



CHAIRMAN

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

PDR

July 18, 1985

The Honorable Tom Beville, Chairman  
Subcommittee on Energy and Water  
Development  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This quarterly status report is forwarded in response to the direction given in House Report 97-850. The enclosed report covers the second quarter of calendar year 1985. The total licensing delay projected in our report is five months for Limerick 1. Licensing delay for Shoreham cannot be quantified due to complex litigation.

With the exceptions of Limerick 1 and Shoreham, the estimated regulatory delays in this report do not reflect potential impact from the schedules for resolving issues on off-site emergency preparedness. Any additional potential delays, based on the staff's analysis of the schedules for the FEMA findings, are included in a report to the Senate Subcommittee on Nuclear Regulation, jointly transmitted by the NRC and FEMA, the most recent of which was forwarded on June 13, 1985.

The NRC licensing activity during the period of this report included the issuance of full-power licenses for Palo Verde Unit 1 (June 1, 1985), Wolf Creek (June 4, 1985), and Fermi 2 (July 10, 1985). Operating licenses restricted to five percent power were issued for Diablo Canyon Unit 2 (April 26, 1985) and Shoreham (July 3, 1985).

Sincerely,

Thomas M. Roberts  
Acting Chairman

Enclosure:  
NRC Quarterly Status Report to  
Congress

cc: The Honorable John T. Myers

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## NRC MONTHLY REPORT

### LIMERICK

On October 26, 1984, the Director of Nuclear Reactor Regulation issued an operating license for Unit 1 which permits fuel loading and operation not to exceed 5% power. Initial criticality was achieved on December 22, 1984. The licensee was ready to exceed 5% power on March 22, 1985. The plant is currently in cold shutdown awaiting issuance of the full-power license.

On May 2, 1985, the Atomic Safety and Licensing Board issued its Third Partial Initial Decision on Offsite Emergency Planning for the Limerick Generating Station. The Board found in favor of the applicant on all issues in contention, except for any issue which may arise regarding the inmates of Graterford prison, subject to two conditions set forth in the decision. Based on input from FEMA, the staff concludes these two conditions have been met.

On June 17, the Appeal Board vacated and remanded to the Licensing Board the Board's May 24 Order which had authorized the issuance of a full-power operating license. The Appeal Board determined that the Licensing Board had improperly granted an exemption from the requirements of 10 CFR§50.47(a) and (b) insofar as the issues concerning the Graterford inmates were concerned. Also on June 17, the Licensing Board determined that hearings on the Graterford prisoner emergency planning issues would begin on July 15.

The licensee intends to use water from the Delaware River at Point Pleasant (PPDP) for make-up for main condenser cooling when the Schuylkill River is not available based on flow and/or dissolved oxygen restrictions. Sustained power production would be possible only part of the year without the supplemental water. Construction of the PPDP by the local water resource authority (NWRA), has been delayed by opposition of local county officials. On February 27, 1985, the Bucks County Court of Common Pleas issued a final decree in favor of the licensee that the contracts between the licensee and the NWRA are valid and enforceable and ordered performance by NWRA to meet the terms of the contracts. This decision is being appealed to the next higher court. Once construction is resumed it should take about 9 months to complete the project. This would place its completion no earlier than sometime in 1986. On May 29, 1985, the Delaware River Basin Commission approved dissolved oxygen limits that provide a marginal improvement in availability of cooling water. The licensee is continuing its efforts with the DRBC to arrange for a reassignment to Limerick of water currently allocated to other power plants.

Although sustained power operations aren't possible without an alternate supplemental water source the licensee stated on May 21 that PECO has water for about 5 days startup testing operations stored in tanks onsite.

The extent to which offsite emergency preparedness issues will impact licensing for Limerick beyond the three-month impact already experienced by late June will depend on the progress of the hearings on the Graterford prisoner issues, which are scheduled to begin on July 15, 1985, or upon the outcome of the pending requests before the Commission and the Licensing Board for an exemption.

