

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



April 4, 1984

MEMORANDUM FOR: Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: Nunzio J. Palladino *NJP*

SUBJECT: SHOREHAM

As you know, in my March 20, 1984 memorandum on licensing delays, I asked OGC to prepare a paper for the Commission discussing possible approaches to expediting the remaining Shoreham hearings on low power. I asked OGC to work with other offices within NRC as necessary in preparing this paper.

The OGC paper (Limited Distribution) was provided to the Commission on April 2, 1984. I would like to get Commission reactions to this paper as soon as possible, but not later than April 9, 1984. SECY please track.

During my status and scheduling meeting with OGC, OPE, the ASLBP Chairman and staff on March 16, 1984, some preliminary ideas regarding expediting the Shoreham hearing were discussed. These ideas were later articulated in a working paper (enclosed) that was discussed with Judge Cotter by my Legal Assistant. Judge Cotter provided his comments in the form of a draft order (enclosed). I asked that this draft order be given to OGC for possible consideration in the above-referenced OGC paper. It was given to OGC on March 27, 1984. Further action on this or any other draft order will depend on the nature of Commissioner comments on OGC's April 2, 1984 memorandum.

Enclosures:

1. Working Paper
2. ASLBP Draft Order

cc: SECY
OGC
OPE
ASLBP

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LIMITED DISTRIBUTION

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.

ORDER

On March 20, 1984, LILCO filed with the Licensing Board a "Supplemental Motion for Low Power Operating License". LILCO has requested the Board either to refer the motion immediately to the Commission for decision or to decide the motion on an expedited basis and to certify its decision to the Commission pursuant to 10.C.F.R. § 2.730(f) (1983). As discussed below, the Commission has reviewed LILCO's motion and has concluded that referral at this time would be inappropriate. We agree, however, that a decision on certain issues raised by the Applicant should be expedited to the extent possible consistent with the development of a sound record. In the exercise of the Commission's inherent authority over the conduct of our adjudicatory proceedings, we hereby grant that portion of LILCO's motion that requests an expedited proceeding. To that end, we direct the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, in consideration of the existing schedule and caseload of the Panel's members, to appoint an Atomic Safety and Licensing Board to hear and decide LILCO's supplemental motion in accordance with the procedures and schedule outlined below.

1. LILCO's Motion

LILCO asserts that the Shoreham plant is essentially complete and, by its motion, seeks authority to conduct four phases of low power activities, namely:

Phase I: fuel load and precriticality testing;

Phase II: cold criticality testing;

Phase III: heatup and low power testing to rated pressure/temperature conditions (approximately 1% rated power); and

Phase IV: low power testing (1-5% rated power).

Despite pending litigation concerning the emergency diesel generators' reliability, LILCO asserts in its motion: (1) the generators are not needed to protect the public health and safety for Phases I and II; (2) the generators have been tested and are adequate to protect the public health and safety during Phases III and IV, even though litigation of their reliability has not been completed; and (3) ample alternate sources of AC power are available sufficient to assure no undue risk to the public health and safety from low power operation of the plant during Phases III and IV.

II. Background

Of some 122 safety contentions originally filed in this proceeding all but three have been resolved (The settlement of a fourth issue has been presented to the Board for approval). The three remaining

contentions concern the reliability of emergency diesel generators at the facility.

LILCO's motion supplemented a June 3, 1983 motion for a low power license. After the motion was filed, however, additional problems developed with the emergency diesel generators, and the hearing on their reliability scheduled to commence August 29, 1983 was deferred pending completion of LILCO's assessment and the NRC Staff safety evaluation. In a partial initial decision issued September 21, 1983, the Licensing Board decided a number of safety issues in favor of operation up to 5% of rated power but declined to authorize fuel load and low power operation until the then pending diesel generator contention was resolved. The Staff SER is presently scheduled for issuance in June 1984, litigation of the three diesel generator contentions is scheduled to commence in July 1984, and an initial decision is projected for issuance in December 1984.

Suffolk County filed four amended contentions on the generators, and on February 22, 1984, the Board admitted three of them in a ruling on the record. Tr. 21,612 et seq. Although the Board could not find, on the state of the record at that time, that the generators could reliably perform their needed function even as to low power, the Board noted that LILCO was not precluded from proposing other methods by which the standards of 10 C.F.R. 50.57(c) could be met short of litigating the contentions, or seeking a waiver under Section 2.758, or any other

procedure. Tr. 21,616, 21,630-633. Apparently in response to that ruling LILCO filed its March 20, 1984 supplemental motion.

