

NUCLEAR REGULATORY COMMISSION

ORIGINAL

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

OFFSHORE POWER SYSTEMS

(Manufacturing License for  
Floating Nuclear Power Plant)

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DOCKET NO. STN-50-437 CP

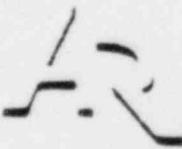
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1 UNITED STATES OF AMERICA  
 2 NUCLEAR REGULATORY COMMISSION  
 3 ATOMIC SAFETY AND LICENSING BOARD

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 In The Matter Of: :  
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 OFFSHORE POWER SYSTEMS : Docket No. STN-50-437 CP  
 6 :  
 (Manufacturing License :  
 7 for Floating Nuclear Power :  
 Plant) :  
 8 - - - - - x

9 PREHEARING CONFERENCE

10 Fifth Floor Hearing Room  
 East-West Towers  
 11 4350 East-West Highway  
 Bethesda, Maryland

12 Monday, November 2, 1981

13 Hearing in the above-entitled matter convened at  
 14 10:03 a.m., pursuant to notice,  
 15

16 BEFORE:

17 SHELDON J. WOLFE, Chairman  
 DAVID R. SCHINK, Member  
 18 GLENN O. BRIGHT, Member

19 FOR THE STAFF:

20 STEVEN SOHINKI, Esq.  
 Office of the Executive Legal Director  
 Nuclear Regulatory Commission  
 21 Washington, D.C.

22 FOR THE APPLICANT:

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ALSO PRESENT:

MICHAEL MALLOR:  
Nuclear Regulatory Commission

D. AABYE  
Offshore Power Systems

D.H. WALKER  
Offshore Power Systems

1                    P R O C E E D I N G S

2                    JUDGE WOLFE: Good morning.

3                    Pursuant to the order of October 2, 1981, this  
4 prehearing conference is being held to discuss the  
5 establishment of a schedule in order to conclude the  
6 Offshore Power Systems proceeding, Docket No. STN-50-437.

7                    Beginning to my left, would counsel identify  
8 themselves for the record?

9                    MR. SOHINKI: Good morning, Mr. Chairman and  
10 members of the Board. I am Steven Sohinki of the Office of  
11 the Executive Legal Director, NRC, and I represent the  
12 Commission's legal staff. With me is Mr. Michael Mallory,  
13 who has recently replaced Mr. Birkel as the licensing  
14 project manager for this application.

15                   MR. COWAN: Good morning, Mr. Chairman and members  
16 of the Board. I am Barton Cowan with the Pittsburgh,  
17 Pennsylvania law firm of Eckert, Seaman, Cherin and  
18 Mellott. On my far left is my associate, Ann Strickland.  
19 Immediately to my left is Dr. D. Walker, and immediately to  
20 my right is Mr. David Aabye from Offshore Power Systems.

21                   Ms. Strickland and I represent the Applicant,  
22 Offshore Power Systems, in this proceeding.

23                   JUDGE WOLFE: And you said the person sitting to  
24 your right?

25                   MR. COWAN: Mr. David Aabye.

1           JUDGE WOLFE: All right. I have not heard from  
2 the other parties. In our order we had set October 23rd as  
3 being the due date for the various parties other than  
4 Applicant and staff to notify the Board if they would attend  
5 the prehearing conference today, as well as to notify us if  
6 they would participate in further proceedings.

7           I have not heard from anyone other than the State  
8 of New Jersey, which on October 16 of this year moved to  
9 dismiss itself as a party.

10           Have you, Mr. Sohinki, or have you, Mr. Cowan,  
11 heard anything from, for example, ACCCE or the Atlantic  
12 County Board of Chosen Freeholders?

13           MR. COWAN: No, sir, we have not.

14           MR. SOHINKI: We have not.

15           JUDGE WOLFE: I see. All right.

16           Now, as far as I am aware, the Atlantic County  
17 Board of Chosen Freeholders and ACCCE are the only extant  
18 parties, so to speak, the city of Brigantine having  
19 withdrawn on June 24, 1977. And as I have indicated, the  
20 State of New Jersey has moved to dismiss. So that would  
21 leave the -- well, and further, Natural Resources Defense  
22 Council actually no longer a party since the Board denied  
23 their motion for summary disposition and granted Applicant's  
24 motion and staff's motion for cross-summary disposition.

25           So I take it, then, the only two as I see extant

1 parties are the Atlantic County Board of Chosen Freeholders  
2 and ACCCE. Am I correct there, gentlemen?

3 MR. SOHINKI: I'm not certain that there ever was  
4 a Board order dismissing the Natural Resources Defense  
5 Council as a party in terms of a written communication from  
6 the Board. In any case, we have not heard from them that  
7 they expressed any interest in participating further.

8 JUDGE WOLFE: Yes. Well, I do have a  
9 communication from NRDC, a letter of June 11, 1979  
10 indicating that they would no longer participate in the way  
11 of submitting Proposed Findings of Fact and Conclusions of  
12 Law, and indicating that if perchance the Board granted the  
13 manufacturing license, at that time they would then proceed  
14 to appeal to the Appeal Board from our denial of their  
15 motion for summary disposition and the granting of  
16 Applicant's and staff's motions for summary disposition.

17 MR. COWAN: Mr. Chairman, I think the NRDC, as you  
18 point out, did indicate that they no longer plan to pursue  
19 or indeed they never even originally planned to pursue any  
20 other contentions except for the one that was disposed of by  
21 the summary disposition procedure. They are, of course,  
22 receiving copies of all of the various pleadings and Board  
23 orders. They are still on the service list. I don't know  
24 if technically they are still a party. Certainly for  
25 purposes of having the right to appeal from the summary

1 disposition motion, they would be a party.

2 JUDGE WOLFE: All right.

3 Just so that we can focus now on whatever  
4 discussion we are going to have today, let me set out the  
5 events since TMI-2 in March of 1979. On June 1, 1979,  
6 Applicant filed Proposed Partial Findings of Fact. On  
7 August 24 staff filed its Proposed Partial Findings of  
8 Fact. On September 14, 1979, Applicant filed its response  
9 to staff's Proposed Partial Findings of Fact.

10 There was a hearing on November 2, 1979 to hear  
11 staff's testimony in response to this Board's questions  
12 posed in a letter of March 29, 1979 regarding FES Part III  
13 and regarding the staff's liquid pathway generic study,  
14 NUREG-0440. Then Supplement 3 to the SER was issued in  
15 February of 1980 regarding the core ladle, and thereafter  
16 Supplement 4 to the SER was issued September 30, 1981  
17 regarding, among other things, TMI-2 requirements, the  
18 emergency core cooling system and generic unresolved safety  
19 issues.