#### Shoreham

On December 7, 1984, the staff issued a fuel loading and cold criticality test license. Fuel loading began on December 21, 1984 and cold criticality occurred by February 15, 1985. The licensee has completed the cold criticality testing authorized by the existing license.

On June 14, 1985, the ASLB issued a favorable decision regarding the adequacy of the TDI Emergency Diesel Generators. This decision authorized the staff to issue the 5% license, but the authorization was stayed by the Appeal Board until June 25, 1985 to allow for the filing of appeals for a stay with the Commission, which occurred on June 20, 1985. Thereafter, the D. C. Court of Appeals stayed the 5% license pending its review. In a recent decision (July 3, 1985), the D. C. Court of Appeals denied the stay motion and on July 3, 1985, the NRC issued the 5% license.

Licensing delays in full-power authorization (above 5% power) are likely due to the completion of the hearing process on off-site emergency planning. On April 17, 1985, the emergency planning licensing board ruled in the licensee's

favor regarding the majority of the emergency planning contentions, but ruled that LILCo does not have the legal authority to perform certain required emergency planning functions. The board did not, however, reach an ultimate decision as to whether "there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" at Shoreham. That decision will be issued by the Board later, after it resolves a remaining emergency planning item concerning relocation centers. A hearing on that issue was held on June 25-26, 1985. Appeals of the emergency planning decision have been filed with the ASLAB by both LILCO and the intervenors. Oral argument on the legal authority issues is scheduled to occur in August. Based on the above, a realistic forecast of licensing impact cannot be made at this time.

On February 21, 1985, a New York State Supreme Court Judge in Suffolk County, New York issued a declaratory judgment that LILCo does not have the legal authority to perform offsite emergency planning functions for Shoreham without the participation of state and local governments. The ruling was issued in response to petitions filed with the Court by the State of New York and Suffolk County on March 7, 1984. On March 18, 1985, a U.S. District Court in New York ruled that the State and Suffolk County could not be forced to participate in emergency planning. Both of these decisions are subject to appeal.

On May 30, 1985, the Suffolk County Executive issued an order which directs the county to review and evaluate the Local Emergency Response Plan for Suffolk County and to cooperate in an exercise of that plan, including assuming police powers. Suffolk County legislators succeeded in obtaining an injunction against the County Executive Order on June 10, 1985. This decision was affirmed by both an intermediate appellate court and the highest state court, the Court of Appeals.

#### Diablo Canyon 2

The staff issued a low-power license on April 26, 1985. Fuel load commenced on May 7 and was completed on May 15, 1985. Criticality for Diablo Canyon 2 is scheduled for late July 1985, and completion of low-power testing is anticipated in early August 1985. The licensee's effort and the staff review is ongoing in the following areas: (1) resolution of allegations as identified in SSER 28 (April 1985); (2) resolution of two seismic civil structural issues, i.e., analysis of turbine building floor diaphragm and of pipe way structure, as identified in SSER 29 (March 1985); and (3) resolution of certain issues and update of license conditions as identified in SSER 31 (April 1985). These matters need to be resolved prior to a full-power decision.

On June 27, 1985, the Appeal Board issued a decision (ALAB-811) which stated that the record of the proceedings was adequate to enable it to make the necessary findings with respect to Unit 2 design verification issues and that no further hearings are necessary. It also made favorable findings on all technical issues

relating to Unit 2 design verification and authorized issuance of a full power license subject to two license conditions. One condition has already been satisfied and the other has been included in the license.

#### Comanche Peak Unit 1

At this time, because of outstanding issues in both the design and construction of Comanche Peak, the applicants are unable to estimate the operation date for Unit 1.

The Technical Review Team (TRT) has completed the majority of on-site review concerning mainly construction quality and allegation reviews. The applicants have been informed of TRT open items by letters and meetings. All SSERs documenting the findings of the TRT investigations and reviews have been issued.

Cygna Energy Services (Cygna) is nearing completion of its Independent Assessment Program (IAP). Cygna has submitted two of three reports on its IAP reviews. By letters of April 4 and April 23, 1985, Cygna provided a detailed listing of all findings and open items (over 100) identified from all phases of its review in the areas of pipe stress, pipe supports, cable, tray supports, conduit supports, electrical and instrumentation/control, mechanical systems, and design control. Cygna has not issued the third Cygna report describing the final review and its conclusions on the total IAP review.



The applicants have prepared a Program Plan for resolution of all outstanding issues on Comanche Peak, which was submitted on July 2, 1985. This plan is expected to cover normal licensing issues, issues identified in TRT SSERs 7 through 11, routine regional inspections, any special inspections, the Independent Assessment Program (Cygn) findings, design issues, issues identified in the ASLB hearings and by other sources. The staff has committed to review the plan within thirty days of receipt.

At this time, at the request of both the applicants and the staff, the ASLB has deferred scheduling further hearings.

On June 28, 1985, the applicants filed their plan for handling future ASLB hearings for "Case Management Plan", which is currently under review by the staff. Applicants have proposed staff respond by August 2, 1985.



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## DIVISION OF LICENSING

6/30/85

## Licensing Schedules for All Pending OL Applications

(Includes Schedules for Additional Units with Projected Construction Completion in CY 1985-1987)

Plant	Est Delay (Months)	Issue DES	SER		ACRS Mtg	Issue FES	SSER		6/ Start of Hearing	ASLB Initial Decision	Comm. Decision 1/		Appl. Constr. Compl.
			Staff Technical Input to DL	Issue SER			Staff Technical Input to DL	Issue SSER			Eff. **	Comm. Dec.	
Limerick 1	<u>2/</u> <u>3/</u> 5 <u>5/</u>	C	C	C	C	C	C	C	C	C <u>5/</u>	08/85*	08/85*	C
Shoreham 1	- <u>7/</u>	C	C	C	C	C	C	C	C	08/85 <u>7/</u>	08/85 <u>7/</u>	08/85 <u>7/</u>	C
Palo Verde 1	0	C	C	C	C	C	C	C	C	C	C	C*	C
Fermi 2	0	C	C	C	C	C	C	C	C	C	C	C	C
Wolf Creek 1	0	C	C	C	C	C	C	C	C	C	C	C*	C
Comanche Peak 1	- <u>12/</u>	C	C	C	C	C	C	C	C	-	-	-	- <u>12/</u>
SUB-TOTAL	5												

\* Indicates changes from last report in Decision or Construction Completion Date

\*\* Commission decision on effectiveness of ASLB decision

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## DIVISION OF LICENSING

6/30/85

## Licensing Schedules for All Pending DL Applications

(Includes Schedules for Additional Units with Projected Construction Completion in CY 1985-1987)

Plant	Est Delay (Months)	Issue DES	SER		ACRS Mtg	Issue FES	SSER		Start of Hearing	ASLB Initial Decision	Comm. Decision 1/		Appl. Constr. Compl.
			Staff Technical Input to DL	Issue SER			Staff Technical Input to DL	Issue 6/ SSER			Eff. **	Comm. Dec.	
Diablo Canyon 2	0 <u>2/</u>	C	C	C	C	C	C	C	C	C*	07/85	07/85	C
Watts Bar 1	0 <u>19/</u>	C	C	C	C	C	C	C	None	None	N/A	N/S	N/S <u>19/</u>
River Bend 1	0	C	C	C	C	C	C	C	C	C <u>11/</u>	N/A	07/85*	07/85*
Perry 1 <u>3/</u>	0	C	C	C	C	C	C	C	C	08/85*	09/85*	09/85*	09/85*
GESSAR II <u>8/ 9/</u>	0	N/A	C	C	C	N/A	C	08/85	None	None	N/A	09/85* <u>8/</u>	N/A
Millstone 3	0	C	C	C	C	C	C	C	None	None	N/A	11/85	11/85
Palo Verde 2	0	C	C	C	C	C	09/85	10/85	C	<u>16/</u>	<u>16/</u>	12/85	12/85
Catawba 2	<u>0</u>	C	C	C	C	C	07/85	08/85	C	C	C	01/86	01/86
SUB-TOTAL	0												

