

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING COMPANY,
ET AL.

(Comanche Peak Steam Electric
Station, Units 1 and 2)

}
Docket Nos. 50-445
50-446
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AFFIDAVIT OF JOHN S. BERGGREN

Q1. By whom are you employed, and what is the nature of your work?

A1. I am employed by the U.S. Nuclear Regulatory Commission and am assigned as Project Manager of Topical Reports. I coordinate the determination of the acceptability for review of topical reports, and distribute incoming topical reports, responses to requests for additional information and related correspondence to the appropriate review branches. I also review outgoing requests for additional information, and safety evaluation reports relevant to topical reports, I am responsible for preparing for the letters of transmittal to the topical report submitters. I prepare the Technical Assignment Control Forms for each topical report and I maintain and update the information for the Topical Report Review Status document NUREG-0390. A statement of my professional qualifications is attached to this affidavit.

Q2. Would you describe the scope of the subject matter addressed in your affidavit?

- A2. I have been asked to describe the Topical Report Program of the NRC, and to determine whether the topical reports identified in paragraph 2 of Applicants' "Statement of Material Facts As To Which There Is No Genuine Issue" ("Statement of Material Facts"), is correct.
- Q3. Have you read, and do you agree with paragraph 2 of Applicants' Statement of Material Facts, with regard to NRC Staff acceptance of the topical reports listed in that paragraph?
- A3. I have read, and I agree with paragraph 2, and add that Report 5, WCAP-7907, "LOFTRAN Code Description", was accepted for use only in ATWS analyses.^{*/} Copies of the acceptance letters for the accepted topical reports listed in paragraph 2 are attached to my affidavit.
- Q4. What is a topical report and what function does it serve?
- A4. Section 50.34 of the Commission's regulations requires that each application for a construction permit for a nuclear facility shall include a Preliminary Safety Analysis Report (PSAR) and that each application for a license to operate such a facility shall include a Final Safety Analysis Report (FSAR). The SAR must be sufficiently detailed to permit the NRC Staff to determine whether the plant can be built and operated without undue risk to the health and safety of the public.

^{*/} NUREG-0390, Vol. 5, No. 2 (January 20, 1982).

Some of this detail is developed for the applicant by the nuclear steam system supply ("NSSS") vendor or other industry vendor organization. The purpose of the NRC Licensing Topical Report Program is to provide a procedure whereby industry organizations may submit reports on specific safety related subjects and have them reviewed independently of any construction permit or operating license review. This one-time submittal and review may then be referenced by applicants for construction permits or operating licenses whose facilities have common safety-related subjects. This approach minimizes the time and effort necessary to repeatedly address a subject common to several licensing actions in each of the individual licensing actions.

Q5. What are the general requirements for acceptance of a licensing topical report for review?

A5. A report submitted by any industrial organization should meet the following requirements to be accepted for review:

- (1) The report deals with a specific subject regarding a nuclear power plant that requires a safety assessment by the NRC Staff, such as component design, analytical models or techniques, or performance testing of components and/or systems, which can be evaluated independently of any specific license application;
- (2) The report is, or is expected to be, referenced in a number of license or standardized reference design approval applications;
- (3) The report contains complete and detailed information on the specific subject presented. Conceptual or incomplete preliminary information will not be reviewed.
- (4) NRC approval of the report will result in increased efficiency of the review process for applications which reference the report.

(5) There should be at least two potential Applicants having an intent to reference the proposed report.

Exceptions to these requirements are permissible if the reports evaluation would contribute to the formation of a broader base for resolution of a present or developing safety related subject generally evidenced by the experience from operating nuclear power plants.

Q6. Who is responsible for accepting or rejecting topical reports for review?

A6. A Nuclear Regulatory Commission Program Manager (PM) has been or will be assigned for each industry organization which has a topical report program acceptable to the NRC. In addition, the NRC has assigned a PM specifically for quality assurance of topical reports. The assigned PM is responsible for accepting or rejecting for review specific topical reports submitted to the NRC for review. When a report is accepted for review, the PM is responsible for directing and monitoring the Staff review and for all liaison and correspondence between the NRC Staff and the industry organization.

Q7. How are review responsibilities and assignments established?

A7. The Standard Review Plan (SRP) is prepared for the guidance of Staff reviewers in the Office of Nuclear Reactor Regulation in performing safety reviews of applications to construct or operate nuclear power plants. The principal purpose of the SRP is to assure the quality and uniformity of Staff reviews. The individual SRP sections address, in detail, who performs the review, the matters

that are reviewed, the basis for review, how the review is accomplished, and the conclusions that are sought. The safety review is performed by one or more of 25 primary branches. One of the objectives of the SRP is to assign the review responsibilities to the various branches and to define the sometimes complex interfaces between them. Each SRP section identifies the branch that has the primary review responsibility for that section. In some review areas the primary branch may require support, and the branches that are assigned these secondary review responsibilities are also identified for each SRP section.

