

UNCLASSIFIED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
ROCHESTER GAS &)
ELECTRIC CORPORATION)

Docket No. 50-244

(R. E. Ginna Nuclear)
Power Plant, Unit)
No. 1)

STATUS REPORT OF MICHAEL L. SLADE
OF JULY 15, 1983

MICHAEL L. SLADE, INTERVENOR, (hereinafter referred to as SLADE) hereby replies to the request of the Atomic Safety and Licensing Board, (ASLBP No. 79-427-07 LA), Docket 50-244 OL, June 15, 1983 as issued by Herbert Grossman, Chairman, "Order Requesting Further Status Reports".

Finally, on July 12, 1983, Mitzi A. Young, counsel for the NRC staff, initiated a conference between herself representing the staff, the applicant and SLADE. The conference took place by telephone at essentially the last possible hour before the status report deadline, commencing at 6:30pm EDT, July 14, 1983.

ITEM a

The APPLICANT stated that it has no further issuances and the STAFF stated that it has two issuances expected on or before September 1, 1983 with a further supplement or correction to one expected prior to November 1, 1983.

ITEM b

SLADE hereby expects that since the APPLICANT and the STAFF now claim that they now expect, some approximately eleven YEARS after the beginning of the filing of the application for a permanent operating license was requested, to have almost completed their filings, to file some revised and/or additional contentions. A suitable period for an individual to deal with the boxes of paperwork filed by the STAFF and the APPLICANT is six months. SLADE hereby states that the period for filing revised and/or additional contentions be six months after the filing of all additions, corrections, etc. of the STAFF and the APPLICANT. Given that the staff now claims to have filed everything on or before November 1, 1983, the six month period should begin November 1, 1983 or whenever thereafter the STAFF and APPLICANT

complete their filings.

ITEM C

SLADE believes that there is no need for a prehearing conference or conference at this time. A formal discovery order is expected to be part of the ruling on changes to contentions. At this time, SLADE hereby requests copies of all notes or transcripts or other records of all meetings between the STAFF and the APPLICANT for which copies have not previously been provided as per the stipulation between the parties previously agreed to.

In addition to this information being required to be furnished as per the stipulation between parties, SLADE notes the following:

The meetings have regularly been held in or around Washington rather than in the neighborhood of the site of the proposed permanent license, making travel expensive, time consuming and possible to be attended only through extreme sacrifice of earnings.

Notice of the meetings, although apparently given to the APPLICANT in a timely manner, has often been given to SLADE by entering the notice into the U.S. mail AFTER THE MEETING HAS OCCURRED!! While the U. S. mail has on rare occasions rendered fast service, no one, not even the staff of the NRC can expect that it deliver something four days before it receives it.

This egregious example of the actions of the STAFF concerns a meeting of Thursday May, 12, 1983 scheduled for Bethesda, Maryland to discuss generator tube sleeving. While the notice has typed on it a date of May 10, 1983, it was not postmarked until May 16, 1983 and did not reach SLADE until on or after the 18th of May. If the applicant was informed by the same procedure, their attendance at this meeting, at the very least, strains anyone's credulity.

Another recent example is a meeting of May 18, 1983, notification alleged to have been typed May 16, 1983 but actually postmarked May 23, 1983.

Clearly the STAFF, the APPLICANT and other parties who participated in these and other similar meetings have had special opportunities not afforded SLADE or any or all others on the appropriate notification lists.

This willful violation of the purpose of the notification to all parties of meetings between the APPLICANT and the STAFF must not be ignored. The notice requirement is not just a bureaucratic formalism.

In addition to the remedy of providing transcriptions and all memoranda pertaining to all meetings between STAFF and the

APPLICANT, SLADE requests that both the STAFF and APPLICANT be fined and that they share the cost of all expenses for travel, food and lodging as well as compensation for loss of salary, to all those on the relevant notification lists who have been agrieved in the past by the lack of appropriate meeting notification who wish to be present at any future meeting between the STAFF and the APPLICANT. Such expenses to be paid for all meetings between now and the completion of all matters, including appeals, which may arise from this application for a permanent operating license.

If the Atomic Safety and Licensing Board acquiesces to this collusion of STAFF and APPLICANT, SLADE requests that it remove itself as biased from this application and all others to which either the STAFF or APPLICANT is a party.

ITEM d

As no conference is proposed, there is no suggested agenda.

ITEM e

SLADE insists that the board must issue a re-notice for and opportunity for intervening and requesting hearing. It is not at all a surprise that during the conference between parties both the STAFF and the APPLICANT indicated that they would oppose any request for a re-notice.

