



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 ATOMIC SAFETY AND LICENSING BOARD PANEL  
 WASHINGTON, D.C. 20555

March 15, 1984

MEMORANDUM FOR: B. Paul Cotter, Jr.  
 Chief Administrative Judge, ASLBP

FROM: *JLV* David L Prestemon *CKE*  
 Legal Counsel, ASLBP

SUBJECT: "IMPACTED" PLANTS

54-322, 352, 353  
 4713, 414

There are presently only two plants that are actually projected to be "impacted": Shoreham and Limerick. A third, Catawba, will be close to the line.

1. Shoreham. The only remaining issues in the safety phase of the Shoreham proceedings concern the diesel generators. All other safety issues left after issuance of the Board's last partial initial decision were subjected to negotiations between the parties at the direction of the Board and have been settled. Part of the settlement has been approved by the Board and the Board expects to approve the remaining terms of the parties' agreement shortly.

The fundamental pacing item for the remaining hearings is the completion of the Staff's diesel generator study. At present, it does not appear that that study will be completed before June 1984 at the earliest. Based on that estimate, the Board has tentatively scheduled hearings to begin July 30, giving the parties one month to review the study findings. The record is expected to be closed by the end of August and final proposed findings are to be submitted by October 25. Accordingly, the Board estimates issuance of an initial decision by December 21, 1984. The Board emphasizes that these are preliminary estimates only based on an uncertain staff review schedule.

Assuming the schedule for the safety phases of the hearing proves to be correct, it does not appear now that the emergency planning phase of the proceedings will contribute to any "impacting" of the plant. Judge Laurenson has scheduled the current hearings such that the record should close by June 30, 1984. Final proposed findings will be required by August 30, 1984; and an initial decision on emergency planning issues is tentatively projected for November 15, 1984. These estimates are in part based upon FEMA's estimate that it will complete its review by the end of this month.

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 PDR COMMS NRCC  
 CORRESPONDENCE PDR

2. Limerick. The Limerick Board is currently estimating completion of a partial initial decision on all issues required to be resolved for issuance of a low power license by January 1985. The principal pacing item in this case is the Staff review schedule which calls for completion of the FES by the end of this month. The proceeding is heavily contested and even the three months currently projected for evidentiary hearings may prove overly optimistic. Those hearings are in August but have been sidetracked recently by Applicant's motion to store new fuel onsite under a Part 70 license. The Board will be ruling on that motion shortly, probably by the end of this week or early next week.

The Board is also currently preparing a decision on the admissibility of respecified emergency planning contentions. Because of uncertain and incomplete state of emergency plans at present (the respecified contentions were based on draft plans submitted), an estimate for the time required to complete hearings on those issues is difficult. Hearings on both safety and emergency planning issues are tentatively scheduled for March, April, and May.

3. Catawba. Because of the bifurcation of these hearings with the appointment of a second board on February 27, 1984 to hear emergency planning contentions, we are no longer projecting any potential delay for this plant. Judge Kelley currently anticipates that he will be able to complete an initial decision on all safety issues by late May. Hearings on emergency planning issues should be possible in the hiatus between the filing of proposed findings on safety issues and the issuance of the initial decision. This may permit the new Board to complete hearings on emergency planning issues and issue an initial decision by the end of August or early September.

The schedule for Catawba may be affected by an Appeal Board ruling on issues referred to it by Judge Kelley's order. These issues concern whether or not the Licensing Board acted correctly in dismissing certain contentions relating to Catawba diesel generators, which, like those at Shoreham, were built by Delaval.

I will plan to meet with you at 9:00. If there are any other questions you would like to have researched, please let me know.

3/16/84

Notes of Mays re NTP file

1

O/C NTP, WD, H D,

I. Impacted plants

See page 10  
of 12 154 20  
Lead testimony to I.

A. Shoreham: ALTERNATIVE SOLUTION FOR LOW POWER

I. Llew file proposal to get around diesel issue + hold hearing on operation at low power

- Based on LLECO proposal, staff con issue report in 30 days as to whether plant safe at 5% w/o diesel's

2. Assessid

A. Commission ordered hearing would

1) Define "CONTENTION" + SET TIME FRAMES FOR EXPEDITED PROCEDURE

b. Review Board order of 2/22

B. Trinick

I. Staff thinks will not finish 'til early '85  
d. Austin + Smith don't think it's a problem

see photo!

