

ORIGINAL

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Title:** Briefing on the Status of Near Term  
Operating Licenses (NTOLS)

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
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4 BRIEFING ON THE STATUS OF NEAR TERM  
5 OPERATING LICENSES (NTOLS)

6 \* \* \*  
7 PUBLIC MEETING

8 \* \* \*  
9 Nuclear Regulatory Commission  
10 Room 1130  
11 1717 H Street, Northwest  
12 Washington, D.C.

13  
14  
15 February 24, 1988

16 The Commission met in open session, pursuant to  
17 notice at 10:00 a.m., the Honorable LANDO W. ZECH, JR.,  
18 Chairman of the Commission, presiding.

19 COMMISSIONERS PRESENT:

20 LANDO W. ZECH, Chairman of the Commission  
21 THOMAS M. ROBERTS, Commissioner  
22 FREDERICK M. BERNTHAL, Commissioner  
23 KENNETH C. ROGERS, Commissioner  
24 KENNETH M. CARR, Commissioner  
25

1 STAFF AND PRESENTERS SEATED AT TABLE:

2 S. CHILK - Secretary

3 D. CRUTCHFIELD

4 S. VARGA

5 C. GRIMES

6 V. STELLO - EDO

7 F. MIRAGLIA

8 A. ROSENTHAL

9 P. COTTER

10 W. PARLER - OGC

11 AUDIENCE SPEAKERS:

12 J. SCINTO

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1 P R O C E E D I N G S

2 CHARIMAN ZECH: Good morning ladies, and  
3 gentlemen. I understand before we begin this morning we  
4 need a vote from my fellow Commissioners to hold this  
5 meeting on less than one week's notice.

6 May I have such a vote, please.

7 [A chorus of ayes.]

8 CHAIRMAN ZECH: The Commissioners are meeting  
9 today to be briefed on the status of near term operating  
10 licenses. We will hear from the Executive Director for  
11 Operations, Mr. Victor Stello, and the Director of the  
12 Office of Nuclear Reactor Regulations, Mr. Frank Miraglia,  
13 and others on the status of near term operating license  
14 plants.

15 Additionally, we will hear from the Atomic Safety  
16 and Licensing Board Chairman, Judge Paul Cotter, and the  
17 Appeal Board Panel Chairman, Judge Alan Rosenthal, on the  
18 status of near term operating license cases pending before  
19 their boards.

20 I must emphasize that since some of these cases  
21 are now in adjudication before the NRC, our separation of  
22 function considerations preclude discussion with the  
23 Commission on the merits and the substance of the issues  
24 which are in litigation.

25 Do any of my fellow Commissioners have opening

1 remarks before we begin?

2 [No response.]

3 If not, Mr. Stello, will you begin.

4 MR. STELLO: Thank you, Mr. Chairman. We will  
5 give you a very brief overview of the status of all of the  
6 plants. We've selected, as indicated in our slides, five  
7 particular plants that we think warrant special emphasis.  
8 We of course are prepared to discuss any of the plants as  
9 you wish in their overall status.

10 Mr. Frank Miraglia will begin with a brief  
11 overview and summary, and then we will have various other  
12 members of the staff describe for you the status of the  
13 five plants that I mentioned earlier. Frank.

14 CHAIRMAN ZECH: Fine.

15 MR. MIRAGLIA: Thank you, Vic. May I have the  
16 next slide, please. The current status of the NTOLs is as  
17 follows: We currently have three plants with a low power  
18 license, one plant with a 0 power license, and there are  
19 14 plants with OL applications that have been docketed. 9  
20 of those 14 are active reviews; 5 are inactive status.

21 May I have the next slide. The next slide  
22 outlines the plants in those categories. With respect to  
23 the low power license plants, they are Shoreham, South  
24 Texas, and Braidwood 2. The 0 power license is Seabrook,  
25 and the South Texas and Vogtle 2 are expected to be

1 licensed within the next year.

2 In addition, the remaining active plants would be  
3 Comanche Peak 1 and 2, Watts Bar 1 and 2, Limerick 2, and  
4 Bellefonte 1 and 2.

5 We have chosen to discuss with the Commission in  
6 detail five of these plants. They are listed on the next  
7 slide. Shoreham and Seabrook will be discussed by Mr.  
8 Steve Varga, the Division Director for Regions I and II  
9 who is on my immediate left; South Texas and Braidwood  
10 will be discussed by Mr. Dennis Crutchfield, the Division  
11 Director for Regions III, IV and V plants; and the last  
12 plant, Comanche Peak, will be discussed by Mr. Chris  
13 Grimes, the Division Director for Comanche Peak in the  
14 Office of Special Projects.

15 With that we can go right into the discussions  
16 with each plant. Steve.

17 MR. VARGA: Good morning. My name is Steve  
18 Varga. I'm the Division Director for Regions I and II  
19 plants. I'm going to start out with Shoreham. May I have  
20 the first slide, please.

21 I'd like to give just a very quick review of  
22 where the Shoreham plant is today physically in terms of  
23 its licensing activities.

24 As you know, we gave a criticality fuel load  
25 license in December of '84; we gave a May '85 5 percent

1 license.

2           They have had a very extensive low power testing  
3 program. They have started up three separate times  
4 exercising various systems.

5           On the last start-up which ended in July of '87,  
6 they synchronized to the grid for a short period of time.  
7 This plant is presently in a stand-by status.

8           For the full power, where we are on full power as  
9 far as the safety issues go, we are completed. The Staff  
10 has completed their review of all safety issues, it has  
11 issued its findings.

12           Hearings have been held. The Hearing Board has  
13 issued a favorable finding; all of those safety matters  
14 have been disposed of except of course now for the only  
15 remaining issue for full power emergency planning.

16           I'll just briefly summarize where we are on  
17 emergency planning in order to put some perspective  
18 overall summary of where we are in this rather complex  
19 issue. I'm sure Counsel and the Appeal Board and the  
20 Licensing Board will amplify, but I'd like to summarize  
21 where I think we are.

22           CHAIRMAN ZECH: Fine. We appreciate hearing  
23 that.

24           MR. VARGA: All of the issues that we have, the  
25 emergency planning issues -- in summary, however, I would



1 like to give you an idea of where the Staff thinks we are  
2 going to end up. I'll discuss some of the details in just  
3 a moment.

4 Overall, the Staff presently is developing and is  
5 working on a plan that includes the review of the utility  
6 plan, a complete review; includes a subsequent exercise,  
7 full-scale exercise; and includes the litigation of all of  
8 those issues that may arise as a result of that, ending up  
9 in a licensing decision we are scheduling for the Spring  
10 of '89. That's what the Staff is presently working on.

11 In the meantime, we are of course following the  
12 normal inspections of the plant in its present status.

13 Let me just briefly summarize the hearing status.  
14 As I've said, this is a very complex issue, it's a very  
15 dynamic issue. There was an order by the Board on Monday,  
16 there are other orders by the Board that are at issue to  
17 be issued imminently as I understand it, but as you recall  
18 there are two boards: One board had to do with evaluating  
19 the exercise itself, the so-called Frye Board as I  
20 understand it, then there was the board adjudicating the  
21 issues or litigating the issues on emergency planning.

22 As regards to the Exercise Board, they have  
23 completed their findings. They made findings on the scope  
24 of the exercise which was unfavorable as well as the fact  
25 that the emergency plan implementation itself contained

1 fundamental flaws.

2           The Licensee is appealing both of these. We are  
3 preparing responses to those Motions for Appeal, I think,  
4 scheduled for like March for the scope response and  
5 sometime yet in the future on the fundamental flaws of the  
6 exercise.

7           In addition, on Friday the Staff has filed with  
8 the Board a recommendation that since the Exercise Board  
9 has essentially completed its mandate, it should now no  
10 longer retain jurisdiction on whatever corrective actions  
11 LILCO might take as a result of those findings.

12           Now regarding the Emergency Planning Board:  
13 There are a number of issues outstanding. It's on that  
14 slide; one is not included on there. The Emergency  
15 Broadcast System is an issue that has to do with whether  
16 or not the Emergency Broadcast System is adequate for  
17 notifying the public; the hospital evacuation, whether or  
18 not the time estimates for the hospital evacuation are  
19 correct or realistic; and then the school bus driver issue  
20 which has to do with whether or not the school bus drivers  
21 will act in accordance with the plans

22           CHAIRMAN ZECH: I think you need the next slide.  
23 Thank you.

24           MR. VARGA: Thank you.

25           CHAIRMAN ZECH: Good.

1           MR. VARGA: There is another issue of course on  
2 there which is a significant one left off which has to do  
3 with the legal authority issue, the realism argument that  
4 is included in those issues still before the Board.

