



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

February 5, 1985

50-445

The Honorable Lloyd Bentsen  
United States Senator  
912 Federal Building  
Austin, Texas 78701

Dear Senator Bentsen:

Thank you for forwarding the November 26, 1984 letter of Mr. Larry Beeman. We have reviewed the concerns raised by Mr. Beeman and are providing you with the necessary information for your response to him.

The NRC is responsible under the Atomic Safety Act of 1954, as amended, to assure that licensed nuclear power plants provide adequate protection of the public health and safety. Consistent with its statutory responsibilities, it is the policy of the Commission that the licensing of nuclear power plants should be conducted in an expeditious manner, consistent with the requirements of fairness. See enclosed Statement of Policy on Conduct of Licensing Proceedings. I can assure you that the Commission is conducting the licensing proceeding of the Comanche Peak Steam Electric Station (CPSES) in accordance with applicable laws, NRC regulations, and the Commission's policy statement.

The NRC Staff has also formed a special task force to address approximately 500 allegations regarding the adequacy of CPSES plant construction. The safety concerns raised in these allegations involve complex technical matters which need to be thoroughly investigated by the NRC to determine the quality of the plant's design and construction. Certain of the allegations evaluated to date have been shown to have safety significance requiring corrective action by Texas Utilities. The task force is making every effort to expeditiously complete its evaluation and to present its findings to the Atomic Safety and Licensing Board (ASLB) in the licensing hearings for CPSES.

Additionally, although the plant has essentially been built, there are design and construction items, modifications, inspections and tests which must be completed before the CPSES can be licensed. For example, there are several Safety Evaluation Report outstanding issues which need to be resolved. The more significant of these issues pertain to the safe shutdown design of the plant and the design of certain emergency response equipment and related emergency operating procedures. The plant recently completed major preoperational testing to verify equipment operability at elevated temperatures and pressures and the results of these tests are being evaluated. These tests must be satisfactorily performed to determine the plant's readiness for licensing. The applicant recently announced that there are additional tests, inspections and modifications that remain to be completed. The applicant expects this effort to delay the facility's readiness for licensing by several months.

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The Honorable Lloyd Bentsen

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The NRC is making efforts to complete the staff evaluations and inspections at a pace commensurate with the facility's readiness for operation. The ASLR is also making similar efforts to complete the hearing process.

I hope that this brief response and the information enclosed with this letter will be helpful to you in responding to Mr. Beeman. If I can be of further assistance, please let me know.

Sincerely,



Carlton Kammerer, Director  
Office of Congressional Affairs

Enclosure:  
Statement of Policy on Conduct  
of Licensing Proceedings

Retyped in OCA

\*See previous page for concurrences

NRR:	NRR	ELD	OCA	EDO
RWessman*	HDenton*	JScinto*		WJDircks*
1/25/85	1/31/85	1/25/85	2/4/85	2/1/85

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~~Docket File (50-445) (\*w/incoming)~~

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SBurwell

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TNovak/Peggy

KBowman

SECY (85-24)

OCA

JScinto (OELD)

RDeYoung

RMartin

GCunningham

Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of May 1981.

For the Nuclear Regulatory Commission,

John F. Stolz,

Chief, Operating Reactors Branch No. 4,  
Division of Licensing.

[FR Doc. 81-15790 Filed 5-26-81; 9:45 am]

BILLING CODE 7990-01-M

[Docket No. 50-272]

**Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the license for operating of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated August 17, 1979, and its revision submitted by letter dated March 13, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 36 to License No. DPR-70 and (2) the Commission's related letter to the licensees dated May 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission,

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,  
Division of Licensing.

[FR Doc. 81-15791 Filed 5-26-81; 9:45 am]

BILLING CODE 7990-01-M

[Docket Nos. 50-280 and 50-281]

**Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-32 and Amendment No. 67 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to ensure redundancy in decay heat removal capability in all modes of operation and to provide a minimum water level above fuel assemblies during refueling operations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 14, 1980, (2) Amendment Nos. 67 and 67 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission,

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,  
Division of Licensing.

[FR Doc. 81-15797 Filed 5-26-81; 9:45 am]

BILLING CODE 7990-01-M

[CL-81-8]

**Statement of Policy on Conduct of Licensing Proceedings**

**I. Background**

The Commission has reviewed the docket of the Atomic Safety and Licensing Board Panel (ASLBP) and the current status of proceedings before its individual boards. In a series of public meetings, the Commission has examined at length all major elements in its licensing procedure. It is clear that a number of difficult problems face the agency as it endeavors to meet its responsibilities in the licensing area.