\* Indicates changes from last report in Decision or Construction Completion Date

\*\* Commission decision on effectiveness of ASLB decision

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## DIVISION OF LICENSING

6/30/85

## Licensing Schedules for All Pending OL Applications

(Includes Schedules for Additional Units with Projected Construction Completion in CY 1985-1987)

Plant	Est Delay (Months)	Issue DES	SER		ACRS Mtg	Issue FES	SSER		Start of Hearing	ASLB Initial Decision	Comm. Decision 1/		Appl. Constr. Compl.
			Staff Technical Input to DL	Issue SER			Staff Technical Input to DL	Issue 6/ SSER			Eff.**	Comm. Dec.	
Comanche Peak 2	0	C	C	C	C	C	10/01/85	11/01/85	C	-	-	01/86	01/86 <u>12/</u>
Clinton 1	0	C	C	C	C	C	C	C	C <u>4/</u>	N/A	N/A	01/86	01/86
Hope Creek	0	C	C	C	C	C	C	C	C <u>10/</u>	N/A	N/A	12/85	12/85
Nine Mile 2	0	C	C	C	C	C	C	C	None	None	02/86	02/86	02/86
Harris 1	0	C	C	C	C	C	C	C	C	08/85	02/86	03/86	03/86
Braidwood 1	0	C	C	C	C	C	07/85	08/85	10/85	03/86	04/86	04/86	04/86
Seabrook 1 <u>3/</u>	0	C	C	C	C	C	C	C	C	12/85	01/86	04/86	04/86
Byron 2	<u>0</u>	C	C	C	C	C	C	C	C	C	C	06/86	06/86
SUB-TOTAL	0												

\* Indicates changes from last report in Decision or Construction Completion Date

\*\* Commission decision on effectiveness of ASLB decision

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## DIVISION OF LICENSING

6/30/85

## Licensing Schedules for All Pending OL Applications

(Includes Schedules for Additional Units with Projected Construction Completion in CY 1985-1987)

Plant	Est Delay (Months)	Issue DES	SER		ACRS Mtg	Issue FES	SSER		Start of Hearing	ASLB Initial Decision	Comm. Decision 1/		Appl. Constr. Compl.
			Staff Technical Input to DL	Issue SER			Staff Technical Input to DL	Issue 6/ SSER			Eff.**	Comm. Dec.	
Midland 2	0	C	C	C	C	C	C	C	C	N/S	N/S	N/S	N/S 18/
Vogtle 3/	0	C	C	C	08/85	C	8/23/85	9/30/85	N/S	N/S	N/S	09/86	09/86
So. Texas 1 3/	0	09/85	11/85	12/85	01/86	02/86	01/86	01/86	06/86	11/86	12/86	12/86	12/86
Palo Verde 3	0	C	C	C	C	C	12/86	01/87	C	16/	16/	03/87	03/87
Watts Bar 2	0	C	C	C	C	C	01/87	01/87	None	None	N/A	03/87	03/87
Beaver Valley 2	0	C	C	08/85	09/85	07/85	10/85	11/85	None	None	N/A	04/87	04/87
Braidwood 2	0	C	C	C	C	C	05/87	06/87	10/85	03/86	04/86	07/87	07/87
Bellefonte 1 3/	0	04/86	06/86	02/87	03/87	10/86	05/87	07/87	None	None	N/A	10/87	10/87
WNP-3 13/	0	C	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S
Midland 1	0	C	C	C	C	C	N/S	N/S	C	N/S	N/S	N/S	N/S 18/
WNP-1 14/	0	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S	N/S
TOTAL DELAY	5												

