

There is no need to recite the chronology of events regarding Contention VI-1. Suffice it to say that the Board found that Applicant had overwhelmingly met its burden of proof that it had controlled performance of welding and welding inspection in accordance with quality control and quality assurance procedures and requirements and has taken proper and effective corrective and preventive actions when improper welding has been discovered. See LBP-84-31, 20 NRC _____ (August 29, 1984), slip op. at 99-108. The matter raised by AWPP relates to code interpretation and not any inadequacy in welding or welding quality assurance.

Some understanding of the underlying codes is necessary to place this matter into context. The specific matter raised by AWPP relates to preservice or baseline testing of 12 particular welds contained in systems governed by the ASME Code.^{2/} These welds were found to be acceptable using the nondestructive examination ("NDE"), e.g., radiography and hydro-testing, required by Section III of the ASME Code which governs construction. Under Section XI of the ASME Code, certain in-service inspections are required to be conducted periodically over the life of the facility. In order to have a comparative basis on which to judge the

^{2/} 10 C.F.R. §50.55a incorporated the ASME Code into the NRC regulations.

in-service inspection results, certain preservice NDE is required by Section XI.

During the preservice testing, certain indications were noted by Applicant's NDE contractor in these 12 welds. Although under the 1980 ASME Section XI Code,^{3/} these indications would have been acceptable, inasmuch as the systems involved had not received their "N" stamp which represents final construction acceptance, the construction code, Section III, still governed. That code does not allow acceptance of piping containing any rejectable indication even though that indication was found using NDE techniques not required by it.

In order to resolve the matter, Applicant had non-destructive testing consultants interpret the indications on the 12 welds to determine their acceptability to Code requirements. Only the indications on one of the welds were interpreted as rejectable. That weld will be repaired. Therefore, the need for an exemption as to the 12 welds no longer exists and is being withdrawn. Thus, the basis of resolution of this matter has been established. The scope of this matter is extremely limited, and no generalizations regarding welding at Limerick can be drawn

^{3/} The governing code is the 1980 Edition, including addenda through Winter 1981. The 1980 Edition of Section XI governs the initial 10 year interval for in-service inspection. The 1974 Edition of Section XI, however, governs the preservice inspection.

from it. AWPP has pointed to no link between this matter and a specific welding deficiency.

No current disagreement exists between Applicant and the NRC Staff as to the disposition of the 12 specific welds. The Board has previously found that not every difference of opinion between Applicant and Staff would necessitate Board consideration of a new matter:

The contention provides no basis for thinking that the Staff does not adequately understand the nature of the violation or that the Staff and the Applicant will not see to it that the causes of the violation are corrected. At no point in a proceeding, but especially not after the safety and environmental issues have been litigated, is the mere citation of a Staff inspection report finding of some deficiency sufficient basis for an admissible contention. 4/

The particular matter in question was not even the subject of a Notice of Violation. The Board's reasoning applies with even greater force for that reason and because the matter has now been resolved and no technical disagreement exists.

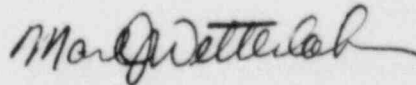
It is not clear what matter AWPP would litigate if the record were reopened or what expertise AWPP would bring to

4/ "Memorandum and Order Rejecting Late-Filed Contentions From FOE and AWPP, Denying AWPP's Second Request for Reconsideration of Asbestos Contention, Denying AWPP's Motion to Add a PVC Contention and Commenting on an Invalid Inference in Del-Aware's May 17, 1984 Filing" at 6 (August 24, 1984).

such litigation. Mr. Romano's experience as a glass blower certainly does not qualify him as an expert in metallurgy or ASME Code requirements. AWPP has not addressed the test for reopening the record.^{5/} For a situation which has apparently been known to AWPP since early June, considering the very short time to fuel loading, the subject request cannot be considered timely. AWPP has failed to show that this matter is a significant safety question, particularly when it had been identified by Applicant and that a satisfactory resolution has now been achieved. Finally, AWPP has failed to show how the "new evidence" might materially affect the outcome of Contention VI-1. Aside from AWPP's sheer speculation that a number of welds were involved, there is nothing to indicate that this is other than an isolated matter involving a single weld.

For the foregoing reasons, the requested relief should be denied.

Respectfully submitted,
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August 29, 1984

^{5/} Id., footnote at 3.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352
) 50-353
(Limerick Generating Station,)
Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to AWPP Pleading Relating to Reopening Contention VI-1," dated August 29, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 29th day of August, 1984:

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