20 Now, with those events set out I have a couple of  
21 preliminary questions. I would think that there is a  
22 necessity for Applicant's and staff's Proposed Partial  
23 Findings of Fact to be supplemented because of, for example,  
24 the November 2, 1979 testimony, and I would also think that  
25 these Proposed Partial Findings of Fact would also have to

1 be supplemented to update the statement and description of  
2 the record.

3 I am just throwing the suggestions out. The Board  
4 has reviewed the Applicant's and staff's partial proposed  
5 findings and we have concluded that some of them require  
6 redoing and suggest that it be done. For example, we were  
7 dissatisfied since some of these proposed partial findings  
8 are very summary and someone reading them would have  
9 difficulty and would have no idea of the basis for the  
10 factual findings and conclusions.

11 For example, I would suggest that, looking at  
12 pages 152 through 153 of Applicant's Proposed Findings on  
13 Contention XII and also looking at pages 156 through 157 on  
14 Contention XIV -- I am looking at Contention XIV, which  
15 relates to the food chain, and the proposed findings, to the  
16 Board's mind, are inadequate.

17 The reader is merely referred to sections of the  
18 Environmental Report in the final Environmental Statement,  
19 to transcript pages and then to the proposed conclusion to  
20 be made by the Board. At least in those two instances the  
21 Board concludes that those proposed findings are  
22 inadequate.

23 Yes, Mr. Cowan.

24 MR. COWAN: We can certainly supplement those  
25 proposed findings in the supplemental proposed findings, and

1 those two in particular. Those were contentions where the  
2 gist of the contention was that the Applicant had not given  
3 adequate consideration to something, and in each case the  
4 only testimony was that of the Applicant and the staff, and  
5 our thinking in preparing those two particular proposed  
6 findings was that by citing the extensive numbers of pages  
7 where the consideration was given to each of those subjects,  
8 that that would be adequate.

9           However, we can certainly supplement these  
10 proposed contentions and give more descriptive material as  
11 to the nature of the consideration that was given, in the  
12 one case on the effects to biota and in the other case in  
13 the food chain, and we will review the contentions with that  
14 in mind.

15           JUDGE WOLFE: All right.

16           Before we get into further discussion or any  
17 discussion with the parties, I want to check with staff.  
18 Does staff intend to issue any other supplements to the FES  
19 and/or to the Safety Evaluation Report?

20           MR. SOHINKI: No, sir. Our present intention is  
21 not to prepare further supplements. There are a couple of  
22 matters that need to be updated, but since a further hearing  
23 session will be required, we thought we would do that by  
24 affidavit since the matters to be supplemented do not appear  
25 to be that substantial.

1 JUDGE WOLFE: All right. We will keep it in  
2 reserve, then, your statement that staff has some other  
3 matters that it wishes to conclude by affidavit or whatever.

4 (Pause.)

5 All right. Now, since no intervening party  
6 pursuant to our order of September 3, 1981 has filed by  
7 October 26 a motion to amend or expand contentions directly  
8 bearing on new matters discussed in Supplement 4 to the SER,  
9 their time for moving for leave to amend or expand  
10 contentions has expired. Is that not so?

11 MR. SOHINKI: I think that is true, Mr. Chairman.  
12 I believe the Board's order was 20 days from the publication  
13 date of this supplement and that has since expired.

14 JUDGE WOLFE: I think it was 20 days from the date  
15 of receipt.

16 MR. SOHINKI: That's true.

17 JUDGE WOLFE: And you did issue or send out and  
18 serve Supplement 4 on September 30, 1981.

19 MR. SOHINKI: That is correct.

20 JUDGE WOLFE: So giving five days for service and  
21 the 20 days, I would think by October 26 their time for  
22 filing such a motion has expired. Well, we will proceed on  
23 that basis, anyway.

24 All right. I throw it out now for discussion, I  
25 guess basically to you, Mr. Cowan, since it was at your

1 request that we have scheduled this prehearing conference.

2 How say you?

3 MR. COWAN: Mr. Chairman, we would like to propose  
4 in a few moments a schedule, of course subject to the  
5 Board's availability, for those events that are necessary to  
6 conclude this proceeding, to close the record and to file  
7 the supplements to the proposed findings and to file  
8 conclusions of law.

9 It might help before I do that, however, if we  
10 were to briefly mention the items that we think remain open  
11 and that would need to be completed or taken care of at the  
12 next and what we hope to be final hearing session.

13 Based on our review of the record, we think that  
14 there needs to be admitted into evidence in the hearing the  
15 SER Supplement No. 3 and SER Supplement No. 4 that has now  
16 been issued by the staff. We believe there needs to be  
17 supplemental testimony in the way of affidavits introduced  
18 on the record with respect to the turbine generator matter.

19 There have been some developments since the  
20 turbine generator testimony was taken by the Board several  
21 years ago, and we believe that there is a necessity to  
22 formally place on the record those developments so as to  
23 update and in some measure correct the turbine generator  
24 testimony.

25 JUDGE WOLFE: Now, what is that? What is

1 unresolved? That had to do with the possibility of turbine  
2 missiles, disc failure and the question about what  
3 occasioned the Yankee Rowe turbine failure. Those are the  
4 three sub-items under that.

5 MR. COWAN: Yes. The updated material in the form  
6 of an affidavit, which is how we would propose to put it  
7 into the record, involves some cracks that have been  
8 observed in low pressure discs in a number of operating  
9 nuclear turbines. That would be item 1. It involves some  
10 tests that were conducted at EPRI and by Westinghouse in  
11 which simulated discs at high speed impacted on metal  
12 barriers and the results of those tests, and it involves the  
13 disc failure in the low pressure unit of Yankee Rowe.

14 JUDGE WOLFE: We received an affidavit from the  
15 Applicant, Mr. Haga's affidavit, I guess, just on Friday.

16 MR. COWAN: I believe the affidavit was mailed in  
17 to the Board on Friday. We think that has to be placed into  
18 the record before the record can be closed.

19 JUDGE WOLFE: All right.

20 MR. COWAN: To continue on, we note that there  
21 have been some amendments to the plant design report which  
22 have not formally been entered into the record. They have  
23 been sent to all the parties. The plant design report I  
24 think now has 28 amendments, and I am not quite sure of the  
25 number, but the last four or five amendments we believe have

1 not yet been entered formally into the record.