As noted, Applicant has requested that its supplemental motion be referred directly to the Commission for decision. The Commission is fully apprised of the contents of that motion and is of the opinion that certain issues presented require a factual evaluation that can be accomplished more promptly and efficiently by a licensing board than by the Commission directly. Accordingly, referral to the Commission at this time would be inappropriate. However, the present schedule for litigation of contentions related to the TDI diesel generators does present the potential for delay inimical to the public interest given the apparent physical completion of the Shoreham facility within the meaning of 10 C.F.R. § 50.57(a) (1983) and the enormous financial investment involved. If the alternatives proposed by Applicant in its motion are sufficient to permit low-power operation and testing with assurance that the public health and safety are adequately protected, that matter ought to be determined as expeditiously as possible.

The Commission has inherent supervisory authority over the conduct of its adjudicatory proceedings, including specific authority under its rules to establish reasonable adjudication time tables. See The U.S. Energy Research and Development Administration, Project Management Corporation, Tennessee Valley Authority (Clinch River Breeder Reactor Plant), CLI-76-13, 4 NRC 67 (1976), and 10 C.F.R. § 2.711 (1983).

III. Issues to be Heard

Accordingly, absent settlement, we direct that the following issues be adjudicated on an expedited basis:

1. Whether the work described in Phases I and II of LILCO's motion can be performed without the need for the presently installed onsite emergency diesel generators;
2. Whether the alternate sources of AC power available to Shoreham are adequate to protect the public health and safety by performing the function that the presently installed onsite emergency diesel generators would have performed during any or all of Phases I, II, III, or IV;
3. What requirements for testing or other demonstration of the availability and effectiveness of the Shoreham alternate power sources should be required as a precondition to the issuance of any license permitting operation at up to 5% of rated power.
4. Whether, in consideration of the Board's findings on the above issues and assuming all other regulatory requirements have been satisfied, LILCO should be granted a low power license to

perform the work described in any or all of Phases I, II, III, or IV.

The licensing board constituted pursuant to this order is authorized to conform the statement of the above issues to the evidence relevant to LILCO's motion and this order. The licensing board shall not consider the operability and reliability of the TDI diesel generators currently onsite. These matters are presently the subject of an extensive Staff review and will be fully adjudicated when the results of the Staff's review are available.

IV. Proceeding Schedule

The Licensing Board constituted pursuant to this order is directed to certify its Initial Decision on these questions to the Commission 60 calendar days after the Staff files its SER on the technical aspects of the LILCO motion. To that end, the following expedited schedule is recommended to the Board and the parties:

Day -7	Commission Order
Day 1	Staff and parties file response to substantive aspects of LILCO's motion
Day 1	Staff files SER on technical aspects of LILCO Supplemental Motion for Low Power Operating License and serves the SER on the parties
Day 2	Discovery commences

Day 18	Discovery is completed
Day 25	Testimony is filed
Day 30	Hearing commences
Day 40	Hearing concludes
Day 60	Board issues decision

The Licensing Board constituted pursuant to this order is authorized to adopt, take official notice, or otherwise incorporate any portion of the existing record in this proceeding as it sees fit. The Board shall closely monitor and assist in the discovery process, limit the number of pages in any filing if necessary; alter, revise or modify any of the intermediate dates or sequences set out above, and otherwise facilitate the expedited completion of the proceeding in the full exercise of its authority. See, e.g., Statement of Policy on Conduct of Licensing Proceedings, 13 NRC 452 (CLI-81-8, 1981).

Steps

1. 3/26: Commission issues brief notice to parties suspending parties response time to LILCO's motion
2. 3/26: Commission orders Staff to prepare SER by April 7
3. 3/30: Commission issues expedited hearing order
4. ca. 6/7: Board decision

Some Considerations

1. Excellent Staff SER is critical to success of this expedited proceeding: Total systems analysis required or Boards and Commission will look bad
 - a. Staff should be formally notified to begin work immediately
 - b. Staff SER issuance on day 1 assumes they have already commenced to prepare it, and this order won't issue until March 30
2. Sixty day schedule is brutally tight. Definitely not recommended but possibly achievable
3. Very important to give Licensing Board flexibility to reformulate issues within overall guidance should evidence shift the nature or emphasis of the issue.
4. Boards committed to hearings or partial or initial decision writing in April and May include Catawba, Comanche Peak, Shearon Harris, Limerick, Midland, Shoreham, and Wolf Creek

-- need to avoid Commission debate on Board membership (cf.
Indian Point)

5. Phase I and II issue may be resolved by agreement of parties which
would make possible PID authorizing that work

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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.