5           On Monday, the Licensing Board of the emergency  
6 planning issues issued a decision and an order which  
7 significantly -- perhaps significant is an incorrect term  
8 and Counsel will be able to amplify that -- but I think  
9 somewhat narrowed the issues I've just mentioned. Some  
10 were disposed of, some were denied, others were granted,  
11 but somewhat narrowed the issues.

12           In addition, the order said that they would be  
13 issuing an order this morning on the legal authority issue  
14 and that sometime this morning, or perhaps even earlier --  
15 but I haven't seen it, they will be issuing an order on  
16 the 25 percent power issue because LILCO has come in for a  
17 25 percent power request.

18           In summary, those are going on and perhaps  
19 additional information has come in in the last day or so,  
20 but putting all of that together again, I want to  
21 emphasize that we are presently working on a schedule  
22 which will include all of those items: A complete review  
23 of the plan, and we are working with FEMA on this; a  
24 full-scale exercise, whatever comes out of that full-scale  
25 exercise; and the litigation for a Licensing Board

1 decision in the Spring of '89.

2           There are several other things underway. Next  
3 slide, please.

4           CHAIRMAN ZECH: Before you move off that --

5           MR. VARGA: Yes.

6           CHAIRMAN ZECH: -- you've mentioned your schedule  
7 for the Spring of '89. Could you elaborate just a little  
8 bit on that and tell us how you arrived at that date?

9           MR. VARGA: Okay. The revised plan is presently  
10 under review by FEMA. We are anticipating that 60 days --  
11 they initiated their review like February the 1st. We are  
12 anticipating that in about 60 days they will be  
13 essentially completed with their review of the plan, at  
14 least to the point where they have identified other  
15 information they may need.

16           CHAIRMAN ZECH: FEMA?

17           MR. VARGA: FEMA.

18           CHAIRMAN ZECH: Right.

19           MR. VARGA: Then we will -- then another 60 days  
20 will be taken to clarify or to correct whatever  
21 deficiencies may have been discovered in that plan which  
22 leads us to about early June for an exercise presently  
23 planned for mid-June.

24           Then after that exercise like in mid-June, there  
25 will be a 60 day period for evaluation of the exercise,

1 the FEMA report, and the conclusions resulting from that,  
2 at which then litigation like in August, first part of  
3 September, litigation could begin which then would lead to  
4 a fairly expedited schedule, but I think a doable one,  
5 which leads us to like Spring of '89.

6 CHAIRMAN ZECH: All right. Perhaps Judge Cotter  
7 could comment on that when the opportunity presents  
8 itself.

9 JUDGE COTTER: I could do that now if you want?

10 CHAIRMAN ZECH: Why don't you do that now.

11 JUDGE COTTER: I was not aware of the Staff  
12 schedule for proceeding to a new exercise and a new report  
13 evaluation of that exercise. Assuming that that process  
14 is finished, if I understood correctly, by the end of  
15 August or the beginning of September, and then the  
16 opportunity to litigate the adequacy of the plan arises at  
17 that point, my own instinct is that it's unlikely that  
18 that litigation could be completed in six to seven months.  
19 I think it would take longer. How much longer I have no  
20 way of estimating.

21 CHAIRMAN ZECH: All right. So you're saying the  
22 Spring of '89 is --

23 JUDGE COTTER: Optimistic.

24 CHAIRMAN ZECH: -- optimistic. All right.

25 MR. VARGA: There are two other items that again

1 Counsel may amplify because they are rather complicated  
2 issues, but you will recall that in July of '86 the New  
3 York State Legislature -- may I have the next slide. The  
4 New York State Legislature had -- they passed a bill and  
5 then the governor signed, creating the Long Island Power  
6 Authority, where it was instructed in the legislation to  
7 take over, a friendly takeover of LILCO.

8 Included in that legislation as indicated in the  
9 slide, it prohibits the agency from constructing or  
10 operating a nuclear power plant in the service area.

11 LILCO filed suit in the District Court of Appeals  
12 and on August of last year the Court ruled that the Long  
13 Island Power Authority Bill did not violate the  
14 Constitution.

15 I think that we are following those events, but I  
16 don't believe that we have any particular direct  
17 participation in what is going on.

18 MR. PARLER: That's correct.

19 MR. VARGA: Again in February of this year,  
20 February 17th, the New York Court of Appeals issued an  
21 opinion on the lower court's decision about the lack of  
22 legal authority for the LILCO lacking legal authority.

23 The Court of Appeals, as indicated in the slide,  
24 indicated that the issue was outside of the subject matter  
25 and jurisdiction of the Court, and dismissed the complaint

1 and the impact of this decision is presently under our  
2 review.

3 COMMISSIONER BERNTHAL: Well, would you care to  
4 comment a little bit more than that and venture some  
5 thoughts on whether that means anything or not?

6 MR. VARGA: Well, I'll venture some thoughts.

7 MR. PARLER: Are you talking about the latter  
8 decision?

9 COMMISSIONER BERNTHAL: Yes.

10 MR. PARLER: I think that perhaps if it's all  
11 right, Mr. Chairman, I should respond to that.

12 CHAIRMAN ZECH: Please do.

13 MR. PARLER: I have read the decision, I have  
14 studied the decision to some extent and if the decision  
15 has any major impact on the state of affairs that Mr.  
16 Varga and others have described here this morning, they  
17 are not at this time apparent to me.

18 COMMISSIONER BERNTHAL: Okay.

19 CHAIRMAN ZECH: All right. Thank you.

20 MR. VARGA: Finally, there are three allegations  
21 under review of some standing. They are not specifically  
22 safety issues. One has to do with seismic qualifications  
23 reports, the other has to do with warehouse conditions and  
24 the condition of safety related equipment and non-safety  
25 related parts.

1           The third one had to do with training of the  
2 radio chemistry technicians and the fourth one has to do  
3 with symmetric falsifications and we are in the process of  
4 bleeding those out.

5           That concludes my discussions on Shoreham unless  
6 there are other questions.

7           CHAIRMAN ZECH: Let's move along and we'll come  
8 back to you if we need to proceed with further questions.

9           COMMISSIONER BERNTHAL: I would prefer, Mr.  
10 Chairman, to ask questions on a plant by plant basis since  
11 we are discussing this one, anyway, and I have just one  
12 question that I would like to --

13          CHAIRMAN ZECH: Go right ahead.

14          COMMISSIONER BERNTHAL: -- offer that fortunately  
15 is on a rather different subject and one that I believe we  
16 can discuss. Counsel will stop me, I'm sure, if that's no  
17 the case.

18          Some time back, the LILCO organization suggested  
19 that it was considering or might consider the installation  
20 of a filtered vent on this plant at Shoreham. In fact, it  
21 was even contemplating I believe the Cadillac-version of a  
22 filtered vent, the so-called Barsebeck style filtered  
23 vent, similar to the one installed by the Swedes at the  
24 plant by that name.

25          I don't know what's going on there. Has there



1 been any further progress on that? Has the licensee  
2 considered further the possibility of doing that or  
3 perhaps alternatively considered the less expensive  
4 version, the design currently being -- I guess more than  
5 considered -- currently planned for installation at all  
6 Swedish power plants? What is happening there?

7 If Staff is permitted to do so, I would be  
8 interested in any technical views that you might be able  
9 to offer on that.

10 MR. PARLER: You'll get a response.

11 COMMISSIONER BERNTHAL: It's no problem, right?

12 MR. PARLER: There is no problem in me  
13 responding.

14 MR. VARGA: We have had I think at least two  
15 discussions with LILCO on their filtered vented  
16 containment, the silo containment.

17 COMMISSIONER BERNTHAL: Right.

18 MR. VARGA: We have given comments on it, we have  
19 not formally provided a safety evaluation, but in minutes  
20 of a meeting we have given comments on our perception of  
21 the -- and more in a generic sense rather than a specific  
22 detailed failure analysis or a safety evaluation.

23 LILCO has taken those comments, and the present  
24 status, as far as my understanding is, is that they are in  
25 the process of considering the comments that we have made.

1 COMMISSIONER BERNTHAL: Would you give me a 25  
2 word summary or so of the comments that you offered.

3 MR. VARGA: I think that the comments were about  
4 the -- the major thrust of the comments I believe weren't  
5 specifically on the capability of the design but rather on  
6 the negative aspects of the design. Whether or not there  
7 would be some downside to inadvertent utilization of the  
8 filter or bypassing the filter or some scenarios. That's  
9 about the extent of my understanding.

10 COMMISSIONER BERNTHAL: Has the Staff identified  
11 downsides that the Swedes have not identified?

12 MR. VARGA: I don't believe so. I do not know.  
13 I don't know the answer to that.

14 COMMISSIONER BERNTHAL: Okay. So when do you  
15 expect a reply from the Licensee on that matter?

16 MR. VARGA: I don't know the answer to that, but  
17 I can find out.

18 COMMISSIONER BERNTHAL: Is the Licensee now the  
19 one that is being required to identify any conceivable  
20 downsides to this proposed installation already approved  
21 by the Swedes for --

22 MR. VARGA: No, we haven't asked them  
23 specifically to identify downsides, but just indicated  
24 some of the concerns. I don't believe we have embarked  
25 upon a formal review of the proposal.

