

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
WASHINGTON PUBLIC POWER SUPPLY SYSTEM ) Docket No. 50-460 CPA  
(WPPSS Nuclear Project No. 1) )

AFFIDAVIT OF THOMAS J. KENYON  
IN SUPPORT OF SUMMARY DISPOSITION OF  
COALITION FOR SAFE POWER AMENDED CONTENTION 2

I, Thomas J. Kenyon, being duly sworn do depose and state:

1. I am employed by the U.S. Nuclear Regulatory Commission in the Office of Nuclear Reactor Regulation, Division of Licensing, Licensing Branch No. 4. My professional qualifications are attached. I am the Project Manager currently assigned to the Washington Public Power Supply System (WPPSS or permittee) Nuclear Project No. 1 (WNP-1). I certify that I have personal knowledge of the matters set forth herein with respect to the extension of the construction completion date of the WNP-1 project, and that the statements made are true and correct to the best of my knowledge.

2. As admitted by the Licensing Board in its Memorandum and Order, dated March 25, 1983, the Coalition for Safe Power (CFSP) Amended Contention #2 states:

Petitioner contends that the Permittee's decision in April 1982 to "defer" construction for two to five years, and subsequent cessation of construction at WNP-1, was dilatory. Such action was without "good cause" as required by 10 CFR 50.55(b). Moreover, the modified request for extension of completion date to 1991 does not constitute a "reasonable period of time" provided for in 10 CFR 50.55(b).

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3. Pursuant to 10 CFR 50.55(b), permittee requested an amendment to the WPPSS Nuclear Project No. 1. (WNP-1) Construction Permit No. CPPR-134. First, by letter dated July 21, 1981 (Attachment A) permittee requested an extension of the latest construction completion date, of January 1, 1982, to June 1, 1986. Permittee cited the following factors as cause for the construction completion delay:

1. Changes in the scope of the project including increases in the amount of material and engineering required as a result of regulatory actions, in particular those subsequent to the TMI-2 accident;
2. construction delays and lower than estimated productivity, which resulted in delays in installation of material and equipment and delays in completion of the systems necessitating rescheduling of preoperational testing;
3. strikes by portions of the construction work force;
4. changes in plant design; and
5. delays in delivery of equipment and materials.

4. Subsequently, by letter dated January 11, 1983 (Attachment B), permittee requested that its pending amendment request of July 21, 1981 be modified to request that the latest construction completion date be extended to June 1, 1991. In that January 11 letter, permittee gave the following reason for the modification of its earlier request:

Subsequent to the filing of [the July 21, 1981] amendment request, the Bonneville Power Administration ("BPA") recommended to the Supply System that construction on WNP-1 be delayed for a period of from two to five years. In view of that recommendation, the Supply System's Board of Directors voted to suspend construction on WNP-1 temporarily. The Board has determined that construction on WNP-1 will be delayed for at least two years, and that it is possible that the delay could be for as long as five years. The actual length of the delay will depend on regional energy demand considerations.

5. The staff performed an independent evaluation of the factors set forth in permittee's requests for extension. As a result of its review and analysis, the staff prepared a Safety Evaluation Report (SER), issued June 16, 1983 (Attachment C). The staff concluded in the SER that the first five factors above were beyond the control of the permittee, and constitute good cause under 10 CFR ¶ 50.55(b) for the delay in completion of construction.

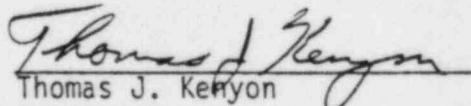
6. The staff also reviewed WPPSS' estimated time delays caused by each of the five factors. Delays attributed to those factors were: factor 1, 8-15 months; factor 2, 14-24 months; factor 3, 16-24 months; factor 4, delay included in the delay for factor 1; and factor 5, 1-3 months. Thus, the estimated delays range from a total of about 39 months (3 1/4 years) to 66 months (5 1/2 years). The staff found in the SER that these time delays are comparable to the delays estimated by others for plants subjected to similar constraints. Accordingly, the staff found that the July 21, 1981 requested extension of the construction completion date for a period of four and a half years, from January 1, 1982 until June 1, 1986, was reasonable.

