the foregoing cases provide ample authority for any changes in the interpretation of existing regulations that might be reflected in this statement.

### III. HEARING MANAGEMENT TOOLS

In consideration of the circumstances recited in Section I and the Commission's decision in Section II, above, the Commission strongly reiterates

ATTACHMENT A

its firm policy requiring expedition of the hearing process to the maximum extent consistent with the procedural rights of the parties. Individual licensing boards are encouraged whenever possible to expedite hearings by using all those hearing management methods which presently exist in Part 2 of the Commission's Rules and Regulations, 10 C.F.R. Part 2 (1960). Those procedures addressed below are not to be considered inclusive, but rather are to be considered illustrative of the actions that can be taken by individual Boards.

#### A. Time

We note at the outset that the fundamental ingredient in managing licensing proceedings is time. Sections 2.710 and 2.711 prescribe the general rules for computing and adjusting specified times for action by the parties.

The Boards are directed to specify time frames for all actions where they deem such delineations of time will expedite proceedings. Concomitantly, the Boards are advised to thoroughly satisfy themselves that the Section 2.711 "good cause" for adjusting times fixed by the Board or prescribed by Part 2 truly exists. All requests for extensions of time shall be in writing and shall be filed with the Board three working days before the time specified expires.

#### B. Consolidated Intervenor

In accordance with Section 2.715a, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may

be affected by the proceedings and who raise[s] substantially the same questions...." Obviously, no consolidation should be ordered that would prejudice the rights of any intervenor.

However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the Board, that the record would otherwise be incomplete.

#### C. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

#### D. Board Management of Discovery

The purpose of discovery is to expedite hearings by the disclosure of all information in the possession of the parties so that, inter alia, issues may be narrowed, stipulated, or eliminated and evidence to be presented at hearing can be stipulated or otherwise limited to that which is relevant.

The Commission is concerned that discovery not delay hearings through abuse of discovery devices or their overuse, however well intentioned, by the parties.

Accordingly, the Boards are directed to manage and supervise all discovery, not only the initial discovery relating to admitted contentions, the application and accompanying environmental report, the original Safety Evaluation Report, and the Draft and Final Environmental Statement, but also discovery arising out of any supplements to those documents. The Commission reinforces the policy of voluntary discovery, but directs the Boards, in consultation with the parties, to establish time frames for the completion of both voluntary and involuntary discovery.

Each individual Board shall determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual Boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

With respect to discovery following the filing of final supplements to the SER and the FES, Boards are directed to closely monitor such discovery and insure that it is completed as quickly as possible. All useful management devices should be employed, and specific time frames should be established.



Finally, the Boards are reminded that the failure of a party to comply with the letter or the spirit of discovery is subject to appropriate sanctions. In extreme cases, such sanctions may include denial of the right to cross-examine or present evidence, dismissal of the offending party, or dismissal of one or more of its contentions.

#### E. Settlement Conference

Following completion of the discovery provided in §§2.740, et seq., and prior to the filing of motions for summary disposition, licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery so that such contentions can be eliminated from the proceeding, and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference is not intended to replace the prehearing conferences provided by §§2.751a and 2.752.

#### F. Prehearing Procedures in General

The Commission, while recognizing that differences among individual proceedings may dictate a longer or shorter time, believes that Boards should schedule all prehearing procedures to be completed so that hearings will commence not later than five months following the issuance of the last staff document in the proceeding. Further, whenever advantageous and practicable,

Boards are encouraged to hear and decide discrete issues prior to the issuance of the last staff document in the proceeding.

G. Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the Board to expedite the orderly presentation by each party of its case. The Commission believes that cross-examination plans, which are to be submitted to the Board alone, would be of benefit in most proceedings. Nevertheless, each Board must decide which device or devices would be most fruitful in managing or expediting its proceeding.

H. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues, Boards are encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question.

I. Simultaneous Filing of Proposed Findings

Whenever possible, Boards are encouraged to require all parties to file proposed findings of fact and conclusions of law simultaneously.

J. Initial Decisions

Licensing proceedings vary greatly in the difficulty and complexity of issues to be decided, the number of such issues, and the size of the record

compiled. Records running 20 to 40 linear feet with transcripts of 10,000 to 20,000 pages are the rule rather than the exception in today's contested proceedings on operating licenses and construction permits. These records frequently represent 40 or more man years of work by the parties. In contrast some types of proceedings are substantially smaller and less complex.

The Commission expects Initial Decisions of the highest quality in view of the importance of these decisions to the national interest. Concomitantly, the Commission directs that such decisions issue as soon as practicable after the submission of proposed findings of fact and conclusions of law to insure that facilities, if qualified, are licensed as soon as they are ready to operate.

Accordingly, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel is directed to schedule all Board assignments so that individual Board members are free to devote full time to writing those Initial Decisions that could delay construction or operation of a nuclear facility immediately after the record has been completed. The Chief Administrative Judge is also directed to furnish all available resources in the form of staff work and law clerks to each licensing board when it is working on an Initial Decision. The issuance of Initial Decisions on completed proceedings, which could delay construction or operation of nuclear facilities, takes precedence over other responsibilities.

Additionally, the Commission deems it appropriate to establish guidelines for the length of time necessary to complete and issue Initial Decisions. Appendix A to Part 2 of the Commission's rules established a single, standard guideline of 35 days in 1972. At that time the average proceeding lasted three days, few were contested, and the Atomic Safety and Licensing Board Panel was just being established as a full-time activity. A more realistic guideline is needed in 1981.

The Commission has concluded that a reasonable guideline can be constructed from a ratio of four working days for each day of hearing with a minimum of 35 calendar days to accommodate communication among Board members geographically dispersed. Thus an Initial Decision on a one-week hearing should be issued within 20 working days of the close of the record or the last filing of proposed findings of fact and conclusions of law, whichever is later.

For larger cases lasting a month or longer to hear, a ratio of three working days to each day of hearing is an appropriate guideline. Thus, an Initial Decision on an operating license or construction permit proceeding requiring a month, or 20 days of hearings, should be issued in 60 working days.

While the Commission recognizes that hearings involving particularly difficult, complex, or novel issues may take longer to decide, the foregoing Boards are directed to make every effort to complete their work within the time frame established by the guidelines. Boards are encouraged to adopt proposed findings as frequently as they deem appropriate.

Boards should strive to complete and issue their Initial Decisions in shorter time frames than the guidelines provide whenever possible.

K. Obligations of Parties

The Commission wishes to emphasize that the failure of any party to comply with any obligation imposed by the Commission's laws and regulations without good cause will result in appropriate sanctions which include for extreme cases, dismissal of that party from the proceeding.

VI. COMMISSION MONITORING

The Commission desires to closely monitor hearing proceedings in order to offer guidance where appropriate. In this connection, should the Boards certify close questions regarding the interpretation of this policy statement or any other appropriate matter to the Commission for its consideration, the Commission will exercise its best effort to answer such questions within 15 working days of receipt. The Commission recognizes that many such certifications will occur at critical points in the proceeding and that some proceedings will not be able to go forward until such questions are answered.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Attachment 7

March 9, 1981

NOTE TO: Leonard Bickwit, General Counsel

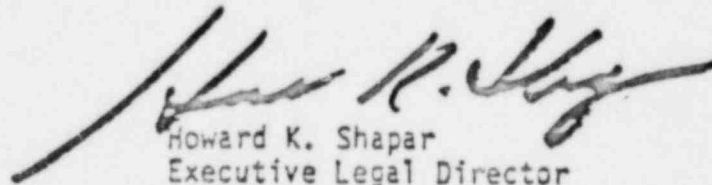
Alan S. Rosenthal, Chairman  
Atomic Safety and Licensing Appeal Board

B. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

SUBJECT: CONDUCT OF LICENSING BOARD PROCEEDINGS

I have reviewed Tony Cotter's Draft Proposed Statement of Policy on the subject of "Commission Guidance on Conduct of Licensing Board Proceedings" which he sent to the Commission on March 5, 1981.

My suggestions for changes are included in a revised draft which is attached. Further changes will undoubtedly be required as a result of Commission decisions reached in the ongoing Commission meetings on revised licensing procedures (including possible rule changes). One of the things I have tried to do here is to correlate this statement with our existing policy statement (Appendix A to Part 2) and the situation of the "eleven impacted plants".

  
Howard K. Shapar  
Executive Legal Director

Attachment: Revised Draft

Dupe of 8103200840



U R A F I  
UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

MEMORANDUM FOR: B. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: Chairman Hendrie

SUBJECT: EXPEDITING THE DECISIONMAKING PROCESS AND AVOIDING  
UNDUE DELAYS

In the past, the scheduling and processing of licensing reviews has typically provided sufficient time so that the hearings would be completed and the license issued by the time the nuclear plant is completed and ready to operate. For the first time, however, these hearings are or will be continuing for at least eleven nuclear power plants that should be complete and ready to operate before the hearings conclude. This situation is an indirect consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for a period of over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and to the preparation of an action plan which specified a discrete set of TMI-related requirements for new operating reactors. During this period utilities which had received construction permits continued to build the authorized plants.

The severe public interest impact of these delays has been discussed extensively before interested committees in the House and Senate. Although there may be differences of opinion on the precise overall impact of these delays, as well as in the different estimates of the consequences for each of the plants, as a general proposition, the delay costs now are estimated to range in the tens of millions of dollars per month for each completed plant. Moreover, these plants would need an operating license if their generating capacity is to be responsive to any severe need for power situation which may develop.

As you are aware, the Commission is making every effort to see that available resources are devoted to the completion of its licensing reviews of these plants and to avoid all unnecessary delays in these hearings. For example, the Office of Nuclear Reactor Regulation (ONRR) and the Office of the Executive Legal Director, as a part of their intensive effort to expedite the processing of facility license applications, have instituted an extended work week.

A presiding licensing board is the principal entity which is in a position to impose an informed direction over the hearing phase of the overall licensing process on the basis of detailed knowledge of what is required to meet the legitimate interest of the public as well as legitimate interest of the parties. A presiding licensing board has the responsibility for controlling the course of the hearing so that it is completed expeditiously. The authority to do so (see §§ 2.718 and 2.757) and the procedural tools to carry it out are provided in the Rules of Practice, 10 CFR Part 2, and more detailed guidance is given in the Statement of General Policy and Procedure in Appendix A to Part 2.

I fully recognize the difficulties under which licensing boards labor, even under normal circumstances. I also recognize that efficiency and expedition of the hearing process are not the only interests at stake. It is central in the Commission's accomplishment of its role that the hearing process be conducted fairly. Nonetheless, unnecessary delay does not properly serve any of the interests which could be affected by the hearing process.

In view of the unique responsibility bestowed on presiding licensing boards, and the important challenge which the Commission is now facing, I would like to reiterate the Commission's firm policy on expediting cases:

In The Statement of Considerations which accompanied the restructured Rules of Practice, the Commission said (37 Fed. Reg. 15127, July 28, 1972):

"The Commission is concerned not only with its obligation to the segment of the public participating in licensing proceedings but also with a responsibility to the general public--a responsibility to arrive at sound decisions, whether favorable or unfavorable to any particular party, in a timely fashion. The Commission expressly recognizes the positive necessity for expediting the decisionmaking process and avoiding undue delays. It expects that its responsibilities under the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and other applicable statutes, will be carried out in a manner consistent with this policy in the overall public interest."

The Statement of General Policy and Procedure (10 CFR Part 2, Appendix A) on the conduct of hearings for the licensing of nuclear power plants now states:

"The Statement [of General Policy and Procedure] reflects the Commission's intent that such proceedings be conducted expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties



in such cases and the obligation of administrative agencies to conduct their functions with efficiency and economy, require that Commission adjudications be conducted without unnecessary delay."

More recently, the Commission has noted (Miscellaneous Amendments to its Rules of Practice, 43 F.R. 17798 and 17801, April 27, 1978) that it is "committed to developing a hearing process which will produce decisions in a timely fashion" and referred to its "responsibility to the general public to arrive at sound licensing decisions in a timely fashion."

Implementation of this long-standing policy of the Commission is, in large part, the responsibility of each presiding licensing board. Recently in public Commission meetings, as well as in an earlier seminar which I convened ("Seminar Report on the Public Hearing Process For Nuclear Power Plants", NUREG-0545, June 26-27, 1978), constructive suggestions have been discussed on steps which presiding boards could take to reduce or eliminate unnecessary delay from each of the three phases (prehearing, the hearing itself, post-hearing, including the rendering of a decision) of the hearing process. In the final analysis, the actions, consistent with applicable rules, which can be taken to accomplish that objective are limited primarily by the good sense, judgment, and managerial skills of a presiding board which is dedicated to the task of seeing that the process moves along at an expeditious pace consistent with the demands of fairness. Some of the major observations which have emerged from these discussions are:

The effectiveness of a presiding licensing board depends on its ability to organize and manage the proceeding. In this regard, the establishment of schedules for the completion of the hearing and for the completion of significant actions is necessary. Even though such schedules must of necessity be flexible in appropriate circumstances, a presiding board should insist that all parties make dedicated efforts to meet schedules. In this regard, the times provided for in the Rules of Practice may ordinarily be regarded as the maximum times for the various milestones in the hearing process. Reasonable reductions in these times are entirely proper if a presiding board deems such reduction to be in the interest of regulating the course of the hearing. A board should be satisfied that the section 2.711 "good cause" requirement for adjusting times fixed by it or prescribed by Part 2 is met. All requests for extension of time should be in writing and should be filed with the Board three working days before the time specified expires.

With regard to its duty to manage and regulate the course of a hearing, a presiding board should make it clear to participating parties that the failure to comply with any obligation properly

imposed in accordance with applicable law and Commission regulations, without a showing of good cause, will result in appropriate sanctions which include, when appropriate, dismissal of that party from the proceeding.

Informal Consultation and Conferences. Full advantage should be taken of the use of informal consultation and informal conferences to work out measures such as those with respect to the admissibility of contentions and the nature and scope of discovery. Use of these informal approaches have a clear potential for resulting in a more expeditious hearing than a situation in which every dispute in these areas must ultimately be resolved by the board itself. A board should encourage parties to negotiate through informal consultation at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

Settlements. A board should encourage settlements either as to particular issues in a proceeding or the entire proceeding. At least, following completion of discovery, and prior to the filing of motions for summary disposition, boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions which they no longer consider as valid or important so that such contentions can be eliminated from the proceeding, and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference would not replace the prehearing conferences provided by §§ 2.751a and 2.752 in the Rules of Practice.

Summary Disposition. In exercising its authority to regulate the course of a hearing, full use should be made of the summary disposition procedure so that evidentiary hearing time on any issue, which although allegedly in controversy, is not the subject of a factual dispute which needs to be resolved at an evidentiary hearing.

Timely rulings on crucial issues. A board should issue timely rulings on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. For example, a ruling on such an issue may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of the evidentiary presentation, and the time and resources

needed for such a presentation, should be rendered promptly so that resources would not unnecessarily be used because of the uncertainties regarding the definition of matters in controversy which would continue to exist without the ruling. In other words, a board should issue timely rulings on questions of fact and law so as to define the issues in controversy in as narrow and specific manner as is justified. Rulings on procedural matters to regulate the course of the hearing should also be rendered in a timely manner.

If a significant legal or policy question is presented on which Commission guidance is needed in order to prevent detriment to the public interest or expense, a board should promptly refer or certify the matter to the Commission. The Commission, for its part, will make its best effort to answer such questions promptly. A board should exercise its best judgment to try to anticipate crucial issues which may require such Commission guidance so that the reference or certification can be made and the response received without holding up the proceeding.

Board management of discovery. Discovery should be limited to matters relating to the key issues in controversy. In no event should the parties be permitted to use discovery procedures to delay the proceeding or to conduct a "fishing expedition." Unless there is a compelling reason for the non-disclosure of documents relating to such issues, they should be made available as a matter of course. When a party resists a reasonable discovery request, the entire progress of the proceeding slows.

A board should manage and supervise all discovery, not only the initial discovery relating to admitted contentions, the application and accompanying environmental report, the original Safety Evaluation Report, and the Draft and Final Environmental Statement, but also discovery arising out of any relevant supplement to those documents. A board, in consultation with the parties, should establish time frames for the completion of both voluntary and involuntary discovery.

Each board should determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

With respect to any discovery permitted following the filing of supplements to the SER and the FES, a board should closely monitor

such discovery and insure that it is completed as quickly as possible. All useful management devices should be employed, and specific time frames should be established.

The failure of a party to comply with discovery requirements is subject to appropriate sanctions. A board should, when justified, rule against the interests of a party which fails to cooperate in discovery requests. For example, such sanctions may include denial of the right to cross-examine or present evidence, dismissal of the offending party, or dismissal of one or more of its contentions.

- Schedule for commencement of hearing. As a general goal, with recognition that there may be differences among individual proceedings, boards should manage all prehearing procedures so that the evidentiary hearings will commence not later than \_\_\_\_\_ months following the issuance of the requisite staff documents which are needed for the staff's presentation on key issues which are in controversy in the proceeding. In all instances, however, if a board believes it advantageous and practicable to do so, it should commence the evidentiary hearing and decide discrete issues even prior to the availability of such staff documents.

- Consolidated Intervenor. In accordance with Section 2.715a of the Rules of Practice, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions...." As stated in this section, consolidation may not be ordered which would prejudice the rights of any party. However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.

- Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans. All or any combination of these devices should be required at the discretion of a board to expedite the orderly presentation by each party of its case. Cross-examination plans, which are to be submitted to the board alone, should be beneficial in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by, among others, limiting repetitive and unnecessary direct oral testimony and cross-examination.

- Combining Rebuttal and Surrebuttal Testimony. For particular, highly technical issues, a board is encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a roundtable basis after the receipt in evidence of prepared testimony.
- Simultaneous Filing of Proposed Findings. Whenever possible, a board is encouraged to require all parties to file proposed findings of fact and conclusions of law simultaneously.
- Issuance of Initial Decisions. Appendix A to Part 2 states as a target goal the desirability of having a board render its initial decision within 35 days after its receipt of the proposed findings of fact and conclusions of law which are filed by the parties in a contested case. While the Commission recognizes that hearings involving particularly difficult, complex, or novel issues may take longer to decide than others, boards are encouraged to make every effort to complete their work within this time frame. Boards are also encouraged to adopt proposed findings as frequently as they deem appropriate.

Steps such as those which I have identified herein, if vigorously implemented, should reduce substantially unnecessary delay in the hearing process. I am confident that the Commission can depend on your full cooperation and that of your colleagues in responding to the challenge we now face.

Joseph M. Hendrie  
Chairman



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Attachment 8

March 10, 1981

MEMORANDUM FOR: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne

FROM: Leonard Bickwit, Jr.  
General Counsel

Attached are several charts to be used in connection with this afternoon's discussion on licensing procedures.

Attachments

cc: OPE  
OCA  
SECY  
EDO  
OELD  
NRR  
ASLBP  
ASLAP

Dupe of 8103200848

TIME LINE FOR CONTESTED CP OR OL HEARING SCHEDULES

<u>DAY</u>	
0	Notice of Hearing Published in Federal Register (30 days 2.104a)
30	Final day to file Petition for Leave to Intervene (Responses required 15 days after date of filing (10 days for other parties).)
50	Responses - (15 days Staff + 5 days mail - 2.714c)
75	Amend Petitions and Contentions due (2.714(b) - 15 days before Special Conf.)
90	Parties' response to contentions and Special Prehearing Conference (§ 2.751a - 90 days after Notice or such other time).
95	Staff Response to contentions (2.714c - 15 days + 5 days mail)
125 (SER 155)*	Board Order following prehearing setting schedule and opening discovery (assumed - 30 days after last responses)
185	Discovery concluded (assumed - 60 days)
245	Second prehearing conference to rule on issues (2.752 - 60 days after discovery or such other time)
280	Board Order setting hearing (assumed - 35 days)
290	Objections to Order from parties (2.752(c) - 5 days plus 5 days mail)
295	Staff Objections to Order (2.752(c) - 10 days plus 5 days mail)
310 (Approx)	Final Board Order (assumed - 15 days after last objections)
315	Motions for Summary Disposition due (assumed - earliest possible date after setting of issues in Board Order)
345	Testimony filed
345	Responses to Summ. Disp. motions (20 days after motion + 5 days mail - but extra 5 days added to account for devel. of testimony upon which
355	Board ruling on Summ. Disp. (assumed - Board rules response based end of week before hearing starts)
360	Hearing Commences (2.749a) - 45 days after motions for S.D.)
390	Record closes (assumed - 30 days)
410	Applicant Proposed Findings due (2.754(a)(1) - 20 days)
420	Parties' Proposed Findings due (2.754(a)(2) - 30 days)
430	Staff proposed findings due (2.754(a)(2) - 40 days)
445	Applicant's reply findings due (2.754(a)(3) - 10 days)

\*SER Supp. which closes up on main areas of contentions - has to be before close of discovery - at least 30 days before discovery concludes.

	<u>Schedule Suggested by Past Experience</u> <sup>1/</sup>	<u>Bevill Report Assumptions</u>	<u>Schedule Based on Rules</u> <sup>4/</sup>	<u>Optional Revised Schedule</u>
SER Supplement to start of hearing	9.7 months <sup>2/</sup>	5 months	7 months	3 months
Start of hearing to ASL3 decision	8.3 months <sup>3/</sup>	7-8 months	4 months	5 months
Total	18 months	12-13 months	11 months	8 months (10 months planning assump.)

- 1/ No sense of urgency since licensing not on critical path.
- 2/ Estimated average based on 9 recent contested OL cases.
- 3/ Average from all contested OL cases with FSARs docketed 1970-1974.
- 4/ See OELD schedule (Chart No. 2).



DAY

- 485 Initial decision (35 days Appendix A, VI.d)
- 500 Exceptions on Appeal and/or Motions for stay (2.788 - 10 days + 5 da  
mail)
- 515 Responses to Stay Request (2.788(a) - 10 days + 5 days mail)
- 530 Appellant's Brief on Appeal
- 545 Appeal Board decision on stay motion (App. B #2 - 60 days after deci
- 565 Commission decision on stay motion (App. B #3 - 20 days after ASLAB  
decision)

It is noted that 1 year 6 months is the minimum schedule for a contested OL or CP proceeding. This assumes a complete application, timely Staff testimony and strict adherence to Part 2 times by licensing boards. Experience indicates none of the foregoing assumptions is warranted.

OPTIONAL REVISED SCHEDULE  
(AS COMPARED WITH SCHEDULE BASED ON RULES)

<u>Event</u>	<u>Optional</u>	<u>Schedule Based on Rules</u>
SSER	0	0
End discovery	25	30
Revised contentions	25	75
Prehearing (and settlement) conference	40	90
Final decision after prehearing	50	155
Summary disposition motions	55	160
File testimony	80	190
Summary disposition decision	90	200
Begin hearing	95 (3 mo.)	205 (7 mo.)
End hearing	135	235
All proposed findings filed	175	285
ASLB decision	240 <u>(5 mo.)</u>	325 <u>(4 mo.)</u>
	(8 mo.)	(11 mo.)

Needed for Optional Revised Schedule1. Rule Changes

- a. Change 2.720, 2.740 - 2.742, 2.744, 2.790 - no discovery against NRC staff -- NRC staff will agree to informal discovery per NRC policy statement.
- b. Change 7.730, 2.751a, 2.752, and 2.771 to allow ASLB to issue oral order at prehearing not subject to reconsideration.
- c. Change 2.721 to authorize ASLB Chairman to act for ASLB on all prehearing matters.
- d. Change 2.754 to confirm that proposed findings can all be filed simultaneously and to eliminate right of reply.
- e. Change 2.749 to allow greater flexibility in filing times for summary disposition.
- f. Conforming changes to Part 2, App. A.

2. Policy Statement on Need for Expedition3. Resources

OELD  
NRR  
ASLBP

Other Agreed-On Options

1. Rulemaking on TMI issues
2. Revision to 2.714 contention rule
3. Rulemaking on financial qualification
4. Rulemaking on generic NEPA issues
5. Better define scope of "sufficiency" challenges under TMI Action Plan Policy Statement
6. Restrict cross-examination and proposed findings to contentions (rule change)
7. Further study of substituting ALJs for ASLBs

February 17, 1981SECY-81-111

## RULEMAKING ISSUE

(Notation Vote)

For: The Commissioners

From: Leonard Bickwit, Jr.  
General Counsel

Subject: INTERVENTION IN NRC ADJUDICATORY PROCEEDINGS

Purpose: To offer for Commission consideration a draft rule that would raise the threshold for contentions.

Discussion: At the Chairman's request, we are forwarding for your consideration a draft rule that would raise the threshold for the admissibility of intervenor contentions in NRC adjudicatory proceedings. At present, a person petitioning to intervene in a formal NRC proceeding must file "a list of the contentions which petitioner seeks to have litigated in the matter and the bases for each contention set forth with reasonable specificity." 10 CFR 2.714(b). This requirement serves the threefold purpose of (1) notifying the applicant and NRC staff, at least generally, as to what they will have to defend against or oppose, (2) limiting the scope of subsequent stages of the proceeding including discovery, and (3) assuring, to a degree, that the issues which petitioner seeks to raise are cognizable in an individual licensing proceeding. If a would-be intervenor fails to raise at least one litigable contention, he may not participate in the proceeding as a party. 10 CFR 2.714(b). The contention requirement was upheld in BPI v. Atomic Energy Commission, 502 F.2d 424 (D.C. Cir. 1974).

The draft rule now offered for your consideration would also require the person petitioning for intervention (1) to identify for each contention the material facts in dispute which warrant an adjudicatory hearing, and (2) to submit the documents and other information relied on to show the existence of such facts. If the applicant or NRC staff contested the existence of such an issue, the contention would not be admitted for

CONTACT:  
C.W. Reamer, OGC  
634-1493

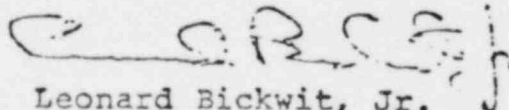
*Dupe of 81-0346-485*

hearing if the documents and other information submitted showed that there was no genuine issue of material fact and no reasonable likelihood that additional facts could be developed which would show the existence of a genuine issue to be heard.

NRC rules providing for summary disposition on pleadings (10 CFR 2.749) recognize the general principle that an adjudicatory hearing is not required for matters as to which there is no genuine dispute. The draft rule seeks to integrate that general principle into the contention stage of a proceeding. In practice, however, a would-be intervenor will be less prepared to fend off summary disposition at this early stage; thus, the rule change could significantly affect public participation in licensing proceedings. The short timeframe for drafting the rule has permitted no real study of this and other questions about the workability and possible consequences of the rule change.

Recommendation:

Approve the draft rule as a subject for further study by OGC and direct OGC, after consultation with the staff and the adjudicatory boards, to report its conclusions and recommendations as to whether the draft rule should be the subject of rulemaking.

  
Leonard Bickwit, Jr.  
General Counsel

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Tuesday, March 3, 1981.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT February 24, 1981, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

DISTRIBUTION

Commissioners  
Commission Staff Offices  
Exec Dir for Operations  
ACRS  
ASLBP  
ASLAP  
Secretariat

1. Amend 10 CFR 2.714(b) by inserting after the first sentence thereof the following new sentence:

The supplement must set forth a concise statement of the facts supporting each contention together with references to the written documents and other information relied upon to show the existence of such facts. If an answer filed under subsection (d) of this section contests the existence of an issue of material fact with respect to any contention petitioner shall be afforded a reasonable opportunity to submit additional written documents or other information to show either an issue of material fact or a reasonable likelihood that such an issue may be developed in the course of the proceeding.

2. Amend 10 CFR 2.714(c) by inserting at the end thereof the following new sentence:

If a party states in its answer that, as to a particular contention of a petitioner, there exist no material facts as to which there is a genuine issue to be heard, it shall submit a concise statement of the material facts not in dispute, together with references to the written documents and other information upon which it relies.

3. Amend 10 CFR 2.714(d) by inserting at the end thereof the following new sentence:

No contention shall be admitted for hearing if the documents and other information submitted show that there is no genuine issue of material fact to be heard and that there is no reasonable likelihood that additional facts can be developed in the proceeding which will show the existence of such an issue.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

APR 8 1980

MEMORANDUM FOR: Commissioner Kennedy

THRU: William J. Dircks, *Original Signed by*  
Acting Executive Director for Operations

FROM: Norman M. Haller, Director  
Office of Management and Program Analysis

SUBJECT: A STUDY OF HEARING PROCESS DURATION FOR NUCLEAR  
POWER REACTORS IN THE U.S.

Attached is the report you requested on the duration of the hearing process to license nuclear power reactors in the U.S.

You will recall my January 2 memorandum to you, "A Preliminary Look at Hearing Process Duration for U.S. Nuclear Power Reactors," in which the findings were necessarily tentative because the available data had not been verified at that time. Since then, the data base has been checked for internal consistency (e.g., correct sequencing of dates) and for consistency with the several sources consulted in its creation (e.g., matching with information in the USNRC Program Summary Report (the "Brown" Book)).

The study's findings are given in detail in Section 5 of the report. They show an increase in the average duration of both the radiation/safety and the environmental hearing process over two decades since the mid-1950s covered by the study. The increase occurs in both the Construction Permit (CP) and the Operating License (OL) phases. No trend was identified for the duration of the combined hearing process for either phase.