2 JUDGE WOLFE: And the last one is Amendment 28, is  
3 that correct?

4 MR. COWAN: Yes. The plant design report has  
5 Amendments 1 through 28.

6 JUDGE WOLFE: All right.

7 MR. COWAN: And finally, the application is in the  
8 process of being updated to provide current information with  
9 regard, for example, to the organization of Offshore Power  
10 Systems and the financial qualifications of Offshore Power  
11 Systems. The last updating of the application in this  
12 technical regard was some five years ago, and there have  
13 been a few developments since then, and we would propose to  
14 put in the application amendment at the hearing.

15 I believe the staff would also be filing something  
16 with regard to the application amendment, and in particular  
17 with regard to the financial qualifications of the  
18 applicant. Those would be the items that we have on our  
19 list that need to be updated that remain open on the record  
20 and would have to be put into evidence before the record  
21 could be closed.

22 JUDGE WOLFE: Mr. Sohinki?

23 MR. SOHINKI: That list comports with mine. I am  
24 not sure Mr. Cowan specifically mentioned it, but we will  
25 also be filing an affidavit with regard to the turbine

1 missile matters since it was the testimony of our witness  
2 that raised the concern following the staff's testimony on  
3 that issue.

4 JUDGE WOLFE: You have no amendments to  
5 Applicant's Environmental Report that need be admitted into  
6 evidence, Mr. Cowan?

7 MR. COWAN: That is correct, Mr. Chairman.

8 JUDGE WOLFE: None.

9 MR. COWAN: None.

10 JUDGE WOLFE: Mr. Sohinki, does the Board have in  
11 evidence all ACRS letters?

12 MR. SOHINKI: I think you have them all with the  
13 exception of the one that I placed on the podium just this  
14 morning, which we have just received recently from the ACRS.

15 JUDGE WOLFE: All right.

16 That, then, is one additional bit of evidence, is  
17 it not?

18 MR. SOHINKI: Yes, sir, that will have to be  
19 placed in the record.

20 I might also request that if the Board has any  
21 questions with regard to the staff document that was just  
22 issued in Supplement 4, and, for that matter, Supplement 3  
23 to the SER, we would appreciate knowing about that in time  
24 so that we could address that at the upcoming hearings.

25 JUDGE WOLFE: Let's set that aside for the

1 moment. We will get into a discussion on that, but I am  
2 just figuring out -- getting input from staff on what they  
3 think they will have to do before the record is closed.

4 MR. SOHINKI: The only other thing I can think of  
5 that I have to check on for sure is whether FES, Part III  
6 was introduced into evidence. I think it was but I am not  
7 positive. But in any case, we will take care of that if  
8 need be.

9 JUDGE WOLFE: All right.

10 In light of intervening developments since the  
11 submission of Applicant and staff's partial proposed  
12 findings, I throw this out for discussion. Is there not a  
13 necessity for supplementary testimony on certain  
14 contentions, such as, for example, Contention XVI, which  
15 relates to impact on resort economics and, for example,  
16 supplementary testimony necessary on, for example,  
17 Contention XVIII on cost-benefit balance?

18 My recollection of the testimony, for example, on  
19 Contention XVI, impact on resort economics, was that  
20 Applicant and/or staff -- and I am not certain -- presented  
21 evidence that there was no adverse impact on resort  
22 economics as exemplified by absence of adverse impact at  
23 Hershey, Pennsylvania, which is proximate to TMI-2.

24 I would like some discussion on that. It would  
25 appear that there would have to be some supplementation of

1 that type of testimony so that we are brought up to date,  
2 whether or not Hershey, Pennsylvania or whatever was  
3 involved in earlier testimony has been adversely impacted.

4           Further, it would seem that in light of the over  
5 two-year suspension period, that perhaps the cost-benefit  
6 balance testimony needs to be supplemented. These are just  
7 examples. I am just throwing this out. You people, you  
8 attorneys are the one to tell the Board initially, at least,  
9 what you think should be done in the way of supplementation.

10           MR. COWAN: Mr. Chairman, the Applicant did look  
11 at each of the contentions, and it was our judgment that  
12 none of them needed to have supplemental testimony  
13 presented. With respect to the impact on resort economics  
14 contention, I believe the references to Three Mile Island  
15 were contained in the staff study of resort economics and  
16 that they investigated a number of plants, ten or so plants  
17 of which TMI-1 and 2 locations were but one.

18           But in looking at the conclusions that were drawn  
19 and the various methodologies that were used, we concluded  
20 that no supplement was needed with regard to that unless the  
21 Board feels it wishes to be updated with regard to it. It  
22 certainly wouldn't be needed from the Applicant's  
23 testimony. We did not rely on Three Mile Island nor the  
24 approach of studying it in quite the same way staff studied  
25 it, but we don't think it is needed from the staff's

1 standpoint either.

2           Our review of the overall cost-benefit we thought  
3 also indicated to us that no supplement was needed to that  
4 unless the Board specifically desires us to relook at it and  
5 make a statement to that effect or to whatever particular  
6 issue the Board would like us to look at.

7           JUDGE WOLFE: Mr. Sohinki?

8           MR. SOHINKI: Mr. Chairman, as I recall that  
9 example of Hershey, Pennsylvania, again, as Mr. Cowan  
10 pointed out, was one of many that the staff looked at. I  
11 quite frankly will have to go back to the people who  
12 developed the methodology and determine from them whether  
13 they think that anything further is necessary. I just cannot  
14 give you an answer until I get an opinion from them.

15           With regard to cost-benefit, I had reviewed that  
16 testimony and I did not think in my judgment that there was  
17 a supplement needed. I had not focused on the Hershey,  
18 Pennsylvania example from the resort economics study, so I  
19 will look at that again.

20           JUDGE WOLFE: Mr. Sohinki, do you have before you  
21 your letter of October 11, 1979?

22           MR. SOHINKI: No, sir, not before me.

23           JUDGE WOLFE: Mr. Sohinki, I hand you the Board's  
24 copy of this October 11, 1979 letter. Do you have a copy,  
25 Mr. Cowan?

1 MR. COWAN: Yes, Mr. Chairman.

2 JUDGE WOLFE: Would you look to the attachment to  
3 that letter, Mr. Sohinki? I will take those one by one and  
4 let's see if there is anything outstanding.

5 The first item, core ladle design evaluation.  
6 That is covered in SER Supplement 4, correct?

7 MR. SOHINKI: Yes, sir.

8 JUDGE WOLFE: Now item 2, the ACRS core ladle  
9 design review.

10 MR. SOHINKI: I believe that is also in the  
11 supplement.

12 JUDGE WOLFE: That is in Supplement 3.

13 MR. SOHINKI: I believe so.

14 JUDGE WOLFE: Excuse me, I'm sorry. The core  
15 ladle design is in the Supplement 3. The ACRS letter with  
16 regard thereto is an attachment to Supplement 3?

17 MR. SOHINKI: I believe that is correct but I have  
18 Supplement 3 before me and I will check it.

19 JUDGE WOLFE: All right.

20 MR. COWAN: Mr. Chairman, I believe the ACRS  
21 letter you are referring to is the letter of April 16, 1980,  
22 and I do not believe it was in Supplement 3. I think it was  
23 attached to Supplement 4.

24 MR. SOHINKI: Yes, sir, that's right. It is in  
25 Supplement 4.

1 MR. COWAN: It is in Appendix A to Supplement 4  
2 beginning on page A-1.

3 JUDGE WOLFE: All right. Item 3 is generic  
4 matters. Those generic matters, I take it, are encompassed  
5 in Supplement 4 to the SER, is that correct?

6 MR. SOHINKI: That's correct. The same pertains  
7 to the next item on the list.

8 JUDGE WOLFE: ECCS. That is also in Supplement 4  
9 of the SER.

10 Now number 5, turbine missile reassessment. I  
11 understand that that is subject to additional testimony,  
12 however based, either on affidavit or oral written direct  
13 testimony; is that correct?

14 MR. COWAN: That is correct, Mr. Chairman.

15 JUDGE WOLFE: All right.

16 Now number 6, tornado missile reassessment. That  
17 is not encompassed, as far as I know, in Mr. Haga's proposed  
18 affidavit nor in any other past testimony nor in any other  
19 document in the record or proposed to be incorporated into  
20 the record. Isn't that correct?

21 MR. COWAN: That is correct, Mr. Chairman.  
22 However, we are in the process of updating the PDR, and when  
23 we put in the last amendment to the PDR, that will include a  
24 letter dated -- hold on one second, Mr. Chairman.

25 (Pause.)

1 I'm sorry. When the amendments to the PDR which  
2 are not yet in evidence are admitted into evidence at the  
3 forthcoming hearing session, they will include an amendment  
4 that shows that the exterior wall of the control room on the  
5 floating nuclear plant, which was originally 3/4 inch thick  
6 steel plate, has been changed to 1-1/8 inch steel plate.  
7 And that change in the thickness of the exterior wall takes  
8 care of the tornado missile problem.

9 JUDGE WOLFE: The exterior wall of what, now?

10 MR. COWAN: Of the control room. That takes care  
11 of the problem that was encompassed within the saying  
12 "tornado missile reassessment."

13 JUDGE WOLFE: Well now, that will necessarily mean  
14 that there will be an Amendment 29 to the PDR; is that  
15 correct?

16 MR. COWAN: I believe it is already in one of the  
17 amendments that has been prepared but is not yet in evidence.

18 JUDGE WOLFE: All right.

19 MR. COWAN: I should note that this change in the  
20 thickness of the steel plate for the control room was noted  
21 in a letter dated November 18, 1976 from Thomas Daugherty,  
22 who is one of the counsel for Offshore Power Systems, to the  
23 Board, and is referred to in footnote 25 at page 57 of the  
24 June 1, 1979 Applicant's Proposed Partial Findings.

25 JUDGE WOLFE: Now, with regard to that amendment

1 to the PDR which speaks to the thickening of the exterior  
2 wall of the control room, in what document, Mr. Sohinki, or  
3 in what way will staff respond to that change in design?

4 MR. SOHINKI: I expect that we will respond to it  
5 through an affidavit, Mr. Chairman, as to whether that  
6 change is adequate as far as we are concerned to resolve the  
7 concern.

8 MR. COWAN: Mr. Chairman, let me correct one thing  
9 that I said. It doesn't change the substance. But the  
10 November 18, 1976 letter from Mr. Daugherty to which I  
11 referred, I don't believe referred, now that I look back at  
12 my notes, to the change in the thickness of the steel plate  
13 from 3/4 inch to 1-1/8 inch. I believe it referred to the  
14 results of some tests in penetration with regard to the 3/4  
15 inch plate, but it did not refer to the change in the  
16 thickness that occurred subsequent to November of '76.

17 JUDGE WOLFE: All right.

18 I don't know what Item 7 relates to, but perhaps  
19 you can fill the Board in on that and whether this is an  
20 outstanding matter that the Board need hear evidence upon.

21 MR. SOHINKI: I believe at the time we were  
22 considering whether it was necessary to provide additional  
23 information on the impact of accidents in the vicinity of  
24 the plant on the plant itself, and we determined in the  
25 interim it was not necessary and that Supplement 2

1 represents the staff's conclusion with regard to that issue.

2 JUDGE WOLFE: And Item 8 on acceptability of  
3 safety design to accommodate environmentally assessed Class  
4 9 accident.

5 MR. SOHINKI: That would have been reviewed in  
6 Supplement 3 as part of the design of the core ladle.

7 JUDGE WOLFE: I always make notes to myself and a  
8 couple of hours later I don't know why I did it.

9 (Laughter.)

10 I have a note here and I will throw it out for  
11 what it's worth. I don't know why I put it down, but to be  
12 on the safe side, the question I have: Does this Item 8  
13 also involve assessment of containment shell buckling and  
14 thermohydraulic design?

15 MR. SOHINKI: It doesn't ring a bell in terms of  
16 what was evaluated in Supplement 3. There was a discussion  
17 in Supplement 3 on the impact of the core ladle and other  
18 structures in the plant, but I don't know whether that is  
19 what you are referring to. There was also, as I look down  
20 the list of matters covered in Supplement 3, discussion of  
21 the relationship of the core ladle to containment pressure  
22 response, and that could also be part of what you are  
23 inquiring about but I don't know what your specific question  
24 is.

25 JUDGE WOLFE: Well, all I conclude is that since I

1 made a note with regard to Item 8, that it must necessarily  
2 -- containment shell buckling and thermohydraulic design I  
3 thought at the time should have been dealt with.

4 Well, Mr. Cowan, do you have anything to add here?

5 MR. COWAN: Yes, Mr. Chairman. Perhaps you are  
6 referring to and the item was partially referring to the  
7 question that was open at the time of the October 11, 1979  
8 letter to which we were referring, of whether the core ladle  
9 and the inclusion of the core ladle would increase the  
10 probability of containment failure. That was an open  
11 question at the time this attachment was prepared and had  
12 not then been resolved. I believe it is now resolved and  
13 covered in FES III -- I'm sorry, SER 3.

14 JUDGE BRIGHT: SER Supplement 3?

15 MR. COWAN: Yes.

16 MR. SOHINKI: I might also note there has been a  
17 change in the design pressure for the containment that is  
18 reflected in the staff's review in Supplement 4. It is now  
19 25 pound per square inch design pressure, and I'm not sure  
20 how that reflects on any possible concern that you have.

