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January 22, 1985

James P. Gleason, Chairman
Atomic Safety and Licensing Board
513 Gilmore Drive
Silver Spring, MD 20901

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Dr. Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re Cleveland Electric Illuminating Co. (Perry Nuclear Power
Plant, Units 1 and 2), Docket Nos. 50-440 and 50-441 *OL*

Gentlemen:

By this letter intervenor Ohio Citizens for Responsible Energy ("OCRE") is informing the Licensing Board and parties that it does not oppose Applicants' Motion for Summary Disposition of Issue 14.

OCRE would also take this opportunity to comment upon the schedule proposed by Applicants in their January 18, 1985 letter to the Board. Applicants propose February 5 as the last day for filing motions for summary disposition, including on Issue #16, on diesel generators. OCRE believes that it cannot respond in a meaningful manner to a summary disposition motion on Issue #16 filed on that date within the allotted time because of the great volume of materials to be reviewed and analyzed on that issue. Much documentary material is owed to us by Applicants on Issue #16 through discovery, e.g., the Perry DR/QR report. Applicants have committed to provide OCRE with a copy of this and other documents in their response to OCRE's recent motion to reopen discovery. We have no idea when these items will be supplied, or how voluminous they will be. It obviously takes time to analyze these complex technical materials. Of course, any delay resulting therefrom is entirely attributable to Applicants, as they have generally failed to update their discovery responses in a timely fashion.

We would also note the impropriety of moving for summary disposition of a safety issue before the issuance of the Staff's Safety Evaluation Report on that issue. Duke Power Co. (Wm. B. McGuire Nuclear Station, Units 1 and 2), LBP-77-20, 5 NRC 680, 681 (1977). SER Supplements addressing the remaining safety issues have not yet been issued.

Applicants next propose March 18 as the date for filing

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testimony. This is 41 days after February 5, the last day for filing summary disposition motions. Twenty-five of these days must be allotted for responses to summary disposition motions. (This assumes that Applicants' first date, February 5, has validity. For the reasons outlined above, we believe otherwise.)

This leaves just 16 days for the Board to rule on the summary disposition motions, for the parties to receive and analyze the Board's Orders, and for the parties to prepare testimony addressed to the genuine issues of fact identified in the Board's Orders. This is obviously unreasonable.

Applicants finally propose that the hearing start on April 2, fifteen days after the filing of testimony. While this is the minimum period allowed by regulation (10 CFR 2.743(b)), OCRE would remind the Board that Applicants themselves once sought an extension of time between the filing of direct testimony and the start of the hearing, stating that 15 days is insufficient time to review and analyze the prefiled testimony, especially when the testimony would be in the mail for several of those 15 days.

See Applicants' Motion to Amend Memorandum and Order (Concerning Scheduling) of September 16, 1982, dated September 21, 1982, at 3. OCRE agrees that this period should be lengthened.

OCRE believes that Issues 8 and 16 cannot be disposed of through summary disposition and will require evidentiary hearings. Because of the complexity of these 2 issues and the resultant substantial pre- and post-hearing work involved, we would propose that hearings on these issues be separated by at least 60 days.

OCRE is presently contacting prospective expert witnesses on these 2 issues. Any hearing schedule, of course, would have to take into account the availability of these persons.

There is also much discovery left undone on Issue #8, and possibly on Issue #16, depending on the results of the DR/QR report and tests and inspections of the Perry diesel engines. OCRE and Applicants have agreed to defer further negotiations on OCRE's 13th Set of Interrogatories, pending the outcome of motions for dismissal or summary disposition of Issue #8 which Applicants and Staff have promised to file. Once the Board denies these motions, the discovery dispute will have to resume.

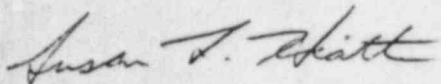
In view of these uncertainties, we doubt that either Issues 8 or 16 could be ready for hearing before June.

For your information, we have enclosed an estimate of the date of full power license authorization for Perry 1 (April 6, 1986) which Chairman Palladino provided to the House Subcommittee on

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Energy and the Environment. It thus does not appear that the more reasonable hearing date suggested by OCRE would result in any harm to Applicants.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan L. Hiatt".