This is especially the case with regard to staff reviews and hearings, where requested, for applications for nuclear power plant operating licenses.

Historically, NRC operating licensing reviews have been completed and the license issued by the time the nuclear plant is ready to operate. Now, for the first time the hearings on a number of operating license applications may not be concluded before construction is completed. This situation is a consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and on the preparation of an action plan which specified changes necessary for reactors as a result of the accident.

Although staff review of pending license applications was delayed during this period, utilities which had received construction permits continued to build the authorized plants. The staff is now expediting its review of the applications and an unprecedented number of hearings are scheduled in the next 24 months. Many of these proceedings concern applications for operating licenses. If these proceedings are not concluded prior to the completion of construction, the cost of such delay could reach billions of dollars. The Commission will seek to avoid or reduce such delays whenever measures are available that do not compromise the Commission's fundamental commitment to a fair and thorough hearing process.

Therefore, the Commission is issuing this policy statement on the need for the balanced and efficient conduct of all phases of the hearing process. The Commission appreciates the many difficulties faced by its boards in conducting these contentious and complex proceedings. By and large, the boards have performed very well. This document is intended to deal with problems not primarily of the boards' own making. However, the boards will play an important role in resolving such difficulties.

Individual adjudicatory boards are encouraged to expedite the hearing process by using those management methods already contained in Part 2 of the Commission's Rules and Regulations. The Commission wishes to emphasize though that, in expediting the hearings, the board should ensure that the hearings are fair, and produce a record which leads to high quality decisions that adequately protect the public health and safety and the environment.

Virtually all of the procedural devices discussed in this Statement are currently being employed by sitting boards to varying degrees. The Commission's reemphasis of the use of such tools is intended to reduce the time for completing licensing proceedings. The guidelines set forth below are not to be considered all inclusive, but rather are to be considered illustrative of the actions that can be taken by individual boards.

## II. General Guidance

The Commission's Rules of Practice provide the board with substantial authority to regulate hearing procedures. In the final analysis, the actions, consistent with applicable rules, which may be taken to conduct an efficient hearing are limited primarily by the good sense, judgment, and managerial skills of a presiding board which is dedicated to seeing that the process moves along at an expeditious pace, consistent with the demands of fairness.

Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant, the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations. When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party. A spectrum of sanctions from minor to severe is available to the boards to assist in the management of proceedings. For example, the boards could warn the offending party that such conduct will not be tolerated in the future, refuse to consider a filing by the offending party, deny the right to cross-examine or present evidence, dismiss one or more of the party's contentions, impose appropriate sanctions on counsel for a party, or, in severe cases, dismiss the party from the proceeding. In selecting a sanction, boards should consider the relative importance of the unmet obligation, its potential for harm to other parties or the orderly conduct of the proceeding, whether its occurrence is an isolated incident or a part of a pattern or behavior, the importance of the safety or environmental concerns raised by the party, and all of the circumstances. Boards should attempt to tailor sanctions to mitigate the harm caused by the failure of a party to fulfill its obligations and bring about improved

future compliance. At an early stage in the proceeding, a board should make all parties aware of the Commission's policies in this regard.

When the NRC staff is responsible for the delay of a proceeding the Chief Administrative Judge, Atomic Safety and Licensing Board Panel, should inform the Executive Director for Operations. The Executive Director for Operations will apprise the Commission in writing of significant delays and provide an explanation. The document will be served on all parties to a proceeding and the board.

## III. Specific Guidance

### A. Time

The Commission expects licensing boards to set and adhere to reasonable schedules for proceedings. The Boards are advised to satisfy themselves that the 10 CFR 2.711 "good cause" standard for adjusting times fixed by the Board or prescribed by Part 2 has actually been met before granting an extension of time. Requests for an extension of time should generally be in writing and should be received by the Board well before the time specified expires.

### B. Consolidated Intervenor

In accordance with 10 CFR 2.715a, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions . . ." Obviously, no consolidation should be ordered that would prejudice the rights of any intervenor.

However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.

### C. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

#### D. Board Management of Discovery

The purpose of discovery is to expedite hearings by the disclosure of information in the possession of the parties which is relevant to the subject matter involved in the proceeding so that issues may be narrowed, stipulated, or eliminated and so that evidence to be presented at hearing can be stipulated or otherwise limited to that which is relevant. The Commission is concerned that the number of interrogatories served in some cases may place an undue burden on the parties, particularly the NRC staff, and may, as a consequence, delay the start of the hearing without reducing the scope or the length of the hearing.