21 JUDGE WOLFE: The Board will review Supplement 3  
22 of the SER and look into that. I have 9, the ACRS comment  
23 letter on liquid pathway generic study. I take it that was  
24 -- and I'm not certain -- that probably is now part of FES  
25 III. I am not certain.

1           What do you have to say, Mr. Sohinki?

2           MR. SOHINKI: The last word at the ACRS with  
3 regard to the Class 9 issue was reflected in the letter  
4 contained in Supplement 4 to the SER.

5           JUDGE WOLFE: Supplement 4?

6           MR. SOHINKI: To the SER? That is when they in  
7 essence wrote off on the entire Class 9 issue based on the  
8 design of the core ladle.

9           MR. COWAN: Mr. Chairman, the ACRS comment letter  
10 on the liquid pathway generic study was dated July 25, 1979  
11 and is included as Appendix D to SER Supplement 3. And the  
12 ACRS sign-off on that, as Mr. Sohinki indicated, is the  
13 April 16, 1980 ACRS letter, which is included as Appendix A  
14 to Supplement No. 4 to the SER.

15          JUDGE WOLFE: All right. Item 10, fuel rod  
16 bowing.

17          MR. SOHINKI: Items 10 and 11, fuel rod bowing and  
18 upper plenum pressure gradient were matters related to the  
19 ECCS analysis, and while they were not specifically called  
20 out in the latest evaluation of the ECCS evaluation in  
21 Supplement 4, the staff's conclusions with regard to that  
22 are in Supplement 4 so those concerns were taken into  
23 account.

24          JUDGE WOLFE: All right. Item 12, subcompartment  
25 -- Item 12, bolted connections.

1 MR. SOHINKI: This is one we are going to have to  
2 check on, Mr. Chairman. Neither the project manager nor I  
3 recall whether and to what extent that I&E bulletin is now  
4 applicable to the floating nuclear plant.

5 JUDGE WOLFE: Item 13, subcompartment pressure  
6 analysis.

7 MR. SOHINKI: That is covered in Supplement 4. I  
8 believe that is in Section 15 of Supplement 4.

9 JUDGE WOLFE: Item 14, Regulatory Requirements  
10 Review Committee matters referenced in October 12, 1978  
11 letter.

12 MR. SOHINKI: This is a matter which I don't  
13 believe has been specifically called out in the SER  
14 supplements which were published subsequent to that letter,  
15 but I recall that letter now. I will have to check  
16 specifically but I believe that each of those matters was  
17 covered in the subsequent SER supplements.

18 JUDGE WOLFE: Item 15, design envelope table.

19 MR. SOHINKI: That was done in the latest SER  
20 supplement. I understand there is a minor modification which  
21 has yet to be submitted which will be covered in subsequent  
22 affidavits, but basically there is an update of the entire  
23 design envelop table in the latest supplement.

24 JUDGE WOLFE: Item 16, PDR review, Amendments 24  
25 through 27. Applicant advises that it is going to offer

1 into evidence all outstanding amendments. I think you had  
2 occasion to say what staff would do with regard to testimony  
3 affidavits or offering of documents which would show that  
4 staff has approved the amendments to the PDR.

5 MR. SOHINKI: Our review of that is reflected in  
6 Supplement 4, Mr. Chairman, pretty much in their entirety.  
7 The latest supplement was the TMI supplement, which I  
8 believe is No. 28, and our review of those matters is  
9 covered in the SER supplements.

10 JUDGE WOLFE: All right. Well, that concludes  
11 that list.

12 All right. With this background as to possible  
13 outstanding matters and supplementation of testimony and  
14 what have you, what is now the suggestion of the parties on  
15 how and when to proceed?

16 MR. COWAN: Mr. Chairman, with very incomplete  
17 knowledge of the schedule of the Board, we suggest that  
18 there be an order issued calling for a hearing on either  
19 Monday, November 23rd or Tuesday, November 24th, which is  
20 about three weeks away -- which is three weeks away, at  
21 which hearing the various pieces of evidence that still have  
22 to be introduced would be offered and whatever additional  
23 testimony would be needed could come in at that time.

24 We then suggest that that hearing would result in  
25 the record being closed and that December 11 be established

1 as the date for the Applicant to file supplemental proposed  
2 findings of fact and conclusions of law; that December 21 be  
3 established as the date for the intervenors to file any  
4 proposed or supplemental proposed findings of fact and  
5 conclusions of law; and that December 31 be established as  
6 the date for the regulatory staff to make their proposed  
7 findings of fact and conclusions of law.

8 JUDGE WOLFE: December 31, you say?

9 MR. COWAN: Yes, sir. We understand that the  
10 Chairman has another hearing the week of November --

11 JUDGE WOLFE: 26th through the 30th, isn't it?

12 MR. COWAN: The week of November 16.

13 JUDGE WOLFE: November 16 through the 20th.

14 MR. COWAN: Otherwise we would have proposed a  
15 hearing that week. But in light of at least that much  
16 knowledge of the Board members' schedules, we looked at the  
17 calendar, and the 23rd or 24th of November appears to us  
18 then to be the earliest date on which we could hold the  
19 hearing.

20 MR. SOHINKI: Mr. Chairman, I was just going to  
21 comment that I think that schedule may be a little tight in  
22 terms of the filing date if we were going to file affidavits  
23 or further testimony. That would have to make the filing  
24 date next week, I believe, to comply with the 15-day  
25 requirement in the rules, and I think that is a little tight

1 given the fact we have several things we have to check on to  
2 determine whether we have to update.

3 MR. COWAN: I think the requirement for a filing  
4 date is subject to the Board establishing a different date,  
5 Mr. Chairman, and although we would undertake to check with  
6 the two remaining parties of record, intervenors of record,  
7 it would seem to us that a filing date of perhaps only a  
8 week ahead of time might be adequate.

9 JUDGE WOLFE: Well, the Board has been discussing  
10 this. It would be convenient to proceed to hearing on  
11 November 23rd.

12 We will have a ten-minute recess.

13 (Recess.)

14 JUDGE WOLFE: I would like to advise the parties  
15 what we are discussing. As you know, applications for  
16 operating licenses have priorities. Judge Bright is on a  
17 case, an operating license case that fairly well precludes  
18 him -- well, it does preclude him from being here on the  
19 proposed hearing date of November 23. There is a  
20 possibility that he could be available on Saturday, December  
21 5, which, as I indicate, is a Saturday. It appears that  
22 there is going to be such a conflict in his schedule and  
23 what you propose for November 23rd, which is impossible, and  
24 the possibility that he might not be able to make it on  
25 December 5.