7. The recommendation of BPA to delay construction of WNP-1 for a period of two to five years, which was cited in support of permittee's January 11, 1983 request for an additional extension of the latest construction completion date to June 1, 1991, was also examined in the SER (as factor number six in support of the extension requests). The staff characterized this factor as follows:

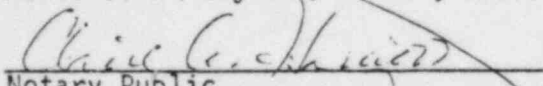
recommendations of the BPA [Bonneville Power Administration] and WPPSS that the construction on WNP-1 be delayed for an additional period of two to five years (beyond June 1, 1986) due to load/response balance changes and economic factors identified in the BPA's report, "Analysis of Resource Alternatives" dated April 19, 1982.

As part of its evaluation, the staff reviewed a letter dated April 30, 1981 from WPPSS to the Staff, and its enclosure providing the BPA analysis of resource alternatives and the conclusions derived from that analysis (Attachment D). The staff concluded that BPA support for the construction of WNP-1 is essential to financing of WNP-1. The staff further found that BPA's recommendation to WPPSS to halt construction for up to five years was a circumstance beyond the control of permittee, that the additional delay of up to five years was attributable to the BPA recommendation and thus was reasonable and constitutes "good cause" for the additional delay in completion of construction of WNP-1.

8. Therefore, the staff found that the requested extension period was reasonable and good cause existed for issuance of an order extending the latest completion date until June 1, 1991. The staff also found that the proposed action did not involve a significant hazards consideration, and that there was reasonable assurance that the health and safety of the public and the quality of the environment would not be endangered by extension of the construction completion date. Accordingly, on June 16, 1983, the Nuclear Regulatory Commission issued an order extending the construction completion date of Construction Permit No. CPPR-134 to June 1, 1991.

  
Thomas J. Kenyon  
Project Manager

SUBSCRIBED and sworn to before  
me this 14th day of *March* 1983.

  
Notary Public

My commission expires: *July 1, 1986*

PROFESSIONAL QUALIFICATIONS  
THOMAS J. KENYON  
LICENSING BRANCH NO. 4  
DIVISION OF LICENSING  
OFFICE OF NUCLEAR REACTOR REGULATION

I am a Project Manager in the Division of Licensing, Office of Nuclear Reactor Regulation. I am currently responsible for managing and coordinating licensing activities with respect to the WPPSS Nuclear Project No. 1 and the Watts Bar Nuclear Plant, Units 1 and 2.

I have served in the position of Project Manager since January 1981. This position provides for managing and coordinating the safety and environmental reviews of applications for licenses to operate or construct light water nuclear power plants. I assumed responsibility of WNP-1 in October 1983. I assumed responsibility for the Watts Bar Nuclear Plant, Units 1 and 2, in January 1981.

I have also served as an assistant to the Senior Project Manager of the Sequoyah Nuclear Plant, Units 1 and 2, between June 1980 and December 1981.

Between August 1976 and May 1980, I held the position of Nuclear Engineer in the Radiological Control Branch at the Norfolk Naval Shipyard, Norfolk, Virginia. In this capacity, I was responsible for preparing procedures involving radiological control implementation on naval reactor power plants and associated work. My duties also included the review and evaluation of procedures involving repairs and overhaul of navy ships to ensure radiological control adequacy prior to their implementation.

I received a B.S. degree in Nuclear Engineering from the University of Michigan in Ann Arbor, Michigan.

## Washington Public Power Supply System

P.O. Box 968 3000 George Washington Way Richland, Washington 99352 (509) 372-5000

July 21, 1981  
G01-81-206  
NS-L-GCS-81-199

Docket Nos.: 50-460  
50-513

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



Dear Mr. Denton:

Subject: Washington Public Power Supply System  
Nuclear Projects No. 1 & 4 (WNP-1/4)  
Extension of Construction Completion Dates

The Supply System requests amendments to Construction Permit Nos. CPPR-134 and CPPR-174 for WNP-1 and WNP-4 to extend the "latest completion dates" for WNP-1 and WNP-4, pursuant to 10CRF50.55(b). Construction Permit No. CPPR-134 currently specifies January 1, 1982, as the latest date for completion of construction for WNP-1 and Construction Permit No. CPPR-174 currently specifies December 1, 1985, as the latest date for completion of construction for WNP-4. For the reasons set forth below, the Supply System submits that good cause exists to extend the latest completion date for construction permit CPPR-134 to June 1, 1986, and to extend the latest completion date for construction permit CPPR-174 to June 1, 1987.