TOPICS FOR CHAIRMAN'S MEETING WITH GENERAL GIUFFRIDA

I. CONTINUITY OF GOVERNMENT

(CATEGORY A, B, OR C FOR NRC)

-- SPECIFIC FEMA REACTION TO CHAIRMAN'S LETTER OF
JANUARY 23, 1984

-- DISCUSSION OF OTHER AGENCY RESPONSES TO DATE

II. NRC - FEMA INTERACTION ON OFFSITE EMERGENCY PLANNING

-- HOW ARE OUR INTERACTIONS WORKING?

-- WHAT ARE THE GOOD POINTS?

-- WHAT PROBLEMS HAVE ARISEN? (E.G. WITH RESPECT TO
HANDLING OF DEFICIENCIES, RESOURCES TO SUPPORT NRC
SCHEDULES)

[FEMA]

For: The Commission

From: William J. Dircks
Executive Director for Operations

Subject: LICENSING DELAYS

Purpose: To inform the Commission on potentially significant issues for upcoming OL licensing cases and to respond to the Chairman's memorandum of March 20 on licensing delays.

Background: The Chairman, in his March 20, 1984 memorandum on licensing delays, requested the staff to respond to the specific issues raised in his memorandum and to provide a paper outlining the steps for dealing with potential delays.

Discussion: In this paper, we address two aspects of licensing schedules. First, we address the specific issues raised in the Chairman's March 20, 1984 memorandum. Second, the potentially significant issues at these plants and other OLs approaching completion are discussed.

A. Specific issues raised in the March 20 memorandum.

(1) Shoreham - A new ASLB has been formed to consider the applicant's motion for low-power operation pending final resolution of the diesel generator and emergency planning issues. A decision on this motion is planned for May/June 1984. This Board is in addition to two other Boards for the Shoreham hearing: one for the generic diesel question and one for emergency preparedness.

(2) Limerick - By letter, dated April 11, 1984, the applicant has advised the staff that "progress is such that the filing of a motion for a low-power license for fuel loading and for pre-operational testing up to five percent of rated power is necessary." They plan to file such a motion late in April 1984.

Contact:
Darrell G. Eisenhut, NRR
49-27221

RI

(3) Waterford and Comanche Peak - A summary status report for each plant, prepared by the assigned senior executive, is enclosed. The Chairman asked "how what we are doing relates to the Board." The staff effort is aimed at providing appropriate NRC management control for all pending issues that could affect license issuance. Some of these matters are, of course, directly related to the issues being considered by the Boards for which the filing of staff positions is necessary. The scheduling of staff action for such issues will be closely coordinated with the hearing schedules so as to minimize potential delays. All information determined to be material and relevant from those reviews will be provided promptly to those Boards.

The Chairman also wanted "to ensure that we are taking action with the licensee to correct, either by consultation or enforcement, as appropriate, any problems having merit that come to our attention." The establishment of the special NRC management team for these facilities will facilitate the early identification of problems that might require licensee attention. Such potential problems will be promptly pursued with licensees through direct interaction with licensee management to resolve licensing issues and through the enforcement process as appropriate.

(4) Diablo Canyon - This matter was discussed at the Commission meeting on this subject on April 13, 1984 and the Commission issued an Order on that date.

(5) Byron - No issue for EDO consideration at this time is raised in the Chairman's memorandum.

(6) Midland - Commission meeting on this subject is scheduled in the near future. The staff will be prepared to discuss options for subsequent agency action at that meeting. A recent press release by Consumers Power Company announced a revised schedule for commercial operation of Unit 2 from February 1985 to December 1986. (This corresponds to a delay in fuel load from the company's previous estimate of October 1984 to July 1986. Note also that Unit 2 is the first of the two-unit facility scheduled for operation.)

(7) Palo Verde and Grand Gulf - The Chairman requested that the staff keep the Commission informed of actions planned or needed, and that the staff review of the diesel generators be completed on an expedited basis. A summary report on known and potential significant issues for a number of upcoming facilities accompanies this paper. Matters needing specific Commission action will be brought promptly to their attention.

