



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

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OCT 30 1981

MEMORANDUM FOR: Robert L. Tedesco, Assistant Director
for Licensing
Division of Licensing

THRU: Elinor G. Adensam, Chief
Licensing Branch No. 4
Division of Licensing

FROM: Darl Hood, Project Manager
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SUBJECT: REVISED HEARING SCHEDULES FOR MIDLAND

Background

On October 16, 1981, and following internal discussions with the Division of Engineering and (by telephone) me, OELD participated in a conference call with Consumer's legal representatives and the Licensing Board to discuss revised schedules for the Midland soils hearing. The instant hearing is directed to the CP level of information needed to determine the adequacy of proposed modifications to structures located on inadequately compacted fill. The revised schedule is requested by Consumers in order to better accommodate their immediate construction schedules (i.e., to address first certain limited remedial activities said to be critical to their construction needs) for which it is perceived that NRC staff concurrence is possible prior to the hearing start.

Problem Alert

The applicant considers the Auxiliary Building to be schedule critical. Because the remedial actions for the Service Water Structure and Auxiliary Building are quite similar (especially for initial preparations), the applicant proposes that the two reviews be combined where possible. The NRC staff agreed to review certain recent submittals made by Consumers and to indicate on October 30, 1981, just what construction activities are likely candidates. Two candidates identified during the discussion are (1) installation of the vertical access shafts for the Auxiliary Building and the Service Water Structure and (2) installation of a freeze wall within the deeper soil layers around the Auxiliary Building to serve as an underground dam during excavation beneath the structures.

It was agreed that the hearing for construction activities for which agreement could be reached on the Auxiliary Building and Service Water Structure would be held December 1 - 4, 1981. Hearing testimony would be filed November 16, 1981.

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It was also agreed that the next hearing session after that would be December 14 - 18, 1981, and would discuss (1) seismic models for the Auxiliary Building and Service Water Structure, (2) the Borated Water Storage Tanks, and (3) possibly the underground piping. Testimony is to be filed November 30, 1981. The hearing on the Diesel Generator Building is deferred to January 5 - 13, 1982, with testimony due December 21, 1981.

No further hearing sessions have been established at this time, but several subjects remain. These include permanent dewatering, structural analysis and crack modeling for all structures on fill. Considering the present technical status, it is quite likely that significant carryover from the December and January hearing sessions will occur.

Under the initial schedule, the hearing session was to be completed on December 18, 1981. Now, completion of the hearing sessions before the end of February 1982 appear unlikely. The OL SER, scheduled for issuance May 6, 1982, may be paced by issuance of the Board's decision.

Problem

The NRC staff has not opposed the applicant's request to rearrange the hearing topics and schedules to accommodate the immediate construction impact concerns. The problem is that these immediate construction activities are merely preparatory to a larger construction step, namely actual construction of underpinning. At present, it would appear to be highly unlikely, both from a technical review status and from a legal status, that underpinning authorization by the staff can be granted by January 1, 1982, as needed by the applicant. The legal question involves whether staff concurrence can be granted while the matter is still before the Board, and whether underpinning constitutes a "significant hazards" consideration. The applicant's position is that 50.55(e) provides for continued construction and that structural foundations are not covered by principal architectural engineering criteria required by the CP.

If this larger step can not be taken in early 1982 as the applicant wishes, then our present redirection constitutes a "hurry up and wait" situation achieved at the expense of a longer hearing schedule and increased potential of impact to the OL review and SER issuance. The applicant intends to escalate its position that underpinning construction can and must begin January 1, 1982, to staff management.

Assessment of NRC staff limitations and capabilities to achieve and
pinning of structures on January 1, 1982, is needed. The results
should be used to determine what course of action would lead to
in issuance of the OL SER.

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