



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

September 7, 1982

Peter B. Bloch, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
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Washington, D.C. 20555

In the Matter of
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.,
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440 OL & 50-441 OL

Dear Administrative Judges:

During the August 13, 1982 transcribed conference call (Tr. 756-757) the Licensing Board directed the parties to file by September 7, 1982 recommendations for dates for commencement of the hearing on all issues except Issue #8 (hydrogen rupture of containment) and Issue #1 (adequacy of offsite emergency evacuation plans), which would be the subject of later hearing sessions. The question was also raised as to whether Issues 3-7, 9 or 11 would be addressed in further supplements to the SER. The Staff herein presents its recommended schedule for hearings on Issues 3-7, 9 and 11 and provides information on which of these issues will be addressed in further supplements to the SER.

The Board has already established the following dates for completion of discovery requests:

As to Issues 3-7 -- September 30, 1982

As to Issues 9 and 11 -- October 15, 1982

Working from these dates, the Staff proposes the following schedule for steps leading up to the commencement of the hearing on Issues 3-7, 9 and 11 and for the commencement of the hearing:

- Completion of responses to discovery on Issues 3-7 -- October 29, 1982
- Completion of responses to discovery on Issues 9 and 11 -- November 15, 1982

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- Motions for summary disposition on Issues 3-7 -- November 15, 1982
- Motions for summary disposition on Issues 9 and 11 -- December 1, 1982
- Answers to motions for summary disposition on Issues 3-7 -- December 10, 1982
- Answers to motions for summary disposition on Issues 9 and 11 -- December 27, 1982
- Board ruling on motions for summary disposition -- January 10, 1983
- Direct testimony filed -- January 24, 1983
- Commencement of hearing -- February 8, 1983

Regarding the question of whether Issues 3-7, 9 and 11 will be ripe for a February 1983 hearing, the Staff would note that all of these issues except polymer degradation (recently admitted Issue 9) have been addressed in the SER, Supplement No. 1 to the SER, and/or the Final Environmental Statement. The Staff presently anticipates addressing the issue of polymer degradation in a supplement to the SER to be issued in advance of a February 1983 hearing. Certain other issues (Issue 6 on the Standby Liquid Control System (SLCS) and Issue 3 on the Quality Assurance Program) will be the subject of further review in supplements to the SER. The SLCS is being modified by Applicants and the details of the modified design are not presently scheduled to be formally submitted to the Staff until January 1983. The review of the construction and design QA program will be the subject of SER Supplements by the NRC Staff, including a Supplement planned for issuance shortly before the completion of construction of Unit 1. This updating process is partially in response to the Advisory Committee on Reactor Safeguards letter of July 13, 1982 on Perry. See Appendix F to Supplement No. 1 to the SER and the Staff's response in Section 22. The Staff expects, however, that the modifications to the Applicants' QA program for design and construction in response to the February 1978 Immediate Action Letter, which is the focus of Issue 3, will have been fully addressed in the SER and Supplements thereto filed in advance of February 1983 hearing.

The Staff concludes that Issues 3, 4, 5, 7, 9 and 11 will be ripe for consideration at a February 1983 hearing. If Applicants can advance the date for submission of their information on the modified SLCS design, Staff believes that Issue 6 can also be considered at that hearing session.

Sincerely,

Stephen H. Lewis
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