Susan L. Hiatt
OCRE Representative
8275 Munson Rd.
Mentor, OH 44060
(216) 255-3158

Enclosure as stated
cc Service List

NUCLEAR REGULATORY COMMISSION BUDGET
REQUEST FOR FISCAL YEARS 1984 AND 1985

OVERSIGHT HEARINGS
BEFORE THE
SUBCOMMITTEE ON
ENERGY AND THE ENVIRONMENT
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-EIGHTH CONGRESS
FIRST AND SECOND SESSIONS
ON
NUCLEAR REGULATORY COMMISSION BUDGET REQUEST FOR FISCAL
YEARS 1984 AND 1985

HEARINGS HELD IN WASHINGTON, DC
FEBRUARY 22, 1983 AND FEBRUARY 9, 1984

Serial No. 98-31

Printed for the use of the Committee on Interior and Insular Affairs



U.S. GOVERNMENT PRINTING OFFICE

37-959 O

WASHINGTON : 1984

TIMOTHY W. GLIDDEN
REPUBLICAN COUNCIL

Enclosure

2/21/84

QUESTIONS FOR THE COMMISSION

1. (For each Commissioner.) What surprised you most about the January 13, 1984 Atomic Safety & Licensing Board decision to deny Commonwealth Edison a license to operate the Byron plant?
2. What procedural options are now available to Commonwealth Edison through which it could qualify for a valid Operating Licensing for Byron-1?
3. What is the Commission's view of the significance and implications of recently discovered problems with Delaval emergency diesel generators?
4. What is the current status of the NRC's investigation of the operating history, the manufacturer's QA program and reliability of all Transamerica Delaval, Inc. (TDI) diesel generators? Does the Commission agree with the NRC staff recommendation that these issues must be addressed before additional licensing action is taken to authorize the operation of nuclear power plants with TDI engines.
5. What is the Commission's view of the significance and implications of the recent finding of a large crack in the the "torus vent header" at the Hatch Unit 2 plant in Georgia?
6. How will the February 7, 1984 decision by the U.S. Court of Appeals for the District of Columbia regarding utility financial qualifications affect the Commission's authority to issue Operating Licenses?
7. On page 6 of the Commission's written testimony, you say: "In general, we are finding that we must exercise significantly more oversight to ensure compliance with health and safety regulations." Why is this? To what extent does this reflect insufficient effort (past or present) by licensees to comply with the Commission's regulations?
8. (For each Commissioner) What are your views on the amount of accumulated hands-on, "hot operating experience" that a licensee should have among its corps of Reactor Operators and Senior Reactor Operators in order to qualify for the initial issuance of a full power Operating License? Does the Commission have a formal policy on this matter.

9. On page 5 of Attachment A to the Commission's written statement you say:

"The Commission concludes that emergency preparedness is adequate for (Three Mile Island Unit 1) restart, subject to certification by the NRC staff that the various conditions relating to emergency planning imposed by the Licensing and Appeals Boards have been satisfied."

How is the Commission's position on the adequacy of TMI emergency preparedness affected by the February 8, 1984 report from FEMA to NRC that TMI emergency preparedness is not adequate?

10. On page 3 of the Commission's written testimony, you say "we have strengthened our inspection program by adding 77 staff and \$17 million." To what extent should the additional cost of inspection and enforcement be passed on to licensees as a part of their licensing fee?
11. With the termination of the Clinch River Breeder project, how does the Commission intend to use funds previously earmarked for CRBR licensing and regulatory research?
12. What is the current status of the Commission's "backfitting" rule? What is the view of the Commission on the effectiveness with which that rule is being implemented?
13. On page 11 of Attachment A, on the subject of cleanup of Three Mile Island Unit 2, you say there is "increasing potential for unforeseen problems arising." Does this mean you think there is increasing hazard to public health and safety? What is the specific nature of "unforeseen problems" that could arise?
14. On page 2 of Attachment A you note that the potential for licensing delays which lead the Congress to grant NRC authority to issue Temporary Operating Licenses (TOLs) "continues to exist today." As you know, Congress granted TOL authority because of TMI-related activities that had interfered with routine licensing efforts. Among the TMI activities was the assignment of substantial staff resources to "TMI Lessons Learned" tasks. Does the current request citing the previous Congressional rationale for TOL's mean that the temporary reassignment of NRC's licensing staff to "TMI Lessons-Learned" tasks continues to affect the review schedule for near term operating licenses? Please elaborate?
15. If Temporary Operating License authority were in effect, how might it apply in a case like Byron-1?