1 COMMISSIONER BERNTHAL: Because they have not yet  
2 submitted a formal proposal?

3 MR. VARGA: That's right.

4 MR. STELLO: A more direct answer to the question  
5 is, I think the answer is yes.

6 COMMISSIONER BERNTHAL: The answer to what?

7 MR. STELLO: Your question, would we require them  
8 to evaluate the downsides, the answer would be yes. If  
9 they are going to propose to add a system to the plant  
10 which is going to perform a safety function, we expect  
11 them to do a complete safety evaluation which would be  
12 the advantages of having the system and the benefits of  
13 it, and the maloperation of the system in terms of what it  
14 can do to aggravate accidents.

15 COMMISSIONER BERNTHAL: Are we going to be  
16 prepared on the part of the Staff with some thoughts on  
17 that subject? In other words, I trust that this isn't  
18 going to be similar to one case that we are going through  
19 right now where even though the Licensee has carried out  
20 an evaluation, we have asked them to go back and think of  
21 any possible conceivable scenario even though we have not  
22 offered any.

23 MR. MIRAGLIA: I think the utility is doing an  
24 evaluation and asking itself that kind of question. I  
25 think it has some question in its own mind and they

1 haven't completed their evaluation.

2           We haven't gotten a formal application from the  
3 utility. They are considering it, they are evaluating it,  
4 they gave us their thoughts as to where they were and the  
5 kinds of evaluations they were doing, and that evaluation  
6 included the questions of: Do we fully understand how it  
7 would be used and how it would be implemented. So I think  
8 it's that kind of dialog. I don't have any feel for when  
9 they might make a decision or a formal application.

10           COMMISSIONER BERNTHAL: So the focus is on the  
11 procedural questions of utilization; is that what you are  
12 saying?

13           MR. STELLO: As well as equipment, maloperation  
14 of the equipment -- components, valves. If they fail,  
15 whether they fail.

16           COMMISSIONER BERNTHAL: So when are the likely --

17           COMMISSIONER CARR: Mr. Chairman, this is a  
18 subject for another briefing. I suggest we get on with  
19 the subject for this one.

20           CHAIRMAN ZECH: Maybe we can wind it up briefly.

21           COMMISSIONER BERNTHAL: Well, let's see. I think  
22 it is a very important subject. I'm sorry that Mr. Carr  
23 doesn't have and interest in it. So currently the status  
24 is --

25           CHAIRMAN ZECH: I'm not sure that's fair to say

1 that he doesn't have interest in this. He just thought it  
2 would be a subject for another briefing and maybe that's  
3 not a bad suggestion, but I do think it's important and we  
4 all think it's important, and so please continue; but I  
5 would like to move along.

6 COMMISSIONER BERNTHAL: I wanted to clarify the  
7 point of exactly what the status was then with the  
8 Licensee.

9 CHAIRMAN ZECH: Sure, let's try to do that  
10 briefly.

11 COMMISSIONER BERNTHAL: The Licensee has not yet  
12 presented a proposal; is that correct?

13 MR. MIRAGLIA: He's indicated that he's  
14 considering that and he's evaluated it. We've had one or  
15 two meetings where we've discussed his evaluation process  
16 and what concerns might we have and he's in that process.

17 COMMISSIONER BERNTHAL: Thank you.

18 CHAIRMAN ZECH: What I would like to do is to  
19 continue. I think what we've done in the past is to go to  
20 the Licensing Board and the Appeal Board for their  
21 comments on the same plant and then we will shift to the  
22 other plants. After the Licensing Board and Appeal Board  
23 Chairmen have given their thoughts, then I'll ask for  
24 comments from my fellow commissioners before we proceed to  
25 the next -- an entirely different plant.

1           So perhaps, Judge Cotter, now you could give us  
2 your views on the Shoreham situation and where it stands  
3 as far as the Licensing Boards are concerned.

4           JUDGE COTTER: I concur with what has been said  
5 so far. I would add to my comment that the completion of  
6 litigation on the -- on any new exercise that might take  
7 place is optimistic. My object there is to sound a note  
8 of caution. I don't know at this point how long it would  
9 take. I don't know exactly what's going to be involved.

10          CHAIRMAN ZECH: Could take less time?

11          JUDGE COTTER: Yes, could take less time.

12          CHAIRMAN ZECH: Could take more.

13          JUDGE COTTER: Yes.

14          CHAIRMAN ZECH: All right.

15          JUDGE COTTER: With respect to what is on the  
16 plate at the moment and with respect to the off-site  
17 proceeding chaired by Judge Gleason, I also understand  
18 that a decision on the legal authority issues, of which  
19 there are 8, should issue today, and the Board hopes to  
20 issue today some kind of a decision on the 25 percent, on  
21 how to proceed in dealing with the 25 percent power  
22 request.

23          The Board has also directed the parties to give  
24 them a schedule by Friday for completing the issues, aside  
25 from 25 percent power, that it has before it.

1           It's conceivable that all of those issues could  
2 be resolved in a decision issued by the end of August. I  
3 think that's all I have to add.

4           CHAIRMAN ZECH: All right. Judge Rosenthal, for  
5 the Appeal Board.

6           JUDGE ROSENTHAL: Mr. Chairman, the Shoreham  
7 Appeal Board has before it, as indicated by the Staff,  
8 appeals from the two decisions of the Board chaired by  
9 Judge Frye concerned with the exercise.

10           Both of those decisions have been appealed by the  
11 Long Island Lighting Company. The first appeal should be  
12 fully briefed on or about March the 6th; the second appeal  
13 which is proceeding behind the first one, because it's  
14 from a decision that was just rendered in the beginning of  
15 February, will be fully briefed absent any extensions some  
16 time in April.

17           I do not know yet whether the Appeal Board will  
18 consolidate the two appeals for the purpose of oral  
19 argument or will hear them separately. That's the  
20 decision the Board will probably make within the next two  
21 weeks after the briefing of the first appeal has been  
22 completed.

23           Beyond that, the Appeal Board has before it in  
24 Shoreham a motion filed by the intervenor governments  
25 seeking interlocutory review of an order that the

1 Licensing Board had entered in connection with the 25  
2 percent power aspect of the case.

3 What the Appeal Board must decide in that  
4 instance is whether the established criteria for taking  
5 review of this issue on an interlocutory basis have been  
6 met. I anticipate that the Appeal Board's decision in  
7 that matter will be rendered by no later than the end of  
8 the first week of March.

9 CHAIRMAN ZECH: Okay.

10 JUDGE ROSENTHAL: That's all that we have at the  
11 moment in Shoreham.

12 CHAIRMAN ZECH: All right. So to summarize as  
13 far as licensing boards, how many licensing boards do we  
14 have now?

15 JUDGE COTTER: Two.

16 CHAIRMAN ZECH: We have two licensing boards and  
17 they are looking --

18 JUDGE COTTER: I'm sorry. Actually, there is one  
19 active and one which has issued a decision which is now  
20 under review by the Appeal Board.

21 CHAIRMAN ZECH: And what are those licensing  
22 boards looking at again?

23 JUDGE COTTER: The active licensing board is  
24 looking at four groups of issues: One is a hospital  
25 evacuation time estimate, the school bus driver



1 availability --

2 CHAIRMAN ZECH: All to do with emergency  
3 planning?

4 JUDGE COTTER: Yes, all emergency planning.

5 CHAIRMAN ZECH: All right.

6 JUDGE COTTER: And the Radio Emergency Broadcast  
7 System and eight legal authority issues.

8 CHAIRMAN ZECH: And what is your schedule for  
9 that Board or what is their schedules' completion?

10 JUDGE COTTER: They think they can complete those  
11 issues, assuming no unanticipated developments some time  
12 by the of August.

13 CHAIRMAN ZECH: By the end of August?

14 JUDGE COTTER: End of August, beginning of  
15 September.

16 CHAIRMAN ZECH: All right. And the other  
17 licensing boards activities?

18 JUDGE COTTER: None at the moment. It depends on  
19 how the appeal turns out on the exercise and whether the  
20 Staff plans to go forward to rewind the clock and start  
21 the exercise cycling new --

22 CHAIRMAN ZECH: All right. And the Appeal Board,  
23 Judge Rosenthal, could you summarize again what --

24 JUDGE ROSENTHAL: Yes, the Appeal Board has  
25 before it again the two appeals with respect to the

1 exercise. I would anticipate that those appeals will be  
2 decided by the end of June, if not earlier.

3 CHAIRMAN ZECH: All right.

4 JUDGE ROSENTHAL: Because as I said, the question  
5 of the interlocutory review of this ruling in connection  
6 with the 25 percent power issue, the Appeal Board will  
7 decide within the next two weeks or so whether to  
8 undertake an interlocutory review or not.