Regarding diesel generators, the Palo Verde facility does not use the TDI diesels. For Grand Gulf, the staff review of diesel generator requirements for full-power operation is closely geared to the Owners Group program schedule and is being expedited through the establishment of a special review team in NRR.

B. Steps for dealing with potential delays.

The specific steps for dealing with potential licensing delays will vary from plant to plant. In general, the most important step is the early identification of the issues that could potentially cause delay.

In light of recent developments in several cases that required the establishment of special review teams to provide for an integrated approach to the completion of NRC regulatory activities, I have asked the staff to develop management plans for each license issuance anticipated during the next 12-18 months. These plans will include determination of known and potential issues requiring staff resolution at each plant. Such planning will provide added assurance that potential significant issues are identified and that staff resources to resolve them are made available in time to avoid unnecessary delays.

The staff's preliminary assessment of known, or potentially significant, issues for the plants identified in the Chairman's March 20, 1984 memorandum and several other upcoming OLs is attached for use at the Commission meeting scheduled for April 24, 1984.

William J. Dircks
Executive Director for Operations

Enclosures:

cc: OPE
SECY
OGC

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William J. Dircks
Executive Director for Operations

Enclosures:

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SHOREHAM SIGNIFICANT ISSUES

1. FSAR REVIEW -

- o TDI DIESEL RELIABILITY - REPAIRS ARE STILL IN PROGRESS. CONCURRENT WITH EFFORTS TO REPAIR AND REQUALIFY TDI ENGINES, THE APPLICANT IS CONSTRUCTING A NEW EDG BUILDING TO HOUSE THREE NEW EDGs. OWNERS GROUP STUDY IS BEHIND SCHEDULE. RELIABILITY OF THE TDI DIESELS IS AN ADMITTED HEARING CONTENTION. LILCO HAS ASKED ASLB TO AUTHORIZE LOW-POWER LICENSE RELYING ON ENHANCED OFF-SITE POWER SUPPLIES.

- o THE STAFF QUESTIONS LILCO'S RELIANCE ON COUNTY POLICE TO ACT AS OFF-SITE RESPONSE FORCE AS REQUIRED BY NRC SECURITY REGULATIONS. ?

- o SHOREHAM OPERATING STAFF HAS NO HOT BWR EXPERIENCE. LILCO HAS HIRED ^{SHIFT} ADVISORS. CHANGES IN LILCO'S MANAGEMENT AND ORGANIZATION ARE UNDER REVIEW. *New VP-Nuclear was a former BWR plant manager.*

- o ACCEPTABILITY OF REACTOR BUILDING FOR FLOODING CAUSED BY PIPE BREAKS IS BEING QUESTIONED BY STAFF. NEW EVALUATION BASED ON PRA IS BEING PERFORMED.

- o *Staff considering whether*
REGION 1 BELIEVES MSIV LEAKAGE SHOULD BE COLLECTED OR DIVERTED TO CONTAINMENT SUMP TO MINIMIZE CONTAMINATION.

dead issue →

Not a licensing issue

2. HEARINGS - THREE SEPARATE HEARING BOARDS (ASLBs) ARE PRESIDING.

o ORIGINAL BOARD IS RESPONSIBLE FOR TDI DIESEL LITIGATION. FAVORABLE DECISION ON ALL OTHER ISSUES EXCEPT EMERGENCY PREPAREDNESS WAS ISSUED IN DECEMBER 1983. A SCHEDULE FOR TDI HEARING WILL NOT BE SET UNTIL COMPLETION OF APPLICANT'S DIESEL DESIGN REVIEW QUALITY REVERIFICATION PROGRAM.

o EMERGENCY PREPAREDNESS ISSUES HAVE BEEN MOVED TO A SEPARATE BOARD. A DECISION IS EXPECTED BY FALL 1984.

o THIRD BOARD WAS RECENTLY ESTABLISHED TO CONSIDER LILCO'S MOTION FOR LOW-POWER LICENSE. LILCO SUBMITTED MOTION TO PERMIT LOW POWER BASED ON RELIABILITY/AVAILABILITY OF ENHANCED OFFSITE POWER. STAFF IS REVIEWING SECURITY ~~PLAN~~ Requirements RELATING TO OFFSITE POWER.

