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SECY
PDR

June 29, 1981



Mr. James J. O'Connor, Chairman
Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois 60690

Dear Mr. O'Connor:

I am pleased to respond to your letter of March 27, 1981 concerning the licensing schedule for the Byron Nuclear Station. The Commission shares your concerns about licensing decision delays, not only for the Byron Station, but for all plants that are potentially affected by delays in the licensing process. During recent months, the Commission and its staff have spent considerable time in reviewing the licensing schedules for these plants and have undertaken various approaches to shorten them wherever possible.

For those plants nearing completion, the primary problem is the projected length of the hearing process and subsequent Commission review. Under our previous rules, an operating license was not issued until the Appeal Board and the Commission had reviewed the Licensing Board decision. This review process was scheduled to take about three months. The Commission has just revised that rule so as to shorten this time by about two months. This savings will accrue to all cases where a hearing is held.

We also believe we can compress the average hearing schedule from 18 months to approximately 10 months by reducing the time allowed for each part of the process and by providing firmer time management. In March, the Commission published for comment proposed rule changes which would help to accomplish this. Final rule changes, and further proposed rule changes were published this month. In addition, we issued the enclosed policy statement providing guidance to the Licensing Boards for conducting proceedings so as to expedite the process.

For plants due to be completed in late 1982 and in 1983 and beyond, earlier completion of staff reviews are proposed to help eliminate potential delays. Efforts to expedite staff reviews include (1) hiring of additional staff and mandatory overtime; (2) reallocation of some existing resources to the Office of Nuclear Reactor Regulation; and (3) transfer of some scheduled projects from that Office to other NRC Offices.

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In our April 30, 1981 report to the House Appropriations Subcommittee on Energy and Water Development, the projected schedule for the Byron Station was based on your estimated construction completion date and a standard set of hearing assumptions. The current schedule for the Byron Station projects issuance of the final staff safety evaluation report supplement in May, 1982 and the final environmental statement in June, 1982. The hearing is scheduled to start in October, 1982, the Board initial decision is projected for March, 1983, and the Commission review of the initial decision should be completed in April, 1983, corresponding to your current construction completion date.

In order to better allocate our resources, the Director of Nuclear Reactor Regulation, Harold R. Denton, has recently requested that the applicants for late 1982 plants and the 1983 plants, including Byron, provide updated construction completion dates. Upon receipt of the responses to the Director's request, the staff will develop case specific hearing schedules in order to identify those staff reviews which need to be accelerated. We recognize that Byron faces strong intervention and that the current schedule may be optimistic. The staff reevaluation will help identify the resources available for reallocation to the Byron licensing review if that is judged necessary. We recognize that if the current schedule for Byron Station is found to be optimistic and if no additional resources can be found to accelerate the staff reviews, some delay in the licensing decision may result.

I should note that Commissioner Ahearne is convinced the current schedule is too optimistic and has serious doubts that the Commission will be able to complete its licensing process by April, 1983. In that event, interim licensing legislation now before the Congress may be the only alternative to delay. However, while the Commission has supported the concept of interim licensing for low-power operation, it cannot commit itself to authorize such action for any particular plant at this time.

In conclusion, we believe that the actions we have taken and those we are considering will provide improvements in licensing schedules without compromising the regulatory requirements for safety. Consistent with available resources our goal is to render a decision on issuance of an operating license prior to the time the plant is completed and ready for fuel loading.

Sincerely,

Original Signed By
Joseph M. Hendrie

Joseph M. Hendrie

leared with all Comrs.' Offices by SECY C/R
 and discussed and affirmed at June 26, 1981
 Commission meeting.
 Ref.-CR-81-081A

Typed in final in the Office of the Secretary.

Enclosure:
 Policy Statement

Originating Office: EDO/NRR

SECY Ticket #81-0487

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