9 CHAIRMAN ZECH: Within the next two weeks to make  
10 a decision on that?

11 JUDGE ROSENTHAL: Well, we'll decide whether the  
12 issue warrants an interlocutory review.

13 CHAIRMAN ZECH: Right.

14 JUDGE ROSENTHAL: If it decides it does not,  
15 that's the end of it at this point. If it decides that it  
16 does, then they'll be down for briefing and possibly oral  
17 argument.

18 CHAIRMAN ZECH: All right. Thank you very much.

19 MR. VARGA: I might just mention that the Staff  
20 is well along on the safety review on the 25 percent  
21 request.

22 CHAIRMAN ZECH: All right. Now before we move  
23 from Shoreham then, let me ask my fellow commissioners if  
24 they have other questions they'd like to ask. Commissioner  
25 Roberts?

1 COMMISSIONER ROBERTS: No.

2 CHAIRMAN ZECH: Commissioner Bernthal?

3 COMMISSIONER BERNTHAL: No, sir.

4 CHAIRMAN ZECH: Commissioner Carr?

5 COMMISSIONER CARR: No.

6 CHAIRMAN ZECH: Commissioner Rogers?

7 COMMISSIONER ROGERS: No.

8 CHAIRMAN ZECH: All right. Let's move along then  
9 to Seabrook.

10 MR. VARGA: May I have the next slide, please.

11 As indicated, fuel load and precritical test license was  
12 issued on October of '86 and many of the preoperational  
13 tests have been completed; however, there are some tests,  
14 precritical tests, which are better performed on the  
15 increase to power rather than performing the test in  
16 cooling down.

17 So there are some tests awaiting the licensing  
18 schedule, but the other precritical tests have been  
19 completed.

20 Specifically discussing low power, the Licensing  
21 Board, as the viewgraph says, the Licensing Board's  
22 decision is required for the following issues. I might  
23 point out that the environmental qualification of coaxial  
24 cable may be, as were the other two items under full  
25 power, the steam generator tube and the biofiling, they

1 may be designated by the Board as full power issues. So  
2 that decision has not yet been rendered, but we have  
3 included it for the moment under low-power issues.

4 The other issue is having to do with emergency  
5 notification in the Massachusetts communities within the  
6 EPZ.

7 As you recall, this is where the Massachusetts  
8 communities have requested or ordered that the sirens  
9 within their localities be taken out and dismantled. So  
10 their Licensee is presently working on an alternate scheme  
11 for emergency notification.

12 As regards full power, the issues there are again  
13 highly emergency plan-oriented. Let me speak first to the  
14 State of New Hampshire Radiological Emergency Response  
15 Plan.

16 There have been a total of about eight weeks of  
17 hearings, the last hearing -- the last week just concluded  
18 I think in the first part of February. The Board has  
19 closed the record on all of the issues except for the  
20 sheltering issue.

21 The sheltering issue I think is scheduled for May  
22 2nd. The hearing on the sheltering issue is scheduled for  
23 May 2nd, 1988.

24 Regarding the Seabrook plan for the Massachusetts  
25 communities, this is the utility plan, the Licensing Board

1 has not yet established a hearing schedule on the Seabrook  
2 plan for the Massachusetts communities, but they have  
3 indicated that or directed that contentions be filed by  
4 April 1st of this year.

5           The Seabrook plan that I just spoke to is  
6 presently under review by FEMA and we are working to  
7 support a May 23rd, 1988 graded exercise, full-scale  
8 exercise.

9           There are two other issues that are indicated  
10 under the full power. This is the steam generator tube  
11 integrity, and the biofouling and safety related cooling  
12 systems.

13           The steam generator tube integrity is essentially  
14 a question that has been raised by the Intervenors about  
15 the adequacy of our criteria for inspection to assure  
16 steam generator tube integrity.

17           Biofouling essentially arose from the Asiatic  
18 clam concern sometime back and biofouling -- whether  
19 monitors are in place to prevent biofouling of some of  
20 the -- particularly the service water systems.

21           Finally, for the full power, of course, the ACRS  
22 has provided us a letter for low power operation, and we  
23 still need an ACRS letter of recommendation for full  
24 power.

25           CHAIRMAN ZECH: Could you elaborate just a little

1 bit on those Items 3 and 4, those technical issues on  
2 steam generator tube integrity and the biofouling of  
3 safety related cooling systems?

4 MR. VARGA: Sure.

5 CHAIRMAN ZECH: Those are technical issues.  
6 Could you elaborate just a little bit on those and give us  
7 your thoughts on the schedule as far as when you think  
8 those might be resolved.

9 MR. VARGA: I believe that the issues are  
10 straightforward. The concern on the steam generator tube  
11 integrity issue is principally the requirements that we  
12 have in place for periodic inspection of steam generator  
13 tubes where we have certain criteria for -- during eddy  
14 current testing, in-service testing, where if a tube has  
15 reached a certain wall thickness degradation, then so many  
16 have to be plugged; and also looking at whether how many  
17 cold legs have to be done versus how many hot legs.

18 That entire criteria -- Regulatory Guide 1.83  
19 essentially.

20 MR. STELLO: Steve.

21 MR. VARGA: Yes.

22 MR. STELLO: You're getting too detailed.

23 CHAIRMAN ZECH: It doesn't have to go into the  
24 detail. What I'm really concerned about is I presume  
25 your -- the Licensing Board decision is pending on this

1 and the Staff is going before the Board to explain these  
2 issues.

3 MR. VARGA: Right.

4 CHAIRMAN ZECH: Perhaps we can ask the Licensing  
5 Board as to when they think they will be resolved, but I  
6 think you've told us what we need to know.

7 Does somebody else -- go ahead.

8 MR. SCINTO: Joe Scinto, Deputy Assistant General  
9 Counsel for Hearing.

10 CHAIRMAN ZECH: Please identify yourself again.  
11 I'm not so sure the reporter got --

12 MR. SCINTO: Joe Scinto.

13 CHAIRMAN ZECH: Joe Scinto.

14 MR. SCINTO: Deputy Assistant General Counsel for  
15 Hearing. The two issues were raised in connection with  
16 the low power operating proceeding. Motions were filed to  
17 -- summary disposition motions were filed to dismiss them  
18 entirely, but part of the argument also included an  
19 argument that they were not really relevant for low power  
20 operation. If there was any relevancy, it would be for  
21 long-term plant operation.

22 The Licensing Board agreed that they were not  
23 really relevant for low power operation, but they were  
24 more relevant -- if they are significant, their relevance  
25 is for long-term operation.

1           The Board has decided that they are not relevant  
2 for low-power operation and they need to be finally  
3 determined in connection with the full-power operation.

4           These are the kinds of things that are very  
5 susceptible to summary disposition motions.

6           CHAIRMAN ZECH: All right. Fine. Thank you very  
7 much. Let's move along.

8           MR. VARGA: The next veiograph, please. As  
9 indicated, the FSAR review is complete. We do need an  
10 amendment from the Licensee of the alternate system for  
11 emergency notification in the Massachusetts portion of the  
12 EPZ.

13           On Item 5, we have delineated rather extensively  
14 the inspection activities that have taken place. I won't  
15 bother to read it, but it's a rather thorough and  
16 extensive inspection including an IDI, IDI being an  
17 integrated design inspection where we take a vertical cut  
18 through a safety system from the criteria through the  
19 implementation and actual installation.

20           A construction appraisal team inspection was also  
21 performed. There were a number of special inspections  
22 performed as a result of allegations that have arisen.

23           We indicated in the slide as new concerns, and  
24 these inspections were performed in October and November  
25 while evaluations of several new concerns are in progress.



1 They are concerns that arose as a result of looking into  
2 the allegations themselves. They are not of a significant  
3 safety issue, they concern cracking in the concrete of  
4 some of the fuel handling systems.

5 I've discussed already hearings -- I might  
6 mention that the market report that you all saw, the  
7 market report that has been submitted, we have right now  
8 under review and is in the concurrence chain.

9 I've already mentioned the sheltering issue for  
10 the New Hampshire plan. The Licensing Board, as I've  
11 indicated -- next slide, please -- has yet to establish a  
12 hearing. All of the contentions are to be filed, and we  
13 are working toward a graded exercise, a full-scale  
14 exercise, for May 23rd, 1988.

15 There are four allegations under review. None of  
16 a specific safety significance.

17 Indicated under Section 8, is, as you recall,  
18 there was a bankruptcy petition filed -- appeal was filed  
19 but was dismissed because it was speculative. Well, the  
20 Board now has granted the Intervenors 30 days to amend  
21 their original petition which seeks to allow financial  
22 qualification considerations.

