



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555
March 27, 1984

(11)

NOTE TO: Judge B. Paul Cotter, Jr.
Chief Administrative Judge

SUBJECT: LILCO SUPPLEMENTAL MOTION FOR LOW POWER OPERATING LICENSE
(dated March 20, 1984)

The subject motion, among other things, asks the Shoreham operating license board presiding over the diesel issues to refer the motion to the Commission. We understand that the Commission is aware of the motion and is considering whether to take action in the immediate future on its own.

In anticipation of imminent Commission action, we have not taken further action beyond scheduling the preliminary procedural answers to the motion by the parties. (Suffolk County's answer was received on March 26. New York State will file an answer on March 28. The NRC Staff's answer is scheduled for March 30.) Unless the Commission issues at least preliminary guidance that the licensing board should hold matters in abeyance pending further Commission orders, we intend to proceed on or about April 2, 1984, to implement some combination of a conference call, prehearing conference and written order to establish with the parties procedures and a schedule for consideration of LILCO's motion.

Depending on the schedule established (by us or the Commission), the Shoreham Licensing Board on which we sit may have to be reconstituted by you due to our heavy schedule for the Limerick evidentiary hearing in April and May.

Limerick notes:

*Staff FAS due 3/30
EP issues will be litigated
in Fall*

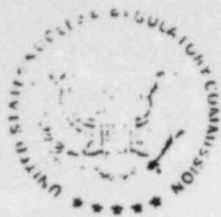
Lawrence Brenner

Lawrence Brenner, Chairman
ADMINISTRATIVE JUDGE

8407310129 840713
PDR COMMS NRCC
CORRESPONDENCE PDR

Peter A. Morris
Dr. Peter A. Morris
ADMINISTRATIVE JUDGE

Check with Ferguson!



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Lawrence Brenner

Lawrence Brenner, Chairman
ADMINISTRATIVE JUDGE

Peter A. Morris

Dr. Peter A. Morris
ADMINISTRATIVE JUDGE

THE EDO HAS RECENTLY PROVIDED THE COMMISSION AN ASSESSMENT FOR SHOREHAM THAT PROJECTS A NINE-MONTH LICENSING DELAY DUE TO, I AM TOLD, THE SHOREHAM LICENSING BOARD'S REQUIREMENT TO LITIGATE THE DIESEL-GENERATOR QUESTION BEFORE ALLOWING OPERATION AT LOW POWER.

THE COMMISSION WOULD LIKE THIS MATTER LITIGATED ON AN EXPEDITED BASIS WITH A TARGET DATE OF RECEIVING THE BOARD'S DECISION ON THIS MATTER BY MAY 9, 1984. WOULD YOU PLEASE LOOK INTO WHAT STEPS ARE REQUIRED TO MEET SUCH A DATE AND INFORM THE COMMISSION ON THESE STEPS AS SOON AS POSSIBLE, BUT NOT LATER THAN MARCH 30, 1984.

FOR PLANNING PURPOSES, YOU COULD ASSUME THE FOLLOWING STEPS:

- A TWO WEEK STAFF REVIEW OF THE PROPOSAL BY LILCO;
- A ONE WEEK DISCOVERY PERIOD;
- A TWO WEEK PERIOD FOR FILING TESTIMONY AND HOLDING A HEARING;
- A TWO WEEK PERIOD TO ISSUE THE BOARD'S DECISION

FINAL COMMISSION GUIDANCE ON THE EXPEDITED HEARING ON THIS MATTER WOULD BE BASED ON YOUR SUBMITTAL AND FOLLOW UP DISCUSSIONS. IF YOU HAVE ANY QUESTIONS, PLEASE LET ME KNOW.

3/22/84

NTP Office

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The EDO has recently provided the Commission an assessment for Shoreham that projects a nine-month licensing delay due to, I am told, the Shoreham Licensing Board's requirement to litigate the diesel-generator question before allowing operation at low power.

The Commission would like this matter litigated on an expedited basis with a target date of receiving the Board's decision on this matter by May 9, 1984. Would you please look into what steps are required to meet such a date and inform the Commission on these steps as soon as possible, but not later than March 30, 1984.

S.K.

For planning purposes, you could assume the following steps:

- A two week staff review of the proposal by LILCO;
- A one week discovery period;
- A two week period for filing testimony and holding a hearing;
- A two week period to issue the Board's decision

r/l. 1/22

Final Commission guidance on the expedited hearing on this matter would be based on your submittal and follow up discussions. If you have any questions, please let me know.

The EDO has recently provided the Commission an assessment for Shoreham that projects a nine-month licensing delay due to, I am told, the Shoreham Licensing Board's requirement to litigate the diesel-generator question before allowing operation at low power.

The Commission would like this matter litigated on an expedited basis with a target date of receiving the Board's decision on this matter by May 9, 1984. Would you please look into what steps are required to meet such a date and inform the Commission on these steps as soon as possible, but not later than March 30, 1984.

For planning purposes, you could assume the following steps:

- A two week staff review of the proposal by LILCO;
- A one week discovery period;
- A two week period for filing testimony and holding a hearing;
- A two week period to issue the Board's decision

Final Commission guidance on the expedited hearing on this matter would be based on your submittal and follow up discussions. If you have any questions, please let me know.

