

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

Before Administrative Judges:

Marshall E. Miller, Chairman
Gustave A. Linenberger, Jr.
Cadet H. Hand, Jr.

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In the Matter of

UNITED STATES DEPARTMENT OF ENERGY
PROJECT MANAGEMENT CORPORATION
TENNESSEE VALLEY AUTHORITY

(Clinch River Breeder Reactor Plant)

Docket No. 50-537

September 27, 1982

ORDER

The Intervenors filed a motion on September 9, 1982 to strike or amend certain portions of Applicants' Exhibit 1, which consists of prefiled direct testimony. The basis for this motion is that such testimony presents conclusions about the adequacy of CRBR safety systems that are based on detailed, design-specific data and analyses of CRBR. The motion was opposed by both Applicants and Staff.

The Board issued an Order April 22, 1982 which outlined the scope of the issues to be considered in the LWA-1 hearing. We concluded that 10 CFR §50.10(e)(2)(ii) does not require a complete safety review based on the completed detailed design of the specific reactor proposed at the LWA-1 stage, but rather a preliminary safety finding based on available information and review to date of a reactor of the general size and type proposed.

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Safety information may be presented to demonstrate the feasibility of general systems in the proposed general size and type facility at the site suitability hearings.

During the August 23, 1982 session of the hearing, Intervenors moved to strike certain portions of the Applicants' testimony on the basis that they included a discussion of CRBR design details which violated the Board's April 22, 1982 Order (Tr. 1299), claiming that this detailed information was being used by Applicants to demonstrate adequacy of design and performance reliability. However, the Board ruled that the testimony, documents and exhibits offered by the Applicants, including the testimony in question, would be admitted, although they contained detailed design information, for the limited purpose of being illustrative of the reactor of the general size and type proposed (Tr. 1349). The Applicants were instructed to modify those portions of the testimony which were more than illustrative.

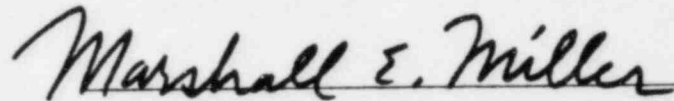
Applicants made certain specific changes to their Exhibit 1 (see Tr. 1986, 1979-2071), and indicated a general limitation on the use of Exhibit 1, which was only to provide general design characteristics of the CRBR, relevant criteria, and the state of technology (Tr. 1987). The testimony, as so limited, was received into evidence.

The Board's previous Order of April 22, coupled with its ruling during the hearing on August 23, 1982, sufficiently protect the Intervenors from being required to address the issue of the adequacy of proposed CRBR safety systems at this time. As explained in our April 22 Order, "full design detail and supportive analyses of the facility will be critiqued" at the CP stage (Order, p. 4). It has been clearly stated that Exhibit 1 may be used

to show feasibility of the implementation of certain design features for the limited purpose of being illustrative of a reactor of the general size and type proposed. However, no party may rely on a detailed design analysis for the purpose of demonstrating adequacy of systems at this stage of the hearing. Accordingly, the motion is denied.^{1/}

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

September 27, 1982

^{1/} Judges Cadet H. Hand, Jr. and Gustave A. Linenberger participated and concurred in the foregoing Order, but were not available to sign it.