1           The Board will recess now in an effort to contact  
2 the Chief Administrative Judge and see what arrangements can  
3 be made to possibly have another administrative judge  
4 assigned to the case in place of Judge Bright. I don't know  
5 whether this will be necessary or not, but in light of what  
6 dates you would like to proceed, that may well be necessary.

7           MR. SOHINKI: Mr. Chairman, can I add something?  
8 In any event, regardless of Judge Bright's availability on  
9 November 23rd, I would still like to represent that I  
10 believe, given the matters which the staff has yet to  
11 review, that November 23rd would be a bit premature to hold  
12 that final hearing.

13           JUDGE WOLFE: Yes, approximately three weeks.

14           MR. SOHINKI: I say that for a couple of reasons.  
15 First of all, we have yet to prepare the turbine missile  
16 affidavit. Secondly, the staff will be meeting this  
17 afternoon to determine what needs to be done in terms of the  
18 financial update, and I am not sure until I talk to the  
19 financial analyst as to what kind of turnaround time they  
20 might have on a review. So it is kind of difficult for me  
21 at this point to commit to a date that soon.

22           JUDGE WOLFE: How does December 5 sound?

23           MR. SOHINKI: I think we could complete our review  
24 in time to go to hearing on that date. We would obviously,  
25 of course, like to make the next hearing date the last, and

1 that is why I am a little reluctant to commit to a date as  
2 soon as three weeks.

3 JUDGE WOLFE: And how does Saturday, December 5  
4 suit you, Mr. Cowan?

5 MR. COWAN: We could make that date, Mr. Chairman.

6 JUDGE WOLFE: All right.

7 Have Applicant and staff been discussing in the  
8 recess other times that they might agree on other than  
9 November 23rd? Have any dates cropped up?

10 MR. SOHINKI: Well, I know that at least you, Mr.  
11 Chairman, and I, as well, have a conflict for the week of  
12 December 7th --

13 JUDGE WOLFE: That is true.

14 MR. SOHINKI: -- in another proceeding.

15 MR. COWAN: We did talk about the week that begins  
16 with November 30 and runs, I guess, through the Saturday,  
17 December 5 as being a possible alternative week, and I think  
18 any time that week is acceptable to us and, as I understand  
19 it, to the staff.

20 JUDGE WOLFE: Well, we had suggested December 5.  
21 I take it December 4 is equally acceptable?

22 MR. COWAN: Yes, Mr. Chairman.

23 JUDGE WOLFE: For you, Mr. Sohinki?

24 MR. SOHINKI: I don't see that one day will make  
25 that much difference.

1 JUDGE WOLFE: All right. We will recess until  
2 noon, and in the meantime we will check with the Chief  
3 Administrative Judge and see what we can come up with.

4 All right. We will stand in recess until 12 noon.  
5 (Recess.)

6 JUDGE WOLFE: All right. We have checked with the  
7 Chief Administrative Judge, and the Board will have to be  
8 reconstituted. Another administrative judge will be  
9 assigned to take Judge Bright's place. We the Board and the  
10 new administrative judge will be able to attend a hearing on  
11 December 4, which is a Friday.

12 Now, how many days prior to that time are the  
13 parties agreed that they should submit their affidavits  
14 and/or written direct testimony?

15 MR. SOHINKI: I would propose one week, Mr.  
16 Chairman.

17 JUDGE WOLFE: And that takes it back to what, Mr.  
18 Sohinki? November 27?

19 MR. SOHINKI: Yes, but I notice that is the day  
20 after Thanksgiving and that may create problems for some  
21 people.

22 JUDGE WOLFE: Well, we settled on December 4.

23 MR. COWAN: We can meet whatever schedule the  
24 staff wants. We can meet November 27, or if Mr. Sohinki is  
25 suggesting that it be the 25th, we can meet that date, or

1 whatever date is agreeable with Mr. Sohinki and the staff,  
2 we are agreeable with.

3 MR. SOHINKI: My suggestion would be to leave it  
4 the 27th, and those people who have problems with the 27th  
5 on the staff, we will endeavor to get that material in by  
6 the 25th, so that we would get it in no later than the 27th.

7 MR. COWAN: That is fine, Mr. Chairman.

8 JUDGE WOLFE: Now I want this to be clear, that  
9 the Board is willing to have tendered to it on or before  
10 November 27th testimony in the form of affidavits instead of  
11 prefiled written direct testimony. However, we expect and  
12 require that whoever the deponent or affiant will be present  
13 on December 4th for examination by the Board and possible  
14 examination by Applicant and or by staff.

15 Now, if I don't say that again, it is clear from  
16 what I am saying now that that will be a requirement by the  
17 Board.

18 MR. SOHINKI: Yes, sir.

19 JUDGE WOLFE: All right.

20 Now, with this new hearing date of December 4th  
21 and with -- what dates can the parties agree on? Well, as  
22 to Applicant, when would you now propose to submit your  
23 Supplementary Proposed Findings of Fact and Conclusions of  
24 Law?

25 MR. COWAN: One moment, Mr. Chairman.

1 JUDGE WOLFE: Yes.

2 (Pause.)

3 MR. COWAN: Mr. Chairman, we would be prepared to  
4 file the Supplemental Findings of Fact and Conclusions of  
5 Law on Friday, December 11. What we would propose to do  
6 would be to order an expedited transcript so that we would  
7 have the transcript of the December 4 hearing by Monday,  
8 December 7. Of course, most of our preparation for the  
9 supplemental findings would be done in advance of the next  
10 hearing session, and therefore we would suggest that our  
11 filing date remain December 11.

12 JUDGE WOLFE: All right.

13 What do you propose as to the due date for the  
14 filing of -- I guess this would be -- well, no intervenor  
15 filed initially partial proposed findings of fact.

16 MR. COWAN: That is correct, Mr. Chairman.  
17 However, we believe that it is necessary to afford  
18 intervenors that opportunity?

19 JUDGE WOLFE: What opportunity shall they now be  
20 given and on what date?

21 MR. COWAN: On the regulations in 10 CFR Part 2  
22 they normally have a ten-day period after the Applicant's  
23 filing, so we would propose December 21, which is a Monday,  
24 for the intervenor filing.

25 JUDGE WOLFE: And that is the filing of what,

1 Supplementary Findings of Fact and Conclusions of Law? Or  
2 is this --

3 MR. COWAN: Well, we believe that all they are  
4 entitled to is Supplementary Finding of Fact and Conclusions  
5 of Law. If one of them requested to file full findings, I  
6 think we would have to deal with that at that time. I think  
7 they are past by some two years or some year and a half the  
8 time when they should have filed Proposed Findings of Fact  
9 or Partial Proposed Findings of Fact, so we think the only  
10 appropriate area for them to file on would be on matters  
11 that are new since the last filings occurred on Proposed  
12 Findings of Fact which were in midsummer of 1979.