16. For all nuclear plants with valid Construction Permits, but no Operating License as yet, please provide a table which contains the following information:

- a) plant name;
- b) (estimated) date of filing of report of the Advisory Committee on Reactor Safeguards required by section 182b of the Atomic Energy Act of 1954, as amended;
- c) (estimated) date of filing of licensee's Final Safety Analysis Report
- d) (estimated) date of filing of the Initial Safety Evaluation Report (SER) by the NRC staff
- e) (estimated) date of filing of all SER Supplements;
- f) (estimated) completion date of the Integrated Design Inspection conducted by NRC's Office of Inspection and Enforcement;
- g) (estimated) completion date of NRC's Construction Assessment Team review;
- h) Licensee's current estimate of completion date of hot functional testing;
- i) NRC's current estimate of completion date of hot functional testing;
- j) Licensee's current estimated date of fuel loading license;
- k) NRC's current estimated date of fuel loading license;
- l) Issuance of low power license: licensee's current estimated date? NRC's current estimated date?
- m) Issuance of full power license: licensee's current estimated date? NRC's current estimated date?
- n) Commencement of commercial operations: licensee's current estimated date? NRC's current estimated date?
- o) NRC's Standard Assessment of License Performance (SALP) for 1981, 1982 and 1983.
- p) Names of parties to public hearings.

17. In the Commission's view, what are the key reasons why the Grand Gulf 1 nuclear plant, which received a low power license in June 1982, as yet has not received a full power license? At the time the low power license was issued, to what extent were the technical specifications applicable to Grand Gulf 1 appropriate for the plant's design? Please enumerate which, if any, violations of the technical specifications have occurred to date as a result of there having been inappropriate technical specifications at the time of issuance of the low power license?

18. In the Commission's response to question 3 (contained in Attachment 8), you note that the NRC has informed Louisiana Power & Light of "the need for further clarification by LP&L on certain points." What is the nature of these "certain points," and what is the status of the licensee's response?

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19. In the Commission's response to question 3 (contained in Attachment B), you refer to an ongoing NRC investigation of alleged "falsification and inadequacy of construction records at the Waterford plant." In light of the Commission being uncertain as to the date of completion of the NRC investigation with regard to falsification of records, what is the basis for the Commission's following statement?

"The NRC staff reviews and actions with regard to the adequacy of construction records, now are targeted for completion in advance of the applicant's current fuel load date (May 31, 1984)."

20. Finally, let me reiterate the question raised in my December 6, 1983 letter to the Commission for which I as yet have not received a response. On July 14, 1983, the Commission informed me that it did not intend to make a decision on TMI-1 management competency until the "relevant portions" of the TMI-2 leak rate investigation were complete. Now the Commission majority seems prepared to allow restart prior to completion of the leak rate investigation. Please explain what has happened since last July to make it such that the Commission no longer believes that the leak rate investigation needs to be complete prior to a decision on TMI-1 management competency?



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

May 31, 1984

The Honorable Morris Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to respond to your letter of February 21, 1984 with additional questions for the record of the fiscal year 1985 NRC budget hearing. Please note that the response to question 20 was provided on March 15, 1984.

If we can provide any further assistance, please let us know.

Sincerely,

Nunzio J. Palladino

Enclosure:
As stated

cc: Rep. Manuel Lujan

QUESTION 1.

ANSWER.

CHAIRMAN PALLA

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QUESTION 16.

FOR ALL NUCLEAR PLANTS WITH VALID CONSTRUCTION PERMITS, BUT NO OPERATING LICENSE AS YET, PLEASE PROVIDE A TABLE WHICH CONTAINS THE FOLLOWING INFORMATION:

- (A) PLANT NAME;
- (B) (ESTIMATED) DATE OF FILING OF REPORT OF THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS¹ REQUIRED BY SECTION 182B OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED;
- (C) (ESTIMATED) DATE FOR FILING OF LICENSEE'S FINAL SAFETY ANALYSIS REPORT
- (D) (ESTIMATED) DATE OF FILING OF THE INITIAL SAFETY EVALUATION REPORT (SER) BY THE NRC STAFF
- (E) (ESTIMATED) DATE OF FILING OF ALL SER SUPPLEMENTS;
- (F) (ESTIMATED) COMPLETION DATE OF THE INTEGRATED DESIGN INSPECTION CONDUCTED BY NRC'S OFFICE OF INSPECTION AND ENFORCEMENT;
- (G) (ESTIMATED) COMPLETION DATE OF NRC'S CONSTRUCTION ASSESSMENT TEAM REVIEW;
- (H) LICENSEE'S CURRENT ESTIMATE OF COMPLETION DATE OF HOT FUNCTIONAL TESTING;
- (I) NRC'S CURRENT ESTIMATE OF COMPLETION DATE OF HOT FUNCTIONAL TESTING;
- (J) LICENSEE'S CURRENT ESTIMATED DATE OF FUEL LOADING LICENSE;