The attached report does not make any attempt to determine underlying causes or reasons for the trends. Such an effort will require expertise in reactor licensing and associated activities.

We intend to obtain information to enhance our understanding of the causes and reasons of the trends by publishing and distributing these findings for internal agency use. We will seek comments from the several Offices to

CONTACT: Dan Lurie  
49-27851

8005090459  
POR

APR 8 1980

determine their views on (1) factors influencing the lengthening of the hearing process, (2) factors within NRC's purview and which are problems, and (3) methods that might be used to address these problems. In this fashion, we believe we can determine readily if further study of these phenomena is warranted.

We also intend to maintain and to continue the use of the data base assembled for this study and to provide analyses of various types on recurring bases.

If you have further questions or comments, please let us know.

*Original Signed by*

Norman M. Haller, Director  
Office of Management and Program  
Analysis

Enclosures:

1. A Study of Hearing Process Duration  
for Nuclear Power Reactors in the  
U.S.
2. Reactor Portfolio

cc w/enclosure 1:

Chairman Ahearne  
Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford  
OGC  
OPE  
SFCY

A STUDY OF HEARING PROCESS DURATION FOR  
NUCLEAR POWER REACTORS IN THE U.S.

Prepared by

Dan Lurie

Susan B. Young

Craig R. Rowland

Applied Statistics Branch  
Division of Technical Support  
Office of Management and Program Analysis

March 31, 1980

Dupe of 8005090463

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## 1. Introduction

This study was conducted in order to summarize and analyze information on the duration of the hearing process associated with the construction of nuclear power reactors in this country. A specific task of this study was to identify, whenever possible, significant trends in the duration of the hearing.

The process of licensing a nuclear reactor in the U.S. is made up of two major phases: the Construction Permit (CP) phase and the Operating License (OL) phase. The beginning of a phase is defined in this report as the date of docketing of the Safety Analysis Report (SAR) or the date of docketing of the Environmental Report (ER), whichever is earlier. In this report, the end of the CP phase is defined as the date of CP issuance, and the end of the OL phase as the date of OL issuance.

Important milestones in the hearing process are listed in Appendix A for the CP Phase (Table A.1) and for the OL phase (Table A.2). The relative position of milestones within the hearing process is schematically drawn in Figure 1. A listing of time intervals of interest, given relative to the milestones in Appendix A, is given in Appendix B for the CP phase (Table B.1) and for the OL phase (Table B.2).

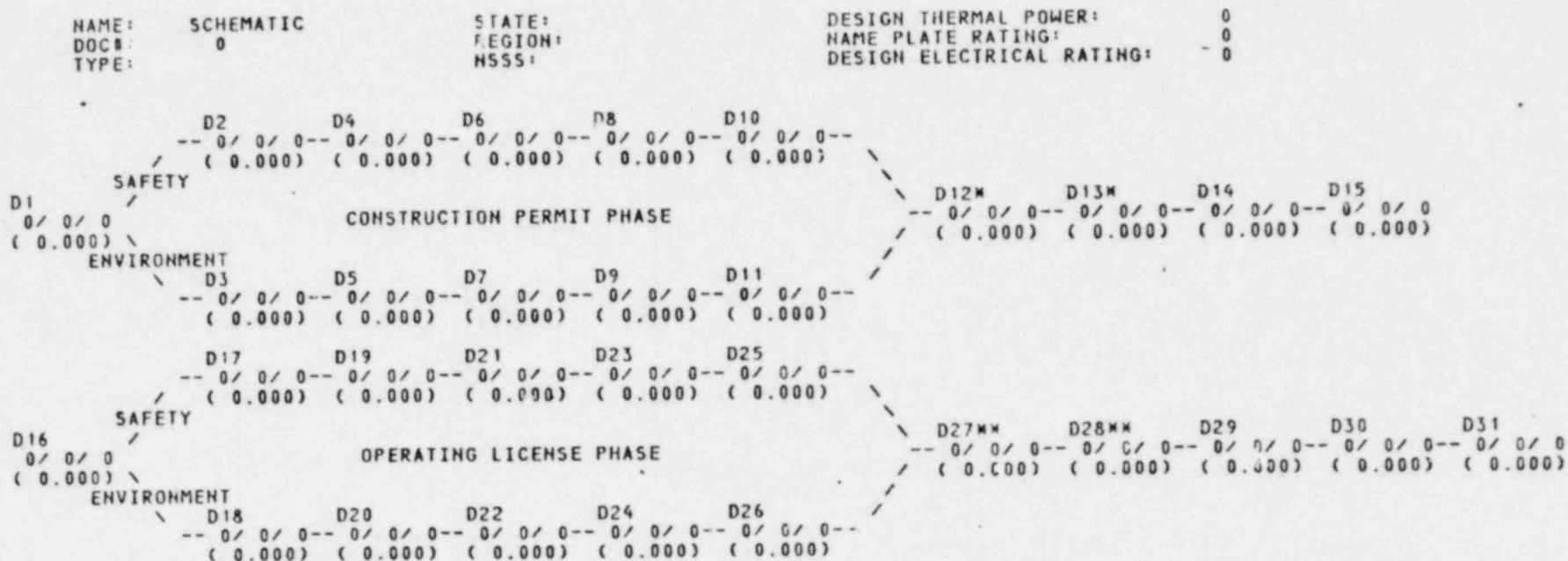
A radiation/safety hearing has always been mandatory for the licensing process for every U.S. nuclear reactor, whereas the environmental hearings did not become mandatory until July 23, 1971 (Calvert Cliffs decision). Reactors under construction in July of 1971 were required to be re-examined for environmental issues. These reactors are included in the data base but are excluded from the statistical summary of the duration of the environmental hearing because necessary milestones were out of sequence.

In recent years, the hearing process for environmental matters has been combined with the hearing process for radiation/safety matters for many reactors for the CP phase, for the OL phase, or for both. For the sake of compactness, dates for the combined hearings are stored in the data base as radiation/safety dates. In performing the data summary and analysis, however, the combined hearing dates are properly treated as combined hearing data.

One hundred and eighty (180) reactors (limited to PWRs, BWRs, or HTGRs) are studied in this report; they are classified as follows:

- 12 have had a CP hearing started but do not have a CP.
- 96 have had a CP and/or OL hearing started, have received a CP, but not an OL.
- 72 have had a CP and/or OL hearing started and completed, and received an OL.

Figure 1  
 SELECTED MILESTONES OF THE HEARING PROCESS



EXPLANATION OF DATES

- D1, D16: DOCKETING OF APPLICATION
- D2, D17: DOCKETING OF SAFETY ANALYSIS REPORT (SAR)
- D3, D18: DOCKETING OF ENVIRONMENTAL REPORT (ER)
- D4, D19: ISSUANCE OF SAFETY EVALUATION SUPPLEMENT (SES)
- D5, D20: ISSUANCE OF FINAL ENVIRONMENTAL STATEMENT (FES)
- D6, D21: EARLIEST START OF RADIATION/SAFETY HEARING (RSH)
- D7, D22: EARLIEST START OF ENVIRONMENTAL HEARING (EH)
- D8, D23: END OF RADIATION/SAFETY HEARING
- D9, D24: END OF ENVIRONMENTAL HEARING
- D10, D25: ATOMIC SAFETY AND LICENSING BOARD (ASLB) DECISION ON RADIATION/SAFETY
- D11, D26: ASLB DECISION ON ENVIRONMENTAL MATTERS

- D12: ISSUANCE OF LIMITED WORK AUTHORIZATION 1 (LWA-1)
- D13: ISSUANCE OF LIMITED WORK AUTHORIZATION 2 (LWA-2)
- D14: ISSUANCE OF CONSTRUCTION PERMIT (CP)
- D15: START OF CONSTRUCTION
- D27: ISSUANCE OF INITIAL LICENSE (IL)
- D28: ISSUANCE OF FULL POWER OPERATING LICENSE (OL)
- D29: FUEL LOAD
- D30: FIRST CRITICALITY
- D31: COMMERCIAL OPERATION

0/0/0 AND (0.000) DENOTE DATES THAT ARE MISSING OR NOT APPLICABLE FOR THIS REPORT

\* IF LWA-1 (D12) AND/OR LWA-2 (D13) IS ISSUED, THEN START OF CONSTRUCTION (D15) PRECEDES ISSUANCE OF CONSTRUCTION PERMIT (D14). IF LWA-1 OR LWA-2 IS NOT ISSUED, NORMAL SEQUENCE IS ISSUANCE OF CONSTRUCTION PERMIT AND START OF CONSTRUCTION.

\*\* IF INITIAL LICENSE (D27) IS GRANTED, FUEL LOAD (D29) MAY PRECEDE ISSUANCE OF FULL POWER OPERATING LICENSE (D28). IF INITIAL LICENSE IS NOT GRANTED, THEN NORMAL SEQUENCE IS ISSUANCE OF FULL POWER OPERATING LICENSE AND FUEL LOAD.



## 2. Data Processing

Key milestones in the licensing process are listed in Appendix A for the CP phase (Table A.1) and for the OL phase (Table A.2). The dates for these milestones (in MMDDYY form) are a WYLBUR\* data base named CALENDAR. CALENDAR also contains other plant characteristics, as shown in Figure 1.

The first stage of data processing is carried out by a computer program named HEARING operating on the data base CALENDAR. The program HEARING has three major functions:

- (1) Convert each calendar date to a decimal configuration\*\* to allow algebraic manipulations (such as subtractions) on the dates,
- (2) Produce a computer printout showing the milestones along the time axes (radiation/safety, environmental, and combined hearing) for the CP and the OL phases,
- (3) Test dates for proper sequencing.

In performing the second function, the program HEARING generated a portfolio of printouts of reactor characteristics and history data for the 180 reactors in the study. The printouts follow the format of the schematic diagram given by Figure 1. A copy of the Reactor Portfolio may be obtained upon request\*\*\*.

Numerous examples of inconsistent data-sequencing were discovered during the assembly of CALENDAR. Most of the inconsistencies arose from variations among the several data sources that were consulted in the construction of CALENDAR. Most of the errors flagged by the program HEARING have been explained and corrected. Some inconsistencies are still unresolved, and time intervals involving dubious dates were not included in the statistical study.

---

\*WYLBUR is an NIH-implemented computer utility program which functions as a remote job entry facility.

\*\*The transformation of dates in the form of MMDDYY is made as  $YY + (MM-1)/12 + (DD-1)/365$ . Accordingly, 9/15/68 is transformed as 68.705 and 1/1/75 as 75.000.

\*\*\*Please address requests to Dan Lurie, Applied Statistics Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

### 3. Descriptive Statistics

Time intervals for various activities of interest are summarized separately for each time axis (radiation/safety, environmental, or combined) for each phase (CP or OL). The summaries are presented both in a tabular form and in a graphical form. In each table and graph, time intervals are summarized by the year of docketing. The time intervals of interest are listed below. The terms given in brackets refer to time designations listed in Appendix B.

- Interval A: Time from docketing of Safety Analysis Report (SAR) or Environmental Report (ER) to issuance of Safety Evaluation Supplement (SES) or Final Environmental Statement (FES)  
[T(2,4), T(3,5), T(17,19), or T(18,20)]
- Interval B: Time from issuance of SES or FES to corresponding start of hearing  
[T(4,6), T(5,7), T(19,21), or T(20,22)]
- Interval C: Time from start of hearing to end of hearing  
[T(6,8), T(7,9), T(21,23), or T(22,24)]
- Interval D: Time from end of hearing to corresponding ASLB decision  
[T(8,10), T(9,11), T(23,25), or T(24,26)]
- Interval E: Time from ASLB decision to issuance of CP or OL  
[T(10,14), T(11,14), T(25,28), or T(26,28)]
- Interval F: Time from docketing of application (SAR or ER, whichever earlier) to issuance of CP or OL  
[T(2,14), T(3,14), T(17,28), or T(18,28)]
- Interval G: Time from issuance of SES or FES to corresponding ASLB decision  
[T(4,10), T(5,11), T(19,25), or T(20,26)]

The summaries presented in Tables 1 - 6 show the average time for intervals B, C, D, F, and G, according to the year of docketing. The tables also list, along with each average, the shortest interval (labeled MIN), the longest interval (labeled MAX), and the number of intervals (labeled N) used in the computation of the average.

The graphical summaries (Figures 2-7) represent the averages of Intervals A - E according to the year of docketing, where the number of printed letters indicate the average number of months in the corresponding intervals. Clearly, this representation for any of the Intervals A - E is correct to the nearest number of months. The summation of contiguous intervals to obtain an average for a combined interval is, generally, not permissible unless the identical reactors are used in the computation of the individual intervals as in the combined interval. If the summation is permissible, however, it should be realized that a rounding error in the combined interval may accumulate at the rate of up to 1/2 month for every non-overlapping interval used in the summation.

REPORT DATE  
MARCH 19, 1980

Figure 2  
DISPLAY OF TIME BETWEEN SELECTED MILESTONES  
RADIATION/SAFETY HEARING ----- CONSTRUCTION PERMIT PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET  
YEAR

1955

1956 AAAAAAAAAAAAAABBC

1957

1958

1959 AAAAAAAAAAAAAABBDDE

1960 AAAAAAAAAABDE

1961

1962 ABBD

1963 AAAAAAABDDE

1964 AAAAAAABDD

1965 AAAAAABD

1966 AAAAAAABD

1967 AAAAAAABD

1968 AAAAAAAAAAAAAAAAAABCCDDDD

1969 AAAAAAAAAAAAAAAAAABDDDD

1970 AAAAAAAAAAAAAAAAAABBBCCCCDDDDDD

1971 AAAAAAAAAAAAAAAAAABBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBDDDD

1972 AAAAAAAAAAAAAAAAAABCCCCDDDE

1973 AAAAAAAAAAAAAAAAAABBBBCDDE

1974 AAAAAAAAAAAAAAAAAABBBDDDDDE

1975 AAAAAAAAAAAAAAAAAABCCDDDD

1976 AAAAAAAAAAAAAAAAAADDDDD

1977

ALL  
YEARS AAAAAAAAAAAAAAAAAABBBBCDD

Legend (Each letter represents one month):

- A Time from docketing of SAR to issuance of SES
- B Time from issuance of SES to start of hearing
- C Time from start of hearing to end of hearing
- D Time from end of hearing to ASLB decision
- E Time from ASLB decision to issuance of CP

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+  
12 24 36 48 60 72 84 96 108 TIME (MONTHS)

REPORT DATE  
MARCH 19, 1980

Figure 3  
DISPLAY OF TIME BETWEEN SELECTED MILESTONES  
ENVIRONMENTAL HEARING ----- CONSTRUCTION PERMIT PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET  
YEAR

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

1969

1970 AAAAAAAAAAAAAAAAAAAAAAAAAAABCDDD

1971 AAAAAAAAAAAAAAAAAAAAAAAAAAABDDD

1972 AAAAAAAAAAAABBDDDEEEEEEE

1973 AAAAAAAAAAAABCDDDEEEEEEEEE

1974 AAAAAA .AAAAABCDDDDDEEEEEEEEE

1975 AAAAAAAAAAAABBBBBCCDDDDDEEEEEEE

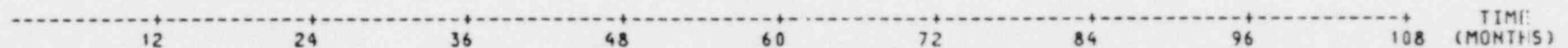
1976 AAAAAAAAAAAABBDDDEEEEEEE

1977

ALL  
YEARS AAAAAAAAAAAABCDDDEEEEEEE

Legend (Each letter represents one month):

- A Time from docketing of ER to issuance of FES
- B Time from issuance of FES to start of hearing
- C Time from start of hearing to end of hearing
- D Time from end of hearing to ASLB decision
- E Time from ASLB decision to issuance of CP





REPORT DATE  
MARCH 19, 1980

Figure 5  
DISPLAY OF TIME BETWEEN SELECTED MILESTONES  
RADIATION/SAFETY HEARING ----- OPERATING LICENSE PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET  
YEAR

1955  
1956  
1957  
1958 AAAAAAAAAAABBCCEEEEEEE  
1959 AAAAAAABCE  
1960 AAAAAAAAAAAAAAAAAAAAAABCDDE  
1961 AAAAAAABD  
1962  
1963  
1964 AAAAAAAAAA  
1965 AAAAAAAAAA  
1966 AAAAAAAAAA  
1967 AAAAAAAAAAAAAAAAAAAAAA  
1968 AAAAAAAAAAAAAAAAAAAAAABCCCCCCCCCCCCDDEEEEEEEEF  
1969 AAAAAAAAAAAAAAAAAAAAAABBBBCDDDEEEE  
1970 AAAAAAAAAAAAAAAAAAAAAABBBCCDDDDDEE  
1971 AAAAAAAAAAAAAAAAAAAAAEEEEEE  
1972 AAAAAAAAAAAAAAAAAAAAAACCCCCCDEEEE  
1973 AAAAAAAAAAAAAAAAAAAAAABBBBBBBBBBBBBBCCCCCCCCDDDDDDDEEEE  
1974 AAAAAAAAAAAAAAAAAAAAAABBBDDDDDDDD  
1975 AAAAAAAAAAAAAAAAAAAAA  
1976  
1977  
ALL YEARS AAAAAAAAAAAAAAAAAAAAAABBBBCCCCCDDDEEEE

Legend (Each letter represents one month):

- A Time from docketing of SAR to issuance of SES
- B Time from issuance of SES to start of hearing
- C Time from start of hearing to end of hearing
- D Time from end of hearing to ASLB decision
- E Time from ASLB decision to issuance of OL

-----+-----+-----+-----+-----+-----+-----+-----+  
12 24 36 48 60 72 84 96 108 TIME (MONTHS)

1  
60  
1





REPORT DATE  
MARCH 19, 1980

Figure 7

LAST DATA REVISION  
MARCH 14, 1980

DISPLAY OF TIME BETWEEN SELECTED MILESTONES  
COMBINED RADIATION/SAFETY AND ENVIRONMENTAL HEARING ----- OPERATING LICENSE PHASE  
\*\*\*\*\*

DOCKET  
YEAR

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

1969

1970

1971

1972

1973

1974

1975

1976

1977

ALL  
YEARS

Legend (Each letter represents one month):

- A Time from docketing of SAR to issuance of SES
- B Time from issuance of SES to start of hearing
- C Time from start of hearing to end of hearing
- D Time from end of hearing to ASLB decision
- E Time from ASLB decision to issuance of OL



TIME  
(MONTHS)

REPORT DATE  
MARCH 19, 1980

Table 1  
TIME BETWEEN SELECTED MILESTONES  
RADIATION/SAFETY HEARING ----- CONSTRUCTION PERMIT PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(4,6) FROM SES TO START OF R/S HEARING				T(6,8) FROM START TO END OF R/S HEARING				T(8,10) FROM END OF R/S HEARING TO ASLB DECISION ON R/S				T(2,14) FROM SAR TO ISSUANCE OF CONSTRUCTION PERMIT				T(4,10) FROM SES TO ASLB DECISION ON R/S			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N
1955													13.1	13.1	13.1	2				
1956	2.2	2.2	2.2	1	0.5	0.5	0.5	1	0.2	0.2	0.2	1	15.8	15.8	15.8	1	3.0	3.0	3.0	1
1957																				
1958																				
1959	1.9	1.9	1.9	1	0.0	0.0	0.1	2	1.9	1.7	2.2	2	15.8	13.4	18.3	2	3.7	3.7	3.7	1
1960	1.0	0.5	1.6	2	0.0	0.0	0.0	2	1.4	1.2	1.5	2	11.7	4.4	18.9	2	2.4	1.7	3.0	2
1961																				
1962	1.8	1.8	1.8	1	0.0	0.0	0.0	1	1.3	1.3	1.3	1	4.8	4.8	4.8	1	3.1	3.1	3.1	1
1963	0.6	0.6	0.6	2	0.1	0.0	0.1	2	1.8	1.4	2.2	2	10.7	8.6	12.9	2	2.5	2.0	2.9	2
1964	1.3	0.7	1.9	2	0.1	0.1	0.1	2	2.0	1.6	2.3	2	10.4	8.5	12.4	2	3.3	2.4	4.3	2
1965	0.5	0.4	0.6	4	0.0	0.0	0.0	4	0.5	0.3	0.7	4	7.8	5.8	10.3	4	1.1	0.7	1.3	4
1966	0.8	0.5	1.0	18	0.2	0.0	1.2	18	1.2	0.2	3.0	18	12.3	8.1	22.9	18	2.1	1.1	5.0	18
1967	1.0	0.6	2.2	23	0.3	0.0	2.8	23	1.3	0.2	2.9	23	14.2	10.2	27.6	23	2.7	1.8	5.8	23
1968	1.5	0.6	7.0	14	2.7	0.0	13.5	14	4.8	0.4	17.2	14	26.3	16.6	59.0	14	9.0	1.6	37.7	14
1969	1.8	1.0	5.3	10	0.3	0.0	2.1	10	3.5	0.9	10.8	10	25.0	17.1	40.9	10	5.6	1.9	16.2	10
1970	4.0	1.9	6.8	10	3.7	0.0	12.5	10	6.7	3.1	13.1	10	36.5	26.6	51.7	10	14.4	5.0	30.5	10
1971	38.0	8.0	53.0	6	0.2	0.0	0.3	6	5.1	3.6	8.3	6	61.4	31.0	76.7	6	43.3	16.3	56.9	6
1972	1.8	0.6	3.0	4	5.1	0.0	10.2	4	4.0	4.0	4.1	4	27.5	21.6	33.3	4	10.9	4.6	17.3	4
1973	4.2	0.3	27.3	26	0.5	0.0	7.7	26	2.2	0.5	9.9	24	27.5	16.5	52.1	24	6.9	0.9	28.8	24
1974	3.9	0.2	14.3	15	0.4	0.0	1.6	15	4.0	1.2	10.5	15	32.7	17.6	44.3	15	8.2	1.6	22.0	15
1975	1.5	1.1	2.2	8	1.6	0.0	4.6	6	4.4	2.6	6.1	4	28.4	26.3	30.6	4	6.0	3.6	8.4	4
1976	0.3	0.3	0.3	2	0.0	0.0	0.0	2	4.6	4.6	4.6	2	28.4	28.4	28.4	2	4.9	4.9	4.9	2
1977																				
ALL YEARS	3.7	0.2	53.0	147	1.0	0.0	13.5	148	2.9	0.2	17.2	144	24.0	4.4	76.7	146	7.6	0.7	56.9	143

REPORT DATE  
MARCH 19, 1980

Table 2  
TIME BETWEEN SELECTED MILESTONES  
ENVIRONMENTAL HEARING ----- CONSTRUCTION PERMIT PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(5,7) FROM FES TO START OF ENVIRONMENTAL HEARING				T(7,9) FROM START TO END OF ENVIRONMENTAL HEARING				T(9,11) FROM END OF EH TO ASLB DECISION ON ENVIRONMENT				T(3,14) FROM ER TO ISSUANCE OF CONSTRUCTION PERMIT				T(5,11) FROM FES TO ASLB DECISION ON ENVIRONMENT			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N
1955																				
1956																				
1957																				
1958																				
1959																				
1960																				
1961																				
1962																				
1963																				
1964																				
1965																				
1966																				
1967																				
1968																				
1969																				
1970	0.9	0.1	2.0	9	1.2	0.0	3.1	9	2.9	1.0	6.0	9	30.7	23.2	43.6	9	4.9	1.6	8.2	9
1971	0.6	0.2	1.2	6	0.0	0.0	0.1	6	2.5	1.0	3.6	6	45.4	16.2	76.7	10	3.2	1.2	4.4	6
1972	2.9	1.5	5.9	7	0.3	0.0	0.7	7	2.7	1.5	4.8	7	24.4	17.8	33.3	7	5.9	4.1	7.5	7
1973	2.5	0.7	8.4	28	1.3	0.0	7.0	27	2.5	0.5	8.0	27	27.2	15.2	54.0	24	6.2	2.7	12.7	27
1974	1.7	0.4	4.1	17	1.2	0.0	7.4	17	6.2	1.2	21.4	17	32.7	17.6	42.4	15	9.1	3.1	22.2	17
1975	6.0	5.5	6.5	4	1.9	1.8	2.0	4	6.4	3.6	9.1	4	30.8	30.8	30.8	2	14.3	11.0	17.5	4
1976	2.7	0.5	4.9	4	0.2	0.0	0.5	4	2.1	1.2	3.0	4	22.4	21.5	23.3	4	5.0	2.2	7.9	4
1977																				
ALL YEARS	2.2	0.1	8.4	75	1.0	0.0	9.0	74	3.6	0.5	21.4	74	30.9	15.2	76.7	71	6.8	1.2	22.2	74

REPORT DATE  
MARCH 19, 1980

Table 3  
TIME BETWEEN SELECTED MILESTONES  
COMBINED RADIATION/SAFETY AND ENVIRONMENTAL HEARING ----- CONSTRUCTION PERMIT PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(4,6) FROM SES TO START OF COMB HEARING				T(6,8) FROM START TO END OF COMB HEARING				T(8,10) FROM END OF COMB TO ASLB DECISION ON COMB MATTERS				T(2,14) FROM SAR TO ISSUANCE OF CONSTRUCTION PERMIT				T(4,10) FROM SES TO ASLB DECISION ON COMB MATTERS			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	H	AVG	MIN	MAX	N
1955																				
1956																				
1957																				
1958																				
1959																				
1960																				
1961																				
1962																				
1963																				
1964																				
1965																				
1966																				
1967																				
1968																				
1969																				
1970	7.1	5.8	8.6	6	11.4	0.1	23.6	6	3.3	1.5	4.8	6	45.3	34.2	56.2	6	21.7	10.9	34.2	6
1971	1.2	0.1	2.5	6	3.7	0.0	11.1	6	2.0	1.0	3.3	6	24.8	19.0	34.4	6	6.9	1.1	16.9	6
1972	2.1	2.1	2.1	1	4.7	2.6	6.8	2	1.2	1.0	1.4	2	21.4	18.4	24.3	2	6.5	2.9	10.2	2
1973					9.0	9.0	9.0	2	4.1	4.1	4.1	2	35.9	35.9	35.9	2	10.3	10.3	10.3	2
1974	1.1	0.4	3.2	4	6.1	1.9	11.9	6	7.0	1.1	18.6	6	33.5	19.6	51.9	6	12.2	3.4	23.3	6
1975																				
1976																				
1977																				
ALL YEARS	3.3	0.1	8.6	17	7.0	0.0	23.6	22	3.8	1.0	18.6	22	33.5	18.4	56.2	22	12.7	1.1	34.2	22

REPORT DATE  
MARCH 19, 1980

Table 4  
TIME BETWEEN SELECTED MILESTONES  
RADIATION/SAFETY HEARING ----- OPERATING LICENSE PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(19,21) FROM SES TO START OF R/S HEARING				T(21,23) FROM START TO END OF R/S HEARING				T(23,25) FROM END OF R/S HEARING TO ASLB DECISION ON R/S				T(17,28) FROM SAR TO ISSUANCE OF OPERATING LICENSE				T(19,25) FROM SES TO ASLB DECISION ON R/S			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N
1955																				
1956																				
1957																				
1958	1.9	1.9	1.9	1	2.2	2.2	2.2	1	0.1	0.1	0.1	1	23.8	23.8	23.8	1	4.3	4.3	4.3	1
1959	0.5	0.5	0.5	1	1.4	1.4	1.4	1	0.0	0.0	0.0	1	10.4	10.4	10.4	1	2.0	2.0	2.0	1
1960	0.7	0.7	0.7	1	0.9	0.9	0.9	1	1.6	1.6	1.6	1	25.9	25.9	25.9	1	3.1	3.1	3.1	1
1961	0.7	0.7	0.7	2	0.2	0.0	0.5	2	1.1	0.9	1.2	2	10.3	8.9	11.7	2	2.0	1.9	2.1	2
1962													20.7	20.7	20.7	1				
1963																				
1964													34.6	34.6	34.6	1				
1965													19.4	15.9	23.0	2				
1966													11.3	11.3	11.3	1				
1967													30.4	25.0	39.5	4				
1968	0.9	0.9	0.9	2	16.1	4.0	28.3	2	5.0	5.0	5.0	2	40.4	19.8	59.4	7	22.0	9.8	34.2	2
1969	4.1	1.9	8.7	3	1.1	0.0	3.3	3	4.1	1.9	8.5	3	44.8	18.6	61.6	8	9.4	3.8	20.5	3
1970	2.7	0.9	4.3	4	3.2	0.0	12.2	4	5.4	0.3	11.1	4	40.5	28.1	70.8	8	11.4	2.1	16.0	4
1971													53.0	34.6	82.7	10	4.1	4.1	4.1	2
1972	0.4	0.4	0.4	1	7.1	7.1	7.1	1	1.2	1.2	1.2	1	41.0	37.5	44.5	2	8.7	8.7	8.7	1
1973	18.8	5.0	32.6	4	11.0	6.1	15.9	4	6.9	5.8	7.4	3	47.3	35.9	59.0	4	42.9	16.9	55.9	3
1974	2.9	2.9	2.9	2	0.3	0.3	0.3	2	7.6	7.6	7.6	2	55.9	55.9	55.9	1	10.8	10.8	10.8	2
1975													31.4	31.4	31.4	1				
1976																				
1977																				
ALL YEARS	5.3	0.4	32.6	21	5.0	0.0	28.3	21	4.2	0.0	11.1	20	39.3	8.9	82.7	53	13.5	1.9	55.9	22