The Commission believes that the benefits now obtained by the use of interrogatories could generally be obtained by using a smaller number of better focused interrogatories and is considering a proposed rule which would limit the number of interrogatories a party could file, absent a ruling by the Board that a greater number of interrogatories is justified. Pending a Commission decision on the proposed rule, the Boards are reminded that they may limit the number of interrogatories in accordance with the Commission's rules.

Accordingly, the boards should manage and supervise all discovery, including not only the initial discovery directly following admission of contentions, but also any discovery conducted thereafter. The Commission again endorses the policy of voluntary discovery, and encourages the boards, in consultation with the parties, to establish time frames for the completion of both voluntary and involuntary discovery. Each individual board shall determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

#### E. Settlement Conference

Licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery, so that

such contentions can be eliminated from the proceeding; and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference is not intended to replace the prehearing conferences provided by 10 CFR 2.751a and 2.752.

#### F. Timely Rulings on Prehearing Matters

The licensing boards should issue timely rulings on all matters. In particular, rulings should be issued on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. Such rulings may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of an evidentiary presentation should be rendered well before the presentation in question. Rulings on procedural matters to regulate the course of the hearing should also be rendered early.

If a significant legal or policy question is presented on which Commission guidance is needed, a board should promptly refer or certify the matter to the Atomic Safety and Licensing Appeal Board or the Commission. A board should exercise its best judgment to try to anticipate crucial issues which may require such guidance so that the reference or certification can be made and the response received without holding up the proceeding.

#### G. Summary Disposition

In exercising its authority to regulate the course of a hearing, the boards should encourage the parties to invoke the summary disposition procedure on issues where there is no genuine issue of material fact so that evidentiary hearing time is not unnecessarily devoted to such issues.

#### H. Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the board to expedite the orderly presentation by each party of its case. The Commission believes that cross-examination plans, which are to be submitted to the board alone, would be of benefit in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by limiting unnecessary direct oral testimony and cross-examination.

#### I. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues, boards are encouraged during rebuttal and surrebuttal to put opposing

witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to 10 CFR Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a round-table basis after the receipt in evidence of prepared testimony.

#### J. Filing of Proposed Findings of Fact and Conclusions of Law

Parties should be expected to file proposed findings of fact and conclusions of law on issues which they have raised. The boards, in their discretion, may refuse to rule on an issue in their initial decision if the party raising the issue has not filed proposed findings of fact and conclusions of law.

#### K. Initial Decisions

Licensing proceedings vary greatly in the difficulty and complexity of issues to be decided, the number of such issues, and the size of the record compiled. These factors bear on the length of time it will take the boards to issue initial decisions. The Commission expects that decisions not only will continue to be fair and thorough, but also that decisions will issue as soon as practicable after the submission of proposed findings of fact and conclusions of law.

Accordingly, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel should schedule all board assignments so that after the record has been completed individual Administrative Judges are free to write initial decisions on those applications where construction has been completed. Issuance of such decisions should take precedence over other responsibilities.

#### IV. Conclusion

This statement on adjudication is in support of the Commission's effort to complete operating license proceedings, conducted in a thorough and fair manner, before the end of construction. As we have noted, that process has not, in the past, extended beyond completion of plant construction. Because of the considerable time that the staff had to spend on developing and carrying out safety improvements at operating reactors during 1979-1980, in the wake of the Three Mile Island accident, this historical situation has been disrupted. To reestablish it on a reliable basis requires changes in the agency review and hearing process, some of which are the subject of this statement.

As a final matter, the Commission observes that in ideal circumstances operating license proceedings should not



bear the burden of issues that ours do now. Improvement on this score depends on more complete agency review and decision at the construction permit stage. That in turn depends on a change in industrial practice: submittal of a more nearly complete design by the applicant at the construction permit stage. With this change operating license reviews and public proceedings could be limited essentially to whether the facility in question was constructed in accordance with the detailed design approved for construction and whether significant developments after the date of the construction permit required modifications in the plant.

Dated at Washington, D.C., this 20th day of May 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15747 Filed 5-26-81; 8:45 am]

BILLING CODE 7590-01-M

### Development of a Method for Systematic Probabilistic Risk Assessments of Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Announcement of Grant Award and Meeting Schedule.