- (K) NRC'S CURRENT ESTIMATED DATE OF FUEL LOADING LICENSE;
- (L) ISSUANCE OF LOW POWER LICENSE; LICENSEE'S CURRENT ESTIMATED DATE? NRC'S CURRENT ESTIMATED DATE?
- (M) ISSUANCE OF FULL POWER LICENSE; LICENSEE'S CURRENT ESTIMATED DATE? NRC'S CURRENT ESTIMATED DATE
- (N) COMMENCEMENT OF COMMERCIAL OPERATIONS: LICENSEE'S CURRENT ESTIMATED DATE? NRC'S CURRENT ESTIMATED DATE?
- (O) NRC'S STANDARD ASSESSMENT OF LICENSEE PERFORMANCE (SALP) FOR 1981, 1982 AND 1983.
- (P) NAMES OF PARTIES OF PUBLIC HEARINGS.

ANSWER. TABLE 1 CONTAINS MOST OF THE INFORMATION REQUESTED AS FOLLOWS:

- (A) PLANT NAME - COLUMN 1. NOT INCLUDED IN THIS TABLE ARE RECENTLY CANCELLED PLANTS (ZIMMER, RIVER BEND 2 AND HARRIS 2; INDEFINITELY DEFERRED PLANTS (HARTSVILLE A-1 AND A-2), WNP-1, YELLOW CREEK 1 AND 2; AND RECENTLY ABANDONED PLANTS (MARBLE HILL 1 AND 2).
- (B) (ESTIMATED FILING DATE OF ACRS REPORT - COLUMN 2

(C) (ESTIMATED) F
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(SER) - COLUMN

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(C) (ESTIMATED) FILING DATE OF FINAL SAFETY ANALYSIS REPORT
(FSAR) - COLUMN 3

(D) (ESTIMATED) FILING DATE OF INITIAL SAFETY EVALUATION REPORT
(SER) - COLUMN 4

(E) (ESTIMATED) FILING DATES OF ALL SER SUPPLEMENTS - THE NUMBER
AND TIMING OF SER SUPPLEMENTS VARIES FROM PLANT TO PLANT AND
IS NOT PREDICTABLE.

(H) LICENSEE'S CURRENT ESTIMATE FOR COMPLETION OF HOT FUNCTIONAL
TESTING COLUMN 5.

(I) THE NRC STAFF DOES NOT SEPARATELY ESTIMATE HFT COMPLETION.

(J, K AND L)

LICENSEE AND NRC STAFF ESTIMATES OF FUEL LOADING LICENSE AND
LOW POWER LICENSE DATES. IN PRACTICALLY ALL CASES FUEL
LOADING AND LOW POWER LICENSE DATES ARE THE SAME (IT IS ALSO
SYNONYMOUS WITH CONSTRUCTION COMPLETION). LICENSEE DATE -
COLUMN 6, NRC STAFF DATE - COLUMN 7

(M) LICENSEE'S AND NRC STAFF FULL POWER LICENSE DATES. PAST
EXPERIENCE INDICATES THAT ABOUT 3 TO 7 MONTHS ELAPSE BETWEEN
ISSUANCE OF AN OPERATING LICENSE LIMITED TO LOW POWER AND
FULL POWER AUTHORIZATION. THE LICENSEE AND NRC STAFF DO NOT
GENERALLY SEPARATELY ESTIMATE FULL POWER AUTHORIZATION DATE.

THE RESPONSES TO THE FOLLOWING ITEMS ARE INCLUDED IN TABLES 2, 3, 4 AND 5.

(F) (ESTIMATED) COMPLETION DATES OF THE INTEGRATED DESIGN INSPECTION (IDI) - TABLE 2

(G) (ESTIMATED) COMPLETION DATES OF CONSTRUCTION APPRAISAL TEAM REVIEW - TABLE 3

(O) NRC'S SYSTEMATIC ASSESSMENT OF LICENSEE PERFORMANCE (SALP) FOR 1981, 1982, 1983, - TABLE 4

(P) PARTIES ADMITTED TO PUBLIC HEARINGS - TABLE 5

PLANT NAME	TABLE 1				
	ACRS REPORT DATE	FSAR DATE	SER DATE	HFT DATE	LICENSEE LICENSE DATE
BEAVER VALLEY 2	10/84	C	9/84	9/85	04-06/88
	3/87	C	2/87	3/87	10-12/87

ED IN TABLES 2, 3,

ATED DESIGN

ON APPRAISAL TEAM

PERFORMANCE (SALP)

