

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

Docket No. 50-537

(Clinch River Breeder Reactor  
Plant)

The NRC Staff ("Staff") hereby moves for leave to file the attached "Supplemental Affidavit of Lewis G. Hulman" ("Affidavit"), dated September 6, 1983. In support of this motion, the Staff states as follows:

1. On September 2, 1983, the Staff filed with the Licensing Board an unexecuted copy of the attached Affidavit; an executed copy of the Affidavit was submitted on September 6, 1983.
2. On September 7, 1983, the Licensing Board issued its "Order Regarding Staff's Proposed Findings" ("Order"), in which, inter alia, the Board rejected the Affidavit "in its present form" (Order, at 1). The Licensing Board noted that the Affidavit had been submitted after "the original opportunity for cross-examination of the witness on his oral testimony" had passed, and that a motion for leave to file

the Affidavit had not been submitted. The Licensing Board further stated as follows:

If it is deemed necessary to clarify or change sworn testimony, an appropriate motion for leave to file an affidavit should be submitted to the Board, with copies to all parties on the service list. Such motion should clearly set forth the need to revise or explain oral testimony and the compelling reasons for such a request, as well as attaching a copy of the proposed affidavit.

(Id., at 3). In accordance with the Licensing Board's Order, the Staff hereby files the instant motion and Affidavit.

3. As set forth in the attached Affidavit, Mr. Lewis G. Hulman appeared as a witness in this proceeding on August 10, 1983. In reviewing the transcript of his testimony, Mr. Hulman noted that certain statements which appear at transcript pages 8505-8509 are somewhat inaccurate and/or require clarification. Accordingly, Mr. Hulman seeks to clarify and revise his testimony in accordance with the handwritten changes set forth in the attachment to his sworn Affidavit.

4. The changes to Mr. Hulman's testimony as set forth in his Affidavit may generally be categorized as follows: (1) clarifications of statements referring to Staff practices concerning meteorological assumptions, in order to indicate that those practices are utilized in the Staff's safety evaluation report (in contrast to other Staff documents); (2) corrections of statements describing the meteorological assumptions utilized in the Staff's conservative accident analyses, in order to more accurately reflect actual Staff practices; and (3) corrections of various

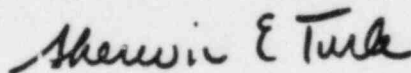
transcription and typographical errors that appear in the transcript (which corrections were approved by the Licensing Board in its "Order Correcting Transcript" issued on September 6, 1983).

5. The Staff considers that the proposed changes to Mr. Hulman's testimony as set forth in the attached Affidavit are appropriate, in that they provide a more accurate record upon which the Licensing Board may rely in issuing its Initial Decision. In particular, the Staff notes that the proposed changes are relevant to Applicants' proposed Finding 99,<sup>1/</sup> and are reflected in the Staff's proposed Finding 99 which relies, in part, upon the attached Affidavit.<sup>2/</sup>

6. The Staff has contacted Counsel for the Applicants and has been authorized to state that Applicants do not object to the granting of the instant motion.

Accordingly, the Staff respectfully moves that leave be granted for the Staff to file the attached Affidavit, that the Affidavit be accepted for filing, and that the modifications contained in the Affidavit be made a part of the record of this proceeding.

Respectfully submitted,



Sherwin E. Turk  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 13th day of September, 1983

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<sup>1/</sup> See "Applicants' Proposed Initial Decision (Construction Permit)," filed August 15, 1983, at F-78 n.35.

<sup>2/</sup> See "NRC Staff's Revised Proposed Opinion, Findings of Fact and Conclusions of Law (Construction Permit)," dated September 13, 1983, at F-86 n.35.