Counsel are notified that oral arguments will be heard Wednesday, April 4, 1984, on LILCO's "Supplemental Motion For Low Power Operating License," dated March 20, and the responses thereto or preliminary views filed by the other parties. The issues raised by those filings, and a schedule for their expedited decision, will be considered at that time. The arguments will commence at 9:00 a.m. in the NRC Hearing Room, 5th floor, 4350 East West Highway, Bethesda, Maryland.

Larry wants this telephonic preliminary notice to state that a new board has been appointed. I am neutral on this, a written notice will be mailed today if you decide to proceed, but would be rather late for the sale notice.
MTM

3/30 For Monday Call Malsch.
Shoreham -

m. malsch 41465 (in meeting with chairman)

Display winter

Shoreham - Low Power
Separate Board
does he want to see a copy

~~Fitzgerald 43224 not in office~~

Notice - Board Establishment - Miller, Bright, Johnson
can send him a copy Monday

April 2 left word.

Marty has a copy already

(14)



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

4/2/84

telecom (from) J. Asselstine

re: new low power Shoreham
Board

Q - reason?

Ans. 2 members heavily
committed to work on
another OL proceeding



Considerations

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I. Available Judges

A. Trinick schedule (3/27, 28, 29, 30: 4/9, 10, 11, 12, 13 - 4/23, 24, 25, 26, 27
BRENNER, MORRIS, COLE ST 1, 2, 3, 4)

B. Strickland schedule (3/27, 28, 29, 30: 4/4, 5, 6, 24, 25, 26, 27 (3 on 20/30)
+ common Show, Kline
(Bremer, Morris, Ferguson)

C. OTHER POSSIBLE:

	<u>CHAIR</u>	<u>SAFETY</u>	<u>ENV</u>
	Frye?	Ferguson	Anderson
	* Gleason	Netruck	Conroy
	Goodhope	Hell?	Frank
	Lancaster	Trickett	Hilton
	Lutz	Shon	Hopewell?
	Waltkin?	(LEEDS? (P&EE))	Kline?
	* Miller		Paris
① Ferguson, 4/11, 4/12, 4/13 ② Ferguson	Smith?		Schick
	Herman		Starr
	* Hoff		

II. Strickland attorney availability - should be OK

III. Order Considerations (I History II AUTHORITY III ISSUES IV BO INST.)

A. History softens by reciting resolution of all but direct safety issue

IV. Research Boards

Smith	Hell	Luecke
Gleason		
Miller		

Notes

Construction
Completion
? 9/184 (NY Times 7/185)

① BOARD 2
EP Office
4/30 Log (FEMA Records
3/12/84)
Completed
8/28 7-logs
11/15 ID

② EP Office

? 8/84 (NYT 4/85)
Staff - early '85

BOARD I
EP Office

ID 9/15

BOARD I
5/30 ID

(Guinea records?)
NSRNP
Rebutal questions

Feb. report 8-80

BOARD I
Safety

Present by meeting
① Board Meeting
8/30 Close Meeting
10/25 Feedback
12/21 ID

5/84 (5) month hearing about (trans. part 70)
② 8/15 hearing about: 100/1000
(10000 EP)

Passing

6/184
(Staff report
study)

5/81
FES by Staff
(part 70)

1. Shrockman

2. L. murch

3. C. Tamba

4. C. mandie
Piate

(1)

HEARING STATUS REPORT

PAGE NO. 11-29

FACILITY NAME: LINERICK 1 & 2 APPLICANT/LICENSEE: PHILADELPHIA ELECTRIC TYPE OF PROCEEDING: OI ASLB MEMBERS: ASLB CHAIR: L. BRENNER MEMBER 1: R. COLE MEMBER 2: P. MORRIS CORPORATE COUNSEL: T. CONNER ELD CONTACT: A. HODGON PREPARED BY: L. BRENNER		ASLB NO. 81-465-07 OI DOCKET NO(S): 035240353 ASIBP DOCKET DATE 09-08-81 REACTOR TYPE: BWR LOCATION: 35 MI NW OF PHILADELPHIA, PA	REVISION NO. DATE 0 10-01-81 27 02-01-84 28 03-01-84 29 04-01-84
DATE APPOINTED: 03-16-84 03-16-84 03-16-84		INTERVENOR NAME LINERICK ECOLOGY ACTION (LEA) DEL-AWARE CONSUMERS EDUCATION (CEPA) GRATERFORD PRISONERS (LUNYS GUILD) FOE/DELAWARE VALLEY CHAPTER CONT. UNDER "NOTES"	INDIV. CONTACT C. ELLIOTT, ESQ R. SUGARMAN, ESQ S. HERSHEY, ESQ A. LOVE, ESQ R. ANTHONY

