

695

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
James P. Gleason, Chairman  
Dr. Jerry R. Kline  
Mr. Glenn O. Bright

'85 OCT -7 10:33

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of  
  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, et al.  
  
(Perry Nuclear Power Plant,  
Units 1 & 2)

Docket Nos. 50-440-OL  
50-441-OL

ASLBP No. 81-457-04 OL

October 4, 1985

SERVED OCT -7 1985

MEMORANDUM AND ORDER  
(Motion for Clarification of Initial Decision)

The Cleveland Electric Illuminating Company, et al. (Applicants) have filed a motion, supported in part by the Staff, requesting the Board to clarify its Concluding Partial Initial Decision issued on September 3, 1985.

The Applicants allege that two of seven Board-imposed conditions required to be met prior to the issuing of operating licenses, if intended to apply to fuel load and low-power testing, are in conflict with NRC rules.<sup>1</sup> 10 C.F.R. § 50.47(d) specifies that no NRC or FEMA review findings, or determination concerning offsite emergency preparedness or the adequacy of and capability to implement such plans are required prior to issuance of an operating license for fuel loading and/or testing up to 5 percent of rated power.


<sup>1</sup> Applicants acknowledge that a third condition (number 4) has been recognized by the Board's decision as having been met. See Applicants' Motion, fn.1.

D502

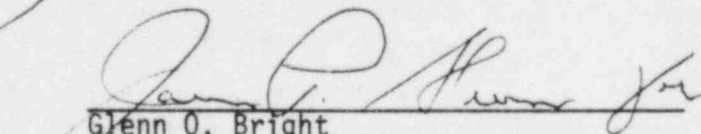
The issue before the Board for decision was Applicants' application for a full-power (not low-power) operating license. Accordingly, any requirements imposed by the Board must be understood as conditioning that license alone. See Kansas Gas & Electric Company (Wolf Creek Generating Station, Unit 1), LBP-84-27, 20 NRC 125, 126 (1984).

The Applicants also request the Board to clarify its Finding 55 to reflect its testimony that emergency kits are only scheduled to be in place for each reception center prior to fuel load. Although Applicants' testimony is not ambiguous in this area (see response to first cross-examination question, Tr. 3056), the Board states herein that Applicants' responsibility is to make certain such kits are available prior to the issuance of a license for operation above 5% power and that the kits will be maintained for each reception center at fire department facilities.

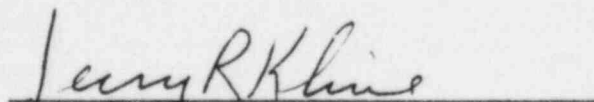
THE ATOMIC SAFETY  
AND LICENSING BOARD



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE



Glenn O. Bright  
ADMINISTRATIVE JUDGE



Jerry R. Kline  
ADMINISTRATIVE JUDGE

Bethesda, Maryland