



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

February 3, 1983

The Honorable Richard L. Ottinger  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Ottinger:

This is a partial response to your letter of January 14, 1983 regarding the authority of the Commission, as contained in P.L. 97-415, to issue temporary operating licenses. The information was not readily available in the format you requested, and we regret that we were not able to respond within your requested time frame.

In order to provide you with information as quickly as possible, we are enclosing answers to Questions 5 through 9 of your letter. Responses to the remaining questions will be forwarded to you as soon as they are available.

It is true that the Commission, in requesting interim licensing authority from Congress two years ago, cited projections showing the possibility of significant licensing delay. However, it is also true that during the nearly two years that the interim licensing legislation was under consideration by the Congress, the NRC was providing our principal oversight committees with monthly reports on the delays. These reports showed a steady reduction in the number of months of projected delay. During budget hearings in both 1981 and 1982, the Commission testified as to the extent of the delays then projected, noting that a substantial reduction in projected delay had resulted from a combination of actions taken administratively by the NRC and more realistic licensee projections of construction completion dates. A more definitive discussion of these actions is contained in House Committee on Energy and Commerce Report 97-132 dated March 3, 1982. At the time of the Conference on the NRC authorization bill the projected delay was zero.

We will endeavor to respond to the remaining questions you asked as quickly as possible.

Sincerely,

  
Nunzio J. Palladino

Enclosures:  
Responses to Questions  
5,6,7,8, and 9

XA Copy Has Been Sent to PDR

XA 8302170081

Question #5

Identify any nuclear reactor under construction which may qualify for application for a temporary operating license.

Response

Any reactor under construction for which the following events are completed in 1983 may qualify for application for a temporary operating license:

- (1) NRC Safety Evaluation Issued
- (2) NRC Final Environmental Statement Issued
- (3) ACRS Letter Issued
- (4) Staff Supplemental SER Responding to ACRS Letter Issued
- (5) State, Local, or Utility Emergency Plan Filed
- (6) Construction Complete, and
- (7) ASLB Initial Decision Not Issued

Using current schedules, as reported to the Subcommittee on Energy and Water Development in January 1983, the Shoreham reactor would qualify.

Reactors could be added or deleted from this "qualified" list depending on the actual completion dates of certain events. For example, if the actual completion date of the Shoreham facility should slip into 1984, it would no longer be qualified. On the other hand, for any reactor otherwise qualified, but for which the ASLB initial decision is delayed beyond the construction completion date, then that reactor would qualify. Reactors in this latter category which could potentially qualify for temporary operating license consideration due to possible hearing delays include:

Waterford 3  
Comanche Peak 1  
Midland 1/2  
Byron 1  
Perry 1

Since there is currently no projected delay between the scheduled completion of construction and licensing of these plants, Questions 7 through 9 are answered only for the Shoreham facility. Any slippage in licensing will be identified to the Congress in our quarterly reports on the status of major licensing activities.

### Question #6

Provide a description of the procedures instituted by the Commission to verify information and projected schedules provided by the applicant.

### Response

Each near-term operating license (NTOL) applicant has been requested by the NRC to update its estimate of construction completion on a quarterly basis. To gain confidence that these estimates are realistic, the NRC is continuing, and, in fact, expanding efforts to independently verify these estimates and the projected schedules supplied by the applicants.

The NRC regularly conducts site visits of nuclear plant construction sites to review the construction progress and rate of progress and to assess the planning and progress of the pre-operational test program. These visits are conducted by NRC Caseload Forecast Panels consisting of one or more construction estimators, the Licensing Project Manager, the NRC Resident Inspector and a member of management from the Division of Licensing, Office of Nuclear Reactor Regulation. These visits are scheduled on the basis of the stage of licensing for each individual facility and on the probability of the facility to be affected by a regulatory delay. Twenty-five plants are scheduled for site visits during the next nine months. During these site visits, the NRC assesses the following progress indicators:

- (a) The status of design engineering and procurement activities.
- (b) Progress in installation of bulk commodities such as large-bore piping, small-bore piping, pipe supports and hangars, electrical raceways (cable tray, conduits), electrical cable and termination of electrical circuits since the previous Caseload Forecast Panel assessment.
- (c) Present installation rate of the bulk commodities itemized above.
- (d) Projected installation rates of the bulk commodities itemized above considering any perturbations which may affect those rates.
- (e) A site walkdown by the panel to verify applicant estimates and assess any possible difficulties in maintaining the scheduled installation rates.
- (f) The effect of any required rework of systems and commodities.
- (g) The applicant's pre-operational testing program.
- (h) Manpower loading on various construction activities.