23 That concludes Seabrook.

24 CHAIRMAN ZECH: All right. Thank you very much.

25 Judge Cotter, could you give us a Licensing Board status

1 report, please.

2 JUDGE COTTER: There are two Seabrook boards and  
3 let me take the on-site board first that has before it the  
4 three issues that have been described.

5 First is the cable environmental qualification.  
6 The Board is in the posture of responding to the Appeal  
7 Board in ALAP 882 and expects to have its response to the  
8 Appeal Board's directions out by early next week.

9 The second issue is the combined steam generator  
10 tube integrity and the blockage of coolant flow, and as  
11 Mr. Scinto said, that is not an issue which bears on low  
12 power as the Board so held on the February 17th decision.

13 That issue, if resolved by summary disposition  
14 motions would be complete in approximately three months.  
15 If it has to go to hearing it would be complete and  
16 resolved in six to seven months.

17 The third issue is the most significant and  
18 that's the public notification issue. The Board is at a  
19 dead stop on that because the applicant has appealed the  
20 Appeal Board's decision, ALAP 883 to the Commission last  
21 week, February 18. So the Board must await the  
22 Commission's action.

23 Of course, if the Commission were to uphold the  
24 applicant's appeal, then that would eliminate the  
25 Licensing Board's need to perform any further work on the

1 matter. If it did not, then that would again rewind the  
2 clock and the Licensing Board would be in a position of  
3 starting the hearing process from the beginning with the  
4 filing of contentions and running through the whole  
5 hearing cycle. I don't know that I can add anything more  
6 to that.

7           With respect to the Off-site Board, which is  
8 chaired by Judge Ivan Smith, they have completed with  
9 respect to the New Hampshire portion of the plan, they  
10 have completed everything except the beach population or  
11 sheltering issue, and they expect to begin hearing May  
12 2nd, and the hearing should be completed in approximately  
13 two weeks.

14           The issue that is going to become the  
15 determinative one in terms of time is the plan as it  
16 applies to the Massachusetts communities. Contentions on  
17 that portion of the plan are due April 1.

18           I would estimate, looking at the entire cycle,  
19 assuming that the Licensing Board doesn't get any more  
20 remands, that it could complete that portion of the case  
21 which would complete the Seabrook off-site issues by  
22 January of next year.

23           CHAIRMAN ZECH: All right. Judge Rosenthal.

24           JUDGE ROSENTHAL: The only matter that the Appeal  
25 Board has before it on status in Seabrook is the petition

1 of Intervenor seeking a waiver of the rule that financial  
2 qualifications are not inquired into at the operating  
3 license level.

4 As the Staff briefing indicated, we have before  
5 us an appeal from a Licensing Board decision to the effect  
6 that the Intervenor had not made out a prima facie case  
7 for the proposition that the rule does not serve its  
8 purpose in this instance.

9 In the wake of the Public Service of New  
10 Hampshire's bankruptcy or in the filing of a petition for  
11 bankruptcy under Chapter 11, the Appeal Board considered  
12 it necessary to provide the parties with an opportunity to  
13 amend, that is the Intervenor, to amend their petitions  
14 for waiver or to file new petitions for waiver, taking  
15 into account this new development which at the time of the  
16 Licensing Board decision is simply speculative.

17 Any party taking advantage of that opportunity  
18 should have its papers on file very shortly. The Appeal  
19 Board has then given a 30 day period for responses and  
20 when all of those papers are all on file, the Board will  
21 proceed to decide the matter.

22 I will want to stress that the only question  
23 before the Appeal Board is whether a prima facie case has  
24 been made for the waiver.

25 If the Appeal Board decides that such a case has

1    been made, then it sends the matter up to the Commission  
2    which has the ultimate determination as to whether a  
3    waiver should in fact be granted with the consequence that  
4    a financial qualification inquiry would be made.

5                    How long will it take the Appeal Board to resolve  
6    this matter, after all the papers are in?    I would say  
7    certainly no more than 60 days.

8                    I think it's going to be a fairly straightforward  
9    issue considering the narrow scope of the question that is  
10   before the Board.

11                   I would just add one thing to what Judge Cotter  
12   had to say with respect to our remand on the sirens.    I  
13   don't think myself that -- what will hold up Licensing  
14   Board action will be the pendency of the petition for  
15   Commission review of our decision because under Commission  
16   jurisprudence, the filing of a petition for Commission  
17   review does not have the effect of staying the Appeal  
18   Board's decision.    So the Appeal Board's decision is fully  
19   operative today.

20                   I think what will probably hold up the Licensing  
21   Board is the fact that the Public Service of New Hampshire  
22   obviously at this point has to come up with a substitute  
23   plan for the sirens that have been erected on the poles in  
24   Massachusetts, which as of now the Staff indicated has  
25   been dismantled.

1                    Obviously until such time as that plan  
2 surfaces -- and I haven't seen it yet -- there isn't very  
3 much, it seems to me, that the Licensing Board will be  
4 able to do about it. I think the issue before the  
5 Licensing Board ultimately is going to be whether the  
6 alternative arrangements, whatever they may be, that are  
7 submitted by the Public Service of New Hampshire, fulfill  
8 the Commission's requirements in terms of emergency  
9 notification.

10                   COMMISSIONER BERNTHAL: Just sidestepping any  
11 questions or arguments as to adequacy or qualitative  
12 judgments, I would like to ask a factual question. It was  
13 my understanding, I'm not sure from reading the opinion,  
14 of the Appeal Board or from a summary of that opinion that  
15 there had been compensating measures offered, i.e. -- I'm  
16 very vague on this -- something to do with helicopter or  
17 other notification. Is that the case or not?

18                   JUDGE ROSENTHAL: That as well. They have  
19 indicated that that's what they have in mind. The  
20 papers that were filed --

21                   COMMISSIONER BERNTHAL: I see. I see.

22                   JUDGE ROSENTHAL: -- with the Appeal Board  
23 indicated that they had in mind helicopters with sirens  
24 mounted on them with backup of trucks with mounted sirens  
25 which would serve in the event that weather conditions

1 precluded the helicopters from flying; however, as of at  
2 least the last paper filed with us or that I have seen  
3 filed with anybody, that arrangement or proposed  
4 arrangement has not taken the form of an actual submitted  
5 plan.

6 COMMISSIONER BERNTHAL: Okay. Thanks. The  
7 General Counsel looks like he's getting nervous here.

8 MR. PARLER: I always look that way.

9 [Laughter.]

10 CHAIRMAN ZECH: All right. Well, on Seabrook  
11 then, any questions, my fellow Commissioners?  
12 Commissioner Roberts?

13 COMMISSIONER ROBERTS: No.

14 CHAIRMAN ZECH: Commissioner Bernthal?

15 COMMISSIONER BERNTHAL: Let's go ahead, I had one  
16 but it's disappeared for the moment. Maybe I'll think of  
17 it.

18 CHAIRMAN ZECH: All right. Commissioner Carr?

19 COMMISSIONER CARR: No.

20 CHAIRMAN ZECH: Commissioner Rogers?

21 COMMISSIONER ROGERS: No.

22 CHAIRMAN ZECH: All right. Let's move along  
23 then.

24 COMMISSIONER BERNTHAL: I'm sorry. I know what I  
25 wanted to ask and it may be evident from a summary here,

1 but just to recap here: It is not a fair statement then  
2 at this point certainly that the only thing standing in  
3 the way of Seabrook and either a low power or full power  
4 license is the emergency planning issue?

5 I mean, I see -- well one, two, three, at least  
6 here, three items of technical issues as well. Is that a  
7 fair statement?

8 MR. STELLO: The low power license, I think it's  
9 only the low.

10 COMMISSIONER BERNTHAL: One is low power, yes. I  
11 said low or full power.

12 MR. STELLO: The environmental qualifications  
13 issue in --

14 COMMISSIONER BERNTHAL: On low power.

15 MR. STELLO: -- the sirens --

16 COMMISSIONER BERNTHAL: That's correct. Okay.  
17 Right. I guess that is a hardware issue in a sense as  
18 well.

19 JUDGE ROSENTHAL: I think, though, it ought to be  
20 emphasized, as Mr. Varga indicated, that nobody has  
21 decided as of yet that the environmental qualification  
22 issue is a low power issue.

23 The Appeal Board did not reach that question. It  
24 told the Licensing Board to reach it if necessary. As of  
25 this point, it has not become necessary.



1 COMMISSIONER BERNTHAL: Right.

2 JUDGE ROSENTHAL: So we don't know whether that  
3 is appropriately under 2 or belongs with that list of  
4 issues under 3 as full-power issues.

5 CHAIRMAN ZECH: All right. Fine. Before we move  
6 away from these two, Mr. Stello, do you have any other  
7 comments you would like to make from the Staff's  
8 standpoint?

9 MR. STELLO: I think only one comment with  
10 respect to Seabrook. I think the siren issue is not in  
11 essence a Board decision, it's really a Commission  
12 decision.