REPORT DATE  
MARCH 19, 1980

Table 5  
TIME BETWEEN SELECTED MILESTONES  
ENVIRONMENTAL HEARING ----- OPERATING LICENSE PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(20,22) FROM FES TO START OF ENVIRONMENTAL HEARING				T(22,24) FROM START TO END OF ENVIRONMENTAL HEARING				T(24,26) FROM END OF EH TO ASLB DECISION ON ENVIRONMENT				T(18,28) FROM ER TO ISSUANCE OF OPERATING LICENSE				T(20,26) FROM FES TO ASLB DECISION ON ENVIRONMENT			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N
1955																				
1956																				
1957																				
1958																				
1959																				
1960													25.9	25.9	25.9	1				
1961																				
1962																				
1963																				
1964																				
1965																				
1966																				
1967																				
1968					20.8	20.8	20.8	1	0.5	0.5	0.5	1	34.6	21.9	47.4	2	1.6	1.6	1.6	1
1969																				
1970	1.6	1.5	1.8	2	0.1	0.0	0.1	2	5.9	2.4	9.4	2	29.0	7.3	70.8	9	7.6	4.0	11.2	2
1971	1.8	0.0	6.3	5	1.6	0.0	4.7	5	5.3	0.0	17.8	5	34.3	8.4	73.5	16	14.7	6.1	24.5	5
1972	1.8	0.0	5.6	5	0.4	0.0	1.3	5	6.7	0.0	23.2	4	43.4	2.2	72.5	6	16.2	7.5	30.1	4
1973													48.7	45.8	51.6	2				
1974	11.3	11.3	11.3	2	0.8	0.8	0.8	2	23.9	23.9	23.9	2	55.9	55.9	55.9	1	35.9	35.9	35.9	2
1975													31.4	31.4	31.4	1				
1976																				
1977																				
ALL YEARS	3.1	0.0	11.3	14	2.1	0.0	20.8	15	8.1	0.0	23.9	14	35.5	2.2	73.5	38	16.2	1.6	35.9	14

REPORT DATE  
MARCH 19, 1980

Table 6  
TIME BETWEEN SELECTED MILESTONES  
COMBINED RADIATION/SAFETY AND ENVIRONMENTAL HEARING ----- OPERATING LICENSE PHASE  
\*\*\*\*\*

LAST DATA REVISION  
MARCH 14, 1980

DOCKET YEAR	T(19,21) FROM SES TO START OF COMB HEARING				T(21,23) FROM START TO END OF COMB HEARING				T(23,25) FROM END OF COMB TO ASLB DECISION ON COMB MATTERS				T(17,28) FROM SAR TO ISSUANCE OF OPERATING LICENSE				T(19,25) FROM SES TO ASLB DECISION ON COMB MATTERS			
	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N	AVG	MIN	MAX	N
1955																				
1956																				
1957																				
1958																				
1959																				
1960																				
1961																				
1962																				
1963																				
1964																				
1965																				
1966																				
1967																				
1968	1.3	1.3	1.3	1	3.3	3.3	3.3	1	0.6	0.6	0.6	1	26.4	26.4	26.4	1	5.2	5.2	5.2	1
1969	4.1	4.1	4.1	1	5.2	5.2	5.2	1	2.7	2.7	2.7	1	44.4	44.4	44.4	1	12.0	12.0	12.0	1
1970	6.3	0.7	15.1	6	1.3	0.0	3.6	6	2.6	0.0	5.2	6	45.3	34.8	64.0	6	10.2	0.7	20.4	6
1971	3.7	1.6	4.6	4	0.9	0.0	1.7	4	5.8	4.8	8.3	4	39.5	34.7	44.9	4	10.4	9.4	11.1	4
1972	4.7	0.8	6.6	3	0.8	0.0	1.2	3	2.5	1.6	3.0	3	32.5	21.4	49.3	3	8.0	2.4	10.8	3
1973					0.1	0.1	0.1	1	2.9	2.9	2.9	1	33.4	33.4	33.4	1				
1974	0.8	0.8	0.8	1	3.0	3.0	3.0	1	5.5	5.5	5.5	1	46.1	46.1	46.1	1	9.3	9.3	9.3	1
1975																				
1976																				
1977																				
ALL YEARS	4.6	0.7	15.1	16	1.5	0.0	5.2	17	3.4	0.0	8.3	17	39.9	21.4	64.0	17	9.6	0.7	20.4	16

#### 4. Trend Analyses

The hearing duration discussed in this section is given relative to Interval G of Section 3 of this report. The duration is thus defined:

- for radiation/safety hearings, as the interval from issuance of Safety Evaluation Supplement (SES) to ASLB decision on radiation/safety matters,
- for environmental hearings, as the interval from issuance of Final Environmental Statement (FES) to ASLB decision on environmental matters,
- for combined hearings, as the interval from issuance of SES to ASLB decision on combined matters.

The average of the hearing duration is further displayed in annualized form in Figures 8 and 9 for the CP and OL phases, respectively, for the radiation/safety, environmental, and combined hearings. The lower part of Figures 8 and 9 display the average hearing duration as a percentage of the average total length of the corresponding licensing phase (from the appropriate docket date to CP issuance or to OL issuance, whichever applicable). This percentage is also given by the year of docketing.

The trend of the average hearing duration over time was investigated for statistical significance using regression analyses. In the analyses, performed separately for each phase (CP and OL) and time axis (radiation/safety, environmental, and combined), the hearing duration was treated as the dependent (predicted) variable. The independent (predicting) variables were the date of docketing (in decimal configuration) and the size of the reactor (Design Electrical Rating, in MWe). It should be emphasized at this point that the number of reactors analyzed for the OL phase is substantially smaller than that of the CP phase. The reason for this is attributable to: (1) milestones reached by a reactor in the CP phase may not have been reached in the OL phase, and (2) unless construction was contested, a hearing was not mandatory during the OL phase.

The results of the statistical analyses are summarized below.

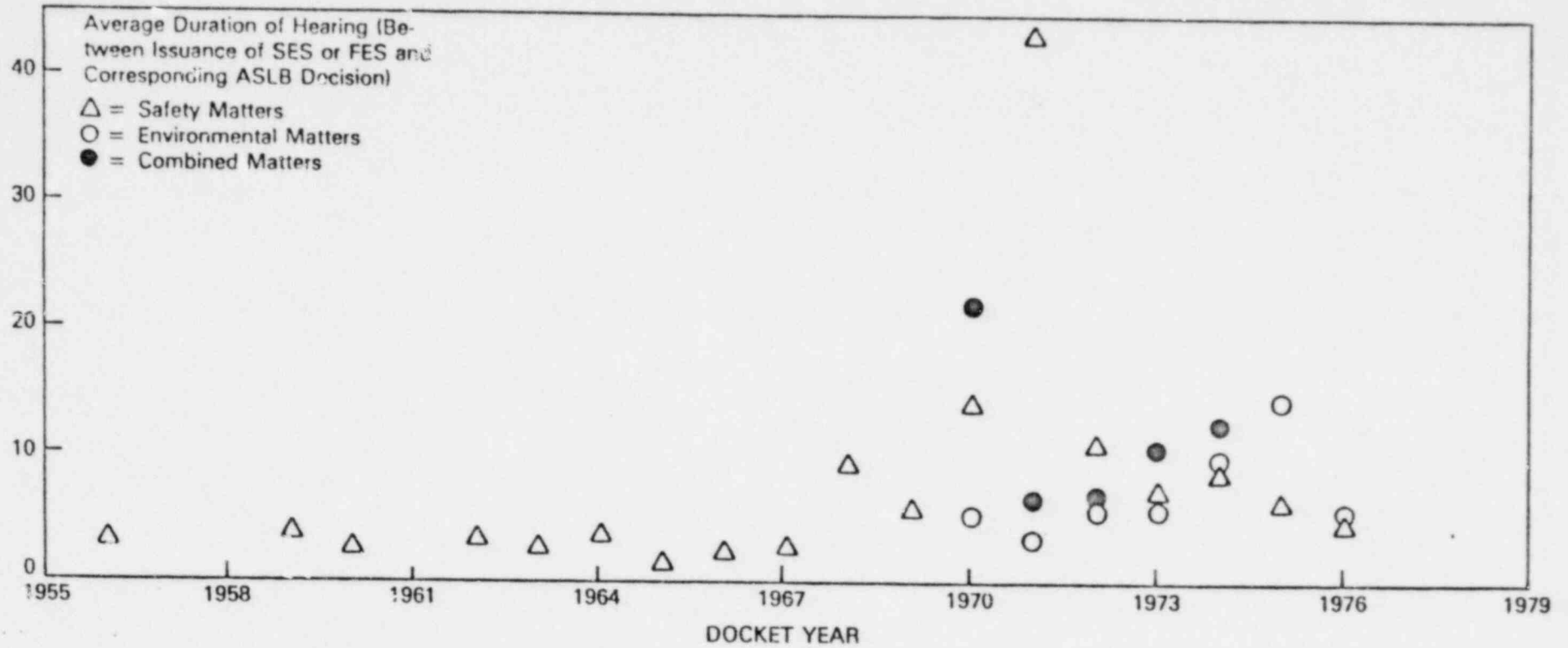
- (4) CP Phase, Radiation/Safety Hearing. Trend over time was detected in the analysis of data from 143 reactors as positive (longer duration associated with later docketing) and statistically significant ( $P < 0.01$ ). A close inspection of the data revealed that entries for 1974 may be out of line because of four reactors (Harris 1, 2, 3, and 4) with unusually long duration (48 months each). A second regression analysis was thus performed on the radiation/safety CP data after deleting the four Harris reactors. The new analysis still identified the trend over time as positive and significant ( $P < 0.001$ ). The prediction equation, based on 139 reactors, is given as:

$$\text{Duration (months)} = -29.60 + 0.51 X (\text{docket date, decimally configured}).$$



FIGURE 8: HEARING DURATION FOR NUCLEAR REACTORS  
CONSTRUCTION PERMIT PHASE

TIME IN MONTHS



- 19 -

PERCENTAGE

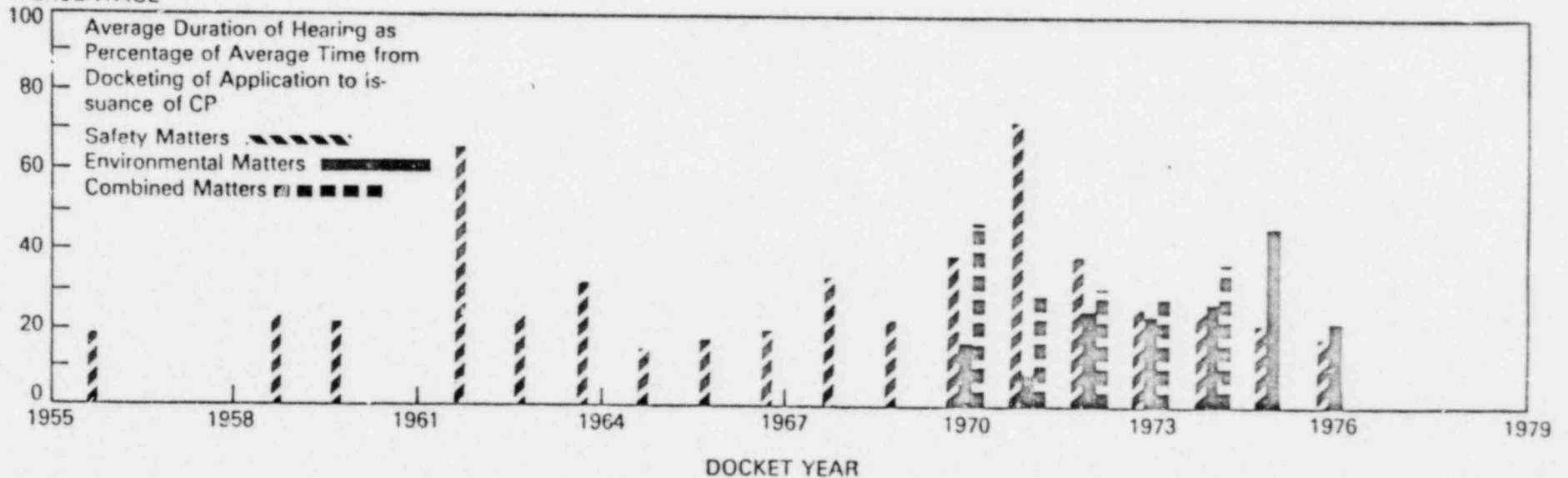
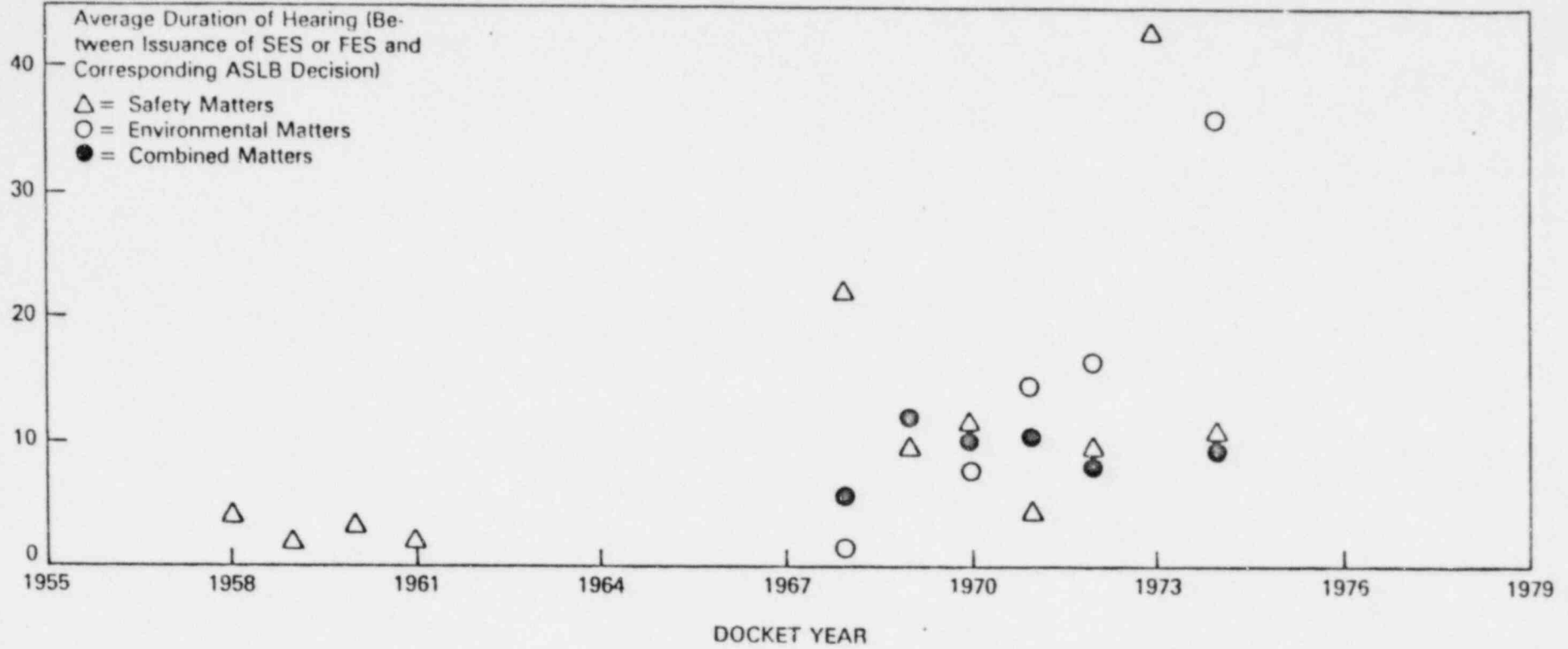


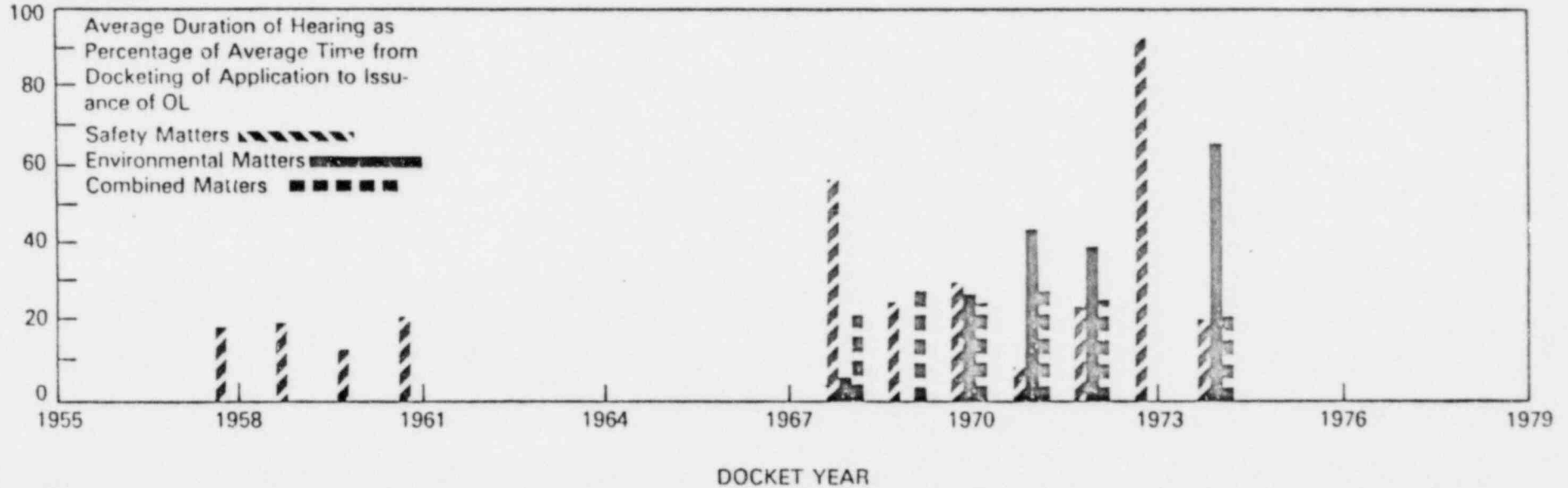
FIGURE 9: HEARING DURATION FOR NUCLEAR REACTORS  
OPERATING LICENSE PHASE

TIME IN MONTHS



- 20 -

PERCENTAGE



This equation clearly suggests that the radiation/safety hearing is lengthened, on the average, by 1/2 month per year.

- (b) CP Phase, Environmental Hearing. The regression analysis, based on 74 reactors, detected the trend over time as positive and statistically significant ( $P < 0.001$ ). The prediction equation is given as:

$$\text{Duration (months)} = -71.31 + 1.06 X (\text{docket date, decimally configured}).$$

This equation suggests that the environmental hearing is lengthened, on the average, by one month per year.

- (c) CP Phase, Combined Hearing. Based on 22 reactors docketed between 1970 and 1974, the regression analysis did not detect the hearing duration as significantly correlated with either time or size of the reactor.
- (d) OL Phase, Radiation/Safety Hearing. The regression analysis based on 22 reactors detected a positive and significant ( $P < 0.05$ ) trend relating docket date to hearing duration. The analysis also detected a significant correlation between hearing duration and reactor size. This is not surprising since reactor size in itself is positively correlated with docket date. The contribution of reactor size, above and beyond the contribution of docket date, to the prediction of hearing duration, however, is not statistically significant.

Inspection of Figure 8 shows that no hearing took place between 1962 and 1967. The average radiation/safety hearing duration for 5 reactors docketed prior to 1962 is about 3 months, compared to a much higher average for reactors docketed after 1967. Further investigation identifies three reactors (Indian Point 2, Diablo Canyon 1, Diablo Canyon 2) with unusually long hearing duration (34 months, 56 months, 56 months, respectively), all docketed after 1967. When these three reactors were deleted from the analysis, the average of 14 reactors docketed after 1967 was calculated to be about 10 months; significantly higher ( $P < 0.01$ ) than the average duration for reactors of early vintage.

- (e) OL Phase, Environmental Hearing. No environmental hearings were conducted prior to 1968. The regression equation for 14 reactors docketed for OL after 1967 detected date of docketing to be a significant predictor ( $P < 0.01$ ) of the corresponding hearing duration, as given in the following equation:

$$\text{Duration (months)} = -421.56 + 6.08 X (\text{docket date, decimally configured}).$$

Thus the hearing duration appears to have been on the increase at the rate of 6 months per year.

- (f) OL Phase, Combined Hearing. The average hearing for 22 reactors docketed between 1968 and 1974 was about a year. The regression analysis detected no significant trend in the duration of the hearing. Neither was reactor size significant as a predictor in this analysis.

## 5. Findings

The findings of this study are given below:

1. The CP radiation/safety hearing duration averaged about 3 months for reactors docketed prior to 1968. Excepting the year 1971 (Harris 1, 2, 3, and 4 docketed for CP in 1971; the hearing for the Harris reactors lasted close to 5 years), the corresponding average hearing duration rose to about 8 months for reactors docketed in the years 1968 through 1976. The regression analysis run on 129 reactors detected a general upward trend in the hearing duration. The hearing process was found to be prolonged at the rate of 1/2 month per year.
2. The CP environmental hearing duration averaged about 7 months. The statistical analysis for 74 reactors detected a significant upward trend, with a one month extension of the hearing duration for every year of delay in docketing.
3. The CP combined hearing duration for 22 reactors scattered around an average of one year. The statistical analysis did not detect any trend in the behavior of the duration of the combined hearing.
4. The OL radiation/safety hearing duration averaged 3 months for 5 reactors docketed before 1962, and about 10 months for 17 reactors docketed after 1967. The increase was detected significant at the 0.01 level. It should be noted that there were no hearings at the OL phase between 1962 and 1967.
5. The OL environmental hearing duration had a strong upward trend since 1968. The regression analysis, based on 14 reactors, indicated a 6 month increase in the hearing duration for every year of delay in docketing.
6. The OL combined hearing duration was analyzed for 22 reactors docketed between 1968 and 1974. The duration was scattered around an average of one year without an apparent trend.
7. Generally speaking, the radiation/safety hearing in the 1970s constituted a larger share (percentage, as appears in Figures 8 and 9) of the length of the CP and the OL phases than in the 1950s and the 1960s. The share (percentage) of the environmental hearings appears to increase over time. The share of the duration of the combined hearings was fluctuating without pattern for the CP phase and essentially constant (around 20%) for the OL phase.

## APPENDIX A -- DATA BASE AND DATA ELEMENTS

Numerous milestones may be identified in the process leading to the commercial operation of a nuclear reactor. Many of the milestones are unique to the reactor, to its site, to the state in which it is built, or to its manufacturer. The milestones selected for study in this report appear to be a part in the development of most, if not all, nuclear reactors built in the U.S.

Tables A.1 and A.2 list key milestones in various stages of development or operation. The dates of these milestones are stored in a WYLBUR\* data base named CALENDAR in a calendar format (MMDDYY), where the day of the month (DD) is entered as 15 when DD is not known. A second WYLBUR data base, named DECIMAL, stores the same dates in a decimal configuration. This configuration is done via a computer program named HEARING.

Data for this study were obtained from the following sources:

Licensing Online Retrievable Data System

- Progress Summary Report, Active File. Run date 11/30/79
- Progress Summary Report, History File. Run date 12/01/79
- Facility Master File. Run date 11/29/79

USNRC Program Summary Report (Brown Book)

- Vol. 3, No. 11, 11/16/79

The criterion for including a reactor in the data base was a start of a hearing (radiation/safety, environmental, or combined).

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\*WYLBUR is an NIH-implemented computer utility program which functions as a remote job entry facility.

TABLE A.1      SELECTED MILESTONES IN THE LICENSING PROCESS --  
 CONSTRUCTION PERMIT APPLICATION PHASE

D1:	Date of docketing - the earlier of D2 or D3	
D2:	Date of the Safety Analysis Report (SAR) was docketed	
D3:	Date the Environmental Report (ER) was docketed	
D4:	Date of issuance of Safety Evaluation Supplement (SES)	
D5:	Date of issuance of Final Environmental Statement (FES)	
D6:	Date of earliest start of Radiation/Safety Hearing (RSH)	} If RSH and EH are combined, D6 contains the date of the start of the Combined Hearing (CH), and no entry is made for D7.
D7:	Date of earliest start of Environmental Hearing (EH)	
D8:	Date of end of RSH	} If RSH and EH are combined, D8 contains the date of the start of CH, and no entry is made for D9.
D9:	Date of end of EH	
D10:	Date of Atomic Safety and Licensing Board (ASLB) decision on Radiation/Safety matters	} If RSH and EH are combined, D10 contains the date of the ASLB decision, and no entry is made for D11.
D11:	Date of ASLB decision on Environmental matters	
D12:	Date of issuance of Limited Work Authorization (LWA 1)	
D13:	Date of issuance of Second Limited Work Authorization (LWA 2)	
D14:	Date of issuance of Construction Permit (CP)	
D15:	Date of start of construction	

TABLE A.2           SELECTED MILESTONES IN THE LICENSING PROCESS ---  
 OPERATING LICENSE APPLICATION PHASE

D16:	Date of docketing - the earlier of D17 or D18	
D17:	Date the Safety Analysis Report (SAR) was docketed	
D18:	Date the Environmental Report (ER) was docketed	
D19:	Date of issuance of Safety Evaluation Supplement (SES)	
D20:	Date of issuance of Final Environmental Statement (FES)	
D21:	Date of earliest start of Radiation/Safety Hearing (RSH)	} If RSH and EH are combined, D21 is identified as the start of the Combined Hearing (CH), and D22 is not given.
D22:	Date of earliest start of Environmental Hearing (EH)	
D23:	Date of end of Radiation/Safety Hearing	} If RSH and EH are combined, D23 is identified as the end of the Combined Hearing, and D24 is not given.
D24:	Date of end of Environmental Hearing	
D25:	Date of Atomic Safety and Licensing Board (ASLB) decision on Radiation/Safety	} A combined RSH and EH decision date is given by D25, and D26 is not given.
D26:	Date of ASLB decision on Environmental matters	
D27:	Date of issuance of Initial License (IL)	
D28:	Date of issuance of Full Power Operating License (OL)	
D29:	Date of fuel load	
D30:	Date of first criticality	
D31:	Date of commercial operation	



## APPENDIX B -- SELECTED TIME INTERVALS

Time intervals in this study were selected to reflect duration of major activities in the licensing process. Tables B.1 and B.2 identify and provide a systematic notation for the selected intervals. In the context of this report,  $T(I,J)$  denotes the time interval between two milestones DI and DJ, where DI and DJ are any two dates defined by Tables A.1 and A.2 of Appendix A.

TABLE B.1 SELECTED TIME INTERVALS IN THE LICENSING PROCESS  
CONSTRUCTION PERMIT APPLICATION PHASE

Notation*	Interval	
T(2, 4):	Time from docketing of Safety Analysis Report (SAR) to issuance of Safety Evaluation Supplement (SES)	
T(3, 5):	Time from docketing of Environmental Report (ER) to issuance of Final Environmental Statement (FES)	
T(4, 6):	Time from issuance of SES to earliest start of Radiation/Safety Hearing (RSH)	
T(5, 7):	Time from issuance of FES to earliest start of Environmental Hearing (EH)	
T(6, 8):	Time from earliest start of RSH to end of RSH	} If RSH and EH are combined, T(6, 8) denotes time from start of Combined Hearing (CH) to end of CH and T(7, 9) is not applicable.
T(7, 9):	Time from earliest start of EH to end of EH	
T(8, 10):	Time from end of RSH to ASLB decision on Radiation/Safety matters	} If RSH and EH are combined, T(8, 10) denotes time from end of CH to ASLB combined decision and T(9, 11) is not applicable.
T(9, 11):	Time from end of EH to ASLB decision on Environmental matters	
T(4, 10):	Time from issuance of SES to ASLB decision on Radiation/Safety matters, which is equivalent to $T(4, 6) + T(6, 8) + T(8, 10)$ . This quantity is not computed for CH.	
T(5, 11):	Time from issuance of FES to ASLB decision on Environmental matters, which is equivalent to $T(5, 7) + T(7, 9) + T(9, 11)$ . This quantity is not computed for CH.	
T(10, 14):	Time from ASLB decision on Radiation/Safety matters to issuance of Construction Permit (CP)	} If RSH and EH are combined, T(10, 14) denotes time from combined ASLB decision to issuance of CP and T(11, 14) is not applicable.
T(11, 14):	Time from ASLB decision on Environmental matters to issuance of CP	

\*The symbol T(I, J) denotes time interval between Ith milestone date (DI) and Jth milestone date (DJ); e.g.  $T(2, 4) = D4 - D2$ . The milestones are given in Appendix A.

