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August 11, 1983

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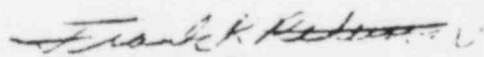
Mr. Gustave A. Linenberger  
Atomic Safety & Licensing Board  
Nuclear Regulatory Commission  
4350 East-West Highway  
Bethesda, Maryland 20814

Re: Clinch River Breeder Reactor Plant,  
Docket No. 50-537

Gentlemen:

In accordance with the Board's direction, the attached transcript pages from the August 10, 1983 session of the Clinch River Breeder Reactor Plant Construction Permit hearings have been distributed as indicated on the accompanying service list.

Respectfully submitted,

  
Frank K. Peterson  
Attorney for Project  
Management Corporation

Enclosure

8308120231 830811  
PDR ADOCK 05000537  
PDR

DS03

AFTERNOON SESSION

(1:10 p.m.)

JUDGE MILLER: The hearing will reconvene, please.

During the lunch recess, the Board has had an opportunity to have some discussions with counsel concerning the handling of such matters as closing arguments and the submission of proposed findings, and the like. Considering that they are being covered by both the Applicants and the Staff in my view, it would be well to put at least part of those recommendations which have been discussed on the record, so we will ask whichever counsel wishes to go first, Mr. Edgar or Mr. Turk.

MR. EDGAR: The Applicants will deliver their proposed findings to the Board on Monday. The--

JUDGE MILLER: Monday, August--

MR. EDGAR: August 15.

JUDGE MILLER: --15.

MR. EDGAR: The Staff would file supplemental findings which address matters in addition to or in conflict with the findings filed by the Applicants no later than September 2 and will exercise their best efforts to file such findings on August 29th.

JUDGE MILLER: Very well. Now, what about closing arguments in some depth?

MR. EDGAR: We are prepared to proceed on schedule

1 with the Board after the taking of evidentiary presentations,  
2 and we intend to follow an approach which parallels that which  
3 will be employed with the findings. In other words, the  
4 Applicants will lead and provide the complete detailed summary.  
5 The Staff will provide argument which is in addition to or  
6 supplemental--or excuse me--or addresses matters in addition  
7 to or in conflict with that of the Applicants and, thus, we  
8 hope we will avoid either redundant or cumulative presentation.

9 JUDGE MILLER: Mr. Turk.

10 MR. TURK: I think that summarizes the agreed-upon  
11 approach. I should point out that when Mr. Edgar says that  
12 we will file the Staff findings by September 2nd, that is the  
13 intention, and by way of clarification, let me know that if  
14 it is possible to file sooner, we will, but as of this time,  
15 we're committing to September 2nd.

16 JUDGE MILLER: Allright.

17 MR. TURK: And I suppose I should also point out  
18 that that's a considerable abridgement of the time normally  
19 taken by Staff to file, and Mr. Edgar himself is substantially,  
20 almost entirely, reducing the time in which he might file  
21 findings. It is an accommodation by both parties to try to  
22 file quickly.

23 JUDGE MILLER: Yes, that is true. There certainly  
24 is a very significant expediting of the time intervals. I  
25 think for the record that the Board will accept the suggested

1 schedule as thus described. The Board will also enter an order  
2 directing any parties--interested parties and the like to file  
3 proposed findings not later than August 22, 1983, and we will  
4 just very clearly put the cautionary note that in the absence  
5 of any proposed findings of fact and conclusions of law, they  
6 will be deemed waived both by this Board and by the Appeal  
7 Board in accordance with existing practice and rulings of NRC.

8 Anything further?

9 MR. TURK: May we go off the record for a moment  
10 and approach the Bench?

11 JUDGE MILLER: Yes.

12 (Bench conference.)