Subsequent to the issuance of the construction permits delays in the construction of WNP-1 and WNP-4 have occurred. The primary factors causing these delays are as follows:

1. Changes in the scope of the projects including increases in the amount of material and engineering required as a result of regulatory actions, in particular those subsequent to the TMI-2 accident.
2. Construction delays and lower than estimated productivity which resulted in delays in installation of material and equipment and delays in completion of systems necessitating rescheduling of preoperational testing.

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Extension of Construction Completion Dates  
Page 2

3. Strikes by portions of the construction work force.
4. Changes in plant design.
5. Delays in delivery of equipment and materials.

In estimating new completion dates for WNP-1 and WNP-4, the Supply System has carefully examined the impact of the delays described above on the construction schedules for both units. Also, while the official completion dates are December 1985 and December 1986 for WNP-1 and WNP-4 and while we hope to improve on these dates, the June 1, 1986 and June 1, 1987, latest construction completion dates we are requesting for the purpose of construction permit duration reflect a reasonable allowance for uncertainty, which is appropriate given the potential for continued regulatory changes and labor difficulties.

Since these amendments involve no significant safety or environmental considerations, the Supply System requests that the Commission dispense with advance notice of the amendment, pursuant to Section 189(a) of the Atomic Energy Act of 1954, as amended. 42 USC 2239(a)

Accordingly, the Supply System requests, pursuant to 10CRF50.55(b) that the Nuclear Regulatory Commission amend Construction Permit No. CPPR-134 to specify June 1, 1986 as the latest date for completion of WNP-1 and amend Construction Permit No. CPPR-174 to specify June 1, 1987 as the latest date for completion of WNP-4.

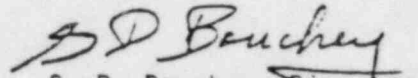
The request regarding amendment of Construction Permit No. CPPR-134 is a Class II amendment, as it has no safety or environmental significance and is a matter of formality and administrative in nature. The request regarding amendment of Construction Permit No. CPPR-174 is a Class I amendment as it is a duplicate of an amendment for a second essentially identical unit at the same site where both proposed amendments are received, processed and issued at the same time. See 10CRF170.22. Enclosed, therefore, are two checks. One is in the amount of \$1,200 for the Class II Amendment and the second in the amount of \$400 for the Class I Amendment.

Extension of Construction Completion Dates

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The Supply System recently filed a request with the Commission for a full refund of all fees paid to the NRC by the Supply System, and noted its intent to pay any future fees under protest until that request is resolved (see letter of R.L. Ferguson to Chairman Palladino, July 13, 1981). Accordingly, we hereby remit the fees prescribed by 10CRF170.22 under protest and subject to refund upon resolution of our request.

Very truly yours,

  
G. D. Bouchey, Director  
Nuclear Safety

GDB:pp

Attachment - Notarization

cc: CR Bryant, Bonneville Power Administration - 399  
R Hernan, Nuclear Regulatory Commission  
AW Medici, United Engineers & Constructors, PA - 04U3  
NS Reynolds, Debevoise & Liberman  
FDCC - 899



EXTENSION OF CONSTRUCTION  
COMPLETION DATES

STATE OF WASHINGTON )  
                          ) ss  
COUNTY OF BENTON )

Subject: \_\_\_\_\_

I, G. D. BOUCHEY, being duly sworn, subscribe to and say that I am the Director, Nuclear Safety, for the WASHINGTON PUBLIC POWER SUPPLY SYSTEM, the applicant herein; that I have full authority to execute this oath; that I have reviewed the foregoing; and that to the best of my knowledge, information and belief the statements made in it are true.

DATED July 21, 1981, 1981

G. D. Bouchey  
G. D. BOUCHEY

On this day personally appeared before me G. D. BOUCHEY to me known to be the individual who executed the foregoing instrument and acknowledged that he signed the same as his free act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and seal this 21<sup>st</sup> day of July, 1981.

Arthur J. [unclear]  
Notary Public in and for the  
State of Washington

Residing at [unclear]