TABLE B.1 (Continued)

T(1, 14):	Time from docketing of SAR or ER, whichever earlier, to issuance of CP	}	If RSH and EH are combined, T(2, 14) is used and T(1, 14) and T(3, 14) are not applicable.
T(2, 14):	Time from docketing of SAR to issuance of CP		
T(3, 14):	Time from docketing of ER to issuance of CP		

TABLE B.2      SELECTED TIME INTERVALS IN THE LICENSING PROCESS --  
 OPERATING LICENSE APPLICATION PHASE

<u>Notation*</u>	<u>Interval</u>	
T(17, 19):	Time from docketing of Safety Analysis Report (SAR) to issuance of Safety Evaluation Supplement (SES)	
T(18, 20):	Time from docketing of Environmental Report (ER) to issuance of Final Environmental Statement (FES)	
T(19, 21):	Time from issuance of SES to earliest start of Radiation/Safety Hearing (RSH)	
T(20, 22):	Time from issuance of FES to earliest start of Environmental Hearing (EH)	
T(21, 23):	Time from earliest start of RSH to end of RSH	} If RSH and EH are combined, T(21, 23) denotes time from start of Combined Hearing (CH) to end of CH and T(22, 24) is not applicable.
T(22, 24):	Time from earliest start of EH to end of EH	
T(23, 25):	Time from end of RSH to ASLB decision on Radiation/Safety matters	} If RSH and EH are combined, T(23, 25) denotes time from end of CH to ASLB combined decision and T(24, 26) is not applicable.
T(24, 26):	Time from end of EH to ASLB decision on Environmental matters	
T(19, 25):	Time from issuance of SES to ASLB decision on Radiation/Safety matters, which is equivalent to $T(19, 21) + T(21, 23) + T(23, 25)$ . This quantity is not computed for CH.	
T(20, 26):	Time from issuance of FES to ASLB decision on Environmental matters, which is equivalent to $T(20, 22) + T(22, 24) + T(24, 26)$ . This quantity is not computed for CH.	
T(25, 28):	Time from ASLB decision on Radiation/Safety matters to issuance of Operating License (OL)	} If RSH and EH are combined, T(25, 28) denotes time from combined ASLB decision to issuance of OL and T(26, 28) is not applicable.
T(26, 28):	Time from ASLB decision on Environmental matters to issuance of OL	

\*The symbol  $T(I, J)$  denotes time interval between Ith milestone date (DJ) and the Jth milestone date (DJ); e.g.  $T(17, 19) = D19 - D17$ . The milestones are given in Appendix A.

TABLE B.2 (Continued)

T(16, 28): Time from docketing of SAR or ER,  
whichever earlier, to issuance of OL

T(17, 28): Time from docketing of SAR to issuance  
of OL

T(18, 28): Time from docketing of ER to issuance  
of OL

} If RSH and EH are com-  
bined, T(17, 28) is used  
and T(16, 28) and T(18, 28)  
are not applicable.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

APR 30 1980

MEMORANDUM FOR: Office Directors

FROM: Norman M. Haller, Director  
Office of Management and Program Analysis

SUBJECT: A STUDY OF HEARING PROCESS DURATION  
FOR NUCLEAR REACTORS

Commissioner Kennedy asked us for a statistical analysis on hearing process duration. The findings document an increase in the average duration of the hearing process since the mid-1950's. Attached is a copy of the report which may be of interest to you and your staff. You should also be aware of the data developed as part of the analysis.

We did not attempt to determine underlying causes for the trends revealed by the data. Thus, another reason for circulating the report is to seek information from knowledgeable persons on your staff on (1) factors influencing the lengthening of the hearing process, (2) which of these factors are within NRC's purview and are problems, and (3) methods that might be used to cope with the problems.

Please ask your staff to give us any views they might have on these underlying causes. With this insight we can determine if recommendations or further study on the subject are warranted. I would appreciate having any comments from your staff forwarded directly to Dan Lurie (2-7851), Applied Statistics Branch, Mail Stop 8709 MNBB, by May 16.

*Norman M. Haller*  
for Norman M. Haller, Director  
Office of Management and  
Program Analysis

Attachments:

1. Haller memo to Kennedy,  
April 8, 1980.
2. Report.

✓ (10)

CHANGES IN THE COMMISSION'S PRACTICE  
WHICH CAN REDUCE TIME REQUIRED FOR LICENSING HEARINGS

1. Revoke Appendix B to the Commission's Rules of Practice, thus making licensing board decisions immediately effective on issuance.
2. Amend the discovery rules. The FOIA is available to parties for document discovery. The Administrative Procedure Act does not require discovery beyond the FOIA in agency proceedings. Davis has argued in his administrative law treatise that although discovery is not required that some states are correct in finding a common law right to discovery. Davis suggests using agency subpoena power to provide discovery rights to parties where prejudice would result. This does not appear applicable to non-criminal, non-civil rights adjudications such as licensing actions. However, some exceptional circumstances showings for interrogatory and deposition discovery should be retained to avoid challenges on the grounds of prejudice. There is no necessity for maintaining discovery as a routinely available litigative tool in NRC licensing proceedings.
3. Amend the Rules of Practice to separate the standing requirements necessary for the "right" to request a hearing from the contention requirement. As now interpreted, §2.714 ties contentions to standing. This has resulted in very loose contentions being deemed sufficient to trigger an evidentiary proceeding, with summary disposition being used to force elimination of issues on which testimony should have never been prepared in the first instance. If a person were found to have standing initially at the first prehearing conference but then was required to state specific factual contentions at the point the Staff's review was nearing completion, unnecessary effort in testimony preparation could be avoided.
4. The Rules of Practice could be amended to eliminate the licensing and appeal board's sua sponte review authority. This would reduce the scope of issues the staff had to address in testimony and restrict the scope of hearings to issues legitimately raised by an adverse party in the first instance.
5. A rule should be adopted restricting participation of a party to those issues raised by the party's own admitted contentions. Much time is spent in current hearings allowing repetitive round-robin cross-examination by each participating party. Such a rule would reduce the time spent on such examination and would allow the party most directly effected to build the case on its own contention.

6. Hearings could be run simultaneously with the Staff's safety review. The Staff position is not really required until the time for findings. To the extent that the Staff adduced evidence, of course, it could have to have finished its review. However, the burden is the applicant's and it has a right to a speedy determination which may in some cases outweigh its desire to have the Staff's support on every detail. This approach, of course, would not be available on environmental issues where the Staff's independent responsibilities must be accomplished prior to agency action. In the latter case, the Staff's position is necessary for adverse party's to know whether they wish to challenge the sufficiency of the environmental review. (However, in this regard it is noted that there is not a right to an adjudicatory hearing on the EIS. The requirement is that the EIS "accompany" the existing agency review process.)
  
7. Amend the summary disposition rule to eliminate the 45 day requirement. While this is desirable in order to provide an opportunity for reasonable response from the parties and a ruling prior to the start of the hearing, the filing of testimony serves a similar purpose. The rules could provide that upon review the written testimony, the Board could rule sua sponte that there was no issue to be heard. In fact, the rules could require Board's to make such a determination routinely before the commencement of an evidentiary hearing. The summary disposition procedure should then be provided as a tool to be used at any time in the proceeding that a party believed there was no issue to be heard. This could be before, during, or immediately following the proceeding much like a directed verdict.



## SOME SUGGESTIONS REGARDING HEARING PROCEDURES AT NRC

These are some comments and suggestions regarding procedures in NRC licensing hearings. They are based on extensive conversations with the Staff and incorporate many of their suggestions.

Delay in NRC proceedings results in the main from the technical nature of the hearings, zealous opposition by some to nuclear power plants, and to the burdens imposed by the Environmental Acts and the courts on the Agency.

Some of the procedural suggestions made here may improve the efficiency of the hearings.

## Problems, Criticisms and Suggestions

### 1. The Staff Should be more Selective in Responding to Pleadings

The Staff responds to almost every pleading by another party, whether or not it is directly concerned. The Licensing Boards should be able to rule on most pleadings on the basis of the documents filed and their own knowledge. Of course, the Staff should monitor pleadings so that it can respond where it is directly concerned, or where significant or novel matters are raised. Where it believes that a Board has committed prejudicial error, it can file a petition for reconsideration.

The Staff time spent on pleadings is increased by the review procedure, which in most cases extends beyond the section level.

Allocation of scarce legal resources would be improved by greater selectivity in pleading practice; the time saved could be devoted to trial preparation and brief writing.

### 2. Intervenors Are Required to State Their Contentions Too Early

Current procedure requires that petitions to intervene be filed approximately 60 days after an applicant has filed his application. The petitioner must state the facts regarding both his interest and his contentions and their bases "with particularity." A prehearing conference is then held and the Board rules on those contentions it will allow to be considered at the hearing. After this, changes in or additional contentions are limited.

Prior to or during the prehearing conference, the Staff assists the Intervenors in formulating their contentions.

Approximately five months after the prehearing conference, the technical staff issues a Draft Environmental Statement (DES) followed some four months later by a Final Environmental Statement (FES). At this time or later, the technical staff also issues a Safety Evaluation Report (SER). A public hearing is then held (sometimes before the SER issues; in this event the initial hearing is confined to "environmental" issues, and a later hearing is held on the "safety" issues.)

Criticisms of this procedure are:

- (a) Unfairness. Few Intervenors can analyze the data filed by an applicant for a license to build an atomic reactor--often 17 volumes --within 60 days to determine their contentions against it "with particularity." The applicant's environmental report alone raises safety issues (radiation), economic issues (need for power), environmental issues (pollution and impact). The 60 day period is also too short to permit discovery that could enable an Intervenor to frame his contentions with understanding. ✓
- (b) Inefficiency in the Hearing Process. The purpose of requiring the statement of contentions is to give notice to other parties of the

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✓ At prehearing conferences Intervenors are disturbed to discover that they are precluded from raising many of their objections because these are governed by Commission Rules which govern all similar plants, even though they were adopted without any hearing (through informal rule making). While this has been good law, it would be helpful to issue a pamphlet explaining in lay language the substance of these rules and their bases; also wide notice and "some kind of hearing" would be desirable for rules affecting safety and health, as is now being done in some instances.

precise facts and arguments that will be raised at a hearing, so that the Board will be able to control the scope of the hearing. As a practical matter Intervenor<sup>s</sup> wait for and rely on the Staff's DES and SER before formulating their positions. At the prehearing conference Intervenor<sup>s</sup> file numerous general contentions, often poorly framed and repetitious--anything to get into the proceeding. The Staff and other parties spend much time and effort organizing these arguments into "acceptable" contentions. As a result Intervenor<sup>s</sup> and other parties find themselves locked in later at the hearing, proving or disproving contentions that would not have been advanced if Intervenor<sup>s</sup> hadn't been forced to stake out their positions too early. Moreover, in practice Intervenor<sup>s</sup> change and add to their contentions after the DES--and even at the hearing--claiming that the new subjects are comprehended in their original contentions. Despite the rules of practice, the Boards tolerate these actions. Thus, while tight procedural rules purportedly govern proceedings, the reality is that loose procedures are observed. And while this technique avoids judicial review,<sup>1</sup> the practice results in extended procedural arguments and vitiates the benefits of prehearing procedures.

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<sup>1</sup> It is questionable whether the procedure would be sustained in court if an Intervenor were denied the opportunity to amend a contention on the basis of the DES. BPI v AEC does not hold to the contrary. The issue whether an Intervenor can add a contention after the Staff issues the DES was not raised in that case; all that was in issue was the generality of the rule, which seems reasonable in the abstract.

An alternative procedure would be: Require an Intervenor to file an early petition to intervene, stating his interest and the subjects which concern him. A prehearing conference would follow to establish relationships and to discuss interests and future procedures. Discovery would begin against the applicant on the basis of the subjects alleged. After the Staff issues the DES plus a reasonable period, approximately 45 days, Intervenors would be required to state the issues they propose and their positions (contentions).

The advantages of this procedure are:

- (a) Fairness - Before filing their contentions, Intervenors would have sufficient time to analyse the application, to evaluate their concerns intelligently, a reasonable opportunity for discovery, and an opportunity to examine Staff's DES.
- (b) Efficiency - The quality of the contentions should improve and the Board would then be in a position to require that contentions be truly specific (not "the monitoring system does not meet the standards of the regulations") and to enforce its rulings. The lengthy and tedious process of eliminating or disproving contentions proposed just to get into the hearing would be avoided.

3. The Time Between the Filing of Testimony and the Beginning of the of the Hearing is too Short

After the Staff issues the Final Environmental Statement, (FES), the Board sets a date for the filing of direct testimony. Hearings are then scheduled to begin from 5-14 days later. This period is generally too short for the Staff to analyze opposing testimony and to prepare rebuttal. In administrative hearings rebuttal is generally more effective and takes

less time than cross examination. The short period before the hearing begins encourages cross examination as the means of refutation.

An alternative procedure would be to set a date for filing the direct testimony of all parties and to provide for the filing of rebuttal testimony by all parties some 20 days later. This would give the parties time to prepare rebuttal instead of relying on cross examination. It would also eliminate surprise testimony and the consequent requests for additional time to prepare new testimony.

#### 4. Trial Briefs Should be Required

A trial brief accompanying the case-in-chief of each major party should be required. It imposes the discipline of planned orderly presentation on the parties. And it is a powerful tool in enabling the Board to plan and manage the hearing.

#### 5. Questions from the Licensing Board Should Be Submitted In Advance of the Hearing

Questions from the Licensing Board asked at the hearing often require extensive research and result in delays. Boards should pose their questions at least 20 days before hearing. Such a practice would impel the Boards to prepare for hearings. Of course, one could not forbid questioning from the bench about matters which arise initially at the hearing.

Some Board questions are addressed to the Staff which could equally well be addressed to the Licensee. The Staff should request the Boards to pose such questions to the applicant as the Staff finds itself in a crunch just before and during hearings.

6. Exhibits Should be Required to be Self-Explanatory

To save hearing time the Boards should require all exhibits and testimony to be complete and self explanatory. For ready reference they should be on line numbered paper. A statement should be distributed listing the persons who prepared the various parts of the FES, and which parts of the document the sponsoring witnesses are prepared to defend. Staff counsel should propose the adoption of such a rule at the first prehearing conference.

7. Discovery Techniques Should Be Used More Extensively

Some of the uses of discovery are to:

- (a) Delimit, narrow and eliminate contentions
- (b) Avoid surprise
- (c) Avoid hearing intervals
- (d) Prepare your own witness for cross examination
- (3) Prepare for rebuttal
- (f) Prepare your cross examination of opposing witnesses
- (g) Discover data for your own affirmative case
- (h) Save hearing time by placing discovered evidence in written form directly into the record

Discovery should be employed with respect to most contentions of an adversary to determine before hearing exactly what the contention is, who and what facts or opinions substantiate the contention, and what is the nature of the proof to be offered. Where an adversary is to cross examine your witness, discovery should be used to force him to specify in advance by page and line every statement in your witness's testimony that he disagrees with, the basis for his disagreement, and what he thinks the correct version should be.

These are the principal forms of discovery:

(a) Informal conferences with other parties' witnesses and representatives.

(b) The results of the informal conference may be summarized in a narrative statement signed by the witness or recorded verbatim by a reporter.

(c) Formal interrogatories and depositions.

While all types of discovery can aid in preparing for hearing, interrogatories and depositions can be presented directly into evidence at hearing, saving hearing time. A party may also select the successful interrogatories and place just those in the record, eliminating the unsuccessful ones, not only saving hearing time but enhancing his case by eliminating the duds.

Staff has used informal discovery, conferences with the parties, quite extensively. Bill Massar has used discovery this way: He invited the lawyer for the Intervenor to visit the NRC offices in Washington, and made available to him any witness he desired for informal discussion.



His theory was to let the Intervenor know the facts about his contentions; and that the facts wouldn't support his objections. This is an effective technique if the Intervenor or his lawyer is willing to come to NRC headquarters and is sincerely open to persuasion; it will not work well if the Intervenor can't come to Washington or is relying on stalling tactics. This method could be carried further by making the Staff witness available to Intervenors in the field, bringing along a stenotypist to record the questions and answers. With these opportunities it is reasonable to limit the Intervenors' presentations at the hearing. In practice, some oral testimony of key witnesses is desirable to give the Board a "feeling" for the witness and to secure spontaneous answers to certain questions.

Several Staff lawyers have tried sending out interrogatories but have abandoned the method after receiving nonresponsive answers. In these cases, follow up questions are needed either to make the questions more precise or to pursue an answer further. Several rounds of interrogatories are not uncommon for this purpose. If the replies to interrogatories indicate stalling or evasion, a forceful motion should be made to compel a definite answer by a fixed date, with the sanction that if this is not furnished evidence and cross examination to controvert the opponent's position on this matter will be excluded at the hearing. These procedures may involve discussion with the Board and other parties, and for this purpose the Board ought to be available for rulings "in chambers" - in the field, in the office, or by conference telephone.

Staff motions requesting sanctions should make clear that this remedy is being invoked only after Intervenors have refused to furnish information or to state their positions when they can reasonably do so. At some point stalling tactics must be decisively met.

Bernie Bordenick and Charlie Barth have pursued formal discovery techniques further than anyone else. Their work should be more widely known.

In order to increase the parties' use of discovery, at the first prehearing conference the Staff lawyer should ask the Board to encourage its employment in the proceeding. He should describe the methods that can be used and offer to make his witnesses available to the parties in the field at mutually convenient times for this purpose. He should request the Board to adopt a rule limiting extended cross examination at the hearing of matters which could have been discovered before hearing.

If the Board refuses to adopt the Staff's proposals the Staff should file a strong motion requesting certification of the issue to the Appeal Board. If granted, this would provide the Staff an opportunity to explain to the Appeal Board the kinds of problems it encounters at hearings and why these solutions are fair and reasonable methods for coping with protracted hearings. While the Appeal Board may not direct the Licensing Board to adopt specific procedures, it may endorse the principle and encourage the Licensing Board to prescribe wide use of discovery.

One of the principal advantages of discovery is that it permits several witnesses to be examined simultaneously, whereas in a hearing only one witness can be questioned at a time. Discovery can thus be a time saver in protracted hearings.

8. The Program and Schedule for the Entire Hearing Should be Decided at the Final Prehearing Conference

A final prehearing conference should be held shortly before the hearing begins. The schedule for everything that is to occur at the hearing (or phase of the hearing) should be worked out and programmed as definitely as at the closing of a bond issue: all witnesses who are to be examined, the order of their appearance, the topics they are to be questioned about should be agreed upon. Staff counsel should take the lead by distributing a proposed agenda and schedule, and moving for its adoption. The Board must be prepared to enforce the agreements and rulings made at this conference. It should be able to do so because full disclosure will have occurred to permit decisions to be made with understanding.

9. The Proposed Alternative Procedure Should Not Lengthen Proceedings

The hearing under the present procedure doesn't begin until after the FES is issued. Under the alternative procedure, the hearing would begin about the same time. The difference is that the formulation of contentions would be postponed until after the DES. After that, the Staff preparation would be more active than under the present system. Appendix A gives an illustration of dates under the alternative procedure.

The suggested procedure would lessen the time spent by the Staff early in the proceeding participating in the formulation of contentions. This change should make more time available to Staff for preparation after the DES issues. Some saving in time should result from the improvement in the quality of contentions formulated at a later stage, and from eliminating contentions that never would have been proposed if the opportunity for sufficient consideration and discussion had been available before they were adopted. Also, the definitive scheduling at the final prehearing conference of additional witnesses should diminish the intervals between hearing sessions.

The philosophy underlying the present system is that the NRC by procedural regulation can limit the issues and the evidence to be adduced at hearing to those advanced by Intervenors, often laymen or lawyers unskilled in administrative law or atomic engineering, after they have had 60 days or less to evaluate the safety design and the environmental impact of a proposed atomic power plant. This procedure is not fair; it is of doubtful legality; and it is not even a practical policy; for the attempts to put this procedure into effect -- and the shrinking from really doing so -- contribute to reducing the efficiency of the hearing process.

The number of days spent in hearings is not as great a factor in delay as the intervals occurring between hearings--intervals arising because a party isn't ready, or because a party, without prior notice, wants to examine a witness who prepared part of an exhibit sponsored by another witness.

Hearing efficiency depends on preparation and management. The hearing should not begin until the parties are ready to try the issues; and then it should proceed nonstop till completed. The alternative procedure should promote those factors that are conducive to achieving this result.

10. An Outline Should Be Required as a Prerequisite to Extended Cross Examination

Most cross examination at administrative hearings is unproductive and time consuming. Rebuttal is usually a more efficient way of refuting an expert. Many of the points raised on cross examination are argumentative and can be made effectively on brief or memorandum without the risk of the witness's refuting them.

In the main, cross examination of an expert should be limited to laying bare his assumptions, showing their limitations, and exposing inconsistencies in the assumptions. As example of effective cross examination of this type is Jim Tourtellotte's cross examination of witness Chapman in Niagara Mohawk Corp (Nine Mile Point Nuclear Station Unit 2)

Whenever a party is to engage in extended cross examination, the Board should require that he submit to it in advance of the examination an outline of the subjects he plans to inquire into, and of the answers expected to be elicited and their significance. After cross examination, copies of the outline should be given to other parties. Here again the Legal Staff should propose such rules for adoption by the Board at an early prehearing conference.

11. The Staff Should Experiment With Briefs Instead of Proposed Findings of Fact

After hearing, Staff and other parties generally submit proposed findings of fact and conclusions of law to the Board. The time allowed for this is short for a technical and complex case 15 days for the Applicant, 25 days for the Intervenors, 30 days for Staff, and 5 days for rebuttal by the Applicant. In effect, Staff has 15 days to reply to the Applicant and 5 days to reply to the Intervenors.

It is suggested that all parties file simultaneous direct and reply briefs and that the time allowed be extended. Briefs should be begun before the close of the hearing. The additional time should improve the quality of the briefs and make them more useful to the Board.

It is also suggested that experimentation with briefs instead of proposed findings of fact be considered. While proposed findings and briefs can merge into each other, the emphasis in each is different. The brief is organized around subjects: facts, analyses, arguments, and conclusions about a subject are treated as a unit. In proposed findings, the form promotes an artificial separation of fact from analysis and conclusion that is not conducive to understanding by a non lawyer. For this reason, a brief of similar quality is more understandable to the non expert. The brief tends to be a more flexible instrument than proposed findings; there are many ways in which the brief can be made interesting to the reader, instead of presenting him with a recital of numbered, often unrelated, findings.

Whether or not the "brief form" be adopted, the final submission of the Staff to the Board should contain a readable explanation why and how the plant is safe, if this is the Staff position; and since there is no such thing as "absolute safety" the presentation should include an understandable evaluation of the realities of the risks and benefits. Even if some aspects of these matters can be legally excluded as issues, because Commission regulations govern the subject, an explanation of the rules and their bases should be offered as argument. The presentation should deal with the concerns of an intelligent person in language he can understand. For this purpose, the prefabricated portions of briefs to be prepared by the Planning Group discussed in Item 14 below should be used.

Part of the lawyers' art is to translate technical subjects into language that laymen understand permitting them intelligently to evaluate a proposal. The candid, objective, lucid, skillfully written brief offers a legitimate opportunity to appeal to the community to make a rational evaluation about the health, environmental, and energy factors involved in an atomic power plant.

If a trial brief has been prepared before hearing it can generally be used as the basis for the final brief, changes being made to take into consideration new developments at the hearing.

The Boards currently issue findings of fact and conclusions of law. If briefs were submitted, they could issue an initial decision in the

form of an opinion, following the form of the brief, or use it as a basis for their own findings of facts. The same reasons favoring the use of briefs apply to the Board's issuing opinions. No change in the regulations would be needed to adopt briefs and opinions, as the factual statements in each would be treated as proposed findings.

Some of the great lawyers have consciously designed their briefs to influence public opinion by the force of the facts and arguments presented - to the enlightened media and to community leaders - just as much as to persuade the deciding tribunal. Atomic power plants must not only be safe; they must be perceived by the public to offer no serious risks. The Staff lawyers can play a role in this public understanding by seizing the opportunity to give the public the tools to make an intelligent evaluation.

12. The Technical Staff Needs to Acquire a Better Understanding of Its Role in Quasi-Judicial Matters.

A fair number of the technical Staff do not comprehend or accept the fact that one of their major tasks is to prepare testimony for presentation and to appear as witnesses in quasi-judicial proceedings. They tend to express views on technical questions in unsubstantiated conclusory statements; they do not readily accept the lawyer's instruction that they must furnish the whole chain of facts to support their conclusions; they do not entirely accept the situation that in a legal proceeding the lawyers must determine the adequacy of the testimony. To a certain extent this conflict exists in most quasi-judicial agencies. It seems more acute here, perhaps as a result of the highly technical



nature of the issues at NRC. While there are excellent technicians who do understand their role as witnesses in a legal proceeding, the complaint is so general (and so understandable) that discussions to improve this situation between the legal and the technical staff should be tactfully conducted at a high level.

13. The Staff Should Lead the Boards to Be More Decisive in Their Procedural Rulings

There is a general feeling, and a reading of some transcripts supports the view, that many of the Licensing Boards do not rule quickly and firmly, that they make compromise rulings that do not give clear guidance for future situations, that they permit overextensive argument, and that too often they resolve evidentiary problems by receiving testimony "for what it is worth." This manner of presiding encourages the hearing to drift, leads to proliferation of irrelevant and repetitious testimony, and promotes delay.

The Staff should try to affect the Board's conduct by taking a firm position in seeking remedies for unwarranted delay. In such a case, after explaining the situation fairly and fully, it should not hesitate to advance a forthright proposal, even if another party may object. The Staff should not assume the role of judge; its function is to act as a nonpartisan advocate for the public interest.

The attitude of the Licensing Boards is probably affected by the decisions of the Appeal Board. The Appeal Board issues opinions of extraordinarily high quality on substantive matters. However, it sometimes approaches evidentiary and hearing problems with insufficient sensitivity to the problems of hearings at NRC.

It is suggested that the Staff use oral argument before the Appeal

Board as a legitimate way of explaining the kinds of problems it meets at hearing. The argument should not be directed towards winning the particular point in issue, but towards emphasizing the consequences of various rulings. For example, a decision to admit marginal evidence results not only in receiving the additional testimony; it also provokes more cross examination and rebuttal; and it can lead to raising new subissues; and these by-ways must then be explored by the parties.

Of course, the Licensing and Appeal Boards have to exercise judgment; time can be wasted if a decision has to be revised and the hearing reopened. However, in the exceptional case where reversal and reopening are required, a hearing limited to one matter can usually be handled quickly. And the time saved by decisive rulings on other matters or in other proceedings should produce a net gain.

14. A Planning Group Should be Set Up to Prepare Standard Replies to Multiple Contentions Which are Repeated in Numerous Proceedings.

Some Intervenors raise several hundred contentions. Often these are repeated from case to case, resulting from the exchange of points by various Intervenors, or from guidance by a central group. The consequence can be delay, directly from the number of issues to be tried in a case, and indirectly from overwhelming the Staff assigned to a particular case.

It is suggested that the legal Staff establish a planning group to deal with this problem. Some technical Staff people should be assigned to the group, but it should be under the aegis of the legal Staff. The group should treat this problem of multiplication and repetition of issues as a special task. The evidence and argument needed to reply should be prepared and made available to the lawyers trying particular

cases. The group should prepare prefabricated evidence and briefing memoranda on these subjects which can be adapted and used in appropriate cases.

The planning group would also select cases where a particular issue would be pressed home to force a specific decision from a Licensing Board (and the Appeal Board). This would make it possible to use precedents to avoid the retrial of identical issues. While precedent could not eliminate issues where the Intervenor adduces serious prima facie evidence of special circumstances, it could reduce or eliminate some.

15. An Index of Procedural Points Should be Maintained in the Library.

A card index of procedural points determined in NRC proceedings should be maintained in the library. This can be done in a few sessions as a cooperative venture by the legal staff and the librarian. There are several methods for doing this. At present a certain amount of time is spent by staff lawyers asking other lawyers for precedents because there is no good index.

16. A Regular Seminar on Procedural Matters Should be Instituted.

It is suggested that a Committee on Procedures be established consisting of several experienced lawyers, whose task would be to run a monthly seminar for the legal staff. Specifically, they would find out from other lawyers what techniques have proved effective at hearings, and they would arrange for these lawyers to explain them at the seminar. For example, Jim Tourtellotte's cross examination of witness Chapman in

Niagara Mohawk Corp (Nine Mile Point Nuclear Station Unit 2), after editing to reduce the amount of material, should be distributed and discussed. Bordenick's and Barth's interrogatories should also be known to other lawyers. The Committee should find out what evidentiary and procedural matters presenting difficulty are recurring, i.e. reliance by expert A on hearsay statement of B; extended cross examination by using articles and treatises, etc. Methods of dealing with these problems should be prepared and presented at the seminar, followed by consideration of their effectiveness and alternative solutions. The focus should always be on the actual problem that has occurred and not on the abstract evidentiary problem, or the answer contained in a treatise on evidence.

17. Conclusion.

There is no single technique that will permit a substantial improvement in hearing efficiency. But advances on all fronts, even if small benefits are achieved in particular instances, could increase overall hearing efficiency. Great potential exists in the high calibre and interest in this subject by the legal staff.

APPENDIX A

PROPOSED SCHEDULE FOR TRIAL PROGRESS

<u>Subject</u>	<u>Date</u>
1. DES	1
2. Discovery against Staff	
3. Contentions filed	+45
4. Discovery against Intervenors	
5. Motions on Contentions	+15
6. Replies	+10
7. Prehearing conference and rulings on contentions	+10
8. FES	+10
9. Direct testimony of all parties	+15
10. Rebuttal testimony of all parties	+20
11. Trial briefs	+15
12. Prehearing conference	+ 5
13. Hearing	+ 1
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SCHEDULING CONSIDERATIONS FOR DIABLO CANYON LOW POWER TEST AUTHORIZATION

The attached schedule for conclusion of proceedings relating to the Diablo Canyon low power test authorization has been compiled as of January 14, 1981 using the times specified in 10 C.F.R. Part 2 for each activity. While Appendix A to Part 2 indicates that the specified times are "maximums", experience in Commission practice has been that the times are generally minimum. Board's usually expand rather than contract the time permitted.

It should be noted that Appendix B to Part 2 provides that the Commission has reserved the right to step in at any earlier stage of the proceeding and review the matter on its own notion. Absent such action, the attached schedule should be viewed as minimum for the activities indicated. Should any activity be accomplished later than indicated the remainder of the schedule would slip accordingly.

William J. Olmstead  
Assistant Chief Hearing Counsel

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Diablo Canyon Scheduling Considerations  
for Low Power Test Authorization

1. Ruling on low power test contentions January 23
2. Prehearing Conference February 1
3. Prehearing Conference (Jer) February 13
4. Discovery conducted  
(minimum time - 10 days following service of  
interrogatories (5 days) to file; 14 days  
following service (5 days) to respond = 34 days) April 1  
  
(Staff SER on full power scheduled for issuance) April 1
5. Motions for Summary Disposition due by March 2  
followed by 45 days to earliest hearing - (Response  
due by March 27, 1980) April 16, 1981
6. Hearing on Contentions (if required) Week of April 20, 1981
7. Record closes April 25, 1981
8. Applicant's Findings due May 15, 1981
9. Joint Intervenors' - Governors' findings due May 25, 1981
10. Staff findings due June 5, 1981
11. Applicant's reply findings June 15, 1981
12. Licensing Board decision (35 days App. A.VI.(d).) July 20, 1981
13. Exceptions to Initial Decision due and Stay request  
due August 4
14. Responses to Stay request due August 19
15. Brief on Appeal due from appellant September 3
16. Appeal Board decision on whether Initial Decision  
should be stayed September 18
17. Commission decision on whether Initial Decision  
should be stayed October 8, 1981
- \*\*\*18. Earliest date for issuing low power test  
authorization if no stay of initial decision October 8, 1981

19. Response briefs on Appeal due October 8, 1981
20. Staff response on Appeal due October 19, 1981
21. Oral argument on Appeal November 18, 1981
22. Appeal Board decision December 23, 1981
23. Petitions for Commission Review January 12, 1982
24. Responses to petition for review January 27, 1982
25. Commission decision on whether to review February 11, 1982
- \*\*\*26. If no review by Commission but a stay was issued earliest low power authorization is: February 12, 1982
27. If Commission review is undertaken briefing schedule as follows:
28. Briefs on issues designated by Commission March 15, 1982
29. Decision by Commission if no argument is scheduled April 19, 1982
30. Decision by Commission if argument scheduled May 19, 1982
- \*\*\*31. Earliest low power test authorization where stay is granted and Commission review ensues  
If argument scheduled: April 20, 1982  
May 20, 1982



ASSUMPTIONS USED FOR  
THE HEARING PROCESS  
(SER SUPPLEMENT ISSUE TO OL DECISION DATE)

	INITIAL GENERAL ASSUMPTIONS	CURRENT CASE-BY CASE ESTIMATES
SER SUPPLEMENT TO START OF HEARING	1 - 2 MONTHS	2 - 8 MONTHS
<ul style="list-style-type: none"> <li>- COMPLETION OF DISCOVERY</li> <li>- MOTIONS FOR SUMMARY DISPOSITION</li> <li>- FILING OF TESTIMONY</li> <li>- BOARD NARROWS ISSUES</li> </ul>		
HEARING DURATION	2 - 4 MONTHS	1 - 3 MONTHS
<ul style="list-style-type: none"> <li>- DIRECT TESTIMONY</li> <li>- CROSS EXAMINATION</li> </ul>		
END OF HEARING TO ASLB DECISION	2 - 3 MONTHS	4 - 5 MONTHS
<ul style="list-style-type: none"> <li>- FILING OF PROPOSED FINDINGS</li> <li>- BOARD DECISION</li> </ul>		
ASLB DECISION TO COMMISSION ACTION	2 - 3 MONTHS	3 MONTHS
<ul style="list-style-type: none"> <li>- APPEAL BOARD RULING ON STAY MOTIONS</li> <li>- COMMISSION DECISION ON STAY MOTIONS</li> </ul>		
TOTAL	7 - 12 MONTHS	11 - 18 MONTHS

TOTAL SPAN FROM SSER  
TO COMMISSION ACTION

INITIAL GENERAL  
ASSUMPTIONS

CURRENT CASE  
SPECIFIC  
ESTIMATES

7 PLANTS 7 MONTHS

2 PLANTS 9 MONTHS

2 PLANTS 12 MONTHS

5 PLANTS 11 - 13 MONTHS

3 PLANTS 14 - 15 MONTHS

3 PLANTS 17 - 18 MONTHS

TO COMMISSION ACTION  
(CASE SPECIFIC)

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>	<u>DELTA MONTHS</u>
COMANCHE PEAK 1	7 MONTHS	17 MONTHS	10
DIABLO CANYON 1	9 MONTHS	12 MONTHS	3
DIABLO CANYON 2	9 MONTHS	12 MONTHS	3
FERMI 2	7 MONTHS	15 MONTHS	8
MCGUIRE 1	6 MONTHS	13 MONTHS	7
SAN ONOFRE 2	12 MONTHS	11 MONTHS*	(-1)*
SHOREHAM	12 MONTHS	15 MONTHS	3
SUMMER 1	7 MONTHS	14 MONTHS	7
SUSQUEHANNA 1	7 MONTHS	17 MONTHS	10
WATERFORD 3	7 MONTHS	18 MONTHS**	11**
ZIMMER 1	7 MONTHS	13 MONTHS	6

AVERAGE DELTA IS 5 MONTHS

\* DISCOVERY NOT DEPENDENT ON SSER ISSUANCE - STARTED 3 MONTHS PRIOR TO SSER. ALSO ASSUMES NO CONTENTIONS ON TMI ISSUES.

\*\* POTENTIAL 3 MONTH SCHEDULE IMPROVEMENT BY INCLUDING FINANCIAL QUALIFICATIONS IN SER.

6

COMANCHE PEAK 1

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	6 MONTHS
HEARING DURATION	2 MONTHS	} 8 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	17 MONTHS

DIABLO CANYON 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	] 3 MONTHS	5 MONTHS
HEARING DURATION		] 3 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>4 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	9 MONTHS	12 MONTHS

# DIABLO CANYON 2

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	} 3 MONTHS	5 MONTHS
HEARING DURATION		} 3 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	9 MONTHS	12 MONTHS

FERMI 2

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SFR TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	5 MONTHS
HEARING DURATION	2 MONTHS	7 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	15 MONTHS

\*MCGUIRE 1

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	2 MONTHS	4 MONTHS
HEARING DURATION	2 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION		
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	6 MONTHS	13 MONTHS

\* NO HEARING SHOWN IN FIRST REPORT - HEARING REOPENED BY BOARD IN NOVEMBER 1980 ON ISSUE OF HYDROGEN CONTROL



SAN ONOFRE 2

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	2 MONTHS	2 MONTHS *
HEARING DURATION	4 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION	3 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>3 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	12 MONTHS	11 MONTHS *

\* DISCOVERY NOT DEPENDENT ON SSER ISSUANCE - STARTED 3 MONTHS PRIOR TO SSER. ALSO ASSUMES NO CONTENTIONS ON TMI ISSUES.

SHOREHAM

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
--	--	--

SER TO ACRS MEETING

1 MONTH

ACRS TO SSER ISSUED

2 MONTHS

4 MONTHS

SSER TO START OF HEARING

2 MONTHS

6 MONTHS

HEARING DURATION

4 MONTHS

END OF HEARING TO ASLB DECISION

3 MONTHS

6 MONTHS

ASLB DECISION TO COMMISSION ACTION

3 MONTHS

3 MONTHS

TOTAL SPAN FROM SSER TO  
COMMISSION ACTION

12 MONTHS

15 MONTHS

SUMMER 1

10048

<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
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SER TO ACRS MEETING

1 MONTH

ACRS TO SSER ISSUED

2 MONTHS

2 MONTHS

SSER TO START OF HEARING

1 MONTH

3 MONTHS

HEARING DURATION

2 MONTHS

8 MONTHS

END OF HEARING TO ASLB DECISION

2 MONTHS

ASLB DECISION TO COMMISSION ACTION

2 MONTHS

3 MONTHS

TOTAL SPAN FROM SSER TO  
COMMISSION ACTION

7 MONTHS

14 MONTHS

SUSO JEHANNA 1

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
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SER TO ACRS MEETING

1 MONTH

ACRS TO SSER ISSUED

2 MONTHS

2 MONTHS

SSER TO START OF HEARING

1 MONTH

4 MONTHS

HEARING DURATION

2 MONTHS

10 MONTHS

END OF HEARING TO ASLB DECISION

2 MONTHS

ASLB DECISION TO COMMISSION ACTION

2 MONTHS

3 MONTHS

TOTAL SPAN FROM SSER TO  
COMMISSION ACTION

7 MONTHS

17 MONTHS

WATERFORD 3

	INITIAL GENERAL <u>ASSUMPTIONS</u>	CURRENT CASE SPECIFIC <u>ESTIMATES</u>
SER TO ACRS MEETING	1 MONTH	1 MONTH
ACRS TO SSER ISSUED	2 MONTHS	2 MONTHS
SSER TO START OF HEARING	1 MONTH	8 MONTHS*
HEARING DURATION	2 MONTHS	7 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	18 MONTHS*

\* POTENTIAL 3 MONTH SCHEDULE IMPROVEMENT BY INCLUDING FINANCIAL QUALIFICATIONS IN SER.

ZIMMER 1

	<u>INITIAL GENERAL ASSUMPTIONS</u>	<u>CURRENT CASE SPECIFIC ESTIMATES</u>
SER TO ACRS MEETING	COMPLETE	COMPLETE
ACRS TO SSER ISSUED	N/A	N/A
SSER TO START HEARING	1 MONTH	4 MONTHS
HEARING DURATION	2 MONTHS	6 MONTHS
END OF HEARING TO ASLB DECISION	2 MONTHS	
ASLB DECISION TO COMMISSION ACTION	<u>2 MONTHS</u>	<u>3 MONTHS</u>
TOTAL SPAN FROM SSER TO COMMISSION ACTION	7 MONTHS	13 MONTHS

OL (Review)

OL (Boards)

Plant	Block
1. Bellefonte 1 & 2	3
2. Braidwood 1 & 2	3
3. Byron 1 & 2	3
4. Callaway 1 & 2	3
5. Catawba 1 & 2	3
6. Clinton 1 & 2 (References GESSAR)	3
7. Comanche Peak 1* & 2	3
9. Farley 2	3
10. Fermi 2*	3
11. Grand Gulf 1 & 2	3
12. Harris 1, 2, 3, 4	3
13. LaSalle 1 & 2	3
15. Midland 1 & 2	3
16. Palo Verde 1, 2, 3 (References CESSAR)	3
17. Perry 1 & 2	3
18. Salem 2	3
20. Sequoyah 2	3
21. Shoreham*	3
22. South Texas 1 & 2	3
23. St. Lucie 2	3
25. Susquehanna 1* & 2	3
26. WPPS 2	3
27. Waterford 3*	3
28. Watts Bar 1 & 2	3
29. Wolf Creek	3

8. Diablo Canyon 1* & 2*	1
14. McGuire 1* & 2	1
19. San Onofre 2* & 3	1
24. Summer*	1
30. Zimmer*	1

CPC (plus ML)

31. Allens Creek 1	2
32. Black Fox 1 & 2	2
33. Pebble Springs 1 & 2	2
34. Perkins 1, 2, 3	2
35. Pilgrim 2	2
36. Skagit 1 & 2	2
37. Floating Nuclear 1-8	2

Category	Plants	Time (Mins)	
Block 1	8,14,19,24,30	(20)	100 min.
Block 2	31,32,33,34, 35,36,37	(15)	105 min.
Block 3 Sec. 1 (LB-1)	1,2,3,4,12,13, 21,23,25,26,29	(5-15)	95 min.
Block 3 Sec. 2 (LB-2)	7,9,10,17,20, 22,27,28		80 min.
Block 3 Sec. 3 (SSPB & LB-3)	6,16,5,11,15,18		75 min.
Block 4	Blue Hills, etc. ELD Discussion		15 min.

470 min.

*Farley - need to get SEC  
Kerrville - need to get SEC  
Waterford 3 - need to get SEC*

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Reactor Name Bellefonte 1 & 2  
Attorneys: Paton/Olmstead  
Type of Case Uncontested O.L.  
Status Receipt of application for O.L. was notice in F.R. in July 1978 - no intervention

Number of Contentions: None

General Subject of Issues Schedule N/A

Date Schedule Est.

SER Date February 1984 (SER. Supp. May 1984)  
FES Date July 1982

Safety Hearing Start None  
Envir. Hearing Start None

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP June, 1984 (OL)

Notes:

1. Pacing items - Applicant's construction schedule
2. Slips Review schedule delayed because of applicant's construction delay
3. Fixes



Reactor Name Braidwood  
Attorneys: Karman/Olmstead  
Type of Case Operating License (Contested)  
Status Pre-Hearing Stage  
Number of Contentions: 12  
General Subject of Issues Transmission Lines, Emergency Planning, Groundwater contamination, cumulative effects of radiation, population exposure.

Schedule

Date Schedule Est. None  
SER Date 6/82 SER SUPP 9/84  
FES Date 2/84  
Safety Hearing Start 10/84  
Envir. Hearing Start 4/84  
Close Safety Hearing 6/85  
Close Envir. Hearing 12/84  
ASLB Decision 8/85  
Issuance of OL or CP 6/85

Notes:

1. Pacing items - Construction completion
2. Slips
3. Fixes

Reactor Name Byron  
Attorneys: Karman/Olmstead  
Type of Case OL (Contested)  
Status Pre-Hearing Stage  
Number of Contentions: 90  
General Subject of Issues Full range of safety and environmental areas

Schedule

Date Schedule Est. None  
S & R Date 6/82 SER SUPP 9/82  
FES Date 5/82  
Safety Hearing Start 10/82  
Envir. Hearing Start 7/82  
Close Safety Hearing 6/83  
Close Envir. Hearing 3/83  
ASLB Decision 9/83  
Issuance of OL or CP 12/83

Notes:

1. Pacing items - Hearing time optimistic, Myron Cherry for intervenor
2. Slips
3. Fixes

Reactor Name Callaway 1  
Attorneys: Lessy/Reis  
Type of Case Contested OL (contentions not yet admitted but very likely).  
Status Special prehearing conference (intervention) scheduled for 3/25-26.

Number of Contentions: Not yet admitted

General Subject of Issues Emergency Planning (many intervenors); Class 9 Accidents; Plant Discharges into Missouri River

Schedule

Date Schedule Est.

SER Date 4/82  
FES Date 12/81

Safety Hearing Start 8/82\*  
Envir. Hearing Start

Close Safety Hearing 10/1/82\*  
Close Envir. Hearing

ASLB Decision 12/82

Issuance of OL or CP 2/83

Notes:

1. Pacing items -

2. Slips

3. Fixes

4. Resources Argonne Lab, together with environmental review coordinator. Resources adequate - no problems to date.

\*As the special prehearing conference has not as yet been held, it cannot be said whether environmental contentions, when admitted, will be held separately from safety contentions.

<u>Reactor Name</u>	Catawba1&2
<u>Attorneys:</u>	Lavery/Tourtellotte
<u>Type of Case</u>	OL
<u>Status</u>	Not yet docketed - Federal Register notice of opportunity for hearing not yet published
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues</u>	N/A
<u>Schedule</u>	N/A
<u>Date Schedule Est.</u>	N/A
SER Date	12/82
FES Date	10/82
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLP Decision	N/A
Issuance of OL or CP	N/A

Notes:

1. Pacing items - Acceptance review delayed due to applicant's 2-year postponement of plant and TMI-2 effort.
2. Slips
3. Fixes

Reactor Name Clinton 1/2  
Attorneys: Goddard/Olmstead  
Type of Case OL (Contested)  
Status 2nd Special Prehearing Conference to be scheduled  
March-April, 1981

Number of Contentions: 41

General Subject  
of Issues Full range of safety issues

Schedule

Date Schedule Est.

SER Date 10/82  
FES Date 3/82

Safety Hearing Start 2/83  
Envir. Hearing Start 2/83

Close Safety Hearing 4/83  
Close Envir. Hearing 4/83

ASLB Decision 7/83

Issuance of OL or CP 11/83

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Comanche Peak Steam Electric Station, Units 1 and 2

Attorneys: Marjorie Rothschild (Case Attorney); S.A. Treby  
(Hearing Branch Chief)

Type of Case Contested OL

Status Hearing still to come (it's in prehearing stage).  
Issues outstanding in Staff's review: Applicants' lack  
of ownership & control of mineral rights within  
proposed Exclusion Area and groundwater withdrawal as  
a result of plant operation

NRC offices involved: Burwell & Lehr and Argonne  
National Lab. (Environmental Review). Resources for  
safety review are not adequate (per Burwell)

Number of Contentions: 25 plus 3 "Board Questions" to be addressed by Staff  
and Applicants

General Subject  
of Issues Applicants' technical and financial qualifications to  
operate facility; inadequacy and inapplicability of  
FSAR computer codes; hydrogen control in the  
containment; deficiencies in Applicants' construction  
QA/QC program and operating QA/QC; environmental  
impacts of operation; emergency planning; unresolved  
generic safety issues; design errors

Schedule

Date Schedule Est. 10/31/80

SER Date 6/81 - SER Supplement-9/81  
FES Date 8/81

Safety Hearing Start 3/27/82  
Envir. Hearing Start 3/27/82

Close Safety Hearing 6/27/82  
Close Envir. Hearing 6/27/82

ASLB Decision 10/1/82

Issuance of OL or CP Earliest OL issuance date: 3/82. Latest OL issuance  
date: 8/83

Notes:

1. Pacing items - FES issuance date may slip because CPSES will be the first OL FES which is following proposed changes in 10 CFR Part 51. Safety review schedule may slip because of inadequate resources for review.
2. Slips None. Current schedule accounts for pacing items noted above.
3. Fixes Availability of additional resources for Staff's review.

<u>Reactor Name</u>	Diablo Canyon
<u>Attorneys:</u>	Olmstead
<u>Type of Case</u>	Operating License (with low power authorization)
<u>Status</u>	In hearing before Appeal Board and Licensing Board
<u>Number of Contentions:</u>	52
<u>General Subject of Issues</u>	Class 9, Emergency Planning, Hydrogen, TMI-related, Commission's Policy Statement, Security, Seismic
<u>Schedule</u>	
Date Schedule Est.	January 28, 1981
SER Date	August 1980 (low power supp.) June 1981 (full power supplement on TMI-related issues)
FES Date	1974
Safety Hearing Start Envir. Hearing Start	Low Power May 19, 1981, full power not yet scheduled Complete
Close Safety Hearing	Low power May 31, 1981, full power not yet scheduled but could occur in September 1981
Close Envir. Hearing	N/A hearings complete
ASLB Decision	OELD estimate is September 14, 1981 but board input has slipped the date to November 1981. Full power estimate by OELD is February 1983 if there is a contested hearing. Board input not yet received.
Issuance of OL or CP	Low Power OELD estimate was December 3, 1981. After Board input this date was slipped to February 1982. Full power OELD estimate is January 1982 if there is a contested hearing. Board input not yet received.

Notes:

1. Pac ... items - Board determination on admissibility of TMI-related contentions pursuant to policy statement. SER issuance date for full power TMI-related issues. SER date was recently slipped
2. Slips See above discussion of Board input. SER has been slipped from March 1981 to June 1981 for supplement on TMI-related issues.
3. Fixes Summary Disposition. Board strict construction of showings required to reopen the record to consider TMI-related matters



Reactor Name

Farley 2

Attorneys:

Daniel Swanson (Case Attorney); S.A. Treby (Hearing Branch Chief)

Type of Case

Uncontested OL

Status

No hearing; low power test license issued with Amendment #2 authorizing low power testing expected during week of 2/9/81; Safety Evaluation for full power operation to be issued 2/20/80.  Matters to be covered are being addressed by NRR's Containment Systems Branch and I&E's Division of Emergency Preparedness, both of which have committed adequate manpower. L. Kintner (LPM) is coordinating. No holdups or delays are anticipated.  Issuance of full power OL expected in 3/81 after Preop. Inspection and Commission briefing.

Number of Contentions:

None

General Subject of Issues

N/A

Schedule

Date Schedule Est.

N/A

SER Date

See above re. full power SER

FES Date

N/A

Safety Hearing Start

N/A

Envir. Hearing Start

N/A

Close Safety Hearing

N/A

Close Envir. Hearing

N/A

ASLB Decision

N/A

Issuance of OL or CP

3/81

Notes:

1. Pacing items -

2. Slips

3. Fixes

Reactor Name Enrico Fermi 2  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Operating license  
Status Contested hearing; no hearing date scheduled by ASLB; work on DES is mostly complete; DES scheduled for publication in July 1981. Publication of SER contingent on Staff performance of safety evaluation of reactor systems, TMI-related submission due from Applicant, and numerous issues identified in Interim SER

Number of Contentions: 6

General Subject of Issues Quality of construction, adequacy of radiation monitoring, evacuation, cost benefit analysis (Fuel Cycle)

Schedule

Date Schedule Est. ASLB Order ruling on contentions issued 3/79  
SER Date Interim SER 9/77; SER 12/81  
FES Date 12/81  
Safety Hearing Start 8/82  
Envir. Hearing Start 2/82  
Close Safety Hearing 9/82  
Close Envir. Hearing 4/82  
ASLB Decision 1/83  
Issuance of OL or CP 6/83

Notes:

1. Pacing items -
2. Slips
3. Fixes

*See ASLB file for SER*

*Fuel load date slip.*

Reactor Name Grand Gulf Units 1 and 2

Attorneys: Ketchen/Tourtellotte

Type of Case OL (Uncontested)

Status Pre SER and Pre DES

Number of Contentions: N/A

General Subject  
of Issues  
Schedule N/A

Date Schedule Est.

SER Date 4/81  
FES Date 7/81

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP 7/82

Notes:

1. Pacing items - SER

2. Slips

3. Fixes

Reactor Name Shearon Harris Units 1-4  
Attorneys: Barth/Olmstead  
Type of Case CL  
Status Application for OL submitted June 1980. Not yet  
noticed in the Federal Register.

Number of Contentions:

General Subject  
of Issues  
Schedule N/A

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name LaSalle 1 and 2  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case Operating license  
Status: Uncontested proceeding - no hearings  
Number of Contentions: None  
General Subject of Issues None  
Schedule  
Date Schedule Est.  
SER Date Draft is mostly complete; 60 open non-TMI items.  
Possible date - end of February 1981  
FES Date 11/78  
Safety Hearing Start N/A  
Envir. Hearing Start N/A  
Close Safety Hearing N/A  
Close Envir. Hearing N/A  
ASLB Decision N/A  
Issuance of OL or CP June 1981

Notes:

1. Pacing items - SER awaiting completion of response to open items identified by Staff, to have been submitted in 12/80; still being negotiated with Applicant
2. Slips Several slips 1978-80 due to Applicant delay in responding to Staff questions
3. Fixes

50 non-TMI } unresolved issues  
51 less TMI }  
F. 2 is in group.

1st BWR  
Same TMI  
Mark II Co.

Reactor Name McGuire  
Attorneys: Ketchen/Tourtellotte  
Type of Case OL  
Status Initial Decision issued in April 1979 but stayed due to consideration of generic items. Fuel load and zero power license issued in January 1981. Hearing on full power license in February-March 1981

Number of Contentions: 4

General Subject of Issues Schedule Hydrogen generation/control

Date Schedule Est. Memorandum and Order - November 25, 1980

SER Date February 17, 1981  
FES Date N/A

Safety Hearing Start February 24, 1981  
Envir. Hearing Start N/A

Close Safety Hearing March 13, 1981  
Close Envir. Hearing N/A

ASLB Decision 5/81 (modified to 7/81 based on ASLB input)

Issuance of OL or CP 10/81 (earliest if no stay)

Notes:

1. Pacing items - Submittal of necessary data by applicant to permit completion of staff review
2. Slips Hearing
3. Fixes

Reactor Name Midland 1 & 2 (OL)  
Attorneys: Paton/Olmstead  
Type of Case Contested O.L.  
Status Staff review of FSAR and ER has been suspended since March 1979 (except for the safety review of the soil settlement matter)

Number of Contentions: 30

General Subject of Issues Schedule Generic safety issues and TMI issues

Date Schedule Est.

SER Date July, 1982  
FES Date April, 1982

Safety Hearing Start December, 1982  
Envir. Hearing Start December, 1982

Close Safety Hearing April, 1983  
Close Envir. Hearing April, 1983

ASLB Decision July, 1983

Issuance of OL or CP October, 1983 (OL)

Notes:

1. Pacing items - Technical Staff Resources
2. Slips
3. Fixes

Reactor Name Midland 1 & 2. [This proceeding involves only the December, 1979 Order Modifying Construction Permits].

Attorneys: Paton/Olmstead

Type of Case Contested (Consumers v. Staff) proceeding - arising from Order Modifying Construction Permits issued December 1979.

Status Now in discovery period.

Number of Contentions: Eight Intervenor Contentions and Issues between Consumers and Staff involving QA, safety issues involving soil placement, and material false statement.

General Subject of Issues Schedule Improper placement and compaction of plant fill.

Date Schedule Est.

SER Date No "SER" but Staff testimony will be mailed May 18, 1981.

FES Date N/A

Safety Hearing Start June 16, 1981

Envir. Hearing Start N/A

Close Safety Hearing September 18, 1981

Close Envir. Hearing N/A

ASLB Decision January 1982

Issuance of OL or CP Amendment February, 1982 (CP)

Notes:

1. Pacing items - Consumers and the Staff need 3½ months to prepare direct evidence.

2. Slips

3. Fixes



Reactor Name Palo Verde 1, 2, 3  
Attorneys: McGurren/Reis  
Type of Case OL Contested  
Status Pre-discovery  
Number of Contentions: The special prehearing conference was held 12/2/80. The Board has not yet ruled on the specific contentions. It is estimated that 10 issues will be identified.

General Subject of Issues Both environmental and safety, including sufficiency of water supply, construction deficiencies and compliance with Appendix I.

Schedule

Date Schedule Est. Issues not yet identified by Board.

SER Date 7/82  
FES Date 12/81

Safety Hearing Start 8/82  
Envir. Hearing Start 1/82

Close Safety Hearing 9/82  
Close Envir. Hearing 3/82

ASLB Decision 3/83

Issuance of OL or CP 5/83

Notes:

1. Pacing items - N/A
2. Slips N/A
3. Fixes N/A

Reactor Name Perry  
Attorneys: Barth/Olmstead  
Type of Case OL  
Status Docket 1/81, not yet noticed. Future status unknown at  
this time.

<u>Reactor Name</u>	Salem 2
<u>Attorneys:</u>	Mocre/Olmstead
<u>Type of Case</u>	OL (uncontested)
<u>Status</u>	Low Power License issued by Commission 4/80. Full Power awaiting completion of open items.
<u>Number of Contentions:</u>	None
<u>General Subject of Issues</u>	N/A
<u>Schedule</u>	
Date Schedule Est.	
SER Date	1974 Supp. 5 expected May 1981
FES Date	April 1973
Safety Hearing Start	N/A (Proceeding terminated before hearings commenced)
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	OL expected May 1981 (Full power).
<u>Notes:</u>	
1. Pacing items ..	FEMA Emergency Plan evaluation
2. Slips	Full power license originally expected to issue Sept. 1980.
3. Fixes	

Reactor Name San Onofre Nuclear Generating Station, Units 2 and 3  
Attorneys: Chandler/Tourtellotte  
Type of Case OL  
Status Discovery in progress -- to terminate February 20, 1981 on geology/seismology except for new information based on ACRS report, and on emergency planning except for city of San Clemente plan

Number of Contentions: 4

General Subject of Issues Schedule Geology/Seismology and Emergency planning

Date Schedule Est. Memorandum and Order -- January 27, 1978

SER Date 12/31/80 on geology/seismology, SER supplement 4/81 (modified to 5/81)

FES Date 4/30/81

Safety Hearing Start 6/15/81 (modified to 7/81)

Envir. Hearing Start None

Close Safety Hearing 7/10/81 (stricken but no modified date provided)

Close Envir. Hearing None

ASLB Decision 10/14/81 (modified to 1/82)

Issuance of OL or CP 1/17/82 (modified to 4/82)

Notes:

1. Pacing items - Past scheduling was impacted by TMI "pause" and need for USGS review of very complex geology/seismology considerations.
2. Slips Future potential scheduling impacts may result from need for FEMA review of emergency planning and state of California emergency plan delays.
3. Fixes NRR and DELD interaction with FEMA (and perhaps, state) could be beneficial

Reactor Name

Sequoyah 2

Attorneys:

McGurren/Reis

Type of Case

OL (no contest).

Status

Full Power License issued by Commission for Unit 1 in September 80. Staff review for Unit 2 not yet complete, to cover TMI items, environmental qualifications, etc. Expect completion by July 1981.