II. Made plants

A. Ingersoll - issue <sup>leave</sup> next week?

B. Callaway - ready for license in April ("garden variety" allegations re electrical QC)

C. WPPS 2 (OK)

D. Lasalle - OK, no allegations: Briefing Commission 3/23/84

III. Allegations arising at last minutes

A. Acible Canyon (ca. 400: looked carefully at 200 + on that basis think all satisfactorily resolved + won't look at other 200)

NOTE: Concern re  
Some Board  
Chairman

3/16/84

before ASLAP (QA/QC?)

- Staff told ASLAP which had decision scheduled for next week

- may delay ASLAP decision

-> Commission tentatively said will wait for ASLAP decision

B. Waterford (Trinity/Buggs district)

1. Denton thinks substantiated

2. Still insist April completion date

3. Motion to proceed before Appeal Board to review allegations

a. Staff reply due April 13

4. Allegedly records worse than Zenner

- no allegations directly as to hardware underlying records

C. <sup>records</sup> ~~Comanche Peak~~ <sup>state</sup>

1. Denton: completion date slipped to September

2. Inspector intimidation by company (TUGCO) "open warfare"  
- security rifled desks of "nit picker" <sup>QC</sup> inspectors

D. Byron

1. Denton thinks will be remanded - 6 more months

DON'T HAVE SHORT (MORE THAN ONE) HEARING PROCESS



NIP: Allegations Board? How handle

Denton low-  
level contact  
info from subject -  
Tomb

See sheet

⑥

SHOREHAM

CONSTRUCTION COMPLETION: THE LONG ISLAND LIGHTING COMPANY ESTIMATES A CONSTRUCTION COMPLETION DATE OF MARCH 1984. THE NRC STAFF ESTIMATES A CONSTRUCTION COMPLETION DATE OF MAY 1984 BASED ON THE NEED TO COMPLETE THE TESTING OF THE EMERGENCY DIESEL GENERATORS.

OVERALL STATUS: CONSTRUCTION IS COMPLETE EXCEPT FOR TESTING OF EMERGENCY DIESELS. PROJECT IS HEAVILY CONTESTED WITH ISSUES OF EMERGENCY DIESELS AND EMERGENCY PLANNING YET TO BE LITIGATED. EXTENDED DELAYS IN PLANT COMPLETION HAVE PLACED UTILITY IN EXTREME FINANCIAL DIFFICULTIES.

MAJOR ISSUES: SEVERAL ISSUES REMAIN THAT COULD CONTRIBUTE TO SUBSTANTIAL DELAY IN READINESS FOR LICENSING AND FULL POWER OPERATION.

ONE OF THE TWO SHOREHAM HEARING BOARDS, DEALING WITH ALL HEARING ISSUES EXCEPT OFFSITE EMERGENCY PLANNING, HAS DENIED A MOTION BY THE UTILITY FOR A LOW POWER LICENSE UNTIL THE DIESEL GENERATOR CONTENTIONS HAVE BEEN COMPLETELY LITIGATED OR AN ALTERNATE BASIS FOR LOW POWER OPERATION HAS BEEN APPROVED BY THE BOARD. WE EXPECT THE APPLICANT TO REQUEST RELIEF FROM THIS BOARD ACTION.

ADEQUACY OF THE INSTALLED DELAVAL EMERGENCY DIESEL GENERATORS IS UNDER EVALUATION AND MUST BE RESOLVED. HEARINGS ON THIS ISSUE ARE EXPECTED TO START IN JULY 1984 WITH AN INITIAL BOARD DECISION POSSIBLE IN DECEMBER 1984.

