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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

SERVED AUG 27 1984

Before Administrative Judges:

DOCKETED
USNRC

Peter B. Bloch, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan

'84 AGO 27 P12:15

In the Matter of

Docket Nos. 50-445

TEXAS UTILITIES ELECTRIC COMPANY, et al.

DOCKETING 50-446
BRANCH

(Application for
Operating License)

(Comanche Peak Steam Electric Station,
Units 1 and 2)

August 24, 1984

MEMORANDUM

(Request for Evidence Relevant to Fuel Loading)

PROD. & UTIL. DIV. 50-445 OL
50-446 OL

On August 7, 1984, Texas Utilities Electric Company, et al. (Applicants) filed a Motion for Authorization to Issue a License to Load Fuel and Conduct Certain Precritical Testing. Under this limited license, Applicants would implement safety precautions so that the core never would go critical and appreciable quantities of decay products (and decay heat) would not be generated.

The Staff of the Nuclear Regulatory Commission and Citizens for Sound Energy (CASE) have responded to the Motion. CASE opposes the motion.

The Motion is governed by 10 CFR § 50.57(c), covering a license for low power testing. Since the activities involved in fuel loading are included within the activities that may be licensed under this section, we conclude that we can authorize fuel loading and precritical testing under this section. However, the section requires us to make the findings listed in § 50.57(a) with respect to the contested activity sought to be authorized. The contested activities involve at least the

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following plant systems: (a) boron addition and monitoring equipment, (b) neutron monitoring equipment sufficient to detect significant increases in K_{eff} above 0.95, (c) fuel handling equipment, and (d) reactor protection systems. Each of the components of these systems is relevant, including mechanical, electrical and instrumentation systems.

Because of the broad quality control contention pending in this proceeding, we must have evidence concerning the adequacy of quality control for the contested systems. In particular, we require evidence concerning the current status of QA/QC oversight of these systems, including evidence that documentation is adequate to assure that unsatisfactory or non-conforming conditions have been corrected and evidence concerning whether or not there are allegations known to the applicants or Staff about the intimidation of QA/AC personnel who were working on these systems.

We also require evidence: (1) that appropriate QA/QC procedures have been completed for all phases of the activities for which a license is sought, (2) concerning the maximum K_{eff} to be permitted during pre-critical testing and the K_{eff} that analysis suggests may be achieved during pre-critical testing if all control rods were inadvertently removed while the boron concentration was 2000 ppm, and (3) that non-borated water will never be injected into the core, substantially diluting the boron below 2000 ppm.

This decision is issued with the unanimous approval of the licensing board in 50-445 and 50-446. Hon. Herbert Grossman, who serves on

the licensing board in the companion case involving intimidation, has reviewed this decision and has no objection to its issuance.

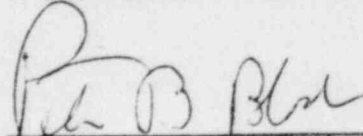
O R D E R

For all the foregoing reasons and based on consideration of the entire record in this matter, it is this 24th day of August 1984

ORDERED:

That Texas Utilities Electric Co., et al. shall supply the evidence requested in this order to facilitate further consideration of its Motion for Authorization to Issue a License to Load Fuel and Conduct Certain Precritical Testing.

FOR THE
ATOMIC SAFETY AND LICENSING BOARD



Peter B. Bloch, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland