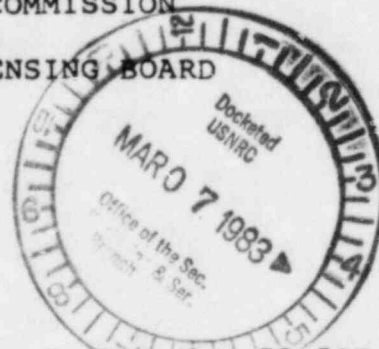


3/7/83

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



Docket No. 50-537

In the Matter of )  
 )  
UNITED STATES DEPARTMENT OF ENERGY )  
 )  
PROJECT MANAGEMENT CORPORATION )  
 )  
TENNESSEE VALLEY AUTHORITY )  
 )  
(Clinch River Breeder Reactor )  
Plant) )

APPLICANTS' MOTION CONCERNING  
SCHEDULE FOR  
CONSTRUCTION PERMIT HEARINGS

The United States Department of Energy and Project Management Corporation, for themselves and for the Tennessee Valley Authority (the Applicants), hereby file this Motion Concerning Schedule for Construction Permit (CP) Hearings, and request that the Board adopt the schedule recommended herein.

On August 6, 1982, the Applicants filed a request for a limited work authorization-2 (LWA-2) to permit the conduct of safety related construction activities for the reactor building foundation. At that time, the schedule for NRC and ACRS review was such that a CP decision was projected for June of 1984. Given that Applicants projected completion of site preparation activities in the fall of 1983, the LWA-2 request was deemed

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necessary in order to avoid a discontinuity between site preparation and safety-related construction activities. Subsequently, the Applicants were advised that the Staff's review and the ACRS review could be completed in March and April of 1983, respectively. In light of this, and the fact that Applicants now contemplate completion of site preparation activities in December of 1983, it is desirable from Applicants' perspective to proceed to completion of Construction Permit hearings without resort to an LWA-2.

Upon conferring with Intervenors and the NRC Staff, Applicants were advised that neither party objected to completion of the proceedings in a single phase. Further, the scope of contested issues associated with the August 6, 1982 LWA-2 request (portions of contentions 1, 2, and 3, and contention 10,) is not substantially different than that for the Construction Permit (contentions 1, 2f),g),h) and 3, contention 9, contention 10, and contention 11a)), thus indicating that the incremental effort associated with a single phase of hearings is not substantially greater. The Applicants thus submit that, given the current Staff and ACRS review schedule, the Applicants' site preparation schedule, the positions of the parties, and the scope of contested issues for the Construction Permit proceedings, it would be in the best interests of all parties and the Board to proceed promptly with a single phase of hearings.

Applicants are advised that the Staff intends to issue the Safety Evaluation Report (SER) by March 11, 1983. This will support the schedule for completion of the April ACRS review in April. In that event, the Staff's schedule for a May 2, 1983 SER Supplement can be met.

While there is always a possibility that new issues could arise during the ACRS review which would result in delays in the May 2 SER Supplement (if required) issuance date, Applicants have been actively engaged in discussions with the ACRS, and the cognizant ACRS Subcommittees and Working Groups, since February of 1982. Attachment A provides a brief description of the meetings which have been held and those which are presently scheduled toward a final full committee meeting in the first week of April, 1983, and conclusion of the ACRS review shortly thereafter. Based upon these discussions, Applicants are aware of no issues which are likely to result in delay in the ACRS review.

The parties are in agreement that the following represents the scope of issues for the CP hearings:

1. Contentions 1, 2f), g), h), and 3
2. Contention 9 (emergency planning)
3. Contention 10
4. Contention 11a) (ALARA)

Contention 18 (quality assurance) was denied admission on grounds that it lacked specificity and basis. Board Order, April 14, 1982 at 8. That denial did not bar Intervenors from refiling this contention with the requisite specificity, basis, and good cause which the Board had found lacking. Id. Absent some new matter first raised in the Staff's SER, which could not have been raised previously upon the exercise of reasonable diligence, Intervenors have no additional issues to raise at this time. TR: 7078-90.

The following schedule, which is based on that proposed by Intervenors on January 4, 1983,<sup>1/</sup> is recommended for consideration and adoption by the Board.

<u>1/</u> By March 11, 1983	SER issued. Discovery opens on all admitted CP contentions.
March 11, 1983	Last day for parties to meet to discuss admissibility of Intervenors' redrafted contention 18. Parties commence discussion of any other contentions based upon new matters, which were first raised in SER and which could not have been raised previously upon exercise of reasonable diligence.
March 21, 1983	Applicants and Staff to file Statements of Position addressing areas of disagreement, if any, resulting from discussions on admissibility of contentions.

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<sup>1/</sup> Changes to Intervenors' proposed schedule are annotated and explained below.