13 COMMISSIONER BERNTHAL: Right now I guess it's  
14 before the Commission.

15 MR. STELLO: No. Originally that decision, I  
16 think, is a decision made by the Commission.

17 MR. PARLER: Those are details that I don't think  
18 would be appropriate to get into. There are so many  
19 papers filed in these proceedings, I just can't address  
20 things like that. The purpose of this meeting is to have  
21 an update on the issues and the procedural status of the  
22 issues.

23 MR. STELLO: And with respect to the emergency  
24 planning issues for both of those, we have had meetings  
25 with FEMA to work out schedules and resources and those

1 are being developed now and the attorneys will be filing  
2 the appropriate papers with the Boards to detail the  
3 nature and full scope of our schedule for emergency  
4 planning.

5           Based on our judgment, everything  
6 notwithstanding, our schedules are uncertain. It is our  
7 view that we would be able to, barring any unforeseen  
8 issues, complete the emergency planning reviews in these  
9 plants, including adjudication, as Mr. Cotter indicated,  
10 for Seabrook early next year or late Spring for sure.

11           COMMISSIONER BERNTHAL: Let's see. So it's not  
12 clear that environmental qualification is a low power  
13 issue, as Judge Rosenthal has just pointed out, and  
14 therefore the only issue at this point with respect to low  
15 power operation is the question of the sirens?

16           MR. STELLO: Correct.

17           COMMISSIONER BERNTHAL: That's not true?

18           JUDGE ROSENTHAL: Not necessarily true. The  
19 financial qualifications may or may not be --

20           COMMISSIONER BERNTHAL: Okay. That's a separate  
21 one.

22           JUDGE ROSENTHAL: -- because they are asking for  
23 as a financial qualification --

24           MR. MIRAGLIA: The chart reflects a current  
25 status and where decisions are pending and what may impact

1 those decisions.

2 COMMISSIONER BERNTHAL: Okay.

3 CHAIRMAN ZECH: Okay.

4 MR. SCINTO: I'm Joe Scinto again. With respect  
5 to the coaxial cable that is a low power issue before the  
6 Staff. The Staff could not issue a low power license  
7 until the issue before the Board is decided. That's why  
8 it is on the list for low power licensing.

9 CHAIRMAN ZECH: All right. Fine. Before we move  
10 off of these two facilities -- of course, it's clear to  
11 everyone that this is a unique situation for the Nuclear  
12 Regulatory Commission due to the fact that the State of  
13 New York and the State of Massachusetts have chosen to not  
14 cooperate in the emergency planning issue.

15 It's a challenge for the Commission and I think  
16 it's important for all of us to recognize that and to be  
17 mindful of all of our responsibilities for public health  
18 and safety as we talk about scheduling and all the other  
19 things that are so important to this Agency, but public  
20 health and safety is our primary job and I want to  
21 emphasize that as we move into other plants that we'll  
22 discuss today. All right. Let's move along.

23 MR. MIRAGLIA: Mr. Chairman, the next two plants,  
24 South Texas and Braidwood, are scheduled to come before  
25 the Commission within the next few weeks for full-power

1 consideration in a detailed briefing.

2 South Texas being currently scheduled for the  
3 10th of March and Braidwood being scheduled for the 17th  
4 of March.

5 Mr. Crutchfield is here and prepared to discuss  
6 those. In the interest of time, we can go through those  
7 hurriedly or just take Commission questions.

8 CHAIRMAN ZECH: Well, I would like to discuss it  
9 briefly and just give a brief status report. I think we  
10 can do that. Let's proceed.

11 MR. CRUTCHFIELD: Certainly. The first South  
12 Texas slide, please. The low power license for South  
13 Texas was issued last August. They have had some  
14 difficulties during their start-up program. They've had  
15 some feedwater vibration problems, there was an event at a  
16 foreign reactor with instrument tube thimbles, vibration  
17 problems, and failure problems, and they've looked into  
18 those.

19 Those issues technically are relatively  
20 straightforward and resolved as far as the Staff is  
21 concerned, and our supplemental safety evaluation will be  
22 addressing those also.

23 As Mr. Miraglia indicated, we will be briefing  
24 you on the 10th of March with a more detailed discussion.

25 Inspection activity is going on as should be for

1 a plant in its status. There has been supplemental  
2 activity for fuel loading.

3 There are currently no hearings associated with  
4 South Texas.

5 May I have the next slide, please. As you  
6 recall, we have been working with the Government  
7 Accountability Project for over a year to try to get a  
8 series of allegations that they have had.

9 Late last year, we finally got access to the  
10 allegations and to the allegeders and we will be reporting  
11 to you in detail at the full-power briefing.

12 Right now from what we see, we see no basis to  
13 delay that full-power meeting, however.

14 CHAIRMAN ZECH: You think you'll have sufficient  
15 time to review those allegations?

16 MR. CRUTCHFIELD: Yes, sir.

17 CHAIRMAN ZECH: All right. Thank you.

18 MR. PARLER: I believe, Mr. Chairman, there are  
19 also -- there is also at least one 2.206 petition pending  
20 before the Commission.

21 CHAIRMAN ZECH: Yes, I think that's correct, too.

22 MR. CRUTCHFIELD: With that, if there are no  
23 further questions on South Texas, I'll go on to Braidwood  
24 then.

25 CHAIRMAN ZECH: Let me see if there are -- I know

1 there are no hearings here, but any questions, my fellow  
2 Commissioners? If not, you may proceed.

3 MR. CRUTCHFIELD: May I have the first Braidwood  
4 slide, please.

5 Braidwood is the second unit, this is Unit 2 at  
6 the Braidwood site. As you are aware, they are almost  
7 identical to the Byron units of Commonwealth Edison, so  
8 I've had a lot of experience with this particular design.

9 They got their low power license in early  
10 December. They have proceeded on a relatively  
11 straightforward start-up program. Things are going  
12 relatively smoothly and their expected criticality date is  
13 the 29th. As Mr. Miraglia indicated, we have a full power  
14 briefing set for the 17th of March.

15 FSAR review was straightforward and complete.  
16 The regional inspection activity is ongoing. We just did  
17 an operational readiness inspection there that was  
18 successful. There is a couple of issues that are being  
19 worked between the region staff and utility.

20 There is one ongoing hearing matter. It's a  
21 harassment issue. My understanding is that it is  
22 currently before the Appeal Board.

23 May I have the next slide, please.

24 CHAIRMAN ZECH: Are there any questions before we  
25 move along off of Braidwood, my fellow Commissioners? All

1 right. Proceed, please.

2 MR. CRUTCHFIELD: There are ten allegations  
3 associated with the Braidwood review to date. There  
4 appears to be no real safety significance that would  
5 impact us coming before you.

6 So for both South Texas and the Braidwood units I  
7 think the Staff and the utility are just about ready to  
8 go.

9 May I have the next slide, please.

10 CHAIRMAN ZECH: All right. Again, are there any  
11 questions?

12 COMMISSIONER BERNTHAL: Let's go back to South  
13 Texas, since we are all gathered together here, anyway.  
14 Could you just give us a little flavor for let's say the  
15 couple or so most serious allegations? It doesn't mean  
16 they are show stoppers, perhaps, but what are we talking  
17 about here? What are you having to put to bed at this  
18 point?

19 MR. CRUTCHFIELD: A number of the allegations  
20 were raised, and they were appropriate, for the time that  
21 the individual was working at the utility. One question  
22 came up about the steam generators being out of plumb.  
23 Indeed they were not completely vertical, they were out by  
24 11 inches or so.

25 The utility had Westinghouse perform an analysis.

1 Bechtel came onto the site and they also did a reanalysis,  
2 so those issues are currently being resolved.

3 There is quite a few of them dealing with status  
4 of paper at the site, whether they had appropriate records  
5 and documents and things like that.

6 The most serious hardware one appears to be the  
7 one associated with the plumbness of the steam generators.

8 COMMISSIONER BERNTHAL: And that's under analysis  
9 right now?

10 MR. CRUTCHFIELD: Yes, it is.

11 COMMISSIONER BERNTHAL: And that issue was raised  
12 by?

13 MR. CRUTCHFIELD: Was raised by an allegor. At  
14 the time he was at the site, he raised the issue unaware  
15 that the utility and Westinghouse and Bechtel were working  
16 on the issue and doing the analysis on it.

17 He was an inspector, a QA individual there, and  
18 he went in and said yes, the thing is not vertical.

19 COMMISSIONER BERNTHAL: Were we already aware of  
20 it at that time or --

21 MR. CRUTCHFIELD: My understanding is that the  
22 regional folks were aware of what was going on at the  
23 time, yes, sir.

