

PRC System



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

NOV 07 1983

MEMORANDUM FOR: Commissioner Asselstine  
FROM: William J. Dircks, Executive Director for Operations  
SUBJECT: TOL ESTIMATE

Last spring the staff estimated that it was possible that as many as five plants (Limerick, Comanche Peak, Shoreham, Catawba, Byron) were potential candidates for temporary operating licenses (TOL). The status of those plants is as follows:

SHOREHAM UNIT 1

Shoreham might need a Temporary Operating License in calendar year 1984, although the applicant has filed a motion requesting a low power license under 10 CFR 50.57(c). Two issues remain to be litigated: emergency diesel generators and emergency planning. As a result of the failure of one of the Shoreham diesels in August 1983, the applicant has started an extensive investigation and repair program. This effort is expected to last well into calendar year 1984 and will be followed by hearings concerning the diesels' reliability.

Hearings are also scheduled regarding the Shoreham offsite emergency plan. These hearings are expected to start on December 6, 1983, and could conceivably last for six to nine months.

LIMERICK, UNIT 1

The Limerick Generating Station, Unit 1 is scheduled for completion of construction by the applicant in August 1984. Based on the potential number and complexity of the issues to be litigated in the Atomic Safety and Licensing Board (ASLB) hearings on the OL application, there is significant potential for the hearings to extend beyond August 1984. Hearings will begin in December 1983 on four miscellaneous contentions. Hearings are expected to begin in the January to March period on probabilistic risk assessment and emergency planning contentions. These hearings may be both complex and extensive. On the basis of its consideration of these factors the ASLB Panel has estimated that it could take until March 1985 to complete the hearing process for the Limerick plant. When compared to the applicant's scheduled August 1984 date for construction completion, this would result in a seven month impact on the schedule and indicate the need for a Temporary Operating License.

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#### COMANCHE PEAK, UNIT 1

Comanche Peak, Unit 1 is scheduled by the applicant for completion of construction by the applicant in December 1983. At this time, one contention concerning the adequacy or performance of the QA/QC program during construction remains contested in the hearing. The Atomic Safety and Licensing Board (ASLB) has been awaiting completion of ongoing investigations by the NRC Office of Investigation (OI) into charges that quality assurance and craft personnel have been intimidated from reporting defects in the construction of the plant. It now appears these investigations may not be completed until the spring of 1984. The ASLB has recently proposed to hear additional testimony on ongoing and proposed inspections at the plant as an alternative to waiting on the OI investigation reports. Given the uncertainties in the impact of the OI investigation on the hearing schedule, the uncertainties that the alternative inspections will result in any earlier completion of the hearing, and uncertainties in the construction completion date, Comanche Peak, Unit 1 might need a Temporary Operating License.

#### CATAWBA, UNIT 1

In the case of Catawba, the Atomic Safety and Licensing Board (ASLB) established a schedule indicating that a partial initial decision will be issued on all contentions, except for off-site emergency planning contentions, before the end of April 1984. The Catawba, Unit 1 construction completion date is May 1984. The emergency planning contentions will be in hearing before the ASLB, at the earliest, in March 1984. The initial decision will be issued, at the earliest, in mid to late July 1984. Therefore, Catawba, Unit 1 might need a Temporary Operating License, although if the Licensing Board's decision in April is favorable, an operating license limited to 5% of full power could be issued at that time.

#### BYRON, UNIT 1

The current estimated construction completion date for Byron 1 is February 1984. The operating license hearing was completed on August 12, 1983 and the initial decision is expected in November 1983. At the beginning of the hearing, the estimated construction completion date was August 1983. With the revised date of February 1984, it does not appear likely that Byron 1 will need a Temporary Operating License.

It is possible that the hearing could be re-opened on the contentions dealing with QA/QC or emergency planning. QA/QC related allegations are still being investigated, and the intervenor might file a motion to re-open the hearing when these investigations are completed. In litigating the emergency planning contention, the applicant and intervenor stipulated to a number of commitments by the applicant. If the intervenor does not believe that the applicant has satisfactorily met its commitments, the intervenor could file a motion to re-open the hearing.

The present status of the above plants indicates that four, and possibly all five, have a potential need for a Temporary Operating License in CY 84 if startup delays resulting from extended hearings should occur.

For other plants scheduled to be licensed in CY 84, CY 85, and CY 86, the present licensing process schedules are such that there would be no need for a Temporary Operating License. We know of no information at this time on these plants that would make any of them likely to need a TOL.

(Signed) William J. Dircks

William J. Dircks  
Executive Director for Operations

cc: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Roberts  
Commissioner Bernthal  
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