March 28, 1983	Intervenors' response, if any, to any statements filed by Applicants and Staff on March 16, 1983.
March 31, 1983	Prehearing meeting with Board for rulings on admissibility of contentions, if necessary.
<u>2/</u> April 1, 1983	NRC Staff updates to previous discovery responses within scope of CP contentions due.
<u>3/</u> April 15, 1983	Last date for filing discovery on CP contentions.
<u>3/</u> April 29, 1983	All discovery responses due (except NRC Staff)
May 2, 1983	NRC Staff scheduled date for SER Supplement, if any.
<u>3/</u> May 9, 1983	All NRC Staff discovery responses due (except post-SER Supplement discovery)
<u>4/</u> May 11, 1983	Last date for filing discovery on new matters, within scope of CP contentions, first raised in SER Supplement.
<u>4/</u> May 20, 1983	Discovery responses due on all new matters; discovery closed.
<u>4/</u> June 10, 1983	Written testimony on all CP contentions filed.
<u>4/</u> June 20, 1983	Hearings commence in Oak Ridge on CP issues and run in continuous session until completion.

This schedule is based upon the schedule proposed by Intervenors on January 4, 1983, with modifications to reflect discussions among counsel for Staff, Applicants, and Intervenors

on January 5, 1983. The modifications to Intervenors' proposed schedule, and the respective reasons<sup>/</sup> therefor, are:

1. The milestone for issuance of the SER has been changed from March 4 to on or before March 11, 1983 to reflect the current NRC Staff schedule.
2. Due date for Staff updates to prior discovery was extended from March 23 to April 1, 1983 to accommodate Staff's need for additional time.
3. The last date for discovery is April 15, and all responses are due April 29, 1983. Intervenors had proposed that discovery be open until May 2, 1983, which is the Staff's date for issuing an SER Supplement, if one is required. Due date for NRC Staff responses to pre-SER Supplement discovery was changed from after May 2, 1983 to May 9, 1983. These modifications will enable the Staff to more effectively schedule its manpower and avoid conflicts in meeting its SER Supplement issuance date.
4. The last date for filing new matter discovery, and the due dates for new matter discovery responses, testimony filing, and hearing commencement were proposed by Intervenors as May 9, May 16, June 1, and June 13, 1983, respectively. Staff desired additional time to respond to new matter discovery. The extension of that date (from May 16 to May 20) resulted in a corresponding adjustment to the date for filing new matter discovery. Testimony filing date was extended to June 10. Intervenors' proposed twelve-day interval between testimony filing and start of hearings

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<sup>/</sup> The paragraph numbers in the succeeding discussion correspond to the numbers annotated on the above schedule milestones.

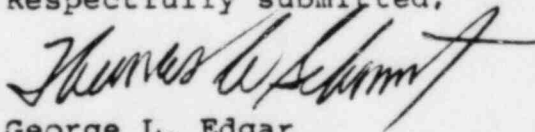
was reduced to 10 days, with hearing commencement on Monday, June 20, 1983.

The foregoing schedule is based upon the proposals by and previous discussions among the parties, and is consistent with previous experience in the LWA-1 hearings. On the assumptions that the March 11, 1983 SER and May 2, 1983 SER Supplement issuance dates are met, the schedule is reasonable and achievable.

The NRC Staff has reviewed the above schedule and concurs. The Intervenors were provided a copy of the schedule on March 2, 1983. Applicants attempted to contact Intervenors but have received no response.

Accordingly, Applicants request that the Board consider and adopt the foregoing schedule for the remaining course of these proceedings.

Respectfully submitted,

*for* 

George L. Edgar  
Attorney for Project  
Management Corporation



William D. Luck  
Attorney for the  
Department of Energy

DATED:

Attachment A

APPLICANTS/ACRS MEETINGS CONCERNING CRBRP

2/2-2/3/82 - Licensing, Siting and Schedule

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Safety features, changes to the PSAR since April 1977,  
and heterogeneous core characteristics.

5/4-5/5/82 - HFDA Energetics

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Structural margin beyond the design base, HFDA  
energetics analysis, HFDA phenomenological overview, fuel  
freezing and boiling behavior during meltout phase, and  
molten fuel penetration through intersubassembly channels  
experiment program.

5/24-5/25/82 - Containment Integrity

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Approach to containment design, containment and  
confinement systems, events within the design basis, Site  
Suitability Source Term evaluation, approach to containment  
of events beyond the design basis, structural response of  
CRBRP scale models to a simulated HFDA, evaluation of  
thermal margins beyond the design basis, and plant features  
for thermal margin beyond design base.

6/1/82 - Geology and Seismology

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Geology and seismology, seismic design, heat transport  
systems equipment, shutdown system equipment, and electrical  
equipment.