3. OFF-SITE EMERGENCY PLANNING - SUFFOLK COUNTY HAS REFUSED TO PARTICIPATE IN OFF-SITE EMERGENCY PLANNING. GOVERNOR OF NEW YORK SUPPORTS SUFFOLK COUNTY POSITION. APPLICANT HAS ESTABLISHED ITS OWN LOCAL EMERGENCY RESPONSE ORGANIZATION, LEGALITY OF WHICH IS QUESTIONED BY COUNTY AND STATE AND IS SUBJECT OF SUIT IN FEDERAL DISTRICT COURT. FEMA REVIEW OF EMERGENCY PLAN FOUND 32 INADEQUACIES, SOME RELATING TO QUESTIONS OF LEGAL AUTHORITY.

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MIDLAND UNIT 2 SIGNIFICANT ISSUES

1. CONSTRUCTION SCHEDULE - ON 4/10/84, THE APPLICANT ANNOUNCED MAJOR SLIPPAGE IN THE SCHEDULE FOR UNIT 2 TO 12/86 FOR COMMERCIAL OPERATION. THIS WOULD EQUATE TO APPROXIMATELY 7/86 FOR A FUEL LOAD DATE. AGREEMENTS BETWEEN APPLICANT AND MICHIGAN PUBLIC SERVICES COMMISSION AND OTHER ELECTED STATE OFFICIALS ARE STILL NEEDED TO DETERMINE PLANT COMPLETION PLANS.

2. QUALITY OF CONSTRUCTION - MAJOR QUESTIONS EXIST CONCERNING THE OVERALL QUALITY OF CONSTRUCTION. THREE SEPARATE THIRD PARTY REVIEWS ARE UNDERWAY AND A FOURTH IS IN PLANNING. THESE INCLUDE:
 - IDVP - EVALUATES THREE SYSTEMS. DESIGN VERIFICATION TO BE COMPLETED BY TERA IN 7/84. PHYSICAL VERIFICATION DELAYED UNTIL CONSTRUCTION IS MORE COMPLETE.

 - CCP - INSPECTION BY APPLICANT OF 100% OF ALL ACCESSIBLE SAFETY SYSTEMS. STONE & WEBSTER IS CONDUCTING INDEPENDENT OVERVIEW. ALL STOP WORK ORDERS IN EFFECT WERE LIFTED IN FEBRUARY 1984. ACTIVITIES OF THE CCP ARE BEING INITIATED BY APPLICANT AS ALLOWED BY APPROVED PLAN.

 - SOILS REWORK OVERVIEW - STONE & WEBSTER PERFORMING OVERVIEW OF REWORK DUE TO SOILS COMPACTION PROBLEMS, INCLUDING UNDERPINNING.

 - MANAGEMENT OVERVIEW - IN RESPONSE TO NRC ORDER, AN INDEPENDENT MANAGEMENT APPRAISAL WILL BE COMPLETED. PLAN IS UNDER NRC REVIEW.

3. HEARINGS - TWO SEPARATE HEARINGS IN PROGRESS. THESE ARE:

SOILS HEARINGS ON MODIFICATION ORDER - ISSUES OF SOIL COMPACTION PROBLEMS AND QA/QC. BOARD'S DECISION IS EXPECTED BY 8/84. THERE ARE TWO PENDING MOTIONS TO REOPEN THE RECORD - ONE ON STRUCTURAL ADEQUACY OF DIESEL GENERATOR BUILDING AND ONE ON ISSUE OF WHETHER CPC LIED CONCERNING SCHEDULE.

OPERATING LICENSE HEARING - 21 CONTENTIONS WERE ADMITTED AND 17 OF THESE ARE STILL TO BE LITIGATED. NO SCHEDULE HAS BEEN ESTABLISHED.