DOCUMENTATION DATES

	ORG.	ESI.	CURRENT	SER:	ORG.	ESI.	CURRENT	CP ISSUED:	ORG.	ESI.	CURRENT
INIT. BD. NOTICE OF HRG'	08-21-81		08-21-81C	SER:	08-08-83		09-06-83C		04-26-74		06-15-74C
ER DOCKETED:	07-27-81		07-27-81C	SSER-1:	10-30-83		12-13-83C	CONST. COMP.-NRC:	03-00-84		05-00-85C
DES ISSUED:	05-06-83		06-27-83C	SSER-2:				UNIT 2:	N/S		
FES ISSUED:	03-30-84			SSER-3:				CONST. COMP.-APPL:	08-00-84		08-00-84C
LHA ISSUED:	N/A			SSER-4:				UNIT 2:	11-00-88		
PSAR DOCKETED:	02-27-70		02-27-70C	SSER-5:							
FSAR DOCKETED:	07-27-81		07-27-81C	SSER-LATEST:							
ACRS LETTER:				FEMA RPT:	10-07-83						

COMMENT: FOR CONSTRUCTION COMPLETION, DATES IN "ACTUAL" COLUMN ARE CURRENT ESTIMATES. NOTE STAFF & APPLICANT STRONG DISAGREEMENT (9 MO. DIFFERENCE) OVER CONSTRUCTION COMPLETION ESTIMATES. SCH. FOR STAFF FES SEVERE ACCIDENT ANALYSIS AND FEMA REVIEW ARE PACING ASSUMPTIONS FOR COMPLETION OF HEARING. STAFF REVIEW SCH. (FES-3/30/84) MAKES IT IMPOSSIBLE TO MEET AN 8/84 DECISION DATE. PROCEEDING IS HEAVILY CONTESTED. THE 3 MOS. ASSUMED FOR HEARING MAY BE EXCEEDED. EVEN IF MET, PROJ. DEC. DATE IS 5 MOS. LATER THAN APPL EST. DATE FOR COMPL. OF UNIT 1.

HEARING MILESTONES

	TARGET DAY* DATE	EST./ACTUAL DAY* DATE	TOTAL SLIP*	COMMENTS
(1) FINAL STAFF DOCUMENT				
(2) NEW CONTENT FILED AND INTERROG REQ FILED				
(3) PHC HELD; WRITTEN ORDER SERVED				
(4) ADDL. INTERROG. FILED ON AND BY STAFF				
(5) INTERROG. RESPONSES DUE				
(6) MOTIONS TO COMPEL FOR SUMMARY DISP, DUE				
(7) ANSWERS TO MOTIONS TO COMPEL DUE				
(8) RUL ON MOTIONS TO COMPEL ANS ON SUM DISP				
(9) RESPONSE TO ANSWERS ON SUMMARY DISP.				
(10) DISCOVERY COMPLETE				
(11) TESTIMONY FILED				
(12) RULINGS ON MOTIONS FOR SUMMARY DISP.				
(13) HEARING BEGINS (LAST PHASE)	78 06-15-84			
(14) RECORD CLOSES	170 09-15-84			LITIGATION OF THE SUPPLEMENTARY COOLING WATER SYSTEM ISSUES HAS BEEN COMPLETED. A P.I.D. WAS ISSUED MARCH 8, 1983.
(15) APPLICANTS PROPOSED FINDINGS				THIS IS A HEAVILY CONTESTED CASE REQUIRING ADDITIONAL TIME TO COMPLETE EVIDENTIARY HEARING
(16) INTERVENORS PROPOSED FINDINGS				
(17) STAFFS PROPOSED FINDINGS				
(18) APPLICANTS REPLY FINDINGS				
(19) INITIAL DECISION	292 01-15-85			SCHEDULE IS FOR A P.I.D. IT DOES NOT INCLUDE OFFSITE EMERGENCY PLANNING
(20) COMMISSION EFFECTIVENESS DECISION				

*DAY=CALENDAR DAYS; TOTAL SLIP=DIFFERENCE BETWEEN ESTIMATED/ACTUAL DATE AND TARGET DATE

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CURRENT STATUS:

MARCH EVIDENTIARY HEARING IS CONTINUING. ON 03/26, THE BOARD RULED IT HAD JURISDICTION OVER ISSUES RELATED TO THE PROPOSED PART 70 LICENSE TO RECEIVE UNIRRADIATED FUEL, BUT FOUND NO BASES TO ADMIT THE PROPOSED CONTENTIONS. ON 03/20, THE BOARD RULED ON THE ADMISSIBILITY OF NEPA SEVERE ACCIDENT ANALYSIS CONTENTIONS, ADMITTING 7 IN WHOLE OR IN PART, AND REJECTING 4. THREE LATE-FILED CONTENTIONS ON MISCELLANEOUS SUBJECTS (ASBESTOS, FINANCIAL QUALIFICATIONS & PRESSURE VESSEL SHOCK) WERE REJECTED. PURSUANT TO BOARD ORDER, THE PARTIES HAVE BEEN HOLDING SETTLEMENT CONFERENCES ON ONSITE EP CONTENTIONS, WITH SOME SUCCESS. RULINGS ON ADMISSIBILITY OF OFFSITE EP CONTENTIONS WILL BE ISSUED NEXT MONTH.

CONTENTIONS	NO.	FILER(S)	DEFERRED	DENIED	ADMITTED BY ASLB	WITHDRAWN	STIPULATED OUT OR OTHER DISP.	SUMMARY DISP.	CONTENTIONS FOR HEARING	ADMITTED BY ALAD
SAFETY	116		0	63	9	50	1	1	4	
ENVIRONMENTAL	39		0	28	11	0	1	0	3**	
EMERG PLANNING	31*		0	1	19	11	1	0	18	
OTHER	2		0	2	0	0	0	0	0	
TOTAL	188		0	94	39	61	3	1	25**	

COMMENTS:

* "ONSITE" EMERGENCY PLANNING ONLY. OFFSITE CONTENTIONS WILL BE RESPECIFIED IN FUTURE.

** 2 OF THESE HAVE BEEN LITIGATED AND DECIDED IN A 03/08/83 PARTIAL INITIAL DECISION

SUMMARY OF MAJOR ISSUES:

EMERGENCY PLANNING, NEPA ACCIDENT RISK ASSESSMENT, ENVIRONMENTAL IMPACT OF SUPPLEMENTARY COOLING WATER SYSTEM, (LITIGATION COMPLETED), SYSTEMS INTERACTIONS, ENVIRONMENTAL QUALIFICATION AND A BROAD SPECTRUM OF OTHER SAFETY ISSUES.

NO. OF HEARING DAYS THIS MONTH: 7
TOTAL NO. OF HEARING DAYS TO DATE: 35

NO. OF PREHEARING CONFERENCE DAYS THIS MONTH: 3
TOTAL NO. OF PREHEARING CONFERENCE DAYS TO DATE: 12

CHRONOLOGY: (ITEMS OF INTEREST IN ADDITION TO MILESTONES)1982

- JAN. ON 10/14, BOARD ISSUED ORDER SPECIFYING FURTHER INFORMATION TO BE FILED REGARDING THE STANDING OF PARTIES AND SETTING SCHEDULE FOR THE FILING OF CONTENTIONS AND ANSWERS AND REBUTTALS THEREIN IN NOVEMBER AND DECEMBER. PETITIONERS WERE ENCOURAGED TO FILE, TO THE FULLEST EXTENT POSSIBLE, A COMBINED STATEMENT OF CONTENTIONS AND BASES.
- ON 1/06, SPECIAL PREHEARING CONFERENCE TO DETERMINE ISSUES AND TO COMPLETE DETERMINATION OF PARTIES WAS HELD ON THIS INCLUDED ISSUES RELATED TO PROBABILISTIC RISK ASSESSMENT, EMERGENCY PLANNING AND TMI ACTION ITEMS. ARGUMENTS WERE HEARD ON THE EFFECT OF COLLATERAL ESTOPPEL AND NEPA LEAD AGENCY CONSIDERATIONS ON THE ADMISSIBILITY OF ISSUES ON THE ENVIRONMENTAL IMPACT OF THE COOLING WATER SYSTEM. THE CITY OF PHILADELPHIA WAS ASKED TO PARTICIPATE AS AN INTERESTED GOVERNMENTAL BODY PURSUANT TO 10 CFR 2.715(C).
- FEB. PARTIES FILED CLARIFICATIONS TO AND SUPPLEMENTS ON POSITIONS TAKEN AT CONFERENCE.
- APRIL BOARD IN PROCESS OF PREPARING ORDER RULING ON PARTIES AND ADMISSIBILITY OF THE MANY PROPOSED CONTENTIONS.
- MAY BOARD PREPARING EXTENSIVE ORDER FOR ISSUANCE 06/01 RULING ON STANDING AND CONTENTIONS.
- JUNE EXTENSIVE (160 PAGE) SPECIAL PREHEARING CONFERENCE ORDER WAS ISSUED 06/01, RULING ON PARTIES AND ISSUES. THE BOARD FOUND THAT TEN PETITIONERS HAD SATISFIED THE REQUIREMENT FOR INTERVENTION IN THE PROCEEDING AND THAT THREE HAD NOT. THE BOARD RULED THAT PETITIONERS MAY ALLEGE THEY WILL SUFFER AN INJURY IN FACT SUFFICIENT FOR STANDING WITHOUT HAVING TO DEMONSTRATE THAT THEY WILL SUFFER AN INJURY MARKEDLY DIFFERENT FROM THAT SUFFERED BY ALL PERSONS RESIDING CLOSE TO THE REACTORS. THE BOARD RULED THAT THREE GOVERNMENT AGENCIES COULD PARTICIPATE IN THE HEARING PURSUANT TO 10 CFR 2.715(C). THE BOARD ADMITTED 40 CONTENTIONS, 24 OF THEM ON THE CONDITION THAT THEY BE FURTHER PARTICULARIZED WHEN MORE INFORMATION HAS BEEN DEVELOPED BY THE APPLICANT AND THE STAFF. THE BOARD DENIED ADMISSION OF 36 CONTENTIONS AND DEFERRED CONSIDERATION OF 64 CONTENTIONS. VIRTUALLY ALL OF THE CONTENTIONS FOR WHICH CONSIDERATION WAS DEFERRED RELATED EITHER TO EMERGENCY PLANNING OR PROBABILISTIC RISK ASSESSMENT (PRA). CONSIDERATION OF THE EMERGENCY PLANNING CONTENTIONS WAS DEFERRED UNTIL EMERGENCY PLANS ARE AVAILABLE. THE BOARD FOUND THAT THE PRA IS A PROPER SUBJECT OF CONTENTIONS AND ADMITTED ONE SUCH CONTENTION. THE PARTIES WERE DIRECTED TO NEGOTIATE THE CONTENTION AND ADMISSIBILITY OF THE OTHER CONTENTIONS CONCERNING THE PRA, WITHIN THE GUIDELINES INDICATED BY THE BOARD. THE BOARD CONSIDERED AT LENGTH THE ADMISSIBILITY OF CONTENTIONS CONCERNING THE SUPPLEMENTARY COOLING WATER SYSTEM. FOUR CONTENTIONS, BASED ON CHANGES SINCE THE CP AND LIMITED IN SCOPE, WERE ADMITTED. THE BOARD INDICATED THE EXTENT TO WHICH THE STAFF COULD RELY ON FINDINGS BY OTHER AGENCIES IN ITS DES AND FES.
- JULY THE BOARD ISSUED ITS RULING ON REQUESTS FOR RECONSIDERATION OF THE SPECIAL PREHEARING CONFERENCE ORDER. ON RECONSIDERATION, ALL RULINGS WERE AFFIRMED, EXCEPT ONE OF THE FOUR COOLING WATER SYSTEM CONTENTIONS PREVIOUSLY ADMITTED WAS REJECTED. AN ACCELERATED HEARING ON THE THREE WATER ISSUES HAS BEEN SCHEDULED FOR 10/04-08.
- AUG. SEVERAL RULINGS WERE ISSUED IN DISCOVERY OF WATER ISSUES. AN ORDER ESTABLISHING PROCEDURES IN PREPARATION FOR THE 10/04-08 EVIDENTIARY HEARING WAS ISSUED, PROVIDING FOR THE FILING OF TRIAL BRIEFS, CROSS-EXAMINATION PLANS AND WRITTEN MOTIONS TO STRIKE TESTIMONY IN ADVANCE OF THE HEARING.
- SEPT. TESTIMONY, AND RELATED MOTIONS TO AMEND CONTENTIONS, STRIKE TESTIMONY, AND CROSS-EXAMINATION PLANS AND TRIAL BRIEFS WERE FILED ON WATER ISSUES. THE HEARING ON THESE ISSUES WILL BEGIN ON 10/04. ON ANOTHER SUBJECT, A CONTENTION ON THE PSYCHOLOGICAL STRESS OF VIEWING THE COOLING TOWER PLUME WAS REJECTED PURSUANT TO THE COMMISSION'S POLICY STATEMENT AND FOR LACK OF BASIS.
- OCT. AN EVIDENTIARY HEARING LIMITED TO THE THREE SUPPLEMENTARY COOLING WATER SYSTEM CONTENTIONS WAS HELD AND COMPLETED IN 12 HEARING DAYS (WHICH INCLUDES SOME EXTENDED SESSIONS). AN ORDER DENYING INTERVENOR'S MOTION TO DEFER THE HEARING WAS ISSUED.

CHRONOLOGY: (ITEMS OF INTEREST IN ADDITION TO MILESTONES)1982 (CONT'D)

NOV. PROPOSED FINDINGS HAVE BEEN FILED BY THE APPLICANT, DEL-AWARE AND STAFF ON THE SUPPLEMENTARY COOLING WATER CONTENTIONS LITIGATED IN OCTOBER. THE APPLICANT AND DEL-AWARE HAVE FILED THE FURTHER INFORMATION REQUESTED ON THE EFFECT OF THE PA. PUC ORDER RE UNIT 2 IN THE PROPOSED SUPPLEMENTARY COOLING WATER SYSTEM ISSUES. THE BOARD ISSUED TWO ORDERS: ONE REQUIRING 15 DAYS NOTICE FOR APPLICANT PRIOR TO CONSTRUCTION ON THE SUPPLEMENTARY COOLING WATER SYSTEM. THE OTHER ORDER ADMITTED TWO CONTENTIONS AND DENIED EIGHT ADVANCED BY FRIENDS OF THE EARTH REGARDING INDUSTRIAL HAZARDS TO PLANT SAFETY.

DEC. THE BOARD IS PREPARING ITS DECISION ON THE SUPPLEMENTARY COOLING WATER CONTENTIONS.

1983

JAN. THE BOARD IS PREPARING ITS DECISION ON THE SUPPLEMENTARY COOLING WATER CONTENTIONS, WHICH WILL BE ISSUED IN FEBRUARY. AN ORDER WAS ISSUED DENYING THE REQUEST BY DEL-AWARE TO ADMIT THREE ADDITIONAL SUPPLEMENTARY COOLING WATER CONTENTIONS. THE CONTENTIONS WERE BASED ON ACTIONS BY THE PA. PUC AND OTHERS RAISING THE POSSIBILITY THAT UNIT 2 WOULD NOT BE COMPLETED. THE BOARD'S RULING ASSUMED ARGUENDO THAT UNIT 2 WOULD BE CANCELLED AND HELD THAT THIS WAS NOT, IN FACT, MATERIAL TO THE NEED FOR SUPPLEMENTARY COOLING WATER.

