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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Lawrence Brenner, Chairman  
Dr. Richard F. Cole  
Dr. Peter A. Morris

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In the Matter of  
PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station,  
Units 1 and 2)

Docket Nos. 50-352-OL  
50-353-OL

SERVED SEP 5 1984

September 4, 1984

MEMORANDUM AND ORDER DENYING AWPP FURTHER MOTION  
TO REOPEN THE RECORD ON CONTENTION VI-1

On August 14, 1984, the Air and Water Pollution Patrol (AWPP) filed a pleading entitled "AWPP Provides Further Support for Reopening Contention VI-1 re Welding and Welding Inspection Infractions at Limerick." Although not referenced in our just issued "Second Partial Initial Decision" (P.I.D.) (LBP-84-31, 20 NRC \_\_\_\_, August 29, 1984), this August 14, 1984 supplement to prior motions to reopen by AWPP was considered by the Board in the course of our finding that AWPP's prior motions to reopen lacked merit. See Second P.I.D., slip op. at 106-108.

This order hereby makes explicit the Board's finding that AWPP's August 14, 1984 filing lacks sufficient basis to meet the criteria for reopening the record on its Contention VI-1 to litigate new alleged

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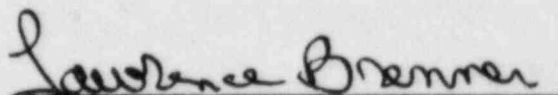
instances of improper quality control of welding. Even if true, the weld defects, discovered by Applicant's own non-destructive examination (NDE), do not present a significant safety issue and would not change the result of our decision that Applicant overwhelmingly met its burden of proof on Contention VI-1. Second P.I.D., slip op. at 99-106. See e.g., Pacific Gas and Electric Co. (Diablo Canyon, Units 1 and 2), ALAB-728, 17 NRC at 800 n.66 (recently cited for the test for reopening the record in our August 24, 1984 unpublished order, slip op. at 3 n\*). The fact that there might be a difference in view between the Applicant and NRC Staff over the proper disposition of the weld defects under applicable welding and construction codes, which the NRC Staff is pursuing, does not provide a basis to grant a motion by AWPP to reopen the record to determine whether to grant, as ultimate relief, AWPP's request for a "full scale reinspection" of all welds at the Limerick plant.

The Applicant's further information and legal arguments in its August 29, 1984 "Response to AWPP Pleading Relating to Reopening Contention VI-1," reinforces our previous determination that AWPP's filing provides no further basis to reopen the record.

For the reasons stated, AWPP's motion to reopen the record on its  
Contention VI-1 is denied.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

  
Lawrence Brenner, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
September 4, 1984

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COURTESY NOTIFICATION

As circumstances warrant from time to time, the Board will mail copies of its memoranda and orders directly to each party, petitioner or other interested participant. This is intended solely as a courtesy and convenience to those served to provide extra time. Official service will be separate from the courtesy notification and will continue to be made by the Office of the Secretary of the Commission. Unless otherwise stated, time periods will be computed from the official service.

I hereby certify that I have today mailed copies of the Board's "Memorandum and Order Denying AWPP Further Motion to Reopen the Record on Contention VI-1" to the persons designated on the attached Courtesy Notification List.

Valarie M. Lane  
Valarie M. Lane  
Secretary to Judge Brenner  
Atomic Safety and Licensing  
Board Panel

Bethesda, Maryland

Attachment

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