4. REMEDIAL SOILS ACTIVITIES - INADEQUATELY COMPACTED SOIL BENEATH SEVERAL MAJOR STRUCTURES WAS DISCOVERED IN 1978. DIESEL GENERATOR BUILDING (DGB) WAS SURCHARGED WITH SAND TO CONSOLIDATE UNDERLYING SOILS. UNDERPINNING OF SOUTHERN PORTION OF AUXILIARY BUILDING IS UNDERWAY, AS ARE PREPARATION FOR UNDERPINNING OF THE NORTHERN PORTION OF SERVICE WATER PUMP STRUCTURE. THE MAGNITUDE AND COMPLEXITY OF THIS PROCESS IS UNPRECEDENTED IN THE NUCLEAR INDUSTRY.
5. ALLEGATIONS - MAJOR INSPECTION EFFORTS HAVE BEEN EXPENDED ON 182 ALLEGATIONS IN 1983/1984. OF THESE, 106 HAVE BEEN CLOSED. THE 76 OPEN ALLEGATIONS COME FROM 17 ALLEGERS AND COVER A WIDE SPECTRUM OF ISSUES.
6. DIESEL GENERATOR BUILDING - STAFF IS REVIEWING SIGNIFICANCE OF FURTHER STRUCTURAL SETTLEMENTS AND CRACKING OF THE BUILDING OCCURRING DURING DGB SURCHARGE (TDI DIESELS ARE USED).

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PALO VERDE UNIT 1 SIGNIFICANT ISSUES

1. SCHEDULE SLIPPAGE - SCHEDULE FOR FUEL LOAD WAS RECENTLY REVISED FROM MAY 1984 TO FIRST QUARTER 1985. APPLICANT'S STATED CHANGE WAS RESULT OF (1) PROBLEMS WITH LPSI PUMPS, (2) EQUIPMENT PROBLEMS FOUND DURING HOT FUNCTIONAL TESTING, (3) NEED FOR CORRECTIVE ACTIONS IN RESPONSE TO NRC SPECIAL TEAM INSPECTION, AND (4) 3-MONTH SUSPENSION OF START-UP TESTING BY APPLICANT TO CONDUCT AUDIT.
2. LPSI PUMP - PROBLEMS IDENTIFIED DURING TESTING IN LATE 1983; MODIFICATIONS TO PUMP INTERNALS DID NOT COMPLETELY SOLVE PROBLEM. LARGER MOTOR HAS BEEN INSTALLED AND SIGNIFICANT IMPROVEMENTS IN PUMP PERFORMANCE RESULTED WHICH MAY HAVE SOLVED PROBLEMS. APPLICANT IS CONTINUING TO EVALUATE. STAFF REVIEW OF PROBLEM PENDING RECEIPT OF APPLICANT'S REPORT TENTATIVELY SCHEDULED FOR LATE APRIL.
3. HOT FUNCTIONAL TESTING - DAMAGE TO EQUIPMENT IN CESSAR SYSTEM 80 SCOPE OCCURRED DURING HOT FUNCTIONAL TESTING, INCLUDING (1) BROKEN THERMOWELLS, (2) LOOSE AND BROKEN PARTS TO REACTOR COOLANT PUMPS, (3) LOOSE THERMAL SLEEVES, AND (4) CRACKED SHROUDS ON THE CEA UPPER SUPPORT STRUCTURE. ANALYSES AND REPAIRS ARE UNDERWAY. A FINAL REPORT TO THE NRC IS DUE IN AUGUST 1984. STAFF IS MONITORING PROGRESS AND WILL REVIEW/EVALUATE FINAL REPORT.
4. REGION V SPECIAL TEAM INSPECTION - A SPECIAL CONSTRUCTION APPRAISAL INSPECTION WAS COMPLETED 11/1/83. FOCUS WAS CONSTRUCTION, HOWEVER, A NUMBER OF PROBLEMS FOUND INDICATED DEFICIENCIES MAY HAVE RESULTED FROM ACTIVITIES PERFORMED AFTER TURNOVER TO OPERATIONS AND STARTUP. CIVIL PENALTY WAS PROPOSED FOR VIOLATION - QA PROGRAM DID NOT MAINTAIN ADEQUATE CONTROL OVER ACTIVITIES. APPLICANT'S PROMPT AND EXTENSIVE CORRECTIVE ACTION INCLUDED INDEPENDENT ASSESSMENT, SUSPENSION OF STARTUP WORK, MANAGEMENT REORGANIZATION, AND PROMPT AND EXTENSIVE DIRECT INVOLVEMENT OF SENIOR CORPORATE MANAGEMENT.

5. HEARING - LICENSING BOARD AND APPEAL BOARD DECISIONS HAVE BEEN ISSUED, HOWEVER, INTERVENORS HAVE INDICATED INTENT TO FILE CONTENTIONS AND REQUEST A REOPENING OF THE RECORD AS A RESULT OF VARIOUS ALLEGED PROBLEMS, INCLUDING CHARGES OF CONSTRUCTION DEFICIENCIES BY FOUR FORMER PALO VERDE WORKERS AND EQUIPMENT DAMAGE DURING HOT FUNCTIONAL TESTING.