13 Under 10 CFR Part 2.754(b), failure to file  
14 Proposed Findings of Fact and Conclusions of Law or briefs  
15 when directed to do so may be deemed a default and an order  
16 or initial decision may be entered accordingly. The Board  
17 had an order directing proposed findings of fact with  
18 respect to all outstanding issues be filed in June 1979.  
19 Such findings were not filed by any of the intervenors.  
20 Therefore I think it is appropriate at this point with  
21 regard to the supplemental proposed findings only to allow  
22 filing by the intervenors of supplemental proposed findings  
23 with respect to those issues that are now up before the  
24 Board.

25 JUDGE WOLFE: Do you happen to have, Mr. Cowan,

1 the date of our order ruling that partial proposed findings  
2 shall be filed by such and such a date in the past? I think  
3 it was May 2, 1979. Is that correct?

4 MR. COWAN: My memory says that but that is a  
5 while ago so I am trying to check that here.

6 JUDGE WOLFE: Okay.

7 MR. COWAN: I don't seem to have that order with  
8 me, Mr. Chairman, so I can't verify from what I have here  
9 the date of that order.

10 JUDGE WOLFE: Would you like to see my copy?

11 MR. COWAN: This is the order I was thinking of  
12 dated May 2, 1979, which establishes a schedule for filing  
13 of Partial Proposed Findings of Fact for all matters which  
14 at that time had been previously addressed in the  
15 evidentiary sessions. The order required the Applicant to  
16 file partial proposed findings of fact on June 1, 1979 and  
17 the staff to file partial proposed findings of fact on July  
18 11, 1979. The order granted permission to the other parties  
19 to file on July 2, 1979.

20 JUDGE WOLFE: All right. Let's retrace our steps.  
21 The Board will have to issue an order, but we wish to be as  
22 explicit and specific as possible. The hearing is to be  
23 held on December 4th and will be devoted to what? To  
24 hearing precisely what? Any suggestions by the parties on  
25 the wording of the order?

1 I will just leave it to receive evidence on any  
2 outstanding matters. We have discussed that during the  
3 course of this prehearing conference. I don't think anyone  
4 is doubtful of what they have to determine as to the matters  
5 they will have to submit written direct testimony on or  
6 affidavits. I don't think there is any doubt in anybody's  
7 mind there.

8 MR. COWAN: I believe the general language which  
9 you have just suggested, Mr. Chairman, would be appropriate  
10 language. I think if we tried to cover the specific points  
11 such as admission of the SER, Supplement 3 and 4, that that  
12 would be superfluous.

13 JUDGE WOLFE: Yes. All right.

14 MR. SOHINKI: I think if we just left the language  
15 to be similar to matters discussed at the prehearing  
16 conference which were in need of update or other matters  
17 which the parties feel need updating, that way people could  
18 refer to the prehearing conference transcript and then  
19 discover for themselves exactly what matters were discussed.

20 MR. COWAN: Mr. Chairman, it might be useful for  
21 the other parties to also be aware if it is indeed the  
22 Board's intention that following the conclusion of that  
23 hearing, that the record would be closed or at least that  
24 the Board proposes to close the record following the  
25 conclusion of that hearing if indeed that is the Board's

1 intention.

2           JUDGE WOLFE: All right. The first portion of the  
3 order then will read that the hearing is scheduled for  
4 December 4th to receive evidence on outstanding matters  
5 which were discussed at the prehearing conference on  
6 November 2, 1981, and that in substance the record will be  
7 closed at the conclusion of that session.

8           All right. The second part of the order or the  
9 second item in the order will be written testimony or  
10 affidavits to be submitted on November 27, 1981 -- submitted  
11 by November 27, with the sponsors thereof to appear for  
12 cross-examination and for Board questioning.

13           The third item in the order will be that Applicant  
14 shall file by December 11th Supplementary Proposed Findings  
15 of Fact and Conclusions of Law.

16           The fourth item will be -- now here is where there  
17 is a problem. They have not in the past, as we know, filed  
18 partial proposed findings. Our order will read, then, that  
19 they shall file by December 21st Supplementary Proposed  
20 Findings of Fact. I don't know whether that would be clear  
21 to them or how we can put any cut-off date on the subject  
22 matter of their proposed findings.

23           MR. SOHINKI: If I could suggest something, Mr.  
24 Chairman, I believe an order which permitted them to file  
25 findings starting with the hearing session which next

1 followed the filing of the partial proposed findings and  
2 going forward would be an appropriate date. In other words,  
3 the partial proposed findings covered hearings that were  
4 held prior to the session of November 2, 1979, so that if  
5 the intervenors were given an opportunity to file anything  
6 which started from the record on that date and moved  
7 forward, including TMI issues or anything that came after  
8 that, I think that would protect their rights.

9 MR. COWAN: I think that is correct. The Board  
10 might wish to word the order that the intervenors can file  
11 proposed findings in response to supplemental proposed  
12 findings filed by the Applicant or with respect to any other  
13 matters which have been considered by the Board since -- and  
14 I believe the date would be June 1, 1979.

15 (Board conferring.)

16 JUDGE SCHINK: I have a letter in my hand from  
17 John Kenrick to the Board dated April 7, 1979 wherein  
18 apparently he had made inquiry as to the probability of  
19 receiving proposed findings from various intervenors and  
20 reported that the counsel for ACCCE advises that it does not  
21 intend to file Proposed Findings of Fact and Conclusions of  
22 Law. Counsel for Atlantic County advises at the time the  
23 hearing record is closed it will seek authorization from the  
24 Board of Chosen Freeholders to submit Proposed Findings of  
25 Fact and Conclusions of Law.

1           It is not obvious to me that we had precluded  
2 their filing these proposed findings when we authorized the  
3 partial proposed findings to be written by staff and  
4 Applicant. I think there is a high probability that this  
5 whole issue is moot, but it might be useful for another  
6 informal inquiry to determine whether they still plan to  
7 file something.

8           MR. COWAN: We can make that inquiry, Dr. Schink,  
9 and we can report back to the Board by Wednesday morning on  
10 the results of that inquiry. We have been in communication  
11 from time to time with counsel for Atlantic County, and he  
12 has indicated as far as he knows the County has no further  
13 interest in the proceeding but that of course if any order  
14 comes down, he would take it up with the County, so that we  
15 will check with him either this afternoon or tomorrow and  
16 report back to the Board on that.