LE 5

TABLE 1

PLANT NAME	AERS REPORT*	FSAR DATE*	SER DATE*	HFT DATE*	LICENSEE LICENSE DATE*	NRC STAFF LICENSE DATE*
BEAVER VALLEY 2	10/94	C	9/84	9/85	6/86	04-06/86
BELLEFONTE 1	3/87	C	2/87	3/87	10/87	10-12/87
BELLEFONTE 2	3/87	C	2/87	7/89	1/90	10-12/89
BRAIDWOOD 1	5/84	C	C	3/85	8/85	01-03/86
BRAIDWOOD 2	5/84	C	C	9/85	8/86	07-09/87
BYRON 1	C	C	C	C	7/84	07-09/84
BYRON 2	C	C	C	2/85	10/85	10-12/85
CALLAHAY 1	C	C	C	C	5/84	04-06/84
CATAWBA 1	C	C	C	C	6/84	07-09/84
CATAWBA 2	C	C	C	6/86	10/86	10-12/86
CLINTON 1	C	C	C	N/A	1/86	01-03/86
COMANCHE PEAK 1	C	C	C	C	9/84	07-09/84
COMANCHE PEAK 2	C	C	C	N/E	1/86	10-12/86
DIABLO CANYON 2	C	C	C	C	8/84	07-09/84
FERMI 2	C	C	C	N/A	9/84	07-09/84
GRAND GULF 2	C	C	C	N/A	N/S	N/E
HARRIS 1	C	C	C	1/85	6/85	10-12/85
HOPE CREEK 1	11/84	C	10/84	N/A	1/86	04-06/86
LIMERICK 1	C	C	C	N/A	8/84	01-03/85
LIMERICK 2	C	C	C	N/A	2/90	N/E

TABLE 1

- 2 -

PLANT NAME	ACRS REPORT*	FSAR DATE*	SER DATE*	HFT DATE*	LICENSEE LICENSE DATE*	NRC STAFF LICENSE DATE*
MIDLAND 1	C	C	C	N/E	2/85	N/E
MIDLAND 2	C	C	C	N/E	7/86	07-09/86
MILLSTONE 3	8/84	C	7/84	6/85	11/85	04-06/86
NINE MILE POINT 2	1/85	C	12/84	9/86	2/86	10-12/86
PALO VERDE 1	C	C	C	C	3/85	01-03/85
PALO VERDE 2	C	C	C	1/85	12/85	10-12/85
PALO VERDE 3	C	C	C	6/86	3/87	01-03/87
PERRY 1	C	C	C	N/A	12/84	04-06/86
PERRY 2	C	C	C	N/A	5/87	07-09/88
RIVER BEND 1	6/84	C	4/84	5/85	4/85	04-06/86
SEABROOK 1	C	C	C	8/84	12/85	10-12/86
SEABROOK 2	C	C	C	2/87	4/87	N/E
SHOREHAM	C	C	C	N/A	3/84	07-09/84
SOUTH TEXAS 1	1/86	C	12/85	10/86	12/86	10-12/87
SOUTH TEXAS 2	1/86	C	12/85	4/88	12/88	10-12/88
SUSQUEHANNA 2	C	C	C	N/A	C	C
VOGTLE 1	7/85	C	6/85	7/86	9/86	04-06/87
VOGTLE 2	7/85	C	6/85	2/88	3/88	07-09/88
WASHINGTON NUCLEAR 3	9/84	C	8/84	N/E	6/87	N/E
WATERFORD 3	C	C	C	C	5/84	07-09/84

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TABLE 1

- 3 -

PLANT NAME	ACRS REPORT*	FSAR DATE*	SER DATE*	HFT DATE*	LICENSEE LICENSE DATE*	NRC STAFF LICENSE DATE*
WATTS BAR 1	C	C	C	C	6/84	04-06/84
WATTS BAR 2	C	C	C	4/85	12/85	10-12/85
WOLF CREEK 1	C	C	C	5/84	9/84	04-06/85

WASHINGTON NUCLEAR 3	9/84	C	8/84	N/E	6/87	N/E
WATERFORD 3		C	C	C	5/84	07-09/84

TABLE 1

- 3 -

<u>PLANT NAME</u>	<u>ACRS REPORT*</u>	<u>FSAR DATE*</u>	<u>SER DATE*</u>	<u>HFT DATE*</u>	<u>LICENSEE LICENSE DATE*</u>	<u>NRC STAFF LICENSE DATE*</u>
WATTS BAR 1	C	C	C	C	6/84	04-06/84
WATTS BAR 2	C	C	C	4/85	12/85	10-12/85
WOLF CREEK 1	C	C	C	5/84	9/84	04-06/85

*C - COMPLETE
 N/E - NO ESTIMATE
 N/S - NOT SCHEDULED
 N/A - NOT APPLICABLE