End 14

1 JUDGE MILLER: So there will be no confusion  
2 in the record, the dates for the filing of proposed  
3 findings of fact and conclusions of law suggested by  
4 counsel for the Applicants and the Staff, which were  
5 the 15th of August by Mr. Edgar and the 2nd of September  
6 by Mr. Turk, are accepted, approved, and adopted by the  
7 Board.

8 The August 22, 1983, deadline for the filing  
9 of any other proposed findings of fact or conclusions of  
10 law are not in conflict with that order.

11 Anything further?

12 MR. TURK: No.

13 JUDGE MILLER: All right. We will proceed,  
14 then.

15 MR. TURK: At this time, the Staff is ready  
16 to go forward with its testimony in response to  
17 Board question No. 9.

18 JUDGE MILLER: Very well.

19 MR. TURK: I would ask that Mr. Edward Branagan,  
20 Mr. Lewis Hulman, and Mr. Donald Perrott take the  
21 witness stand and be sworn, please.

22 Mr. Hulman has been sworn, by the way.  
23  
24  
25

1 contribution for the day by knowing about the PSAR.

2 JUDGE MILLER: Very good memory.

3 I think we'll take a 15-minute recess at this time,  
4 and then we'll run through upon resumption until 4 o'clock,  
5 and then suspend so that we can free the people.

6 (Recess.)

7 MR. EDGAR: I would like to know for the record that  
8 in response to Judge Linenberger's request, we have handed out  
9 a Xerox copy of a figure from the PSAR which corresponds to  
10 the figure on page 11 of Applicants' Exhibit 95. The PSAR  
11 figure in question is Figure 17.1-4. It's entitled "CRBRP  
12 Quality Assurance Program Functional Organization of Program  
13 Responsibility." It appears in this record of these proceedings  
14 in Applicants' Exhibit 73 at page 17.1-18.

15 JUDGE MILLER: Very well.

16 Let me indicate for the record that the Board has  
17 just this afternoon made an oral order with reference to the  
18 filing of proposed findings of fact and conclusions of law.  
19 That order required and requires all parties other than the  
20 Applicants and the Staff to file no later than August 22, 1983,  
21 any proposed findings of fact or conclusions of law which they  
22 may desire to have considered by the Board. The order further  
23 points out that the failure to file proposed findings of fact  
24 and conclusions of law will constitute a waiver of the right  
25 to do so; that any findings proposed thereafter will not be

1 considered by this Licensing Board, and that under the case law  
2 and rulings of the Appeal Board of the Nuclear Regulatory  
3 Commission, the great probability is that they would not be  
4 considered by the Appeal Board or the Commission or review  
5 authority for appeal.

6 Now, we direct the reporters present at this session  
7 to type up as soon as they reasonably can both the oral order  
8 entered before and any further description of it at this time  
9 and to make such transcript of the oral order available to  
10 counsel, who are hereby requested and directed to cause a copy  
11 thereof to be sent to any parties other than those indicated,  
12 to furnish for the record confirmation of the sending of such  
13 notice, and in the event that it is necessary to give telegraphic  
14 notice, if that be required for timely transmission of the  
15 information to potentially affected parties. The notice that  
16 we're requesting counsel to send as soon as possible should  
17 also indicate the dates for the filing of proposed findings  
18 by the Applicants and by the Staff, particularly the Applicants  
19 inasmuch as the filing on Monday, the 15th, will enable  
20 potential parties desiring to file proposed findings of fact  
21 and conclusions of law with the opportunity to acquaint them-  
22 selves with what will by then have been filed of record.

23 Now, is there any question about this?  
24  
25

End 20

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
UNITED STATES DEPARTMENT OF ENERGY	)	
	)	
PROJECT MANAGEMENT CORPORATION	)	Docket No. 50-537
	)	
TENNESSEE VALLEY AUTHORITY	)	
	)	
(Clinch River Breeder Reactor Plant)	)	
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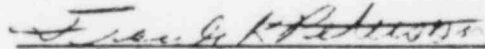
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DATED: August 11, 1983

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