Reactor Name Shoreham  
Attorneys: Bordenick/Reis  
Type of Case Contested OL  
Status Hearing still to come. Informal discovery and negotiation on contentions underway with Intervenors.  
Number of Contentions: Presently 95 (started with 207). Anticipated at time of hearing 30.  
General Subject of Issues Mark II, containment, QA, Generic Issues, Security and Emergency Plans.

Schedule

Date Schedule Est.

SER Date March 1981  
FES Date Already issued, out, 1977

Safety Hearing Start January 1982  
Envir. Hearing Start N/A (disposed of through summary disposition).

Close Safety Hearing May 1982  
Close Envir. Hearing N/A

ASLB Decision July 1982

Issuance of OL or CP October 1982

Notes:

1. Pacing items - (1) Mark II containment; (2) TMI requirements. (1) Design criteria under development; (2) generic delay.
2. Slips
3. Fixes

Reactor Name South Texas

Attorneys: Gutierrez/Bordenick/Anderson/Reis

Type of Case Contested Operating Licensing proceedings; including, expedited hearing on QA/QC issues, as well as, management competence and character. †

Status Expedited hearing scheduled to begin 5/81.

Number of Contentions: Eight contentions, as well as, five issues identified in Board order of 12/2/80 relative to expedited hearing.

General Subject of Issues

- QA and Management Qualifications
- Overpressure on Reactor Pressure Vessel
- Inadequate water supply
- Underdesign for wind loadings
- Emergency plans
- Radionuclide bioaccumulation & deposition

Schedule

Date Schedule Est.

SER Date 11/82 (expedited issues 2/15/81)  
FES Date 9/82

Safety Hearing Start 5/81 (expedited issues)  
Envir. Hearing Start 11/82-1/83

Close Safety Hearing 5/83 (balance)  
Close Envir. Hearing 3/83

ASLB Decision 7/83

Issuance of OL or CP OL - 9/83

Notes:

1. Pacing items - Due to staff commitment to TMI, approximately 1 month delay in SER input from the management branch.

2. Slips Completion of management qualifications for SER input delayed from 2/15/81 to 3/15/81.

3. Fixes

NRC Staff Personnel involved: D. Sells (Project Manager); F.R. Allenspach, L. P. Crocker (Division of Human Factors Safety); Region IV, I&E.

<u>Reactor Name</u>	St. Lucie 2
<u>Attorneys:</u>	Paton/Olmstead
<u>Type of Case</u>	O.L.
<u>Status</u>	NRR expects to issue Notice of Receipt of O.L. application and opportunity for hearing within the next 2 weeks.
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues Schedule</u>	N/A
<u>Date Schedule Est.</u>	
SER Date	February, 1983
FES Date	December, 1981
Safety Hearing Start	June 1983
Envir. Hearing Start	June 1983
Close Safety Hearing	August 1983
Close Envir. Hearing	August 1983
ASLB Decision	December 1983 (Blue Book says Oct. 1983 but they didn't leave enough time for findings, etc.)
Issuance of OL or CP	February, 1984 (OL)

Notes:

1. Pacing items -
2. Slips
3. Fixes



<u>Reactor Name</u>	Summer
<u>Type of Case</u>	Operating License
<u>Status</u>	Prehearing
<u>Number of Contentions:</u>	Six (6)
<u>General Subject of Issues</u>	ATWS, Emergency Planning, Seismicity, Quality Control, Decommissioning Costs, Quality Control, Health Effects
<u>Schedule</u>	
Date Schedule Est.	April 22, 1981
SER Date	February 1981
FES Date	February 1981
Safety Hearing Start	July 1981
Envir. Hearing Start	July 1981
Close Safety Hearing	August 1981
Close Envir. Hearing	August 1981
ASLB Decision	OELD estimate 12/81, change to 3/82 based on ASLB input
Issuance of OL or CP	OELD estimate 3/82, changed to 6/82, based on ASLB input

Notes:

1. Pacing items - Completion of FEMA review of emergency planning. Open items in Licensee emergency plan, ACRS Review
  
2. Slips  
 First case to consider accidents following new NRC position on Class 9 accidents. Expanded emergency planning requirements, introduction of TMI-requirements, complex seismic review (differing professional opinion within technical staff.
  
3. Fixes  
 Expedite FEMA process or proceed to hearing in advance of FEMA findings leaving the record open until the completion of the FEMA review; summary disposition; limit further discovery; expedite initial decision (now estimated at 5 months after the close of the hearing).

Reactor Name Susquehanna 1 and 2  
Attorneys: Cutchin/Laverty/Tourtellotte  
Type of Case Operating License  
Status Discovery and summary disposition underway; hearing to commence Fall 1981

Number of Contentions: 19

General Subject of Issues Health effects, uranium supply, need for power, evacuation, unresolved generic safety issues, decommissioning, capacity factors, Class 9

Schedule

Date Schedule Est. 3/6/79  
SER Date 4/30/81  
FES Date 4/30/81  
Safety Hearing Start 2/82  
Envir. Hearing Start 10/81  
Close Safety Hearing 4/82  
Close Envir. Hearing 1/82  
ASLB Decision 4/82 (modified to 8/82)  
Issuance of OL or CP 6/82 (modified to 11/82)

Notes:

1. Pacing items - Completion of Staff's review of application determines earliest possible hearing start. Construction completion of unit 1 currently estimated 3/82 by Staff (7/81 by Applicant).

2. Slips

3. Fixes

<u>Reactor Name</u>	WPPSS 2
<u>Attorneys:</u>	Paton/Olmstead
<u>Type of Case</u>	Uncontested O.L.
<u>Status</u>	In March, 1979 the Licensing Board denied all petitions to Intervene. No appeal was taken.
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues Schedule</u>	N/A
Date Schedule Est.	
SER Date	March, 1982
FES Date	December, 1981
Safety Hearing Start	N/A
Envir. Hearing Start	N/A
Close Safety Hearing	N/A
Close Envir. Hearing	N/A
ASLB Decision	N/A
Issuance of OL or CP	July, 1982 (OL)
<u>Notes:</u>	
1. Pacing items -	Seismic requirements may be changed
2. Slips	strikes, low worker productivity, stop work orders Region V, significant QA/QC failures
3. Fixes	

<u>Reactor Name</u>	Waterford 3
ATTORNEYS	J.R. Gray (Case Attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Contested OL
<u>Status</u>	Hearing Still to Come; Application undergoing Staff safety & environmental review involving NRR's Divisions of Engineering, Systems Integration, Human Factors Safety and Safety Technology. S.Keblusek (LPM) is coordinating. No holdups along critical path are anticipated. Previously, manpower commitment from Instrumentation & Control Systems Branch was inadequate but this has been corrected and resource commitments now appear to be adequate.
<u>Number of Contentions:</u>	29
<u>General Subject of Issues</u>	Need for Power, exclusion area control, emergency planning, Accident analysis, site flooding, quality assurance, fuel element assembly guide tube wear, solid waste process controls, TMI-related issues on instrumentation, radiation monitoring
<u>Schedule</u>	
Date Schedule Est.	Orders admitting contentions: 9/12/79, 1/11/80
SER Date	7/1/81
FES Date	8/8/81
Safety Hearing Start	6/10/82
Envir. Hearing Start	11/9/82
Close Safety Hearing	8/5/82
Close Envir. Hearing	1/8/81
ASLB Decision	1/83
Issuance of OL or CP	4/83

*Follow up on San Onofre  
get copy of SER  
Argonne - DES out March*

Notes:

1. Pacing items - Per stipulations entered by parties and approved by ASLB, intervenors may raise additional safety and environmental contentions after issuance of SER and DES. Following admission of such additional contentions, a set period of discovery has been stipulated. This has resulted in a projected schedule slightly longer than usual.
2. Slips None. Current schedule accounts for pacing items noted above.
3. Fixes Decision by intervenors to not raise additional contentions after issuance of SER and DES could result in savings of between two to three months in start of hearing and ultimate issuance of OL.

Reactor Name Watts Bar  
Attorneys: Ketchen/Tourtellotte  
Type of Case OL (Uncontested)

Status

Number of Contentions: N/A

General Subject of Issues N/A

Schedule

Date Schedule Est.

SER Date 7/81  
FES Date 12/78

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP 08/82

Notes:

1. Facing items -
2. Slips
3. Fixes

Reactor Name Wolf Creek  
Attorneys: Karman/Olmstead  
Type of Case OL  
Status Notic of opportunity published Dec. 1980. Intervention  
Petitions being answered.  
Number of Contentions: Too early.  
General Subject  
of Issues Too early

Schedule

Date Schedule Est. None  
SER Date 3/83 SER SUPP 5/83  
FES Date 12/82  
Safety Hearing Start 7/83  
Envir. Hearing Start 7/83  
Close Safety Hearing Undetermined  
Close Envir. Hearing  
ASLB Decision Undetermined  
Issuance of OL or CP Undetermined

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Zimmer  
Attorneys: Barth/Olmstead  
Type of Case O.L. (contested)  
Status Hearings started in 1979, suspended pending TMI. Expected to be resumed fall 1981.  
Number of Contentions: 37

General Subject of Issues Not financially or technically qualified. Emergency plans are inadequate, radiological monitoring inadequate, TMI issues.

Schedule

Date Schedule Est.

SER Date 2/79. SER Supp Expected June 1981  
FES Date 6/77

Safety Hearing Start OELD estimate 8/81, changed to 10/81 based on ASLB input  
Envir. Hearing Start May 21, 1979

Close Safety Hearing OELD estimate 9/81, changed to unscheduled based on ASLB input.  
Close Envir. Hearing

ASLB Decision OELD estimate 12/81, changed to 4/82, based on ASLB input

Issuance of OL or CP OELD estimate 3/82 (earliest), changed to 7/82 (earliest), based on ASLB input.

Notes:

1. Pacing items -
2. Slips
3. Fixes



<u>Reactor Name</u>	Allens Creek, Unit 1
<u>Attorneys:</u>	Black/McGurren/Reis
<u>Type of Case</u>	CP contested
<u>Status</u>	In hearing. After PID on site suitability in 1975, applicant dropped from 2 units to 1 unit. Renoticed on change. Presently in hearing on most issues. TMI issues still to be determined.
<u>Number of Contentions:</u>	90 multifaceted issues
<u>General Subject of Issues</u>	Key issues include: Emergency Planning, Financial Qualifications, Gas pipeline rupture, ATWS, ECCS, construction deficiencies.
<u>Schedule</u>	
Date Schedule Est.	March 1980
SER Date	10/74 (last Supp. 3/79)
FES Date	Original 1974; Final Supp. August 1978; Draft Supp. #2 December 1980
Safety Hearing Start	Combined hearing start 1/12/81
Envir. Hearing Start	
Close Safety Hearing	Close of hearing October 1981
Close Envir. Hearing	
ASLB Decision	January 1982
Issuance of OL or CP	CP - March 1982
<u>Notes:</u>	
1. Pacing items -	TMI issues and near term CP requirements (Standard Review Plan Deviations proposed rule). These items are pending action before the Commission.
2. Slips	
3. Fixes	

<u>Reactor Name</u>	Black Fox 1 & 2
<u>Attorneys:</u>	Paton/Olmstead
<u>Type of Case</u>	Contested C.P.
<u>Status</u>	Environmental hearings completed June 1978. Safety hearings completed February 1979. But intervenors motion to reopen on TMI-2 issues is awaiting staff issuance of SER supplement addressing those issues.
<u>Number of Contentions:</u>	Has not been determined.
<u>General Subject of Issues Schedule</u>	TMI issues for near-term C.P.
<u>Date Schedule Est.</u>	
SER Date	Safety hearing completed February 1979. Assumption is that the SER supplement re TMI requirements will issue in August, 1981.
FES Date	Decision on environmental matters affirmed December, 1979 (ALAB-573).
Safety Hearing Start	October, 1981
Envir. Hearing Start	N/A
Close Safety Hearing	November, 1981
Close Envir. Hearing	N/A
ASLB Decision	February, 1982
Issuance of OL or CP	May, 1982 (CP)
<u>Notes:</u>	
1. Pacing items -	Preparation of Staff SER containing TMI requirements for near term C.P.'s are under Commission consideration.
2. Slips	See pacing items.
3. Fixes	Assumption is that the Commission determines TMI requirements for near term C.P.'s in March.

<u>Reactor Name</u>	Pebbie Springs
<u>Attorneys:</u>	Bordenick/Reis
<u>Type of Case</u>	Contested CP
<u>Status</u>	Hearing still to come on certain aspects of environmental and site suitability portion - record closed and findings (Applicant and Staff) filed on majority of those issues - health and safety review has been suspended because of Applicant's deferral of project to "1990's."
<u>Number of Contentions:</u>	Hearing still to come on three issues.
<u>General Subject of Issues Schedule</u>	Alternative sites, Appendix I, S-3
<u>Date Schedule Est.</u>	
SER Date	(Final Supp. deferred) (TMI requirements)
FES Date	Already issued
Safety Hearing Start	(deferred)
Envir. Hearing Start	Approx. 7/1/81
Close Safety Hearing	(deferred)
Close Envir. Hearing	Approx. 7/15/81
ASLB Decision	PID, mid-April (matters where record is closed).
Issuance of OL or CP	Deferred
<u>Notes:</u>	
1. Pacing items -	(As to health and safety) TMI issues. Action on these items pending before Commission.
2. Slips	Applicant may move site to Hanford.
3. Fixes	
LPM coordinating schedules and preparation of testimony by ANL (alt. sites) and NRR.	

Reactor Name Perkins, Units 1-3. STN 50-488/489/490.  
Attorneys: Barth/Olmstead  
Type of Case CP  
Status Need hearings on TMI issues. Before Appeal Board on issue of alternative site and radon. The facility has been indefinitely deferred by Duke Power Co.

Number of Contentions: There were 6 initially.

General Subject of Issues Facility not needed, water not available for the facility.  
Schedule

Date Schedule Est.

SER Date 3/77. Supp. 7/77.  
FES Date 10/75

Safety Hearing Start April 5, 1976  
Envir. Hearing Start April 5, 1976

Close Safety Hearing February 2, 1979  
Close Envir. Hearing February 2, 1979

ASLB Decision Not yet issued on Generic Safety issues.

Issuance of CP Not projected.

Notes:  
1. Pacing items - Appeal Board decision on Radon probably would not affect CP issuance. Principal open items relate to TMI requirements. Action on these items is pending before the Commission.

2. Slips

3. Fixes

Reactor Name

Pilgrim 2

Attorneys:

Goddard/Olmstead

Type of Case

CP

Status

PID issued 2/81; 2 open items

Number of Contentions:

1 E/Plan

General Subject  
of Issues

(1) TMI-2 issues; (2) E/Plan (3) TMI requirements for near-term CPs.

Schedule

Date Schedule Est.

SER Date

FES Date

Safety Hearing Start

Envir. Hearing Start

Close Safety Hearing

Late 1981

Close Envir. Hearing

ASLB Decision

Late 81 - early 82

Issuance of CP

Early 82 (CP)

Notes:

1. Pacing items -

TMI requirements. Action on these items pending before the Commission.

2. Slips

3. Fixes

<u>Reactor Name</u>	Skagit
<u>Attorneys:</u>	Black/Reis
<u>Type of Case</u>	CP
<u>Status</u>	Applicant to amend CP to change proposed site. Proceeding has been concluded as to Skagit site after full litigation, because of local vote precluding use of Skagit site.
<u>Number of Contentions:</u>	N/A
<u>General Subject of Issues Schedule</u>	N/A
Date Schedule Est.	Awaiting ER-PSAR Amendments (late 1981)
SER Date	
FES Date	
Safety Hearing Start Envir. Hearing Start	All schedules to be set.
Close Safety Hearing Close Envir. Hearing	
ASLB Decision	
Issuance of OL or CP	
<u>Notes:</u>	
1. Pacing items -	
2. Slips	
3. Fixes	

Reactor Name Offshore Power Systems  
Attorneys: Black/McGurren/Reis  
Type of Case Manufacturing license proceeding  
Status In hearing. All of the contested issues have been litigated. The record has not been closed because the Final Supplement to the SER which will deal primarily with TMI issues, has not been published.

Number of Contentions: No remaining contentions to litigate at present.

General Subject of Issues Schedule N/A

Date Schedule Est.

SER Date SER Supp. will be published in 1981  
FES Date FES Part 3 1978

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing Combined hearing not yet closed  
Close Envir. Hearing

ASLB Decision late 1981

Issuance of DL or CP Issuance of a manufacturing license late 1981.

Notes:  
1. Pacing items - TMI requirements. Action on these items pending before the Commission.

2. Slips

3. Fixes

- ✓ 1. Bellefonte 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.
- ✓ 2. Braidwood 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since last review.
- ✓ 3. Byron 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 4. Callaway 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 5. Catawba 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 6. Clinton 1 & 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
7. Comanche Peak 1 & 2: Significant change determination made by the Commission, antitrust proceeding in progress, proposed settlement reached by all the parties and submitted to the ASLB for approval.

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8. Diablo Canyon 1 & 2: Antitrust Review not required (Sec. 104 b license).
9. Farley\* 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.
10. Fermi 2: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
11. Grand Gulf 1 & 2: Presently being reviewed to see whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
12. Harris 1,2,3 & 4: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
13. LaSalle 1 & 2: OL antitrust review is complete.
- ✓ 14. McGuire 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
- ✓ 15. Midland 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since last review.

16. Palo Verde 1,2 & 3: Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
17. Perry 1 & 2: Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.
18. Salem 2: OL Antitrust Review not required (Sec. 104b license).
- ✓ 19. San Onofre 2 & 3: Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.
20. Sequoyah 2: Not subject to antitrust review. (Sec. 104b license).
21. Shoreham: Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.
22. South Texas 1 & 2: Significant change determination made by the Commission. Proceeding in progress. Settlement submitted to the ASLB for its approval although one party (Brownsville) has not become a party to the settlement and is still requesting a hearing.
- ✓ 23. St. Lucie 2: Post C.P. antitrust proceeding presently underway. The Department of Justice and the staff have reached a settlement with the licensee and have submitted

it to the ASLB for approval. The intervenor (a group of cities) has not agreed to the settlement and has requested a hearing.

✓ 24. Summer:

Request for a significant change determination pending with the Commission.

25. Susquehanna 1 & 2:

Presently undergoing OL antitrust review to determine whether significant changes have occurred since the last review.

✓ 26. WPPS 2:

OL antitrust review completed.

27. Waterford 3:

Presently being reviewed to determine whether significant changes have occurred since the last review. Awaiting completion of consultation with the Attorney General.

28. Watts Bar 1 & 2:

Will be subject to OL antitrust review to determine whether significant changes have occurred since the last review.

✓ 29. Wolf Creek:

Presently being reviewed to determine whether significant changes have occurred since the last review.

30. Zimmer:

Presently being reviewed to determine whether significant changes have occurred since the last review.

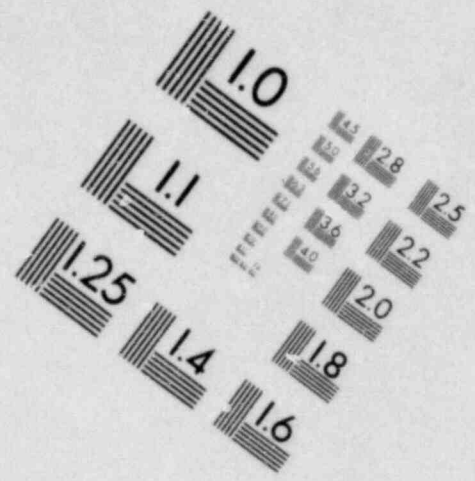
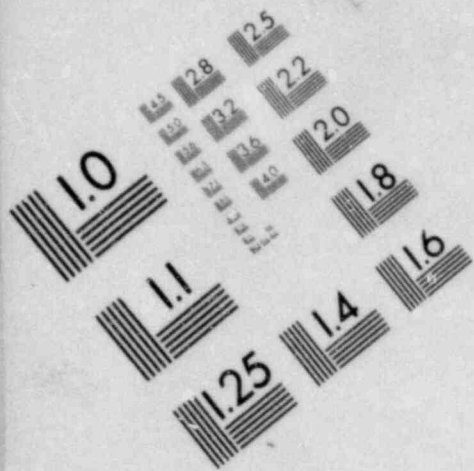
Construction Permits

- 31. Allen's Creek 1
- 32. Black Fox 1 & 2
- 33. Pebble Springs 1 & 2
- 34. Perkins 1,2, & 3
- 35. Pilgrim 2
- 36. Skagit 1 & 2

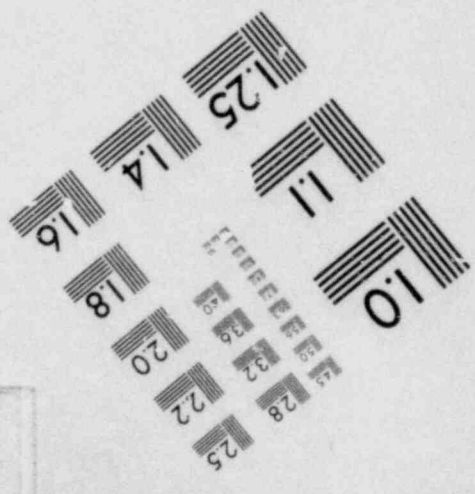
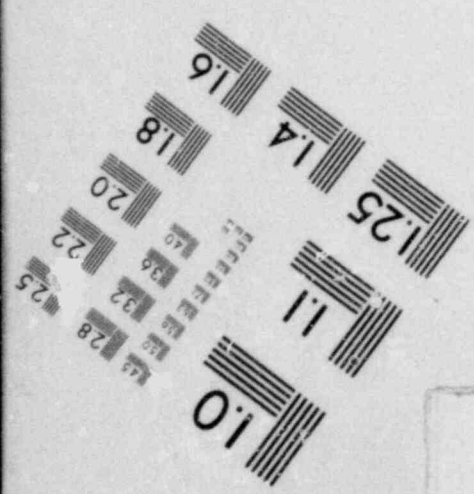
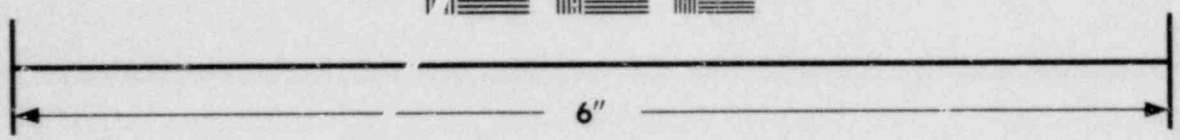
Antitrust review completed

- 37. Floating Nuclear 1-8

No antitrust review required. Matter exempt from Section 105c by Commission determination and the agreement of the Department of Justice.



**IMAGE EVALUATION  
TEST TARGET (MT-3)**



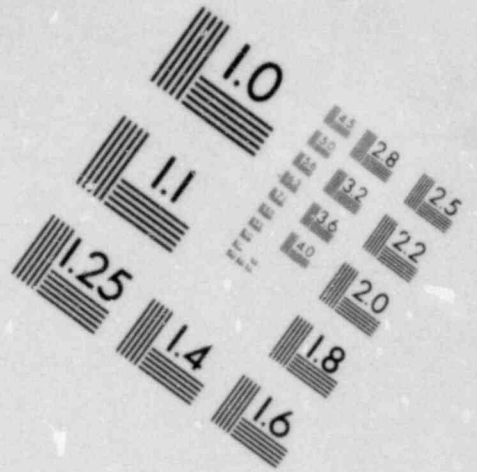
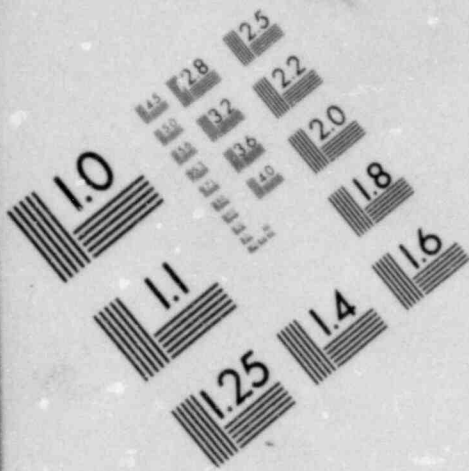


IMAGE EVALUATION  
TEST TARGET (MT-3)

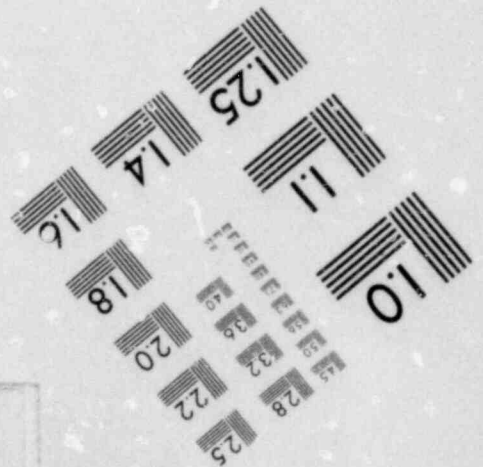
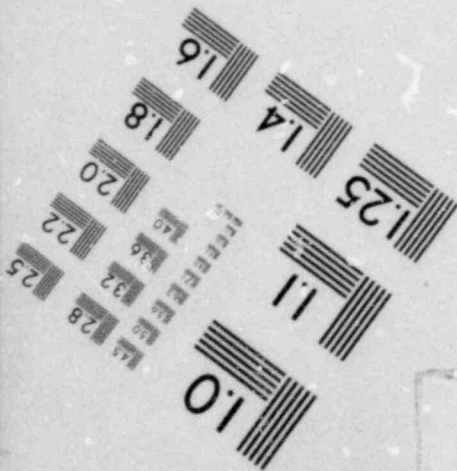
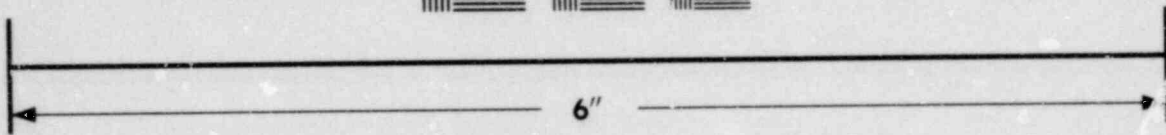


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<u>FACILITY</u>	<u>START HEARING</u>	<u>ASLB DECISION</u>	<u>EST. ISSUANCE DATE</u>	<u>TAB</u>
COMANCHE PEAK 1	3/82	10/82	12/82	B
DIABLO CANYON 1 & 2	6/5/81	11/9/81	5/82 12/81	C
ENRICO FERMI 2	8/82	11/82	4/2/83	D
FARLEY 2	N/A	N/A	3/81	A
GRAND GULF 1	N/A	N/A	7/82	A
LASALLE 1 & 2	N/A	N/A	6/82	A
McGUIRE 1 & 2	6/81	10/81	1/82	E
SAN ONOFRE 2 & 3	6/81	10/81	1/82	F
SEQUOYAH 2	N/A	N/A	7/81	A
SHOREHAM	9/81	7/82	10/5/82	G
SUMMER	7/81	12/81	3/82	H
SUSQUEHANNA 1	8/81	4/82	7/82	I
WPPS 2	N/A	N/A	7/82	A
WATERFORD 3	6/82	11/82	2/83	J
WATTS BAR 1	N/A	N/A	8/82	A
ZIMMER	10/8/81	2/82 12/81	5/82	K

COMMERCIAL PEAK OL HEARING - PROJECTED SCHEDULE

1.	SER issued	6/81	
	FES issued	7/81	
	SER Supplement issued	9/81	
2.	Discovery concluded	10/1/81	
3.	Second prehearing conference to rule on issues	12/1/81	
4.	Board Order setting hearing	1/5/82	
5.	Objections to Order from parties	1/15/82	
6.	Staff objections to Order	1/20/82	
7.	Final Board Order	2/5/82	
8.	Motions for Summary Disposition on due	2/10/82	
9.	Testimony filed	3/12/82	
10.	Responses to Summ. Disp. motions	3/17/82	
11.	Board ruling on Summ. Disp.	3/26/82	
12.	Hearing Commences	<u>3/27/82</u>	
13.	Record closes	5/27/82	
14.	Applicants' proposed Findings due	7/17/82	
15.	Parties' Proposed Findings due	7/27/82	
16.	Staff Proposed Findings due	8/7/82	
17.	Applicants' reply findings due	8/22/82	
18.	Initial decision	<u>10/1/82</u>	11/82
19.	Exceptions on Appeal and/or Motions for stay	10/16/82	
20.	Responses to Stay Request	10/30/82	
21.	Appellants' Brief on Appeal	11/15/82	
22.	Appeal Board decision on stay motion	11/30/82	
23.	Commission decision on stay motion	<u>12/20/82</u>	2/83



- \*\*\* 24. Earliest date for issuing operating license if no stay of initial decision 12/29/82 3/82
- 25. Response briefs on Appeal due 12/20/82
- 26. Staff response on Appeal due 12/31/82
- 27. Oral argument on Appeal 1/30/83
- 28. Appeal Board decision 3/5/83
- 29. Petitions for Commission review 3/25/83
- 30. Responses to petition for review 4/9/83
- 31. Commission decision on whether to review 4/24/83
- \*\*\* 32. If no review by Commission but a stay was issued - earliest issuance of operating license is: 4/25/83
- 33. If Commission review is undertaken, briefing schedule is as follows:
- 34. Briefs on issues designated by Commission 5/29/83
- 35. Decision by Commission if no argument is scheduled 7/3/83
- 36. Decision by Commission if argument scheduled 8/3/83
- \*\*\* 37. Earliest issuance of OL where stay is granted and Commission review issues 7/4/83  
If argument scheduled: 8/4/83

Diablo Canyon Scheduling Considerations  
for Low Power Test Authorization

- |   |                                |
|---|--------------------------------|
| 1. Prehearing Conference  | January 28                     |
| 2. Prehearing Conference Order  | February 13                    |
| 3. (Staff SER on full power scheduled for issuance)   | March 3'                       |
| 4. Discovery Completed  | April 10                       |
| Discovery opened<br>(minimum time - 10 days following service of<br>interrogatories (5 days) to file; 14 days<br>following service (5 days) to respond = 34 days) | April 10                       |
| 5. Motions for Summary Disposition due by March 2<br>followed by 45 days to earliest hearing - (Response<br>due by March 27, 1980)                                | April 26, 1981                 |
| 6. Hearing on Contentions (if required)   | May 4 - 29, 1981               |
| 7. Record closes  | May 29, 1981                   |
| 8. Applicant's Findings due   | June 18, 1981                  |
| 9. Joint Intervenors' - Governors' findings due   | June 29, 1981                  |
| 10. Staff findings due  | July 9, 1981                   |
| 11. Applicant's reply findings  | July 20, 1981                  |
| 12. <u>Licensing Board decision</u>   | September 14, 1981<br>November |
| 13. Exceptions to Initial Decision due and Stay request<br>due  | September 29, 1981             |
| 14. Responses to Stay request due   | October 14, 1981               |
| 15. Brief on Appeal due from appellant  | October 29, 1981               |
| 16. Appeal Board decision on whether Initial Decision<br>should be stayed   | November 13, 1981              |

The following cases are uncontested. No intervention has been granted and no further licensing hearings are required.