Upon receipt of a topical report and its distribution in accordance with the Nuclear Regulatory Commission Topical Report Program, the NRC Program Manager prepares a Technical Assignment Control Form (TACS) for its review. The NRR Planning and Program Analysis organization then assigns a TACS number. A copy of the completed form is provided to the Office of Management and Program Analysis, who in turn enters the assignment into the Regulatory Activity Manpower System (RAMS). This authorizes the responsible branch(es) to perform their review in accordance with the Standard Review Plan guidance.

- Q8. What is the required content of a licensing topical report?
- A8. Because of the diversity of the subject matter addressed by topical reports, it is not practical to prescribe a standard format for a report as a whole; however, certain minimum requirements should be met.

The report must include an abstract not to exceed one page in length which summarizes the contents of the report and the conclusions reached. For a report approved by the NRC, the Staff evaluation letter of NRC approved reports is to be inserted immediately following the title page and thus just in front of the abstract.

The report should have an introductory section which delineates the purpose of the report and clearly defines its scope and applicability. If there are any limitations or restrictions on the use of the report or its results or conclusions as determined by either the Staff or the industry organization, these should also be listed in this section. The purpose of this information is to guide the users of the report. The report should include a listing of all pertinent references.

The remaining body of the report may be organized according to the discretion of the industry organization to suit its needs and the subject matter of the report. However, it is recommended that long tabulations of data such as test results, computer program descriptions, detailed technical analyses or derivations and the like be included as appendices when they are included as information supporting statements or conclusions and are not, in themselves, the subject of the report.

Diverse or unrelated subjects should be addressed in separate topical reports to the extent practical rather than combined in one report.

Q9. What types of subjects are submitted for Staff reviews as topical reports?

A9. Section 50.34 of 10 C.F.R. specifies, in general terms, the information to be supplied in a SAR. The specific information required by the Staff for an evaluation of an application is identified in Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants - LWR Edition." A licensing topical report may be used as the submittal instrument on any subject as a substitute for its inclusion in SARs as long as it has the potential for application in multiple licensing proceedings.


Q10. How are requests for additional information handled?

A10. Requests for additional information and/or comments on a topical report under review can be handled either by a meeting or by letter. Written requests to an industry organization for additional information on topical reports will be transmitted by the Chief, Standardization and Special Projects Branch. As the industry organization provides answers to the Staff questions, the responses are submitted to the Chief, Standardization and Special Projects Branch. Meetings with an industry organization to discuss the contents of a topical report will be scheduled by the PM or the review branch, at the discretion of the PM.

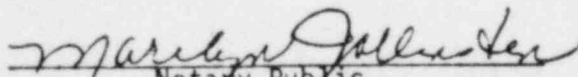
Q11. How are letters of acceptance issued?

A11. When a review branch(es) has found the licensing topical report acceptable it prepares a safety evaluation report. This report is transmitted to the Assistant Director-Licensing. The Topical Report Project Manager prepares a letter of acceptance for transmittal to the submitting industrial organization. The transmittal letter states that the Staff has found that the topical report is acceptable for referencing in licensing actions. The extent of and conditions for acceptance, if any, are set forth in the transmittal letter. The letter reiterates the referencing requirements for proprietary reports, if appropriate; the requirements for submittal of an accepted version which includes the SER and its transmittal letter; and the Staff's intent regarding further review when the report is referenced.

The above statements and opinions are true and correct to the best of my personal knowledge and belief.


John S. Berggren

Subscribed and sworn to before me
this 12th day of February, 1982.


Notary Public

My Commission Expires: July 1, 1982

PROFESSIONAL QUALIFICATIONS

OF

JOHN S. BERGGREN

I am a Senior Reactor Safeguards Analyst in the Standardization and Special Projects Branch, Division of Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission. I am assigned as Project Manager for Topical Reports.

I have a Bachelor of Aeronautical Engineering degree from the University of Minnesota and a Master of Science degree in Engineering from the University of Michigan.

My experience in the Regulatory field began in 1975 when I was appointed to the Office of Nuclear Regulatory Research as Chief, Systems Analysis Branch under the Assistant Director for Safeguards Research. I was loaned to the Division of Operating Reactors in May 1977 to participate in the Amended Security Plan review effort and transferred to that Division in December 1977.

My experience in the nuclear field began in 1971 when I joined the Projects Division of the General Atomic Company. From 1971 to 1975 my assignments included: Reactor Plant Construction Master Scheduling; Reactor Construction Completion Coordination; Representative at the Steam Generator Associate Contractor Plant; and Development of Engineering/Production/Construction management methods.

From 1956 to 1971 I held various aerospace management positions with the Convair and Astronautics divisions of General Dynamics Corporation. Prior to that I was in the U.S. Air Force for 11 years, principally in research and development assignments.