24 COMMISSIONER BERNTHAL: Okay.

25 CHAIRMAN ZECH: All right. You may proceed.



1 MR. CRUTCHFIELD: That's all I have.

2 CHAIRMAN ZECH: All right.

3 MR. MIRAGLIA: Mr. Grimes is prepared to talk to  
4 the status of Comanche Peak.

5 CHAIRMAN ZECH: Fine. You may proceed, Mr.  
6 Grimes,

7 MR. GRIMES: May I have the first Comanche Peak  
8 slide, please.

9 The first item on Comanche Peak concerning  
10 schedule, your slide reflects the utility's latest  
11 official position concerning a completion of Comanche  
12 Peak. It's described in terms of commercial operation.  
13 It is a position that was submitted to the SCC.

14 Our current review schedule is based on  
15 construction completion in the fall of this year.

16 We've also noted here that the Texas Utilities  
17 Board of Directors, the parent company of TU Electric, met  
18 on February 19th to review the status of the plant and  
19 from that meeting, we expect to get a detailed update of  
20 the rework in construction completion schedule for  
21 Comanche Peak. Based on that we will revise our review  
22 plans accordingly.

23 At the present time, Comanche Peak has scheduled  
24 to begin hot functional testing in late December of '88.

25 With respect to the Staff's review of the FSAR,

1 the corrective action program that the utility has  
2 implemented to correct design and construction  
3 deficiencies has resulted in a substantial numbers of  
4 changes to the FSAR. Those have been submitted over the  
5 last few months -- in the past few months, and we believe  
6 at this point we've got the bulk of the FSAR changes and  
7 they are being reviewed in parallel or in conjunction with  
8 our review of the utility's corrective action program.

9 We expect, however, that we will continue to get  
10 some relatively minor SFAR changes as they continue to  
11 implement the corrective action program and complete the  
12 rework on construction activities.

13 With respect to inspections, I have noted on the  
14 slide that in a Staff evaluation dated January 22nd, 1988  
15 we have presented a basis for our conclusions relative to  
16 the approaches of the third party review under the  
17 Comanche Peak Response Team and the scope and methodology  
18 for the corrective action program.

19 Our inspection activities are now following those  
20 actions and we have a large contingent of inspectors that  
21 work for me directly at this site and they are issuing  
22 monthly inspection reports that will also contribute to  
23 the Staff's evaluation of the corrective action program.

24 May I have the next slide, please. With respect  
25 to the hearings, the utility's decision to implement a

1 corrective action program caused Intervenor to reconsider  
2 the filing of summary disposition motions.

3           As a result of that, the Atomic Safety and  
4 Licensing Board held a prehearing conference on November  
5 2nd and 3rd to address the matter of scheduling the  
6 hearing and they issued a memorandum and order that lays  
7 out a process for scheduling the hearings for Comanche  
8 Peak. That process is dependent on project status reports  
9 being issued by the utility, and the Staff issuing their  
10 evaluations of those project status reports, and also on  
11 the applicant's issuance of the third party review report,  
12 the collective significance report by the Comanche Peak  
13 Response Team and the Staff's evaluation of that document.

14           The utility has submitted all of their project  
15 status reports. The last one was received approximately  
16 ten days ago. We are still awaiting a collective  
17 significance report.

18           The first Staff evaluation will be issued either  
19 late this week or early next week. My expectation is that  
20 it will probably sometime next week; and therefore, the  
21 earliest date that hearings could begin would be 120 days  
22 from that date, presuming that the Board decides to  
23 litigate issues in groups. If not, it will be 120 days  
24 from the issuance of the last Staff evaluation.

25           Since we only just received the last project

1 status report and have yet not received the collective  
2 significance report, I can only estimate that that would  
3 be sometime in early fall.

4           There is also a hearing pending concerning a  
5 construction permit amendment. As noted on the slide, the  
6 Atomic Safety and Licensing Board admitted an amended  
7 contention from Intervenor. May I have the next slide,  
8 please.

9           Applicants appealed the admission of that  
10 contention and the Appeal Board affirmed the Board's  
11 ruling. Applicant then appealed to the Commission, the  
12 Commission declined review and the admission of the  
13 contention became a final agency action on October 6th,  
14 1987.

15           At the present time, I think we are waiting for  
16 Intervenor to make a submission to begin that review  
17 process, but I'll let Judge Cotter or Judge Rosenthal  
18 comment on that.

19           The last item I have concerns allegations. Last  
20 night, we received another allegation so the 13 on the  
21 slide is now 14. I will forward the allegation that I  
22 received from GAP to our allegation review committee  
23 tomorrow. So we now have 14 allegations under active  
24 review.

25           We've also noted that there are 27 allegations

1 pending from the NRC's technical review team which we  
2 believe are complete, but we have to make sure that the  
3 records are all complete and we've followed up with the  
4 allegeders before we can conclude those.

5 Are there any questions?

6 CHAIRMAN ZECH: All right. Are there any  
7 questions before we go to the Licensing Board and Appeal  
8 Board?

9 COMMISSIONER BERNTHAL: Again I would like to  
10 have a little bit more substantive summary of what you see  
11 as being the principal issues at this point. I guess in  
12 your case, particularly hardware issues.

13 Could you pinpoint two or three of those for us  
14 so we can get a better flavor for what our problems are.

15 MR. GRIMES: It's difficult for me to do that by  
16 virtue of the contention that's pending before the Board,  
17 this design and construction adequacy.

18 COMMISSIONER BERNTHAL: Yes.

19 MR. GRIMES: And other than to say that we are  
20 reviewing redesign, we are inspecting rework and  
21 reconstruction and repair of the plant, I don't know what  
22 detail I could get into without treading in ex parte.

23 MR. PARLER: You can't get into any detail with  
24 the merits of the issues. I thought all the Commissioner  
25 asked you was to state what the issue is and where are the

1 major issues without commenting on their pluses or  
2 minuses. You can't do that.

3 COMMISSIONER BERNTHAL: Right. Right.

4 MR. STELLO: Let me try to give an example  
5 without getting into the design of construction supports  
6 and pipe hangers. It entailed a major rework of pipe  
7 hangers as well as reevaluation and redesign.

8 So it became a design and construction, actual  
9 hardware, and the numbers were very large. That's the  
10 first CER that we intend to get out, and that would be the  
11 example of the first issue that would be ripe and ready  
12 for the Hearing Board.

13 COMMISSIONER BERNTHAL: And that CER is expected?

14 MR. GRIMES: Probably next week.

15 COMMISSIONER BERNTHAL: So, you're essentially --  
16 your staff is essentially finished?

17 MR. GRIMES: We've completed the review.

18 MR. STELLO: Do you remember the number of  
19 hangers that has to be modified to give a feel for the  
20 scope of that problem?

21 MR. GRIMES: Not the specific number, but it was  
22 in the thousands.

23 COMMISSIONER BERNTHAL: Okay.

24 MR. STELLO: Okay.

25 COMMISSIONER BERNTHAL: Is there any other item

1 in that category? You'll need to make qualitative --

2 MR. GRIMES: Well, the easiest way to do it would  
3 be to describe the project status reports, because they  
4 group the issues.

5 COMMISSIONER BERNTHAL: Okay.

6 MR. GRIMES: The first two reports were piping  
7 and pipe supports. There are two reports on conduit  
8 supports, there is a report on cable tray hangers, there  
9 is a report on equipment qualification, and then there is  
10 a report in each of the major design disciplines:  
11 Mechanical, civil structural, electrical, instrumentation  
12 and control. I omitted -- there is a separate report on  
13 heating, ventilation, and air conditioning.

14 COMMISSIONER BERNTHAL: And presently the status  
15 of each of those is?

16 MR. GRIMES: The utility has submitted a report  
17 describing the redesign and reinspection activities that  
18 they have either completed or are planning, and the Staff  
19 is reviewing the methodology associated with that because  
20 it impacts the design as presented in the FSAR.

21 COMMISSIONER BERNTHAL: Are there any outstanding  
22 things that are -- it's hard to cut through the procedural  
23 stuff here -- but are there any generic or specific  
24 hardware issues that you would point to right now that are  
25 principal in your mind?

1           MR. GRIMES: No. As I described the nature of  
2 the review -- the principal issues evolve around the  
3 design and construction of the supports in general. All  
4 of those things have been clearly designed. The issues  
5 are well-known. Some of them have already been litigated  
6 to a certain extent, anyhow, and we are in the process now  
7 of reviewing the corrective action efforts that are going  
8 to rectify those problems.

9           COMMISSIONER BERNTHAL: Okay.

10          CHAIRMAN ZECH: All right. Thank you. Judge  
11 Cotter.

12          JUDGE COTTER: I think the critical thing for the  
13 Commissioners to keep in mind is with respect to the  
14 litigation on Comanche Peak, the contentions that will be  
15 litigated will arise out of the SSERs that have yet to be  
16 issued.

