

May 23, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY, <u>ET AL.</u>)	Docket Nos. 50-440
)	50-441
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

AFFIDAVIT OF MURRAY R. EDELMAN

State of Ohio)
) ss
County of Lake)

MURRAY R. EDELMAN, being duly sworn, deposes and says:

1. I, Murray R. Edelman, am Vice-President of the Nuclear Group of The Cleveland Electric Illuminating Company. My business address is 55 Public Square, Cleveland, Ohio. I have the overall responsibility for the construction of the Perry Nuclear Power Plant.

2. I was graduated from Case Institute of Technology in 1961 with a Bachelor of Science Degree in Mechanical Engineering, and received my Juris Doctor in 1965 from Cleveland Marshall Law School. I am a member of the American Society of Mechanical Engineers, the Cleveland Engineering Society, and INPO's Construction Project Evaluation Division Industry Review Group (IRG). I currently serve as Chairman of AIF Committee on Reactor Licensing and Safety.

3. I make this Affidavit in response to the Petition for Emergency Action filed by Ohio Citizens for Responsible Energy ("OCRE"). I have personal knowledge of the matters set forth herein and believe them to be true and correct.

4. As of March 31, 1985, Perry Unit 1 (including common facilities) is 98.2% complete on a physical basis. Unit 1 is currently projected to be ready for fuel loading during the summer, 1985. Unit 2 is approximately 44% complete (57% including its share of common facilities). The status and schedule of Unit 2 is under study, with several alternatives under review including resumption of full construction and cancellation. The only significant work being performed on Unit 2 is that necessary to enable Unit 1 to be placed in service.

5. OCRE alleges that "CEI's financial problems have led to CEI's seeking (and getting) wage concessions from the trade unions whose members work at Perry." OCRE's allegation is incorrect. As correctly summarized in the March 6, 1985 newspaper article cited by OCRE (Exhibit 6 to OCRE's Petition), the union agreements were converted from construction-type contracts to maintenance-type contracts, reflecting the fact that the construction work on Unit 1 was largely completed. The contract change had nothing to do with the financial conditions of the five co-owners of the Perry facilities. The maintenance-type contract calls for lower overtime rates and shift differentials than the prior contract.

6. OCRE alleges that "employees of the painting/coating contractor, Metalweld, have threatened to mix the coatings incorrectly so that they will flake off within a year." Neither CEI nor Metalweld is aware of any such threats. Since the time of the union contract change discussed in Paragraph 4 above, the vast majority of coatings applied by Metalweld are touch-ups of less than a square foot in size. Existing procedures make incorrect mixing of coatings or the applications of incorrectly mixed coatings very unlikely. All coatings being applied by Metalweld are premixed in a central, on-site facility. Work procedures specify mix proportions and mixing times. Metalweld quality control inspectors are generally physically present and observe the mixing process. CEI routinely conducts frequent surveillances of the mixing facility -- 23 since mid-March 1985. No problems have been found either by the inspections or surveillances. After being mixed, the mixture is placed in sealed containers until it is applied. Improper mixtures would also be detected by the painters applying the coatings (all of whom are qualified both to perform the mixing process as well as to apply the coatings), by the quality control inspectors (who inspect coating applications from every container), and by surveillances conducted by CEI.

7. OCRE alleges that "nuclear fuel will soon be delivered to Perry for Unit 1." This statement was correct -- the first delivery of nuclear fuel took place on March 17,

1985. The last of the 25 deliveries is scheduled for mid-June. However, OCRE incorrectly alleges that the fuel is being delivered early "because General Electric is charging CAPCO too much to store the fuel." Although OCRE indicates that fuel is being delivered too early based on the claim that "a fuel rod expert has indicated to OCRE's sources that Perry Unit 1 would not be ready for commercial operation until late 1986", fuel is obviously needed on-site long before commercial operation. CEI's contract with General Electric required that CEI give GE 180 days prior notification of CEI's requested delivery schedule. At the time notification was given (October 1984), completion of fuel delivery by mid-June was consistent with the then projected mid-June fuel load date. Completion of deliveries by mid-June is prudent for the currently projected fuel load during the summer, 1985.

8. OCRE speculates that "early receipt of the fuel could expose it to sabotage from disgruntled workers." CEI knows of no basis for this speculation. The fuel stored on site is being protected in accordance with the Interim Security Plan. That Plan was approved by NRC, as documented in the February 20, 1985 letter from Willard B. Brown, Chief, Fuel Facility Safeguards Licensing Branch, NRC to me, as well as the Special Nuclear Material License No. SNM-1928, issued by NRC on March 7, 1985. A May 13-17, 1985 security inspection by Region III

inspectors reviewed the fuel receipt and storage. No non-compliances were identified during the inspection or at the exit interview.

Murray R. Edelman

MURRAY R. EDELMAN

Subscribed and Sworn this

23rd day of May, 1985

Jane E. Mott
Notary Public

JANE E. MOTT
Notary Public, State of Ohio
My Commission Expires February 20, 1990
(Recorded in Lake County)