17           In light of that concern, perhaps the order ought  
18 to read that they have the right to file Proposed Findings  
19 of Fact and Conclusions of Law with respect to this  
20 proceeding generally. I agree it is probably a moot  
21 question.

22           JUDGE SCHINK: So insofar as Applicant and staff  
23 are concerned, the order will -- well, insofar as Applicant  
24 is concerned, the order would read that Applicant by  
25 December 11 shall file Supplementary Findings of Fact --

1 Proposed Findings of Fact and Conclusions of Law.

2           With respect to the fourth item of the order and  
3 insofar as intervenors are concerned, it will provide that  
4 by December 21st intervenors may file Proposed Findings of  
5 Fact and Conclusions of Law. And that should indicate to  
6 them that if they wish, they may file proposed findings that  
7 relate to matters that were tried two and three years ago;  
8 correct?

9           MR. COWAN: Yes, that is correct, Mr. Chairman.

10           JUDGE WOLFE: Do you think this order should be  
11 any more explicit than that, or once again shall be just  
12 assume that people will read the transcript of this  
13 prehearing conference? I must say that under the rules, the  
14 Commission obviously will have to issue an order summarizing  
15 what was discussed at this prehearing conference, but I am  
16 not going into much detail, if at all, as to what was  
17 discussed. It is much too lengthy and I am just going to  
18 treat that in a summary manner in another order.

19           If you suggest that the Board be more specific as  
20 to what intervenors may file, please let me know at this  
21 time.

22           MR. SCHINKI: I think that since all the  
23 intervenors are represented by counsel, they should  
24 understand what the Board means by filing proposed findings.

25           JUDGE WOLFE: All right.

1 MR. COWAN: We will endeavor to contact counsel  
2 for each of the intervenors who remain in the case and  
3 advise them of the results of this prehearing conference.  
4 We will also offer if they wish to make available to them  
5 directly a copy of the transcript of the prehearing  
6 conference so they will have a copy if they desire it in  
7 their possession.

8 JUDGE WOLFE: All right.

9 Now as to the fifth item, when shall staff -- by  
10 what date will they file their Supplementary Proposed  
11 Findings of Fact?

12 MR. SOHINKI: I should think that since we are  
13 following pretty much the original schedule for filing  
14 proposed by the Applicant, that we could still file on  
15 December 31, I believe it is.

16 JUDGE WOLFE: All right. I will try this out for  
17 size.

18 With respect to the intervenors the order will  
19 read that by December 21 they may file Proposed Findings of  
20 Fact and Conclusions of Law with respect to all matters  
21 which have been tried. I think that serves to alert them  
22 that they are not going to be limited to matters that have  
23 been adduced since November 2, 1979. Satisfactory?

24 MR. SOHINKI: Yes, sir.

25 MR. COWAN: Yes, Mr. Chairman.

1 JUDGE WOLFE: All right.

2 MR. COWAN: Mr. Chairman, I believe we would have  
3 a right to file a response to any filing of either the  
4 intervenor or the staff. With respect to the intervenor  
5 filings, we would be prepared to respond by December 31 to  
6 any proposed findings that they may file. With respect to  
7 the staff, we frankly doubt whether there will be a  
8 necessity for filing any response, so we think that can be  
9 left out. If there is, we might ask the Board at that time  
10 to establish a very quick date for a response.

11 JUDGE WOLFE: All right.

12 MR. SOHINKI: Mr. Chairman, if I might suggest,  
13 the 2.754 provides that the Applicant should have five days  
14 after the filing of proposed findings by all parties to  
15 reply, and I believe if the Board were to provide a five-day  
16 period after December 31, the Applicant can make the  
17 determination as to whether they want to reply to anyone's  
18 findings, ours or the intervenor's, and that would follow  
19 that rule.

20 MR. COWAN: That would be fine, Mr. Chairman.

21 JUDGE WOLFE: So we change the --

22 JUDGE SCHINK: That gives you one working day.

23 MR. COWAN: That is correct, assuming one doesn't  
24 count January 1 as a working day.

25 JUDGE WOLFE: Now, what do I understand, that

1 Applicant will file its response to intervenors by December  
2 26th, is that right, and then tack on five days?

3 MR. COWAN: I believe the way the rule is now  
4 worded, Mr. Chairman, the Applicant would have five days  
5 from the date that the staff has to file its proposed  
6 findings in which to file responses not only to the staff  
7 but to anyone else. So that if we take the December 31  
8 date, the Applicant would have until January 5, I guess.

9 JUDGE WOLFE: Oh, all right. Is that all right?

10 MR. COWAN: That is fine with us.

11 JUDGE WOLFE: All right.

12 So the final order of the order would read that  
13 Applicant shall respond to staff's Supplementary Proposed  
14 Findings of Fact and Conclusions of Law and to intervenor's  
15 Findings and Conclusions of Law by January 5, 1982; is that  
16 correct?

17 MR. COWAN: Correct, Mr. Chairman.

18 JUDGE WOLFE: All right.

19 Now, we have reduced the time for the Proposed  
20 Findings and Conclusions of Law, and we have also reduced  
21 the time limits for the filing of written direct testimony  
22 and/or affidavits. We do so there having been good cause  
23 shown. Namely, to the Board's mind this is an overaged case  
24 and we have to proceed now in an expeditious manner, there  
25 having been more than two years of suspension.

1           Secondly the good cause for reducing the time  
2 limits has been the fact that intervenors were not present  
3 at this prehearing conference and further did not indicate  
4 or notify the Board, as they were requested to do, to  
5 indicate whether or not they would continue to participate  
6 in further proceedings.

7           All right. Any other matters to discuss?

8           MR. COWAN: No, Mr. Chairman.

9           MR. SOHINKI: No, sir.

10          JUDGE WOLFE: All right. The Board will issue an  
11 order setting out these items, and per your suggestion, Mr.  
12 Cowan, you should call the intervenors to alert them to this  
13 forthcoming hearing and alert them about the meaning of the  
14 particular item in our order that they may file Proposed  
15 Findings and Conclusions of Law on all outstanding matters  
16 or all matters.

17          We will now recess until 10 a.m. on December 4.

18          (Whereupon, at 12:40 p.m. the prehearing  
19 conference was adjourned.).

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

Atomic Safety and Licensing Board

in the matter of: Offshore Power Systems (Manufacturing License for Floating Nuclear Power Plant)

Date of Proceeding: November 2, 1981

Docket Number: STN-50-437-CP

Place of Proceeding: Bethesda, Maryland

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

Ann Riley

Official Reporter (Typed)



Official Reporter (Signature)