6. ALLEGATIONS - THERE ARE SEVERAL OUTSTANDING ALLEGATIONS AT THIS TIME, THE STAFF ANTICIPATES A LARGE NUMBER OF ALLEGATIONS IN THE FUTURE FROM GAP.

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BYRON UNIT 1 SIGNIFICANT ISSUES

1. DENIAL OF APPLICATION - ON 1/13/84 THE ASLB DENIED OPERATING LICENSE ON BASIS OF INADEQUACIES IN QA. APPLICANT HAS APPEALED. STAFF'S BRIEF ON APPEAL TAKES THE POSITION THAT APPEAL BOARD SHOULD VACATE ADVERSE RESULT OF ASLB AND REOPEN RECORD TO RECEIVE EVIDENCE ON BYRON REINSPECTION PROGRAM. INTERVENORS HAVE APPEALED OTHER ASPECTS OF ASLB INITIAL DECISION.
2. READINESS FOR FUEL LOAD - APPLICANT HAS STATED THAT PLANT WILL BE FULLY READY TO LOAD FUEL BY 7/1/84. IF THE ASLB'S DECISION IS VACATED ON APPEAL, IT IS POSSIBLE THAT EXTENSIVE HEARINGS ON QA ISSUES MAY STILL BE REQUIRED AND MIGHT NOT BE COMPLETE BY 7/1/84.
3. FSAR REVIEW - THERE REMAINS A FEW MAJOR ISSUES YET TO BE RESOLVED INCLUDING: (1) DEVIATIONS FROM APPENDIX R REQUIREMENTS IN APPROXIMATELY 20 AREAS; (2) EQ PROGRAM FOR MECHANICAL EQUIPMENT WAS NOT ACCEPTABLE AND MUST BE REVISED; AND (3) ADDITIONAL MODIFICATIONS OR ANALYSES FOR CATEGORY I MASONRY WALLS MAY BE REQUIRED.
4. OFF-SITE EMERGENCY PLANNING - ASLB HAS RETAINED JURISDICTION OVER EMERGENCY PLANNING MATTERS AND INTERVENORS WILL HAVE OPPORTUNITY TO SEEK FURTHER HEARINGS IF DISSATISFIED WITH APPLICANT'S IMPLEMENTATION OF ITS COMMITMENTS TO RESOLVE EMERGENCY PLANNING ISSUES.

EMERGENCY PREPAREDNESS APPRAISAL IN DECEMBER 1983 IDENTIFIED 14 AREAS WHERE APPLICANT'S ACTIVITIES WERE NOT COMPLETE. APPLICANT GIVEN AN EXTENSION OF TIME FOR RESPONSES.

5. INSPECTION - ROUTINE NRC INSPECTIONS ARE ON SCHEDULE FOR A JULY 1, 1984 FUEL LOAD DATE, HOWEVER, A SIGNIFICANT NUMBER OF VIOLATIONS, OPEN ITEMS, AND UNRESOLVED ITEMS EXIST, MANY OF WHICH ARE AWAITING APPLICANT RESPONSE/ACTION.
- IDI COMPLETED 6/83. MOST SIGNIFICANT FINDINGS WERE RELATED TO DEFICIENCIES IN PIPE BREAK AND CRACK ANALYSES. APPLICANT'S RESPONSES HAVE BEEN REVIEWED AND ADDITIONAL INFORMATION REQUESTED.
 - APPLICANT STOP WORK ORDER IS IN EFFECT PENDING COMPLETION OF 100% REINSPECTION OF HVAC SYSTEMS FOR AS-BUILT VS DESIGN REQUIREMENTS.
6. ALLEGATIONS - ALLEGATIONS ARE UNDER REVIEW IN THE GENERAL AREAS OF IMPROPER CERTIFICATION OF QC INSPECTOR, POSTDATING RECORDS, INTIMIDATION OF INSPECTORS, FAILURE TO MEET ASME CODE, OMISSION OF REINFORCEMENT STEEL, INSTALLED HANGER/SUPPORTS NOT PER DESIGN DOCUMENTS, FALSIFICATION OF RECORDS AND FAILURE TO CONDUCT REQUIRED INSPECTIONS.
- &. INCINERATOR - UNIQUE PROPOSAL FOR HANDLING OF LOW-LEVEL WASTE UNDER REVIEW BY THE STAFF.