NO STATE OR LOCAL GOVERNMENT OFFSITE EMERGENCY PLANS HAVE BEEN APPROVED. A UTILITY OFFSITE EMERGENCY PLAN IS UNDER REVIEW BY FEMA. THIS UTILITY PLAN IS BEING LITIGATED BEFORE THE OTHER HEARING BOARD. AN INITIAL DECISION ON EMERGENCY PLANNING IS PROJECTED FOR NOVEMBER 1984. THE STATE AND SUFFOLK COUNTY HAVE FILED SUIT IN THE STATE OF NEW YORK SUPREME COURT TO HAVE THE UTILITY EMERGENCY PLAN DECLARED ILLEGAL.

NO SHOREHAM LICENSED OPERATORS HAVE HOT LICENSED OPERATING EXPERIENCE. THE NEED EXISTS FOR MORE OPERATING EXPERIENCE ON THE SHOREHAM PLANT STAFF.

ASSUMING THAT THE PROBLEMS WITH OFFSITE EMERGENCY PLANS CAN BE RESOLVED, IT IS LIKELY THAT THIS PLANT WILL BE DELAYED SEVERAL MONTHS BECAUSE OF THE DIESEL GENERATOR PROBLEMS.

LIMERICK UNITS 1 AND 2

CONSTRUCTION COMPLETION: THE PHILADELPHIA ELECTRIC COMPANY ESTIMATES UNIT 1 COMPLETION IN AUGUST 1984 AND UNIT 2 IN OCTOBER 1989. THE NRC STAFF DOES NOT DISAGREE WITH THESE DATES FOR COMPLETION OF PHYSICAL PLANT CONSTRUCTION, HOWEVER THE STAFF'S ESTIMATE OF THE UTILITY'S READINESS FOR UNIT 1 FUEL LOADING IS EARLY 1985. THIS STAFF ESTIMATE IS SEVERAL MONTHS LATER THAN THE UTILITY'S ESTIMATE BECAUSE UTILITY'S SCHEDULES FOR DEVELOPMENT OF PROCEDURES FOR AND EXECUTION OF PREOPERATIONAL TESTING IS CONSIDERED TOO OPTIMISTIC.

OVERALL STATUS: UNIT 1 CONSTRUCTION IS 93.7% COMPLETE. UNIT 2 CONSTRUCTION IS 31% COMPLETE.

THE LIMERICK PROJECT IS HEAVILY CONTESTED.

MAJOR ISSUES: SEVERAL ISSUES REMAIN THAT COULD CONTRIBUTE SUBSTANTIVE DELAY IN READINESS FOR LICENSING AND FULL POWER OPERATION.

HEARINGS, ON ADMITTED CONTENTIONS, ARE NOT EXPECTED TO CONCLUDE BEFORE JANUARY 1985. ADMITTED CONTENTIONS REMAINING TO BE LITIGATED ARE PIPELINE HAZARDS, EQUIPMENT QUALIFICATIONS, WELDING QUALIFICATION, AND ONSITE EMERGENCY PLANNING. OTHER CONTENTIONS RELATING TO THE LIMERICK PROBABILISTIC RISK ASSESSMENTS AND TO OFFSITE EMERGENCY PLANNING MAY REQUIRE LITIGATION.

ELEMENTS OF THE SYSTEM BEING RELIED UPON TO PROVIDE SUPPLEMENTARY COOLING WATER FROM THE DELAWARE RIVER ARE BEING DELAYED. ALTHOUGH THIS IS NOT A SAFETY ISSUE, THE ABILITY OF THE PLANT TO GENERATE POWER BEGINNING WITH THE WARM WEATHER MONTHS OF 1985 MAY BE RESTRICTED DUE TO LIMITATION PLACED ON THE WITHDRAWAL OF WATER FROM THE ADJACENT SCHUYLKILL RIVER.

THE STAFF BELIEVES THAT THERE IS A REASONABLY GOOD PROBABILITY THAT ALL SAFETY ISSUES WILL BE RESOLVED BEFORE THE PLANT IS ACTUALLY READY TO LOAD FUEL (PROBABLY IN EARLY 1985). HOWEVER, BECAUSE OF THE COMPLEXITY OF THE PRA/RISK ISSUES TO BE LITIGATED, IT IS PROBABLE THAT AN EXTENDED HEARING WILL RESULT.