1. Farley 2
2. Grand Gulf 1
3. Lasalle 1 & 2
4. Sequoyah 2
5. WPPS 2
6. Watts Bar 1

- |  |   |
|--|---|
| 17. Commission decision on whether Initial Decision should be stayed   | December 3, 1981                        |
| ***18. Estimated date for issuing low power test authorization if no stay of initial decision                              | Feb / 82<br><del>December 3, 1981</del> |
| 19. Response briefs on Appeal due  | December 3, 1981                        |
| 20. Staff response on Appeal due   | December 14, 1981                       |
| 21. Oral argument on Appeal  | January 14, 1982                        |
| 22. Appeal Board decision  | February 19, 1982                       |
| 23. Petitions for Commission Review  | March 11, 1982                          |
| 24. Responses to petition for review   | April 5, 1982                           |
| 25. Commission decision on whether to review   | April 20, 1982                          |
| ***26. If no review by Commission but a stay was issued estimated low power authorization is:                              | April 20, 1982                          |
| 27. If Commission review is undertaken briefing schedule as follows:   |   |
| 28. Briefs on issues designated by Commission  | May 20, 1982                            |
| 29. Decision by Commission if no argument is scheduled   | June 14, 1982                           |
| 30. Decision by Commission if argument scheduled   | July 14, 1982                           |
| ***31. Estimated low power test authorization where stay is granted and Commission review ensues<br>If argument scheduled: | June 14, 1982<br>July 14, 1982          |

T. 10/82

FERRI 2

1.	DES issued	8/91	
2.	SER issued	12/81	
3.	FES issued	12/81	
4.	ACRS letter issued	1/82	
5.	Second Prehearing Conference to establish schedule for further action in case	1/82	
6.	Board Order setting schedule	2/82	
7.	SER Supplement issued	3/82	
8.	Motions for summary disposition	4/82	
9.	Responses to motions for summary disposition	5/82	
10.	Prehearing conference to rule on summary disposition motions, set issues for hearing	6/82	
11.	File written testimony	7/82	
12.	Commence Hearing	9/82	
13.	Complete hearing	9/8/82	
14.	Applicant's proposed findings	9/29/82	
15.	Intervenors' proposed findings	10/7/82	
16.	Staff proposed findings	10/17/82	
17.	Initial Decision and authorization of OL issuance	<u>11/10/82</u>	3/83
18.	Exceptions on appeal and/or motion for stay of ID	11/25/82	
19.	Responses to stay of ID	12/10/82	
20.	Appellant's brief on appeal of ID	12/24/82	
21.	Appeal board decision on request for stay	1/10/83	
22.	Appellees' brief on appeal of ID	1/29/83	

	23. Commission decision on stay motion on ID	1/30/83	
	24. Staff brief on appeal of ID	2/3/83	
***	25. Earliest date for OL issuance if no stay of ID	<del>2/27/83</del>	6/83
	26. Oral argument on appeal of ID	3/4/83	
	27. Appeal board decision	4/12/83	
	28. Petition for Commission review	5/3/83	
	29. Responses to Petition for Commission review	5/17/83	
	30. Commission Decision on whether to review	6/2/83	
***	31. Earliest date for OL issuance if no Commission review of ID but stay had been granted	6/3/83	
	32. If Commission review of ID undertaken, brief on issues designated by Commission	7/7/83	
	33. Decision by Commission on ID if no oral argument	8/1/83	
***	34. Earliest date for OL issuance where stay granted, Commission reviews ID without oral argument	8/2/83	
	35. Decision by Commission on ID if oral argument held	9/1/83	
***	36. Earliest date for OL issuance if stay granted, Commission reviews ID with oral argument	9/2/83	

McGuire Unit 1 Scheduling Consideration for Operating License

- |         |  |                              |
|---------|--|------------------------------|
| * 1.    | Carolina Environmental Study Group (CESG) Brief in Support of Motion to Add Contention 5 (Class 9 Accidents) and Contention 6 (Emergency Planning) to the Reopened McGuire Operating License Hearings. | 1/21/81                      |
| * 2.    | Duke Power Company (DPC) and NRC Staff Communication to ASLB Whether Either DPC or the NRC Staff will file a response to CESG Brief on proposed CESG Contentions 5 and 6.                              | 1/21/81                      |
| * 3.    | NRC Staff Brief (optional) in response to CESG Brief on Contentions 5 and 6 due  | <del>1/28/81</del><br>2/2/81 |
| * 4.    | DPC Brief (optional) in response to CESG Brief on Contentions 5 and 6 due  | <del>1/28/81</del>           |
| ** 5.   | CESG Testimony on CESG Contentions 1-4 due   | 1/26/81                      |
| ** 6.   | DPC Testimony on CESG Contentions 1-4 due  | 1/26/81                      |
| ** 7.   | NRC Staff Testimony on CESG Contentions 1-4 due  | 2/2/81                       |
| 8.      | McGuire Reopened Operating License Hearing; Record closes  | 2/9/81 -<br>2/20/81          |
| 9.      | DPC's Proposed Findings on CESG's Contentions 1-4  | 3/12/81                      |
| 10.     | CESG's Proposed Findings on CESG's Contentions 1-4   | 3/23/81                      |
| 11.     | NRC Staff's Proposed Findings on CESG's Contentions 1-4  | 4/2/81                       |
| 12.     | DPC's reply findings due   | 4/17/81                      |
| *** 13. | Supplemental Initial Decision on CESG Contentions 1-4  | <del>5/27/81</del> 7/8       |
| 13A.    | Exceptions on Appeal and/or Motions for Stay of Initial Decision (April 1979) and Supplemental Initial Decision with respect to contentions 1-4 (1980)   | 6/11/81                      |
| 13B.    | Responses to stay request  | 6/26/81                      |
| 13C.    | Appellant's Brief on Appeal  | 7/16/81                      |
| 13D.    | Appeal Board Decision on Stay Motion   | 7/27/81                      |
| 13E.    | Commission Decision on Stay Motion   | 8/17/81                      |
| * 14.   | For parallel procedure on proposed Contentions 5 and 6 see Item 14.  | 10/81                        |
| **      | The ASLB has not scheduled a hearing or approved DPC's proposed schedule for filing written testimony, although this schedule was requested by Duke Power by letter of December 19, 1980.              |                              |
| ***     | If the ASLB does not admit CESG proposed contentions 5 and 6, the estimated schedule according to 10 CFR Part 2 times would follow the one shown in Items 13-13P.                                      |                              |

13F.	Response briefs on Appeal due	8/20/81
13G.	Staff response on Appeal due (if applicable)	8/31/81
13H.	Oral argument on Appeal	9/30/81
13I.	Appeal Board decision	10/30/81
13K.	Responses to petition for review	12/4/81
13L.	Commission decision on whether to review	12/21/81
13M.	If no review by Commission but a stay was issued earliest authorization is	<u>12/22/81</u>
	If Commission review is undertaken briefing schedule as follows	
13N.	Briefs on issues designated by Commission	1/21/82
13O.	Decision by Commission if no argument is scheduled	2/22/82
13P.	Decision by Commission if argument scheduled	3/24/82
* 14.	ASLB ruling and order on CESG proposed contentions 5 (Class 9 Accidents) and 6 (Emergency Planning) and Opening discovery	2/27/81
15.	Discovery concluded (30 days)	3/19/81
16.	Prehearing Conference to rule on issues (10 days)	3/30/81
17.	Objections to Order from parties (10 days)	4/9/81
18.	Staff Objections to Order (10 days)	4/20/81
19.	Final Order (15 days)	5/5/81
20.	Motions for Summary Disposition due (45 days before hearing)	5/11/81
21.	Testimony filed	6/10/81
22.	Responses to Motion for Summary Disposition due	6/15/81
23.	Board Ruling on Motions for Summary Disposition	6/24/81
24.	Hearing commences (2 weeks)	<u>6/25/81</u>

\*\*\*\* Items 14 and following assume that the ASLB grants the CESG motion to add Contentions 5 and 6 to the reopened McGuire proceedings.



25. Hearing closes	7/9/81
26. DPC Proposed Findings due	7/27/81
27. CESC Proposed Findings due	8/6/81
28. NRC Staff Proposed Findings due	8/17/81
29. DPC's Reply Findings due	9/1/81
30. Supplemental Initial Decision on CESC's Proposed Contentions 5 and 6	12/8 <del>10/12/81</del>
31. Exceptions on Appeal and/or Motions for Stay of Initial Decision (April 1979), Supplemental Initial Decision with respect to contentions 1-4 (1980) and Supplemental Initial Decision with respect to Contentions 5 & 6 (1980)	10/27/81
32. Responses to Stay Request	11/12/81
33. Appellant's Brief on Appeal	12/1/81
34. Appeal Board Decision on Stay Motion	12/17/81
35. Commission Decision on Stay Motion	3/82 <del>12/31/81</del>
36. Response briefs on Appeal due	1/5/82
37. Staff response on Appeal due	1/15/82
38. Oral argument on Appeal	2/15/82
39. Appeal Board decision	3/15/82
40. Petitions for Commission Review	4/8/82
41. Responses to petition for review	4/23/82
42. Commission decision on whether to review	5/10/82
43. If no review by Commission but a stay was issued earliest authorization is	5/11/82

If Commission review is undertaken briefing schedule as follows

- |  |        |
|--|--------|
| 44. Briefs on issues designated by Commission          | 6/9/82 |
| 45. Decision by Commission if no argument is scheduled | 7/9/82 |
| 46. Decision by Commission if argument scheduled       | 8/9/82 |

(Note: This estimate is neither a worst possible estimate nor an optimistic estimate, but reflects Part 2 times for various steps. It does not reflect consideration of a slip in the schedule, if there is a remand (or reopening) of the record for further consideration of factual issues.)

McGuire Unit 1 Scheduling Considerations for Fuel Loading,  
Initial Criticality and Zero Power Testing License

1. Briefing of Commissioner Galinski 1/21/81
2. Commission Order on Expiration of Motion for Stay or Sua Sponte Review by the Commission of Atomic Safety and Licensing Appeal Board Decision (ALAB-626) 1/26/81
3. Issuance of Fuel Loading, Initial Criticality, and Zero Power Testing License 1/26/81

San Onofre Units 2 and 3 Scheduling Considerations  
for Operating License

1.	SER (Geology/Seismology) issued	12/31/80
2.	Applicant's Emergency Plan (Excluding San Clemente) served	1/20/81
3.	Draft Supplement DES on accidents (Class 9)	1/81
4.	ACRS sub-committee on Geology/Seismology	1/31/81
5.	ACRS Full Committee on Geology/Seismology	2/5/81
6.	SER (All Exc. TMI/Offsite Emerg. Planning)	2/6/81
7.	ACRS Letter - Geology/Seismology	2/17/81
8.	ACRS Sub-Committee on all items except TMI-related and offsite emergency planning	2/19/81
9.	Close Discovery on Geology/Seismology and emergency planning (interrogatories)	2/20/81
10.	Complete depositions	3/2/81
11.	ACRS full committee supplement (All Exc. TMI and Offsite Emergency Planning)	3/5/81
12.	SER Supplement TMI/Offsite Emergency Planning and ACRS letter on geology/seismology	<del>4/1/81</del> 5/81
13.	Prehearing Conference	4/14/81
14.	FES issued	4/30/81
15.	Testimony filed	5/29/81
16.	Hearing begins	<del>6/15/81</del> 7/8
17.	Hearing ends	7/10/81
18.	Applicants' findings due	7/30/81
19.	Intervenors' findings due	8/10/81
20.	Staff findings due	8/19/81
21.	Applicants' reply findings	9/4/81
22.	Initial Decision (I.D.)	<del>10/14/81</del> 1/8
23.	Exceptions to I.D./Motion for Stay	10/29/81
24.	Responses to stay	11/13/81

- |                                  |          |
|----------------------------------|----------|
| 25. Applicants' brief on appeal  | 11/30/81 |
| 26. ALAB Decision on Stay        | 12/28/81 |
| 27. Respondent's brief on appeal | 12/30/81 |
| 28. Staff brief on appeal        | 1/11/82  |
| 29. Commission decision on stay  | 1/17/82  |

Shoreham Scheduling Considerations  
For Operating License

1. Ruling on contentions (estimated date dependent upon date of publication of SER)		June 1, 1981
2. Prehearing Conference		June 15, 1981
3. Prehearing Conference Order		July 1, 1981
4. Discovery conducted		August 17, 1981
5. Motions for Summary Disposition		September 1, 1981
6. Hearings start (about 25 contentions)	01/82	<del>September 15, 1981</del>
7. Hearings conclude earliest		November 13, 1981
8. Applicant's Findings		December 4, 1981
9. Intervenor's Findings		December 14, 1981
10. Staff Findings		December 24, 1981
11. Applicant's Reply Findings		January 5, 1982
12. Licensing Board Findings	7/82	<u>February 15, 1982</u>
13. Exceptions to Initial Decision and Stay Request		February 25, 1982
14. Responses to Stay Request		March 15, 1982
15. Appellant's Brief on Appeal		April 5, 1982
16. Appeal Board Decision on Stay		April 20, 1982
17. Commission Decision on Stay		April 30, 1982
18. Earliest issuance of License if no Stay	10/82	<del>April 30, 1982</del>
19. Response Briefs on Appeal		May 10, 1982
20. Staff Response on Appeal		May 20, 1982
21. Oral Argument on Appeal		June 15, 1982

- |  |                   |
|--|-------------------|
| 22. Appeal Board Decision  | July 20, 1982     |
| 23. Petitions for Commission Review                                      | August 5, 1982    |
| 24. Responses to Petition for Review                                     | August 16, 1982   |
| 25. Commission Decision on Whether to Review                             | September 7, 1982 |
| 26. If no Commission Review But Stay Was issued, Earliest Licensing Date | September 7, 1982 |
| 27. If Commission Grants Review; Briefs to Commission                    | October 7, 1982   |
| 28. If No Oral Argument, Commission Decision                             | November 8, 1982  |
| 29. If Argument, Commission Decision                                     | December 8, 1982  |
| 30. Earliest low power test authorization                                | April 30, 1982    |
| If no stays  |                   |
| If stay and Commission Review  | December 8, 1982  |

TIME LINE FOR SUMMER OL HEARING SCHEDULES

Discovery concluded	March 1, 1981	
Second prehearing conference to rule on issues	April 1, 1981	
Board Order setting hearing	April 22, 1981	
Objections to Order from parties	May 22, 1981	
Staff Objections to Order	May 11, 1981	
Final Board Order (Approx)	May 18, 1981	
Motions for Summary Disposition due	May 29, 1981	
Testimony filed	June 26, 1981	
Responses to Summ. Disp. motions	June 23, 1981	
Board ruling on Summ. Disp.	July 6, 1981	
Hearing Commences	<u>July 13, 1981</u>	
Record closes	August 14, 1981	
Applicant Proposed Findings due	September 4, 1981	
Parties' Proposed Findings due	September 21, 1981	
Staff proposed findings due	October 1, 1981	
Applicant's reply findings due	October 16, 1981	
Initial Decision	<u><del>December 4, 1981</del></u>	3/82
Exceptions on Appeal and/or Motions for stay	December 21, 1981	
Responses to Stay Request	January 8, 1982	
Appellant's Brief on Appeal	January 20, 1982	
Appeal Board decision on stay motion	February 9, 1982	
Commission decision on stay motion	<u>March 2, 1982</u>	6/82

It is noted that 1 year 6 months is the minimum schedule for a contested OL or CP proceeding. This assumes a complete application, timely Staff testimony and strict adherence to Part 2 times by licensing boards. Experience indicates none of the foregoing assumptions is warranted.



Susquehanna, Unit 1, Scheduling Considerations  
for Operating License

1. FES without serious accident discussion 1/30/81
2. DES Supplement with serious accident discussion 1/30/81
3. Discovery requests on new information in FES 2/16/81
4. Outstanding discovery requests on Contention 6  
(emergency plan) 2/23/81
5. Discovery requests on DES Supplement with serious  
accident discussion 3/6/81
6. Responses to discovery requests on new information  
in FES 3/9/81
7. Additional contentions may be submitted on new information  
in FES 3/30/81
8. Second prehearing conference to rule on issues 4/81
9. Responses to discovery requests on DES Supplement 4/10/81
10. Responses to new FES contentions from parties 4/14/81
11. Responses to new FES contentions from Staff 4/20/81
12. SER 4/30/81
13. FES with serious accident discussion 4/30/81
14. Discovery requests on new information in serious  
accident discussion in FES 5/15/81
15. Responses to discovery requests on new information in  
serious accident discussion in FES 6/4/81
16. Board Order setting hearing 6/4/81
17. Supplementary discovery requests on new information in SER 6/4/81
18. Objections to Order from parties 6/14/81
19. Staff objections to Order 6/19/81
20. Submission of additional contentions on new information in  
serious accident discussion in FES 6/24/81

21. Final Board Order	6/25/81
22. Responses to discovery requests on new information in SER	7/9/81
23. Responses of parties to new contentions on serious accidents	7/9/81
24. Staff response to new contentions on serious accidents	7/14/81
25. Submission of new contentions based on new information in SER or SER discovery responses	7/29/81
26. Motions for summary disposition due	8/7/81
27. Responses of parties to new contentions based on new information in SER or SER discovery responses	8/13/81
28. Staff response to new contentions based on new information in SER or SER discovery responses	8/18/81
29. Responses to summary disposition motions	3 wks + 5 day after filed
30. Testimony filed	9/4/81
31. Board ruling on summary disposition	<del>9/18/81</del> 10/8/81
32. Hearing commences	<del>9/21/81</del> 10/8
33. Record closes	12/18/81
34. Applicant proposed findings due	1/12/82
35. Parties' proposed findings due	1/27/82
36. Staff proposed findings due	2/11/82
37. Plant construction completed	3/82
38. Applicant's reply findings due	3/3/82
39. Initial decision	<del>4/7/82</del> 8/8
40. Exceptions on appeal and/or motions for stay	4/22/82
41. Responses to stay request	5/7/82
42. Appellant's brief on appeal	5/27/82
43. Appeal Board decision on stay motion	6/8/82
44. Commission decision on stay motion	<del>6/28/82</del> 14/8

45. Earliest date for issuing operating license if no stay of initial decision	6/28/82
46. Response briefs on appeal due	7/1/82
47. Staff response on appeal due	7/7/82
48. Oral argument on appeal	8/6/82
49. Appeal Board decision	9/6/82
50. Petitions for Commission review	9/21/82
51. Responses to petition for review	10/6/82
52. Commission decision on whether to review	11/1/82
53. If no review by Commission but stay was issued, earliest operating license	11/2/82
54. If Commission review is undertaken, briefing schedule as follows	12/2/82
55. Briefs on issue designated by Commission	1/7/83
56. Decision by Commission if no argument is scheduled	2/7/83
57. Decision by Commission if argument scheduled	3/7/83

7.2 (M)

WATERFORD 3

1. DES issued 3/6/81
2. Discovery of new information in DES related to admitted contentions per 9/25/79 stipulation 4/11/81 (30 days from service of DES)
3. New contentions on long term health/ enviro. effects of radiation to be filed per 5/31/79 stipulation 4/11/81 (30 days from service of DES)
4. Applicant's response to new contentions 4/25/81
5. Staff's response to new contentions 5/1/81
6. Parties' objections to 4/11/81 discovery per 9/25/79 stipulation 5/1/81
7. Responses to 4/11/81 discovery per 9/25/79 stipulation 5/16/81 (30 days from service)
8. ASLB decision on admissibility of new contentions 6/1/81
- 9. SER issued 7/1/81
10. Discovery requests on new contentions admitted by ASLB on 6/1/81 per 9/25/79 stipulation 7/6/81 (30 days from service)
11. Parties' objections to 7/6/81 discovery requests per 9/25/79 stipulation 7/26/81 (15 days from service)
- 12. Discovery on new information in SER related to admitted contentions per 9/25/79 stipulation 8/6/81 (30 days from service of SER)
13. FES issued 8/8/81
14. Responses to 7/6/81 discovery requests on new contentions per 9/25/79 stipulation 8/11/81 (30 days from service)
- 15. ACRS letter issued 8/12/81
- 16. Parties' objections to 8/6/81 discovery per 9/25/79 stipulation 8/26/81
17. Final discovery on newly admitted contentions of 6/1/81 per 9/25/79 stipulation 8/31/81 (15 days from service of first round discovery responses)

- 18. Responses to 8/6/81 discovery per 9/25/79 stipulation 9/11/81 (30 days from service)
- 19. Responses to 8/31/81 discovery per 9/25/79 stipulation 9/20/81 (15 days from service)
- 20. Motions for summary disposition on environmental issues 9/20/81
- 21. SER Supplement issued 10/7/81
- 22. Responses to motions for summary disposition on environmental issues 10/15/81
- 23. Prehearing conference to rule on summary disposition motions, set issues for environmental hearing 10/19/81
- 24. File written testimony on environmental issues 10/25/81
- 25. Commence Environmental Hearing 11/9/81
- 26. New contentions on financial qualifications filed 30 days after service of SER Supplement dealing with financial qualifications per 5/31/79 stipulation 11/12/81
- 27. Applicant's response to new financial qualifications contentions 11/27/81
- 29. Staff's response to new financial qualifications contentions 12/2/81
- 29. ASLB decision on admissibility of new financial qualifications contentions 1/2/82
- 30. Complete environmental hearing 1/8/82
- 31. Applicant's proposed findings on environmental issues 1/28/82
- 32. Intervenors' proposed findings on environmental issues 2/7/82
- 33. Discovery on new contentions admitted 1/2/82 per 9/25/79 stipulation 2/7/82 (30 days from service of ruling)

- 34. Staff proposed findings on environmental issues 2/17/82
- 35. Parties' objections to 2/7/82 discovery per 9/25/79 stipulation 2/27/82 (15 days from service)
- 36. Applicant's reply findings on environmental issues 3/4/82
- 37. Responses to 2/7/82 discovery per 9/25/79 stipulation 3/12/82 (30 days from service)
- 38. Final discovery on newly admitted contentions of 2/7/82 per 9/25/79 stipulation 4/1/82 (15 days from service of first round responses)
- 39. Partial Initial Decision - environmental issues 4/15/82
- 40. Motion for summary disposition on safety issues 4/21/82
- 41. Responses to 4/1/82 discovery per 9/25/79 stipulation 4/21/82 (15 days from service of discovery)
- 42. Exceptions on appeal of PID on environmental issues 4/30/82
- 43. Responses to summary disposition motion on safety issues 5/15/82
- 44. Prehearing Conference to rule on summary disposition motions and finalize safety issues 5/18/82
- 45. File written testimony on safety issues 5/25/82
- 46. Appellants' brief on appeal of PID on environmental matters 5/30/82
- 47. Commence safety hearing 6/10/82
- 48. Appellees' brief on appeal of PID on environmental issues 7/5/82
- 49. Staff's brief on appeal of PID on environmental issues 7/15/82
- 50. Complete safety hearings 8/5/82

51.	Oral argument on appeal of PID on environmental issues	9/15/82	
- 52.	Applicant's proposed findings on safety issues	8/25/82	
- 53.	Intervenors' proposed findings on safety issues	9/5/82	
54.	Staff's proposed findings on safety issues	9/15/82	
55.	Appeal board decision on appeal of PID on environmental issues	9/20/82	
- 56.	Applicant's reply findings on safety issues	9/30/82	
57.	Petition for Commission review of appeal board decision on environmental issues	10/10/82	
58.	Responses to petition for Commission review	10/25/82	
59.	Commission decision on whether to review on environmental matters	11/9/82	
- 60.	Partial Initial Decision on safety issues and authorization of OL issuance	<del>11/10/82</del>	1/83
- 61.	Exceptions on appeal and/or motion for stay of PID on safety issues	11/25/82	
- 62.	Responses to stay request for PID on safety issues	12/10/82	
63.	If Commission review of environmental matters undertaken, briefs on issues designated by Commission	12/15/82	
- 64.	Appellant's brief on appeal of PID on safety issues	12/24/82	
- 65.	Appeal board decision on request for stay of PID on safety issues	1/10/83	
66.	Decision by Commission on environmental matters if no oral argument	1/20/83	
- 67.	Appellees' brief on appeal of PID on safety issues	1/29/83	

- 68. Commission decision on stay motion on PID on safety issues 1/30/83
- \*\*\* 69. Earliest date for OL issuance if no oral argument before Commission on review of environmental matters and no stay of PID on safety issues 1/31/83
- 70. Staff brief on appeal of PID on safety issues 2/8/83
- 71. Commission Decision on environmental matters if oral argument held 2/20/83
- \*\*\* 72. Earliest date for OL issuance if no stay of PID on safety issues and oral argument before Commission on environmental issues 2/21/83 4/83
- 73. Oral argument on appeal of PID on safety issues 3/8/83
- 74. Appeal board decision on safety issues 4/12/83
- 75. Petition for Commission review of safety issues 5/2/83
- 76. Responses to Petition for Commission review of safety issues 5/17/83
- 77. Commission Decision on whether to review safety issues 6/2/83
- \*\*\* 78. Earliest date for OL issuance if no Commission review of safety issues but stay had been granted 6/3/83
- 79. If Commission review of safety issues undertaken, brief on issues designated by Commission 7/7/83
- 80. Decision by Commission on safety issues if no oral argument 8/1/83
- \*\*\* 81. Earliest date for OL issuance where stay granted, Commission reviews safety issues without oral argument 8/2/83
- 82. Decision by Commission on safety issues if oral argument held 9/1/83
- \*\*\* 83. Earliest date for OL issuance if stay granted, Commission reviews safety issues with oral argument 9/2/83



TIME LINE FOR ZIMMER OL HEARING SCHEDULES

*lost to  
constraint  
issue*

Notice of Hearing Published in Federal Register

Final day to file Petition for Leave to Intervene (Responses required 15 days after rate of filing (10 days for other parties).)

Amend Petitions and Contentions due

Parties' response to contentions and Special Prehearing Conference (§ 2.751a)

Staff Response to contentions

Board Order following prehearing setting schedule and opening discovery

Discovery concluded

Second prehearing conference to rule on issues

SER Supp with emergency planning, technical qualifications, Three Mile Island issues, generic safety

June 1, 1981

Board Order setting discovery and hearing

June 15, 1981

Objections to Order from parties

June 20, 1981

Staff Objections to Order

June 25, 1981

Final Board Order (45 days prior to hearing)

July 6, 1981

Motions for Summary Disposition due

July 13, 1981

Testimony filed

July 16, 1981 (if necessary)

Responses to Summ. Disp. motions (15 days added to respond to Staff new info)

July 17, 1981

Board ruling on Summ. Disp.

August 17, 1981

Hearing Commences

~~August 17, 1981~~ (60 days from Bd. Order setting hearing)

10/81

Record closes

September 13, 1981

Applicant Proposed Findings due	October 13, 1981	
Parties' Proposed Findings due	October 23, 1981	
Staff proposed findings due	November 2, 1981	
Applicant's reply findings due	November 17, 1981	
Initial decision	<u>December 30, 1981</u>	4/82
Exceptions on Appeal and/or Motions for stay	January 14, 1982	
Responses to Stay Request	January 29, 1982	
Appellant's Brief on Appeal	February 15, 1982	
Appeal Board decision on stay motion	March 2, 1982	
Commission decision on stay motion	<u>March 22, 1982</u>	7/82

It is noted that 1 year 6 months is the minimum schedule for a contested OL or CP proceeding. This assumes a complete application, timely Staff testimony and strict adherence to Part 2 times by licensing boards. Experience indicates none of the foregoing assumptions is warranted.