FEB. THE PARTIAL INITIAL DECISION ON SUPPLEMENTARY COOLING WATER ISSUES WILL BE ISSUED THE WEEK OF 03/07, ALONG WITH RULINGS ON DEL-AWARE'S PETITION TO ADMIT A LATE-FILED WATER CONTENTION AND REQUEST FOR RECONSIDERATION OF THE DENIAL OF THREE OTHER WATER CONTENTIONS. BY ORDER OF 02/10, A PETITION TO ADMIT A TABLE 5-3 FUEL CYCLE IMPACT CONTENTION, BASED ON THE APRIL 1982 D.C. CIRCUIT DECISION IN HRDC V. HRC, WAS DENIED ON THE BASIS OF THE COMMISSION'S 11/82 POLICY STATEMENT. BY SEPARATE ORDER OF 02/10, THE BOARD CONTINUED INFORMAL DISCOVERY, REQUIRED FILINGS ON SPECIFICATION OF CONTENTIONS, DISMISSED A RADON CONTENTION (AND THEREFORE ECHFO AS A PARTY), REQUIRED A STATUS REPORT ON EMERGENCY PLANNING, AND TENTATIVELY SCHEDULED A PREHEARING CONFERENCE FOR MAY.

MARCH THE PARTIAL INITIAL DECISION ON SUPPLEMENTARY COOLING WATER ISSUES WAS ISSUED ON 03/08. IN A SEPARATE ORDER OF THAT DATE, THE BOARD DENIED DEL-AWARE'S REQUEST: (1) FOR RECONSIDERATION OF REFUSAL TO ADMIT THREE OTHER WATER CONTENTIONS, AND (2) TO ADMIT A LATE-FILED WATER CONTENTION. ON 03/17 THE BOARD DIRECTED THE PARTIES TO BRIEF WHETHER IT HAS JURISDICTION TO RULE ON A DEL-AWARE MOTION TO REOPEN THE RECORD FILED THE SAME DAY AS THE PARTIAL INITIAL DECISION. ON 03/10, THE BOARD DENIED A MOTION BY FOE TO RECONSIDER THE DENIAL OF SOME OF ITS NEARBY INDUSTRIAL HAZARD CONTENTIONS. ON 03/21, THE BOARD SCHEDULED A SECOND SPECIAL PREHEARING CONFERENCE TO BEGIN ON 05/09 IN PHILADELPHIA.

APRIL ON 04/12, THE BOARD DENIED AMPP'S PETITION TO ADD A LATE CONTENTION BASED ON THE TMI-2 CLEANUP. ON 04/27, THE BOARD RULED THAT THE APPEAL BOARD HAD JURISDICTION TO RULE ON DEL-AWARE'S MOTION TO REOPEN THE RECORD WHICH WAS NOT FILED BEFORE ISSUANCE OF THE PARTIAL INITIAL DECISION, EVEN THOUGH IT WAS FILED BEFORE EXCEPTIONS. THE PARTIES HAVE FILED RESPECIFIED CONTENTIONS AND ANSWERS THERETO IN PREPARATION FOR THE 05/09 SECOND SPECIAL PREHEARING CONFERENCE.

CHRONOLOGY: (ITEMS OF INTEREST IN ADDITION TO MILESTONES)1983 (CONT'D)

- MAY ON 05/09-11, THE SECOND SPECIAL PREHEARING CONFERENCE WAS HELD. SCHEDULES WERE ESTABLISHED FOR FURTHER DISCOVERY AND FILING OF SPECIFIED CONTENTIONS BASED ON NEW INFORMATION, AND ONSITE EMERGENCY PLANNING CONTENTIONS. OFFSITE EMERGENCY PLANNING CONTENTIONS WILL BE FILED AFTER THE DRAFT OFFSITE PLANS ARE AVAILABLE. AS A RESULT OF THE SPECIFICATION AND NEGOTIATION PROCESS REQUIRED BY THE BOARD, THIRTY-SIX (36) CONTENTIONS WERE WITHDRAWN AND SEVEN (7) WERE DENIED. AN ADDITIONAL TWENTY-ONE (21) PRA CONTENTIONS AND THREE (3) OTHER SAFETY CONTENTIONS WILL BE RULED ON IN THE NEAR FUTURE.
- JUNE ON 06/01, THE BOARD DENIED DEL-AWARE'S REQUEST TO REOPEN THE RECORD ON COOLING WATER ISSUES DECIDED IN THE 03/08 PARTIAL INITIAL DECISION THE HRC STAFF PROJECTED THAT UNIT 1 WILL NOT BE COMPLETE UNTIL THE SECOND QUARTER OF 1985 MONTHS LATER THAN THE APPLICANT'S ESTIMATE OF 08/84.
- JULY ON 07/14, THE BOARD DENIED DEL-AWARE'S REQUEST TO REOPEN THE RECORD AND ADMIT, POST-HEARING, A NEW CONTENTION CONCERNING THE DIVERSION OF COOLING WATER FOR LIMERICK. ON 07/26, THE BOARD ISSUED ITS SECOND SPECIAL PREHEARING CONFERENCE ORDER RULING ON PRA AND OTHER SAFETY CONTENTIONS. THREE CONTENTIONS WERE ADMITTED, WHILE 19 CONTENTIONS WERE NOT.
- AUG. DISCOVERY ON ADMITTED CONTENTIONS CONTINUES TO TAKE PLACE. LEA HAS FILED ITS CONTENTIONS ON THE NEPA SEVERE ACCIDENT RISK ASSESSMENT.
- SEPT. PREHEARING CONFERENCE, LIMITED APPEARANCE SESSIONS AND SITE VISIT SCHEDULED FOR WEEK OF 10/17/83. ARGUMENT WILL BE HEARD ON ADMISSIBILITY OF CONTENTIONS ON ONSITE E.P., NEPA SEVERE ACCIDENT ANALYSIS AND ENVIRONMENTAL QUALIFICATION. MISCELLANEOUS ORDERS ISSUED ON DISCOVERY DISPUTES, AND SCHEDULING OF CONTENTIONS AND HEARING.
- OCT. PREHEARING CONFERENCE AND LIMITED APPEARANCE SESSIONS HELD. RULINGS ON RESPECIFIED SAFETY CONTENTIONS AND ONSITE EMERGENCY PLANNING CONTENTIONS ISSUED. HEARING SCHEDULED TO START 12/07 ON FOUR CONTENTIONS. MOTIONS FOR SUMMARY DISPOSITION OF THOSE CONTENTIONS HAVE BEEN FILED.
- NOV. SUMMARY DISPOSITION GRANTED ON ONE CONTENTION (PRESSURIZED THERMAL SHOCK) AND DENIED ON THREE OTHERS. HEARING ON THREE CONTENTIONS (REGARDING GAS AND PETROLEUM PIPELINES HAZARDS AND AIRCRAFT CARBURETOR ICING BY PLUME) WILL BEGIN 12/12/83. DISCOVERY PROCEEDING ON OTHER CONTENTIONS.
- DEC. FOUR MISCELLANEOUS ORDERS ISSUED ON DISCOVERY SCHEDULE, MOTIONS TO STRIKE TESTIMONY, PROPOSED FINDINGS FORNAT AND DENIAL OF MOTION TO RECONSIDER GRANT OF SUMMARY DISPOSITION. FIVE DAYS OF HEARING HELD ON FOE'S PIPELINE HAZARDS CONTENTIONS. HEARING ON THIS ISSUE AND ON ANPP'S AIRCRAFT CARBURETOR ICING CONTENTION WILL CONTINUE IN 01/84.