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LIMERICK UNIT 1 SIGNIFICANT ISSUES

1. FSAR REVIEW - THERE REMAINS A NUMBER OF MAJOR ISSUES YET TO BE RESOLVED, INCLUDING REVIEW OF ONSITE AND OFFSITE EMERGENCY PLANS, ENVIRONMENTAL QUALIFICATION OF EQUIPMENT, AND CONTROL ROOM DESIGN REVIEW. DUE TO THE NUMBER OF ITEMS STILL OPEN, A SIGNIFICANT EFFORT WILL BE REQUIRED TO RESOLVE THESE ON A SCHEDULE CONSISTENT WITH THE APPLICANT'S PLANS FOR LOW-POWER TESTING.
2. HEARING SCHEDULE - HEARINGS WILL TAKE PLACE OVER NEXT SEVERAL MONTHS FOR (1) ONSITE EMERGENCY PLANNING, (2) OFFSITE EMERGENCY PLANNING, AND (3) ENVIRONMENTAL ASPECTS OF SEVERE ACCIDENT RISKS. THE ASLB DECISION CONCERNING THESE ISSUES IS EXPECTED IN JANUARY 1985. THE APPLICANT'S OFFICIAL FUEL LOAD DATE IS AUGUST 1, 1984.
3. PROBABILISTIC RISK ASSESSMENT - IN CONSIDERATION OF HIGH POPULATION DENSITY, APPLICANT HAS PERFORMED A PRA. STAFF'S EVALUATION OF PRA FOR ENVIRONMENTAL IMPACTS REPORTED IN DES AND FES. STAFF HAS CONCLUDED THAT RISKS OF RADIATION EXPOSURE ASSOCIATED WITH ACCIDENTAL RELEASES OF RADIOACTIVITY IS VERY LOW FOR LIMERICK. CONSIDERATION OF PRA RESULTS IN HEARING WILL BE UNIQUE.
4. NRC INSPECTIONS - THERE IS A CONSIDERABLE AMOUNT OF ROUTINE INSPECTION WORK YET TO BE DONE. MANY ROUTINE INSPECTIONS CANNOT BE PERFORMED YET BECAUSE OF THE TESTING SCHEDULE OR STATE OF READINESS OF PLANT. ~~PROGRESS DOES NOT APPEAR TO BE CONSISTENT WITH AN AUGUST 1, 1984 FUEL LOAD DATE.~~  *Licensee*
5. IDVP - APPLICANT HAS COMMITTED TO PERFORM AN INDEPENDENT DESIGN VERIFICATION PROGRAM AND IS IN THE PROCESS OF SELECTING A CONTRACTOR AND DEVELOPING THE PROPOSED SCOPE. THE PROGRAM PLAN INCLUDING THE SCOPE OF THE REVIEW IS EXPECTED TO BE SUBMITTED TO THE STAFF IN MAY.

6. ACRS - LETTER OF 10/18/83 CONCURRED WITH ISSUANCE OF LICENSE FOR FUEL LOAD AND OPERATION UP TO 5% POWER. COMMITTEE WISHES TO REVIEW FURTHER (1) EMERGENCY PLANNING, (2) PRA, (3) POTENTIAL COOLING TOWER FAILURE EFFECTS, (4) PLANT SECURITY, AND (5) SEISMIC MARGINS.
7. POINT PLEASANT DIVERSION PROJECT - THE APPLICANT INTENDS TO USE WATER FROM THE DELAWARE RIVER FOR MAKEUP FOR CONDENSER COOLING EVAPORATIVE LOSS WHEN THE SCHULKILL RIVER IS NOT AVAILABLE DUE TO FLOW AND TEMPERATURE RESTRICTIONS. CONSTRUCTION ON THE DIVERSION PROJECT HAS BEEN DELAYED BY COURT IMPOSED WORK STOPPAGES. EVEN IF THESE WORK STOPPAGES WERE LIFTED, IT IS LIKELY THAT THIS PROJECT WOULD NOT BE COMPLETED UNTIL EARLY 1985.
8. LOW-POWER AUTHORIZATION - IN A LETTER DATED 4/11/84, APPLICANT STATED THAT THEY INTEND TO FILE, IN LATE APRIL OR MAY, A MOTION FOR AUTHORIZATION OF FUEL LOADING AND LOW-POWER TESTING.