6/24-6/25/82 - Site Evaluation

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Site description and exclusion area control, population  
distribution, nearby industrial, transportation, and  
military facilities, hydrology, geology and seismology,  
foundation engineering, meteorology, emergency planning,  
Site Suitability Source Term dose consequences, station  
blackout, and large sodium water reaction design basis.



7/9/82 - Site Suitability

BEFORE: ACRS Full Committee

TOPICS: Overall site description, Site Suitability Source Terms, non-radiological effects of sodium reaction product aerosols, probable maximum flood, impact of Norris Dam site, and effect of core melt on groundwater.

8/18-8/19/82 - Structures and Materials

BEFORE: ACRS Structures and Materials Working Group

TOPICS: Elevated temperature methodology, materials data base, structural design methodology duty cycle and load combinations, reactor vessel component design, reactor internals, HTS component design, transition joints, steam generator, containment buckling analysis, overview of sodium spill accidents for cell structural design, overview of liquid metal gas detection, lined cell analysis, and overview of sodium spill accidents for cell structures design.

9/30/82 - Plant Protection and Instrumentation and Control

BEFORE: ACRS Plant Protection and Instrumentation and Control Working Group

TOPICS: Reactivity control/reactor control mechanisms, primary control rod system, secondary control rod system, plant control system, plant protection system, and control system/protection system interactions.

10/26/82 - Thermal Hydraulics

BEFORE: ACRS Thermal Hydraulics Working Group

TOPICS: Overall system, reactor thermal hydraulics, flow induced vibration, main coolant pump hydraulics, steam generator thermal hydraulics, and heat transport system thermal hydraulics.

10/27/82 - CRBRBP Design Basis Accidents

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Overall approach, reactor accidents, and plant accidents.

11/19/82 - HCDA Energetics

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: CRBRP sodium void worth and uncertainties, LOF reference initiating phase behavior, recriticality by extended fuel motion and dispersal by extended fuel motion.

12/1/82 - Structures and Materials

BEFORE: ACRS Structures and Materials Working Group

TOPICS: Evaluation of piping leak-before-break, leakage, corrosion effects, and leak detection, in-service in-service and pre-service inspection requirements, in-service inspection of cell liners, and CRBRP reserve seismic capability.

12/10/82 - Seismic Design at Nuclear Power Plants

BEFORE: ACRS Full Committee

TOPICS: Margins/engineering considerations, current issues pertaining to the seismic design of critical facilities, probabilistic seismic risk analysis, LMFBR

design concepts and CRBRP design, CRBRP safety approach and accident considerations, DBA analysis review status, and Sandia LMFBR accident delineation study.

1/7/83 - CRBRP Heat Removal Systems

BEFORE: ACRS Full Committee

TOPICS: Heat removal System overview, system design criteria and thermal design considerations, system design features, system operation and transients, and natural circulation.

2/3-2-4/83 - TMBDB, SHRS, Auxiliary System Emergency power.

BEFORE: ACRS Subcommittee on CRBRP

TOPICS: Thermal margins beyond the design base, shutdown heat removal systems, natural circulation auxiliary systems, emergency electrical power, site suitability source term, meteorological dispersion models, and inlet plenum flow/flow blockage.

2/11/83 - Chapters 2 and 4 of PSAR, Fluid Circuitry, Materials,  
Steam Generator Accidents

BEFORE: ACRS Full Committee

TOPICS: External phenomena seismic margin, reactor mechanical,  
nuclear and thermal hydraulic design, fluid circuitry and  
interfaces, and steam generator accidents.

2/24/83 - Reliability Assurance

BEFORE: ACRS Working Group on Instrumentation and Controls and  
Systems Integration

3/10-3/11/83 - Reactor Shutdown and Control Systems, Materials,  
and Containment Design

BEFORE: ACRS Full Committee

3/16-3/17/83 (tentative) - Energetics (HCDA) and Materials

BEFORE: ACRS Subcommittee on CRBRP and Working Group on  
Materials and Structures

3/31/83 (tentative) - Energetics (HCDA)  
BEFORE: ACRS Subcommittee on CRBRP

4/14-4/15/83 - Reliability programs, Human Factors, Remaining  
Questions, Letter Preparation  
BEFORE: ACRS Full Committee

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

In the Matter of  
UNITED STATES DEPARTMENT OF ENERGY  
PROJECT MANAGEMENT CORPORATION  
TENNESSEE VALLEY AUTHORITY  
(Clinch River Breeder Reactor Plant)

Docket No. 50-537

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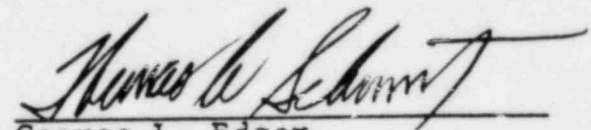
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DATED: March 7, 1983

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