**SUMMARY:** The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. Each society will hold a technical conference to provide a public forum for broad technical peer review.

**DATES:** October 25-28, 1981, IEEE Conference, Washington, D.C.  
April 4-7, 1982, ANS Conference.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Bernero, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (Telephone: 301-443-5936).

#### SUPPLEMENTARY INFORMATION:

##### Overview

The NRC Office of Nuclear Regulatory Research has recently awarded grants of financial assistance to two technical societies to coordinate efforts to develop a Procedures Guide for the performance of probabilistic analysis of the safety of nuclear power plants. The grants are for \$238,000.00 to the Institute of Electrical and Electronics Engineers (IEEE) and \$228,000.00 to the American Nuclear Society (ANS). Each of the societies will hold a technical conference to provide a

public forum for broad technical peer review and understanding of the procedures guide. The IEEE conference will be held October 25-28, 1981, in Washington, D.C. and the ANS conference will be held April 4-7, 1982.

A number of technical specialists comprise the Technical Working Group. These individuals, from within and from outside the nuclear industry, will participate as authors of the various parts of the procedures guide. A number of peer reviewers, also from within and outside the nuclear industry, will participate on a regular basis to provide broad input to the work. Financial support of these technical specialists is being provided by the NRC, the Department of Energy, the Electric Power Research Institute, and many organizations in the nuclear industry.

A Steering Committee has been formed as an independent group to provide direction and planning for the project. The Steering Committee will be the final approval body for the procedures guide.

The project will produce a procedures guide that can be followed for probabilistic analysis of accident sequences, system failure probabilities, radioactivity release, and accident consequences. The NRC may adopt part or all of this guide later. However, this project will be completed upon publication of the procedures guide following the ANS conference in 1982.

NRC has established a file on this activity in the Public Document Room at 1717 H Street, N.W., Washington, D.C.

The plan and rationale for this activity described below was prepared by interested parties from the NRC, the technical societies and the nuclear industry before the activity was undertaken. This plan was the basis of agreement for this project. It should be noted that this project is intended only to prepare a technically sound procedures guide for probabilistic analysis of nuclear power plants, it is not intended to develop regulatory policy.

#### Plan

##### 1. Background

Since the completion of the Reactor Safety Study (WASH-1400) the NRC has been exploring ways to systematically apply probabilistic analysis to nuclear power plants. The NRC, in its Interim Reliability Evaluation Program (IREP) which is now underway, is developing and giving trial use to a procedures guide which could be the basis for systematic analysis of all nuclear power plants, a National Reliability Evaluation Program (NREP). Before settling on any

procedures guides for such a broad undertaking the NRC is interested in obtaining the advice and participation of many competent parties, including the nuclear industry and probabilistic analysis experts from within and without the nuclear industry. Thus the NRC seeks to initiate and support a project to develop a procedures guide, a method for systematic probabilistic risk assessments of nuclear power plants.

##### 2. The Project

The project envisioned is to develop a Procedures Guide for the systematic application of probabilistic and reliability analysis to nuclear power plants. This Procedures Guide is expected to define the acceptable methodology for performance of such studies. The Procedures Guide is expected to address the following subject areas: (1) system reliability analysis, (2) accident sequence classification, (3) frequency assessment for classes of accident sequences, (4) estimation of radiologic release fractions for core melt accident sequences, and (5) consequence analysis. For each of these subject areas, the Procedures Guide should delineate (1) acceptable analytic techniques, (2) acceptable assumptions and modeling approximations including the treatment of statistical data, common cause failures and human errors, (3) treatment of uncertainty, (4) acceptable standards for documentation, and (5) quality control. The Procedures Guide is expected to define a practical scope of analysis for such systematic review conducted in the next few years. Thus, the Procedures Guide might recommend omission, simplification, or postponement of some elements of a complete analysis. If it does, the Procedures Guide may or may not include specific guidance on when or how to address these elements later. The Guide may be adopted and modified under other auspices later, but this project will end with the first publication of the Procedures Guide.

The NRC sees this situation as a unique opportunity to use the resources of two technical societies, the Institute of Electrical and Electronics Engineers (IEEE) and the American Nuclear Society (ANS), to develop and review statements of useful PRA methodology and recommend applications. The technical society activities envisioned are two conferences linked by a series of workshops which will prepare material for the conferences. The IEEE is seen as the principal host of the first of these conferences, the Review Conference, because their membership