\* Indicates changes from last report in Decision or Construction Completion Date

\*\* Commission decision on effectiveness of ASLB decision

FOOTNOTES

- 1/ Licensing schedules and decision dates do not reflect additional potential delay from Emergency Preparedness Review. For plants with construction completed, the Commission decision dates shown are for full-power; however, initial licensing may proceed (restricting power to 5% of rated full power) based on a favorable ASLB decision (if applicable) and a preliminary design verification by the applicant and staff. Construction completion dates and Commission decision dates are based on the utility company estimate of construction completion.
- 2/ An operating license restricting operation to fuel loading and operation up to 5% power has been issued for these facilities. A Commission decision regarding operation above 5% power will be made on a schedule commensurate with the licensee's need for full-power authorization; therefore, no delay is projected unless otherwise noted.
- 3/ Additional unit is also under OL review. However, construction completion estimate is beyond 1987.
- 4/ A joint motion to dismiss the proceedings was filed by the applicant and intervenors on 1/28/85. An Order and Memorandum withdrawing all remaining contentions and terminating the proceedings was issued by the ASLB on February 14, 1985.
- 5/ The extent to which offsite emergency preparedness issues will impact licensing for Limerick beyond the three-month impact already experienced by late June will depend on the schedule for hearing the Graterford issues or resolution of pending requests for an exemption before the Commission and the Licensing Board.
- 6/ Date shown for first units is for first SSER following ACRS meeting. Additional SSERs will be issued to close out remaining open items.
- 7/ A fuel loading and cold criticality testing license was issued on December 7, 1984. On June 14, 1985, the last safety-related issue was resolved in favor of LILCO, and a 5% power license was authorized. That decision was stayed by the Court of Appeals pending its review. On July 3, 1985, the Court of Appeals denied the stay and the NRC issued the 5% license. Licensing delays in the full-power authorization (above 5% power) are likely due to off-site emergency planning issues. Previously, on April 23, 1985, a Licensing Board held that LILCO had no authority to implement its emergency plan. A New York State Court had reached a similar conclusion on February 21, 1985. Both these decisions are being appealed. For operation above 5% power, favorable ASLB decisions on offsite emergency planning will be required. Due to the Board decision on emergency planning and the unsettled position of Suffolk County and New York State on whether they will cooperate in emergency planning, the Commission is unable to forecast a realistic licensing impact at this time.

FOOTNOTES

- 8/ Severe Accident Design; BWR/6 Nuclear Island design. Commission decision may be needed on GESSAR II Severe Accident Design since it is a forward referencing design approval.
- 9/ The dates for applicant construction completion, DES issuance and FES issuance are not given for this application because it is a standardized design. Facilities that reference this design will supply this plant-specific information. The Commission decision date shown reflects the NRC staff-approval schedule for the FDA and not a Commission decision.
- 10/ A joint motion to dismiss the proceedings was filed by the applicant and intervenor on 2/19/85. This motion was granted on February 28, 1985.
- 11/ By Order dated November 20, 1984, the ASLB granted the intervenors' motions to withdraw their contentions and terminate the proceeding.
- 12/ Applicants have not provided revised construction completion dates for Units 1 and 2, and the ASLB has not established a hearing schedule; therefore, the licensing delay for Unit 1, if any, cannot be determined.
- 13/ Plant is mothballed. New dates will be established when the plant is out of the mothball status.
- 14/ Application docketed; no schedule established.
- 15/ Not used.
- 16/ By Order dated December 30, 1982, the Licensing Board re-opened the record on Palo Verde with respect to Units 2 and 3 only to consider issues related to salt deposition on surrounding lands. The hearing began on June 10, 1985.
- 17/ Not used.
- 18/ On July 16, 1984, the Board of Directors for Consumers Power voted to halt construction on both Midland Units.
- 19/ TVA is reassessing its date for Watts Bar Unit 1 readiness for licensing