1984

- JAN. HEARINGS COMPLETED ON ANPP AIRCRAFT CARBURETOR ICE CONTENTION. HEARINGS CONTINUED ON FOE PIPELINE HAZARDS CONTENTIONS AND WILL BE COMPLETED IN MARCH 1984. SUPPLEMENTAL CONTENTIONS ON OFFSITE EP AND NEPA SEVERE ACCIDENTS ARE BEING FILED AND ANSWERED IN JANUARY AND FEBRUARY. PREHEARING CONFERENCE WILL BE HELD IN MARCH TO CONSIDER ADMISSIBILITY OF SUCH CONTENTIONS AND SCHEDULE FOR LITIGATION OF PREVIOUSLY ADMITTED ONSITE EP AND OTHER SAFETY CONTENTIONS.

CHRONOLOGY: (ITEMS OF INTEREST IN ADDITION TO MILESTONES)

1984 (CONT'D)

FEB. EVIDENTIARY HEARINGS ON SAFETY AND ONSITE EMERGENCY PLANNING CONTENTIONS HAVE BEEN SCHEDULED FOR MARCH, APRIL AND MAY. FDE HAS MOVED TO PROHIBIT STORAGE OF HEN FUEL AT LIMERICK UNTIL CERTAIN CONTENTIONS ARE DECIDED ON THE MERITS. RESPONSES AND ARGUMENT ARE SCHEDULED FOR EARLY MARCH. NUMEROUS OFFSITE EP CONTENTIONS HAVE BEEN RESPECIFIED BASED ON THE DRAFT OFFSITE PLANS SUBMITTED FOR FEMA REVIEW. INTERVENORS HAVE FILED 30 CONTENTIONS, THE CITY OF PHILADELPHIA 12, AND PENNSYLVANIA 2. A PREHEARING CONFERENCE ON OFFSITE EP WILL BEGIN THE WEEK OF 03/05. RESPECIFIED NEPA SEVERE ACCIDENT CONTENTIONS BASED ON THE STAFF'S SUPPLEMENTAL DFS HAVE BEEN FILED BY LEA (6) AND BY PHILADELPHIA (5). ANSWERS AND ARGUMENT ON THEIR ADMISSIBILITY ARE SCHEDULED FOR MARCH.

NOTES:

ADDITIONAL INTERVENORS
INTERVENOR NAME:

AIR & WATER POLLUTION PATROL
COMMONWEALTH OF PENNSYLVANIA
CITY OF PHILADELPHIA
MARVIN I. LEWIS
JOSEPH H. WHITE, III

INDIVIDUAL CONTACT:

F. ROMANO
ZORI G. FERKIN, ESQ.
M. BUSH, ESQ./K. LEWIS, ESQ.
PRO SE
PRO SE
PRO SE

ASLB CHAIR: M. MILLER
 MEMBER 1: G. BRIGHT
 MEMBER 2: E. JOHNSON
 CORPORATE COUNSEL: E. BARRETT

...ING CO.
 DATE APPOINTED:

ASLB NO. 77-347-01 OL
 DOCKET NO(S): 05000322
 ASLBP DOCKET DATE:
 REACTOR TYPE: BWR
 LOCATION: BROOKHAVEN, NY

REVISION
 NO. DATE
 0 04-01-84

ELD CONTACT:
 PREPARED BY: M. MILLER

INTERVENOR NAME

INDIV. CONTACT

DOCUMENTATION DATES

INIT. BD. NOTICE OF HRG: ORG. EST. CURRENT
 ER DOCKETED:
 DES ISSUED:
 FES ISSUED:
 LUA ISSUED:
 PSAR DOCKETED:
 FSAR DOCKETED:
 ACRS LETTER:

SER:
 SSER-1:
 SSER-2:
 SSER-3:
 SSER-4:
 SSER-5:
 SSER-LATEST:
 FEMA RPT:

ORG. EST. CURRENT

CP ISSUED: ORG. EST. CURRENT
 CONST. COMP.-NRC:

CONST. COMP.-APPL:

COMMENT:

HEARING MILESTONES

- (1) FINAL STAFF DOCUMENT
- (2) HEH CONTENT FILED AND INTERROG REQ FILED
- (3) PHC HELD; WRITTEN ORDER SERVED
- (4) ADDL. INTERROG. FILED ON AND BY STAFF
- (5) INTERROG. RESPONSES DUE
- (6) MOTIONS TO COMPEL FOR SUMMARY DISP. DUE
- (7) ANSWERS TO MOTIONS TO COMPEL DUE
- (8) RUL ON MOTIONS TO COMPEL DUE
- (9) RESPONSE TO ANSWERS ON SUM DISP.
- (10) DISCOVERY COMPLETE
- (11) TESTIMONY COMPLETE
- (12) RULINGS ON MOTIONS FOR SUMMARY DISP.
- (13) HEARING BEGINS (LAST PHASE)
- (14) RECORD CLOSES
- (15) APPLICANTS PROPOSED FINDINGS
- (16) INTERVENORS PROPOSED FINDINGS
- (17) STAFFS PROPOSED FINDINGS
- (18) APPLICANTS REPLY FINDINGS
- (19) INITIAL DECISION
- (20) COMMISSION EFFECTIVENESS DECISION

TARGET DAY* DATE	EST./ACTUAL DAY* DATE	TOTAL SLIP*	COMMENTS

COMMENTS

*DAY=CALENDAR DAYS; TOTAL SLIP=DIFFERENCE BETWEEN ESTIMATED/ACTUAL DATE AND TARGET DATE

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CURRENT STATUS:

MARCH ON 03/30/84 BOARD ESTABLISHED TO HEAR MOTION FOR LOW-POWER LICENSE.

CONTENTIONS	NO.	FILER(S)	DENIED	ADMITTED BY ASLB	WITHDRAWN	STIPULATED OUT OR OTHER DISP	SUMMARY DISP.	CONTENTIONS FOR HEARING	ADMITTED BY ASLB
SAILLY									
ENVIRONMENTAL									
ENERG PLANNING									
OTHER	x								
LEGAL									

COMMENTS:

SUMMARY OF MAJOR ISSUES:

NO. OF HEARING DAYS THIS MONTH:
TOTAL NO. OF HEARING DAYS TO DATE:

NO. OF PREHEARING CONFERENCE DAYS THIS MONTH:
TOTAL NO. OF PREHEARING CONFERENCE DAYS TO DATE:

CHRONOLOGY: (ITEMS OF INTEREST IN ADDITION TO MILESTONES)

1984

NOTES:

CASE

PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352 and 50-353

Construction Permit Nos. CPPR-106 and CPPR-107

3/8/83 2d. ~~under~~ Part I.B.

BOARD (Est. 9/8/81)

Brenner, Chairman
Cole
Morris

LIMERICK 1 and 2

PHILADELPHIA ELECTRIC COMPANY

Operating

(20)

CASE

LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station,
Unit 1) (Low Power)

Docket No. 50-322-OL-4

[ASLBP No. 77-347-01C OL]

Construction Permit No. CPPR-95

BOARD (Est. 3/30/84)

Miller, Chairman
Bright
Johnson

Note: Separate Board, not new
case, to hear and decide LILCO's
March 20, 1984 "Supplemental
Motion for Low Power Operating
License".

Shoreham 1

LONG ISLAND LIGHTING COMPANY

OL-4

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published in Fed. Reg.

F.R. No. & Title 37 F.R. 28710, Sec. 2.105
2.700, 2.702, 2.714, 2.714a, 2.717 & 2.721

List type of hearing(s):
i.e., Prehearing, Evidentiary,
Board Conference, or other:
Give dates -

Initial Decision Date:

Appeal Process

Date to Appeal Board:

Date to Commission:

Reactivated - date:

Facility (Case) Docket No(s).
LIMERICK GENERATING STATION, Units 1 & 2
CPPR-106 & CPPR-107

Applicant: Phila. Elec. Company
Case Type: Petitions & Proceeding

CHAIRMAN: Lawrence Brenner
MEMBERS: Richard F. Cole
Peter A. Morris

2/15/61

Petitions Board(s)
MEMBERS: Same as above - Brenner, etc/

Note change in type of board or
board members (for either of the
above boards); show date(s).