OTHER CASES

A. Early Site Reviews

Blue Hills  
Carroll County

B. Special Proceeding

Bailly CP Extension  
Rancho Seco (B&W Order case)  
Seabrook - Seismic review  
TMI-1 Restart  
TMI-2 Amendment  
IP 2 & 3 Special Investigative Proceeding  
GETR - Show Cause  
- Contested Renewal  
- Material License Renewal

C. FTOL (Conversion from POL)

Ginna  
LaCrosse  
Oyster Creek

D. Cases Before Appeal Board on Radon

Cherokee  
Harris  
Hope Creek  
Marble Hill  
Phipps Bend  
WPPS 1-4  
Yellow Creek  
St. Lucie 2 (CP) also before Commission on ALAB-603  
Peach Bottom (OL)  
North Anna (OL) also before Appeal Board on Turbines  
TMI-2 (OL) also before Appeal Board on Airplane Crash

E. Cancelled CP's

Barton  
Davis Besse 2-3  
Fulton  
Greene County  
Jamesport  
Montague  
North Coast

F. Spent Fuel Pool & Transshipment Cases

Big Rock  
Dresden  
Maine Yankee  
Salem  
Zion  
Dresden-Quad Cities  
Oconee-McGuire

G. Steam Generator Replacement

Palisades  
Turkey Point

H. Materials Licensees

Alabama Fuel Fabrication  
GE Morris  
GETR - materials (See special proceedings)  
*Sheffield*

Reactor Name Blue Hills, Units 1&2

Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case CP application amended to request Early Site hearing

Status Awaiting ASLB decision of early site review request. Uncontested hearing

Number of Contentions: None

General Subject of Issues Site suitability issues

Schedule

Date Schedule Est. May 1979

SER Date Early site review report 1/77  
FES Date July 1978

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing Site Hearing 4/79  
Close Envir. Hearing

ASLB Decision Still pending.

Issuance of OL or CP

Notes:

1. Pacing items - ASLB Order
2. Slips ASLB has not yet acted on this matter.
3. Fixes

MILLER BOARD  
WE ASK FOR DECISION  
HE ASKGD QUESTIONS  
RESPONDED

Reactor Name Carroll County 1/2 (ESR)  
Attorneys: Goddard/Olmstead  
Type of Case Early Site Review  
Status Pre-Hearing Stage  
Number of Contentions: Three (formerly 4) intervenors; One interested state  
§ 2.715(c)

General Subject  
of Issues Full range environmental and safety issues

Schedule

Date Schedule Est. not scheduled  
SER Date not scheduled  
FES Date not scheduled  
Safety Hearing Start not scheduled  
Envir. Hearing Start  
Close Safety Hearing not scheduled  
Close Envir. Hearing  
ASLB Decision not scheduled  
Issuance of OL or CP Greater than or equal to 3 years

Notes:

1. Pacing items -
2. Slips
3. Fixes



Reactor Name Rancho Seco

Attorneys: Black/Reis

Type of Case B&W Orders

Status Hearing completed. Pending before Licensing Board for decision.



Reactor Name Seabrook 1 & 2  
Attorneys: Lessy/Reis  
Type of Case Post CP-contested  
Status A. Commission reopened proceeding on seismic issues 9/25/80. Hearing on reopened issues to commence before Appeal Board 4/6/81. Hearing expected to last no more than two weeks.  
B. As to issues other than seismic issues, an OL application is expected to be filed in April 1981, the SER date is 11/82, the FES date is 2/82.

Number of Contentions: Two seismic issues

General Subject of Issues  
1. Chinnery's probabilistic methodology.  
2. Staff's methodology for correlating vibratory ground motion.

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start Remanded seismic hearing to start 4/6/81 before Appeal Board.  
Envir. Hearing Start

Close Safety Hearing 4/20/81  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP CP already issued

Notes:

1. Pacing items - If the Appeal Board permits intervenor to expand the remanded issues to include the definition of tectonic province, the whole schedule will slip 3 months due to unavailability of Geosciences personnel to address that issue.

2. Slips

3. Fixes

4. Resources

Geosciences Branch - all dates have been met so far.  
Put see note 1.

<u>Reactor Name</u>	TMI-1
<u>Attorneys:</u>	Tourtellotte
<u>Type of Case</u>	Contested Enforcement Proceeding on whether to allow resumption of operation
<u>Status</u>	Hearing in progress
<u>Number of Contentions:</u>	More than 100 contentions are yet to be heard
<u>General Subject of Issues</u>	Design and procedure modifications, separation of Units 1 and 2, Emergency planning, management competence, operator training, financial qualifications
<u>Schedule</u>	
Date Schedule Est.	August 15, 1980 (design modifications) Comm. Order of 3/6/80 and August 15, 1980 (Management) January 25, 1980, February 15, 1980, February 29, 1980, October 31, 1980 (Emergency Planning)
SER Date	NUREG-0680, June 1980, Supp 1 (Management) November 1980. NUREG-0746 December 1980 (Emergency Planning) Supp on design etc yet to come
FES Date	None
Safety Hearing Start	October 15, 1980
Envir. Hearing Start	N/A
Close Safety Hearing	To be addressed in letter to Chairman Ahearne and Commissioner Hendrie due February 12, 1981
Close Envir. Hearing	N/A
ASLB Decision	Undetermined
Issuance of OL or CP	N/A - Shutdown ordered by Commission and to be lifted by Commission

Notes:

1. Pacing items - Not clear at moment whether hearing process, review process or plant design and procedure modifications is pacing. This question is to be answered to Chairman Ahearne and Commissioner Hendrie in a letter due February 12, 1981.
2. Slips
3. Fixes

<u>Reactor Name</u>	Three Mile Island, Unit 2
<u>Attorneys:</u>	Chandler
<u>Type of Case</u>	2 - OL Amendment (OLA)
<u>Status</u>	OL before Licensing Board
<u>Number of Contentions:</u>	OLA-Approximately 15 contentions have been raised by the three Intervenor but the Board has not ruled on admissibility of specific contentions.
<u>General Subject of Issues</u>	OLA-Adequacy of technical specifications for recovery mode.
<u>Schedule</u>	
Date Schedule Est.	OLA-Issues not yet fully identified, since refinement going on.
SER Date	OLA-SER and Environmental Assessment accompanied Denton's order of 2/11/80.
FES Date	OLA-Ser and Environmental Assessment accompanied Denton's order of 2/11/80
Safety Hearing Start	OLA-One hearing. Timing dependent on completion of TMI-1 Restart hearing since Licensee's Counsel and one of the Intervenor participating there. Not yet scheduled.
Envir. Hearing Start	OLA-One hearing. Timing dependent on completion of TMI-1 Restart hearing since Licensee's Counsel and one of the Intervenor participating there. Not yet scheduled.
Close Safety Hearing	OLA-See above - not scheduled.
Close Envir. Hearing	OLA-See above - not scheduled
ASLB Decision	
Issuance of OL or CP	Note that the requirements contained in the proposed Tech Specs have already been imposed on the Licensee by Order.
<u>Notes:</u>	
1. Pacing items -	TMI-1 Restart hearing due to involvement of licensee's counsel and one Intervenor.
2. Slips	Related to TMI-1
3. Fixes	Active discussions of settlement are ongoing. One Intervenor appears ready to withdraw. Second Intervenor ready to withdraw some of his contentions. Settlement discussions now underway with third Intervenor.

Reactor Name Indian Pt. 2 and 3 Special Proceeding  
Attorneys: Moore/Olmstead  
Type of Case Special investigative proceeding  
Status No adjudicatory board has been established and proceeding has not been noticed in the Federal-Register

Number of Contentions: unknown

General Subject of Issues unknown

Schedule

Date Schedule Est. January 8, 1981 Order states this proceeding should be completed within one year of the date of the order.

SER Date N/A  
FES Date N/A

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP N/A

Notes:

1. Pacing items - Order establishing board
2. Slips None
3. Fixes None

Reactor Name General Electric Test Reactor (GETR)  
Attorneys: Daniel Swanson/Richard Bachmann (Attorneys); S.A. Treby (Hearing Branch Chief)  
Type of Case Show Cause Proceeding  
Status Hearing scheduled for May 27, 1981  
Number of Contentions: N/A

General Subject of Issues Schedule 1) Seismic design basis 2) Structural safety

Date of Show Cause Order October 24, 1977

SER Date January 15, 1981, October 27, 1980, May 23, 1980  
FES Date N/A

Safety Hearing Start May 27, 1981  
Envir. Hearing Start N/A

Close Safety Hearing June 5, 1981  
Close Envir. Hearing N/A

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items - February 25, 1981 - Discovery complete - commence new discovery  
March 16, 1981 - complete new discovery  
April 3, 1981 - Discovery responses due  
May 1, 1981 - File written testimony  
May 12, 1981 - Prehearing conference

All reviews are complete, no outstanding issues.  
Staff is currently updating discovery.

(

Reactor Name General Electric Test Reactor (GETR)

Attorneys: Daniel Swanson (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case Contested OL renewal

Status ASLB has not yet ruled on contentions. Staff filed motion on 12/24/80 for ruling on contentions

Number of Contentions: Unknown at this time - no ASLB ruling

General Subject of Issues Schedule Unknown at this time

Date Schedule Est. No ASLB ruling on contentions

SER Date No schedule yet Awaiting Show Cause Decision  
 FES Date No schedule yet (per proj. mgr.)

Safety Hearing Start No schedule yet  
 Envir. Hearing Start No schedule yet

Close Safety Hearing No schedule yet  
 Close Envir. Hearing No schedule yet

ASLB Decision No schedule yet

Issuance of OL or CP No schedule yet

Notes:

1. Pacing items - Project Manager (Jim Miller) of Standardization & Special Projects Branch stated that all issues are now outstanding and Staff review will not begin until decision is made in Show Cause proceeding. This is due to lack of Staff resources, since effort would be wasted if plant is not allowed to start up. Also, SER developed for the Show Cause proceeding will form the basis of the renewal SER
2. Slips
3. Fixes

<u>Reactor Name</u>	General Electric Test Reactor (GETR)
<u>Attorneys:</u>	Daniel Swanson (Case attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case:</u>	Contested Materials License Renewal
<u>Status:</u>	ASLB has not yet ruled on contentions. Staff filed motion on 12/24/80 for ruling on contentions
<u>Number of Contentions:</u>	Unknown at this time - no ASLB ruling
<u>General Subject of Issues Schedule</u>	Unknown at this time
<u>Date Schedule Est.</u>	No ASLB ruling on contentions
SER Date	June 1981
FES Date	Environmental assessment by May 1981
Safety Hearing Start	No schedule yet
Envir. Hearing Start	No schedule yet
Close Safety Hearing	No schedule yet
Close Envir. Hearing	No schedule yet
ASLB Decision	No schedule yet
Issuance of OL or CP	No schedule yet

Notes:

1. Pacing items - Accident Analysis by June 1981 (which will complete review)  
 No particular holdups anticipated.  
 Be reviewed by Advanced Fuel & Spent Fuel Licensing Board (NMSS)  
 Resources have not yet been identified.
2. Slips
2. Fixes



Reactor Name                      Ginna  
Attorneys:                         Ketchen/Tourtellotte  
Type of Case                        Full term OL (conversion from provisional OL)  
Status                                No hearing scheduled until Staff completes SEP review.  
Number of Contentions:

General Subject  
of Issues                              Quality assurance; Amended ECCS criteria; Federal and  
New York Water Quality Standard; Cold Shock-Biota;  
Energy Conservation Alternatives; Site Contingency  
Plan; Flood Protection; ALARA.

Schedule

Date Schedule Est.

SER Date                                None  
FES Date                                12/73

Safety Hearing Start                    No hearing scheduled  
Envir. Hearing Start

Close Safety Hearing                    No hearing scheduled  
Close Envir. Hearing

ASLB Decision                         No schedule until Staff completes SEP review  
Issuance of OL or CP                    After SEP review

Notes:

1. Pacing items -                      SEP Review
2. Slips
3. Fixes

Reactor Name LaCrosse  
Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case FTOL conversion  
Status Contested hearing; proceeding suspended pending disposition of Show Cause proceeding, possibly in 3rd Quarter FY 1981; hearings now scheduled for July 1981 on safe shutdown earthquake; also awaiting decision by ASLB on dewatering system (liquefaction). Final S.E.P. report (to be out by end of 1982) will become basis for FTOL SER

Number of Contentions:

General Subject of Issues Environmental monitoring of radiation, consequence of releases

Schedule: No schedule capable of prediction at this time

Date Schedule Est.

SER Date 1982  
FES Date April 1980

Safety Hearing Start  
Envir. Hearing Start 4th quarter 1980

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items - Proceeding suspended including discovery - discovery not completed yet
2. Slips
3. Fixes

Reactor Name Oyster Creek, Unit 1

Attorneys: Colleen Woodhead (Case attorney); S.A. Treby (Hearing Branch Chief)

Type of Case Conversion of Provisional OL to Full Term OL

Status: Originally contested proceeding on full term OL; now uncontested proceeding. Schedule for SER and FTOL issuance contingent on Staff production of SER document S.E.P. (SEP being done by Systemic Evaluation Program Branch)

Number of Contentions: N/A

General Subject of Issues Unresolved generic safety issues affecting the plant

Schedule

Date Schedule Est. ASLAB Order (ALAB-612) remanding to ASLB to consider safety issues - 9/5/80

SER Date 4th quarter 1982  
FES Date December 1974

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP 1983

Notes:

1. Pacing items - Schedule for SER and FTOL issuance contingent on Staff production of SER documenting S.E.P. (SEP being done by Systemic Evaluation Program Branch)
2. Slips
3. Fixes

Reactor Name Cherokee, Units 1-3; STN 50-491/452/493  
Attorneys: Barth/Olmstead  
Type of Case Uncontested CP  
Status CP's issued - before Appeal Board on Radon  
Number of Contentions: 0  
General Subject of Issues Schedule 0  
Date Schedule Est.  
SER Date 3/77, sp 7/77  
FES Date 10/75  
Safety Hearing Start April 5, 1976  
Envir. Hearing Start April 5, 1976  
Close Safety Hearing July 21, 1977  
Close Envir. Hearing July 21, 1977  
ASLB Decision December 30, 1977; Appeal Board Decision - (?)  
Issuance of OL or CP N/A  
Notes:  
1. Pacing items - Appeal Board decision on radon

Reactor Name Shearon Harris Units 1-4  
Attorneys: Barth/Olmstead  
Type of Case CP (already issued)  
Status Before Appeal Board on Radon issue.  
Number of Contentions:  
General Subject of Issues

Schedule

DaC: Schedule Est.

SEK Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision  
Issuance of OL or CP

Notes:

1. Facing items - Appeal Board decision on Radon.
2. Slips
3. Fixes

Reactor Name Hope Creek  
Attorneys: Black/Reis  
Type of Case CP (Contested).  
Status Pending before Appeal Board on Radon.

Reactor Name Marble Hill, Units 1 & 2  
Attorneys: Lessy/Reis  
Type of Case Post CP  
Status Initial decision issued 4/78, affirmed by Appeal Board. Radon issue pending before Appeal Board. FSAR scheduled to be submitted 12/82.

Number of Contentions: 1

General Subject of Issues Schedule Only radon issue remains pending before Appeal Board.

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP Target OL date 6/86.

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Phipps Bend  
Attorneys: Goldberg/Olmstead  
Type of Case CP  
Status Pending before Appeal Board on Radon.



Reactor Name WPPSS Units 1 and 4  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (post)  
Status CP issued 2/78. Pending before ASLAB on radon issue  
Number of Contentions: N/A

General Subject  
of Issues  
Schedule N/A

Date Schedule Est.

SER Date 5/75  
FES Date 3/75

Safety Hearing Start N/A  
Envir. Hearing Start N/A

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision

Issuance of OL or CP N/A

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Yellow Creek  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (Post)  
Status Pending before ASLAB on radon issue  
Number of Contentions: N/A

General Subject  
of Issues

Schedule

Date Schedule Est.

SER Date 12/77, Supp 6/70  
FES Date 11/77

Safety Hearing Start N/A (1978)  
Envir. Hearing Start

Close Safety Hearing N/A  
Close Envir. Hearing N/A

ASLB Decision N/A (November 1978)

Issuance of OL or CP N/A (CP - 1978)

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name St. Lucie 2  
Attorneys: Paton/Olmstead  
Type of Case CP (Issued).  
Status Pending before Appeal Board on Radon and before Commission  
on ALAB-603.

Reactor Name Peach Bottom Units 2 and 3  
Attorneys: Cutchin/Tourtellotte  
Type of Case OL  
Status Before Appeal Board on Radon issue only

Number of Contentions:

General Subject  
of Issues  
Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name North Anna 1&2  
Attorneys: Daniel Swanson (Case Attorney); S.A. Treby (Hearing Branch Chief)  
Type of Case OLs Issued 1  
Status: OLs issued but issues of turbine missile risk and radon remain before Appeal Board. On the Turbine Missile issue, review and evaluation is being done by NRR's Engineering Division, Materials & Qualification Engineering Section with 7 personnel engaged in the evaluation. L.Engle (LPM) is coordinating the review. No holdups in NRR's review are anticipated. Licensee's arrangements to obtain a new turbine rotor for NA 1 may result in delays in final resolution of the Turbine Missile issue for N.A. 1.

Number of Contentions: N/A

General Subject of Issues Turbine missile risk and radon issues remain before Appeal Board

Schedule

Date Schedule Est. N/A  
SER Date N/A  
FES Date N/A  
Safety Hearing Start N/A  
Envir. Hearing Start N/A  
Close Safety Hearing N/A  
Close Envir. Hearing N/A  
ASLB Decision N/A  
Issuance of OL or CP OLs issued

Notes:

1. Pacing items -
2. Slips
3. Fixes

*See Spade issues  
Keeping AP and informed*

Reactor Name TMI Unit 2

Attorneys: Chandler

Type of Case Contested OL

Status The case is completed except for 2 items on Appeal; the Radon issue and the Airplane crash issue. The records on these are completely closed. Case only awaits Appeal Board decision.

*Since July 8.*

Reactor Name     Barton

Attorneys:     Gray/Treby

Type of Case     CP (Cancelled plant)

Status            Applicant has requested termination of proceeding. Pending  
before Licensing Board.

Reactor Name Davis-Besse Nuclear Power Station, Units 2 and 3

Attorneys: Marjorie Rothschild (Case Attorney); S.A. Treby  
(Hearing Branch Chief)

Type of Case Termination of Uncontested CP-2 LWAs were issued  
(12/31/75 and 8/30/78)

Status LWAs have been issued & work on site undertaken. CP  
hearing partially completed when Applications for CPs  
withdrawn by Applicants on 11/17/80; motion for  
termination of proceedings filed with ASLB. ASLB has  
requested briefs from Applicants and Staff on 2/19/81  
re. action necessary to terminate proceedings.

Applicants' proposed plans to redress the site is the  
single outstanding issue. (Staff review will be  
complete by 2/19/81)

NRR - Offices involved: B.J. Youngblood &  
A.Dromerick. Adequate. I&E (Region III - W.B. Grant  
& C.E. Jones)

Number of Contentions: N/A

General Subject  
of Issues N/A

Schedule

Date Schedule Est. N/A

SER Date N/A

FES Date N/A

Safety Hearing Start N/A

Envir. Hearing Start N/A

Close Safety Hearing N/A

Close Envir. Hearing N/A

ASLB Decision N/A

Issuance of OL or CP N/A

Notes:

1. Pacing items -

2. Slips

3. Fixes



Reactor Name     Fulton

Attorneys:        Gray/Treby

Type of Case        ESR

Status                Applicant has requested termination or proceeding. Pending  
before Licensing Board.

Reactor Name Greene County  
Attorneys: Moore/Olmstead  
Type of Case CP (Cancelled plant)  
Status Applicant has informed Licensing Board that it does not intend to pursue application. Withdrawal request expected soon.

Reactor Name Jamesport  
Attorneys: Bordenick/Reis  
Type of Case CP (issued then plant cancelled) 1  
Status Applicant requested termination of proceeding. Pending  
before Appeal Board.

Reactor Name Montague  
Attorneys: Ketchen/Tourtellotte  
Type of Case CP (Project cancelled by utility on December 31, 1980)  
Status Application suspended (motion requesting termination of the proceeding will be filed with ASLB). No hearing schedule  
Number of Contentions: N/A  
General Subject of Issues Schedule N/A  
Date Schedule Est.  
SER Date 7/78  
FES Date 2/77  
Safety Hearing Start No hearing scheduled  
Envir. Hearing Start No hearing scheduled  
Close Safety Hearing No hearing scheduled  
Close Envir. Hearing No hearing scheduled  
ASLB Decision N/A  
Issuance of OL or CP N/A

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name North Coase  
Attorneys: McGurren/Reis  
Type of Case CP (Cancelled plant)  
Status Applicant has moved to terminate proceeding. Pending before  
Licensing Board ("with prejudice" issue).

Reactor Name Big Rock  
Attorneys: Moore/Olmstead  
Type of Case License amendment - spent fuel pool  
Status Awaiting issuance of SER. Environmental issue on appeal.

Number of Contentions: 18

General Subject of Issues Spent fuel pool accidents and hazards, corrosion, criticality, management capability, environmental impacts.

Schedule

Date Schedule Est. January 17, 1980  
SER Date Expected April 1981.  
EIA Date Expected April 1981.  
Safety Hearing Start Approximately 148 days after SER issuance  
Envir. Hearing Start unknown  
Close Safety Hearing unknown  
Close Envir. Hearing unknown  
ASLB Decision January 1982  
Issuance of OL or CP Amendment - January 1982

Notes:

1. Pacing items - SER issuance
2. Slips SER/EIA slipped from Feb. 1980 to April 1981. EIA issuance depends upon Appeal Board ruling on environmental impact statement issue.
3. Fixes None.

Reactor Name Dresden 2/3  
Attorneys: Goddard  
Type of Case SFP Mod.  
Status Hearings resume Mar/Apr 81  
Number of Contentions: 2 open issues  
General Subject of Issues (1) Channel Bowing; (2) Generic Item Relevance to SFP's

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing April 30, 1981  
Close Envir. Hearing April 30, 1981

ASLB Decision June 1981

Issuance of OL or CP Amendment June 1981

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name

Maine Yankee

Attorneys:

McGurren/Reis

Type of Case

Spent Fuel Pool

Status



Reactor Name Salem 1  
Attorneys: Moore/Olmstead  
Type of Case License amendment - spent fuel pool  
Status On appeal to the appeal board  
Number of Contentions: 7  
General Subject of Issues Corrosion, alternatives, loss of water accident in the spent fuel pool, effect of TMI-type accident on Salem spent fuel pool

Schedule

Date Schedule Est. Briefs in opposition to exceptions due 2/27/81  
SER Date 1/15/79  
EIA Date 1/15/79  
Safety Hearing Start May 2, 1979  
Envir. Hearing Start May 2, 1979  
Close Safety Hearing April 30, 1980  
Close Envir. Hearing April 30, 1980 - Safety and environmental not divided  
ASLB Decision Oct. 27, 1980  
Issuance of OL or CP Amendment issued Fe. 2, 1981.

Notes:

1. Pacing items - N/A
2. Slips N/A
3. Fixes N/A

Peactor Name Zion 1/2  
Attorneys: Goddard/Olmstead  
Type of Case SFP mod.-  
Status Commission has not issued go/no go on sua sponte  
review of ALAB-616

Number of Contentions: 26

General Subject  
of Issues Safety

Schedule

Date Schedule Est.

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision 9/80

Issuance of OL or CP Amendment issued.

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name Dresden - Quad Cities  
Attorneys: Goddard/Olmstead  
Type of Case Transshipment of spent fuel  
Status Contested (Ill. and NRDC)  
Number of Contentions: 20+  
General Subject of Issues Safety and environmental

Schedule

Date Schedule Est.

SER Date May-June, 1981  
EIA Date May-June, 1981

Safety Hearing Start Undetermined  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

Reactor Name: Oconee-McGuire Spent Fuel Transshipment

Type of Case: Contested Special Proceeding

Status: ASLB denied application to transship. Case presently before ASLAB. Briefing will be completed in February. Oral argument expected in March.

Reactor Name Palisades 50-255  
Attorneys: Barth/Olmstead  
Type of Case Amendment to O.L. to Replace Steam Generators  
Status Intervenor admitted, licensee has dropped the case (but not withdrawn its application for amendment).

Number of Contentions: 2

General Subject of Issues Schedule Radiological dose to workers too high

Date Schedule Est. None, N/A

SER Date  
FES Date

Safety Hearing Start  
Envir. Hearing Start

Close Safety Hearing  
Close Envir. Hearing

ASLB Decision

Issuance of OL or CP

Notes:

1. Pacing items -
2. Slips
3. Fixes

<u>Reactor Name</u>	Turkey Point
<u>Attorneys:</u>	Goldberg/Olmstead
<u>Type of Case</u>	OL Amendment - Steam Generator Repair
<u>Status</u>	Prehearing
<u>Number of Contentions:</u>	8
<u>General Subject of Issues</u>	Occupational exposure (ALARA), radiological releases during repair, disposition of replaced generator, fire protection, demineralizer system, cost of repair
<u>Schedule</u>	
Date Schedule Est.	N/A
SER Date	December 1980
FES Date	April 1981
Safety Hearing Start	June 1981
Envir. Hearing Start	June 1981
Close Safety Hearing	June 1981
Close Envir. Hearing	June 1981
ASLB Decision	September 1981
Issuance of OL or CP	September 1981
<u>Notes:</u>	
1. Pacing items -	Issuance of FES, Completion of discovery
2. Slips	18 month interval between EIA (June 1979) and DES (December 1980) following Commission decision to require EIS in Surry steam generator repair, licensee changes in some repair procedures and disposition of replaced generator, LPM experienced repeated lack of technical cooperation during review process
3. Fixes	Fully support LPM for FES and Hearing preparation, summary disposition

<u>Reactor Name</u>	Alabama Nuclear Fuel Fabrication Plant (70-2909)
<u>Attorneys:</u>	Sherwin Turk (Case attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Part 70 Application for Special Nuclear Material License
<u>Status</u>	Contested Hearing; contentions now being negotiated; environmental evaluation underway in NMSS (transportation branch, uranium fuel licensing branch (main effort) safeguards division (re. controls), ORNL); safety review not yet started because application incomplete
<u>Number of Contentions:</u>	Approximately 60
<u>General Subject of Issues</u>	Safety of plant process, environmental damage, accidental criticality, waste disposal, health effects
<u>Schedule</u>	
Date Schedule Est.	ASLB Order re. stipulation of contentions 12/80 and 1/81 (case in incipient stage; all dates approximate)
SER Date	2nd quarter FY 1983
FES Date	July 1980
Safety Hearing Start	3rd quarter 1983
Envir. Hearing Start	November 1981
Close Safety Hearing	4th quarter FY 1983
Close Envir. Hearing	December 1981
ASLB Decision	First quarter FY 1984
Issuance of OL or CP	License may be issued 2nd quarter FY 1984

Notes:

1. Pacing items - Safety review contingent upon receiving & reviewing supplemental safety and design information from Applicant; license issuance would follow completion of construction
2. Slips
3. Fixes

<u>Factor Name</u>	General Electric Company - GE Morris Operation Spent Fuel Storage Facility
<u>Attorneys:</u>	Marjorie Rothschild (Case attorney); S.A. Treby (Hearing Branch Chief)
<u>Type of Case</u>	Renewal of Operating License (under <u>new</u> Part 72 of 10 CFR)
<u>Status</u>	Contested license renewal - in prehearing stage, suspended until 2/26/81 because of promulgation of 10 CFR Part 72. Offices involved: NMSS (Division of Fuel Cycle and Material Safety - Advanced Fuel & Spent Fuel Licensing Branch - L.Rouse & A.T. Clark. Uranium Fuel Licensing Branch R.G. Page)  Issues relating to Emergency planning; operator certification and financial qualifications are the principal unresolved issues in the Staff's review. Resources are adequate
<u>Number of Contentions:</u>	7 plus 1 Licensing Board question
<u>General Subject of Issues</u>	Effects of radioactive releases as a result of accidents; physical security; occupational exposure to radiation; decommissioning; emergency planning; need for EIS; activities to be authorized by license
<u>Schedule</u>	
Date Schedule Est.	6/4/80 - but proposed amended contentions to be considered as a result of promulgation of 10 CFR Part 72
SER Date	5/81
EIA issued	6/80 (revision possible because of new Part 72)
Safety Hearing Start	12/20/81
Envir. Hearing Start	12/20/81
Close Safety Hearing	2/20/82
Close Envir. Hearing	2/20/82
ASLB Decision	5/26/82
Issuance of OL renewal	8/15/82



## Notes:

## 1. Pacing items -

This is the first licensing action under a new Part (72) of 10 CFR, which became effective on 12/12/80. There has been a delay (suspension of the proceeding until 2/26/81) to allow the parties to consider and raise issues related to application of Part 72 to this licensing action. If the intervenors raise issues relating to Part 72 and such issues are admitted as contentions in the proceeding, discovery may be reopened by the Board.

## 2. Slips

Staff review schedule delayed as a result of application of 10 CFR Part 72 to this licensing action. Staff Draft SER to be revised to account for amendments to license renewal application necessitated by 10 CFR Part 72

## 3. Fixes

Decision by intervenors not to file contentions related to application of 10 CFR Part 72 to this proceeding could result in savings of between two to three months in start of hearing and ultimate issuance of license renewal.