With the information obtained during the site visit, the Caseload Forecast Panel prepares an independent estimate of construction completion (including testing) using construction estimating practices and curves common to the nuclear industry. A formal procedure for preparing this estimate has been prepared and is presently being reviewed by the NRC staff.

In cases where the Caseload Forecast Panel assessment indicates a deviation of greater than approximately six (6) months from the applicant's estimate of construction completion, a meeting between NRC senior management and senior representatives of the applicant is scheduled to resolve these differences. To date, this method has frequently resulted in the applicant involved agreeing that their estimates were too optimistic.

The NRC is committed to a continuing program of independently verifying applicant estimates of construction completion and will continue to resolve differences between applicant estimates and NRC estimates. Applicant estimates are reported quarterly to the House Appropriations Subcommittee on Energy and Water Development as the basis for operating license reviews.

Question #7

For any reactor identified in the response to Question 5, please provide the date by which the Commission staff believes plant construction will be sufficiently complete to permit (a) fuel loading, (b) initial criticality, (c) five percent power?

Response

Construction must be essentially complete for any reactor prior to authorizing fuel loading. Generally, at that date the license that is issued authorizes fuel loading and operation up to 5% power.

For the Shoreham facility, the staff believes that construction will be sufficiently complete by June 1983 to permit issuance of an operating license. For this reactor, initial criticality could then be achieved by July 1983 and 5% power operation by August 1983.

Question #8

For any reactor identified in the response to Question #5, please provide the dates of all meetings of the applicant and the Commission staff which occurred after July 1, 1982 concerning scheduling; together with a list of all participants and the agreed-upon schedule, if any. Provide the basis for any disagreement between the applicant and Commission staff on an estimated completion date, and any dissenting staff opinion and the basis therefor.

Response

SHOREHAM

On August 11 through August 13, 1982 the NRC staff met with the applicant, the Long Island Lighting Company (LILCo). The staff estimated a June 1983 date for fuel load while the applicant held to its December 20, 1982 date.

Participants:	<u>NRC</u>	<u>LILCo</u>
	W. Lovelace	W. Uhl
	J. Higgins	E. Youngling
	R. Gilbert	W. Museler

On September 27, 1982 an upper level management NRC staff/LILCo meeting was held. In this meeting the applicant revised its estimate to late first quarter 1983.

Participants:	<u>NRC</u>	<u>LILCo</u>
	H. Denton	W. Uhl
	W. Dircks	M. Pollock
	L. Barry	
	T. Novak	

On November 22, 1982 an NRC staff/LILCo management meeting was held to discuss schedules. The applicant continued to hold to a fuel load date of first quarter 1983, although it was pointed out that many review items remained to be closed out.

Participants:	<u>NRC</u>	<u>LILCo</u>
	J. Allan	M. Pollock
	R. Starostecki	E. Youngling
	T. Martin	W. Museler
	R. Gallo	
	A. Schwencer	
	S. Ebnetter	
	R. Gilbert	
	E. Weinkam	
	J. Higgins	
	P. Hannes	

On January 10 thru January 13, 1983, the NRC staff met with the applicant and informed it that the NRC staff's estimate of fuel load for Shoreham Nuclear Power Station is June 1983, at the earliest.

## Participants:

NRC

R. Gallo  
E. Greenman  
R. Caruso  
S. Richards  
W. Bateman  
A. Cerne  
C. Coughlin III  
J. Higgins  
W. Raymond  
G. Rhoads  
C. Petrone

LILCO

J. Rivello  
W. Museler

On January 19, 1983, the applicant informed the ASLB that plant completion is estimated to be late second quarter/June 1983 at the earliest. The staff concurs with this estimate and there is no staff dissenting opinion.

Question #9

Please identify any reactor for which delay is projected between construction completion and issuance of a low-power operating license during FY 1984 and FY 1985, together with the reasons for such delay.

Response

No such delays are presently projected. During FY 1984 and FY 1985 there are 18 reactors for which the applicant is projecting completion of plant construction. The latest schedules provided to the House Committee on Appropriations indicate that Commission decision dates for these plants are scheduled to precede applicant construction completion dates, thus permitting timely issuance of a low-power license.

With the exception of four reactors for which the hearing is already completed or none was requested, the remaining 14 reactors are scheduled to have a hearing. While every effort will be made to complete the hearing on schedule, delays may occur. Additionally, for Catawba 1, the applicant informed us on January 19, 1983 that plant completion has been accelerated from November 1984 to May 1984. Since our licensing review and hearing schedule was originally established based on the later date, all aspects of the licensing process starting with the issuance of the staff's Safety Evaluation Report on February 6, 1983 must now proceed without delay in order for the plant not to incur a delay in receiving a low-power license.