Such positions on re-noticing by STAFF and APPLICANT are entirely self-serving. APPLICANT has consistently done only the bare minimum required since anything more would cost them more money. STAFF naturally would oppose re-noticing since it might be considered an admission that they had done a less than adequate job in defending the public interest in this case.

If the STAFF had done an adequate job in this case, there would have been no fuel densification problem, there would have been no steam generator problem nor would there have been any of the other failures to operate in the manner prescribed by the NRC rules and regulations.

STAFF and APPLICANT's position on this request should be ignored. If and when other potential intervenors state their contentions, then STAFF and APPLICANT'S positions on these matters can be examined. They should not be allowed to deny the rights which would be created by a re-noticing to be quashed.

SLADE contends that whether or not a re-noticing is required, the Board has an obligation to the public to re-notice. This proceeding is not to see if the APPLICANT has satisfied the requirements that existed in 1972 but the substantially different requirements that exist today.

There have been major incidents at nuclear power plants which have resulted in a complete new or revised set of

requirements for a nuclear plant today, i.e. the Browns Ferry fire and the incident at Three Mile Island (and, of course, such incidents at Ginna itself as the recent steam generator failure and radioactivity release).

Not only have there been major changes in regulations, the STAFF has approved exceptions for compliance with current regulations for pre-existing facilities. A process which truly inquires as to whether or not APPLICANT has complied with current rules should give with specificity, all instances where it has been granted an exception from meeting the same requirements as a plant being built from scratch today.

The APPLICANT has already been operating for over twenty five percent of the facility's planned lifetime; this alone indicates the need for special notice as to the sufficiency of its ability to decommission the facility. The APPLICANT is storing far in excess of the original design in spent fuel rods. There is every indication that for the foreseeable future it will be required to store even more.

Given this situation, SLADE believes that the Board is obligated to re-notice and in addition to the usual information provided in such a notice include the following information:

A history of the plant's operation including a summary of all deviations from planned operation including such occurrences as the fuel densification problem and the steam generator failures.

A summary of all formal and informal contentions about the plant such as the allegations of ignoring concrete slump test failures during construction which were made in the mid-1970's and never publicly resolved.

A list in detail of all exceptions granted to the APPLICANT from meeting current NRC standards and the reasons the retrofits were not required include references to the supporting documentation.

An itemization of all NRC requirements today that did not exist at the time of the original application for a permanent operating license and appropriate references to the documentation that shows that these regulations have been complied with.

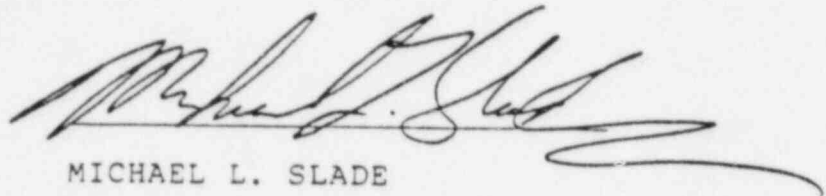
A certification from the STAFF and the APPLICANT that the local document collection is complete and ordered and a listing of all documents filed.

SLADE fully expects that both the STAFF and the APPLICANT will not only oppose re-noticing but will oppose the inclusion of ANY of the suggested items in the notice. The correct test of whether or not to include these items in the re-notice is not the opinion of STAFF or APPLICANT. All these items must be

incorporated in order for the public to adequately decide whether it wants to apply to intervene and what contentions should be pursued during the hearing. If and when such matters are heard, both the STAFF and the APPLICANT will be given sufficient opportunity to show that they have complied with the spirit and intent of the rules, regulations of the NRC and the relevant law.

The public must be given the widest latitude possible to point out possible failures in compliance by the APPLICANT and STAFF. There are sufficient incidents to show that, even with public scrutiny, STAFF and APPLICANT have made serious and dangerous errors.

SLADE believes that this covers all items for which a status report was requested.

A handwritten signature in dark ink, appearing to read 'Michael L. Slade', with a long, sweeping horizontal line extending to the right.

MICHAEL L. SLADE

Pittsford, New York
July 15, 1983

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CERTIFICATE OF SERVICE

I, MICHAEL L. SLADE, hereby certify that copies of "Status Report of Michael L. Slade of July 15, 1983" in the above captioned proceeding have been served on the following by deposit in the United States mail, first class, this 15th day of July, 1983:

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Dated: July 15, 1983
Pittsford, New York



Michael L. Slade