17                If I understand what the Staff has said  
18 correctly, that means over some period of time there are  
19 going to be four or five SSERs issued and each one of  
20 those would give rise to the opportunity to file  
21 contentions.

22                I understand that the Board has the feeling that  
23 there is a certain degree of good will on each side and  
24 there is some interest of resolving as many of the  
25 technical issues without trial as they can, but I don't



1 know how to evaluate or quantify that.

2 With respect to the construction permit  
3 proceeding, I think that is sort of being held on standby  
4 by all parties while they address their attention to the  
5 massive report issuances from the Project Status Reports  
6 and from the SSER's own board.

7 CHAIRMAN ZECH: All right.

8 JUDGE ROSENTHAL: We have nothing before us at  
9 Comanche Peak.

10 CHAIRMAN ZECH: All right. Are there any  
11 questions, my fellow Commissioners? Commissioner Roberts?

12 COMMISSIONER ROBERTS: No.

13 CHAIRMAN ZECH: Commissioner Bernthal?

14 COMMISSIONER BERNTHAL: Well, I guess not. I  
15 can't say that there is a very good feeling -- I get a  
16 sense of perhaps too much problem worrying about stepping  
17 over the line of ex parte here. I wish we could get a  
18 little better view of the details of some of these.

19 Let me try one last time here. With respect to  
20 current allegations, could you tell us whether any of  
21 those involved hardware specific things that you have yet  
22 to check out or is the answer zero? None of them do?

23 MR. GRIMES: My recollection is that all of the  
24 pending allegations deal with design deficiencies. If  
25 there are any construction related allegations, they are

1 associated with matters that were previously looked at by  
2 the Staff and the Technical Review Team inspections.

3 COMMISSIONER BERNTHAL: Okay. With respect to  
4 the design deficiencies, are there any allegations in that  
5 area that you have to yet check out? Anything new there  
6 that you have not already dealt with before?

7 MR. GRIMES: No, sir. Not even the most recent  
8 allegation deals in a new area. It's a twist on a  
9 previous issue.

10 COMMISSIONER BERNTHAL: Okay. So is it a fair  
11 summary then that you are now in the process primarily of  
12 report writing and collating data information and  
13 preparing final reports?

14 MR. GRIMES: That's correct. The effort that we  
15 have before us -- I believe between now and this summer or  
16 early next fall is condensing all of the material that  
17 that has amassed over the last -- at least since 1983.

18 At the present time, it all seems to be funneling  
19 down towards corrective action efforts and as Judge Cotter  
20 pointed out, the utility is working directly with  
21 Intervenor to try and explain the resolution of issues.  
22 There is a cooperative spirit to try and bring this  
23 information together, but it is a tremendous amount of  
24 material -- the utility has got a tremendous amount of  
25 on-going work.

1           COMMISSIONER BERNTHAL: Are there any specific  
2 allegations yet unresolved, not checked out, that involve  
3 personnel problems or management? Of course I don't want  
4 you to get into details of them, but just --

5           MR. GRIMES: There are some pending allegations  
6 concerning intimidation and harassment, but they are in my  
7 view spin offs from previous allegations of intimidation  
8 and harassment that was looked at by a special panel that  
9 Mr. Stello convened. I don't view those as new issues  
10 either.

11          COMMISSIONER BERNTHAL: Okay. Thank you.

12          CHAIRMAN ZECH: Mr. Carr?

13          COMMISSIONER CARR: Only on Braidwood where there  
14 was an appeal that's under review. Could you tell us what  
15 the schedule looks like on that one?

16          JUDGE ROSENTHAL: The appeal?

17          COMMISSIONER CARR: Yes.

18          JUDGE ROSENTHAL: As I've indicated in my recent  
19 monthly status reports, we have assigned a relatively low  
20 priority to Braidwood in light of the fact there was no  
21 stay granted or indeed even sought. We had what seemed to  
22 us to be more pressing matters in others, such as  
23 particularly Seabrook and Shoreham.

24                 My current estimate would be that the decision of  
25 the Appeal Board will be out in April.

1 COMMISSIONER CARR: Okay.

2 CHAIRMAN ZECH: Mr. Rogers.

3 COMMISSIONER ROGERS: No.

4 CHAIRMAN ZECH: Well, let me just ask the Staff  
5 and the Licensing Board and the Appeal Board, is there  
6 anything that the Commission should be doing to assist you  
7 in addressing these issues that we've talked about this  
8 morning?

9 [No response.]

10 CHAIRMAN ZECH: Is there anything that you can  
11 think of that we could be assisting with, to assist you in  
12 any way?

13 JUDGE ROSENTHAL: Well, I would think the system  
14 would be served if the Commission were to act with maximum  
15 amount of possible expedition in the pending appeal from  
16 our siren decision.

17 As I indicated, our siren decision has not been  
18 stayed, but unless the Commission were to order it  
19 stayed -- but I think that would be probably desirable.

20 CHAIRMAN ZECH: That sounds like a sound  
21 recommendation. We'll take that aboard.

22 COMMISSIONER BERNTHAL: What is the status of  
23 that right now? Are we waiting for a paper or where are  
24 we?

25 JUDGE ROSENTHAL: No. The appeal has just been

1 taken and the responses to the appeal -- I didn't mean to  
2 suggest that this was susceptible to Commission decision  
3 within the next week or two.

4 CHAIRMAN ZECH: Well, we haven't received it yet.  
5 You're just alerting us to the fact.

6 JUDGE ROSENTHAL: Yes. We are just letting you  
7 have the fact. Our decision did hold that low power could  
8 not commence while the siren issue was pending.

9 CHAIRMAN ZECH: Yes.

10 JUDGE ROSENTHAL: And you may or may not agree  
11 with that conclusion. It just seems to me, however, that  
12 as rapid as the Commission --

13 CHAIRMAN ZECH: Yes. Well, you are alerting us  
14 to the fact that that is going to come before us soon, and  
15 we appreciate that.

16 MR. PARLER: Mr. Chairman, may I raise a comment.  
17 I think the petition has been received. Normally under  
18 our rules, we wait for the other affected parties in the  
19 proceeding to file their position on the petition, or any  
20 similar petitions; then your judicatory advisors -- and  
21 I'm responsible for some of them -- put the advice package  
22 together and send it up to you.

23 We will do that with all of the expedition that  
24 we can muster after the people have had their opportunity  
25 to express their views.

1           CHAIRMAN ZECH: All right.

2           JUDGE ROSENTHAL: I was not suggesting that that  
3 be shortcut nor was I suggesting that the General Counsel  
4 would be anything less than diligent in getting the matter  
5 before the Commission. I was just hopeful that when it  
6 does get reported to the Commission --

7           CHAIRMAN ZECH: All right. Thank you. You've  
8 made your point. Thank you very much.

9           Well, let me just thank all of you for the  
10 briefing this morning. I think that the NRC Staff of  
11 course, the Licensing Board, the Appeal Board are all  
12 really primary bodies that are applying the Commission  
13 policies and regulations to the individual licensing cases  
14 that we've discussed here this morning.

15           It is by completely and fairly and thoroughly  
16 carrying out those policies that we serve the American  
17 people in carrying out the status by which we abide.

18           It's important business of our country and I  
19 thank you very much for your presentation this morning.

20           If there are no further questions, we will stand  
21 adjourned. Thank you very much.

22                       [Whereupon at 11:20 a.m., the hearing was  
23 adjourned.]

24

25

1  
2 REPORTER'S CERTIFICATE  
3


4 This is to certify that the attached events of a  
5 meeting of the U.S. Nuclear Regulatory Commission entitled:  
6

7 TITLE OF MEETING: Briefing on the Status of Near Term Operating  
Licenses (NTOLS)

8 PLACE OF MEETING: Washington, D.C.

9 DATE OF MEETING: February 24, 1988  
10

11 were held as herein appears, and that this is the original  
12 transcript thereof for the file of the Commission taken  
13 stenographically by me, thereafter reduced to typewriting by  
14 me or under the direction of the court reporting company, and  
15 that the transcript is a true and accurate record of the  
16 foregoing events.  
17

18   
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Mario Rodriguez  
19  
20  
21

22 Ann Riley & Associates, Ltd.  
23  
24  
25

## BRIEFING OUTLINE

- OVERVIEW
- SUMMARY OF PLANTS WITHIN NEXT YEAR
- SELECTED PLANTS FOR DISCUSSION



## OVERVIEW

3 PLANTS WITH LOW POWER LICENSE

1 PLANT WITH ZERO POWER LICENSE

14 PLANTS WITH OL APPLICATION DOCKETED

(9 ACTIVE; 5 INACTIVE)

# PLANTS WITH LOW POWER LICENSE

<u>PLANTS</u>	<u>DATE ISSUED</u>	<u>FULL POWER (EST)</u>
SHOREHAM	7/03/85	NOT SCHEDULED
SOUTH TEXAS 1	8/21/87	3/88
BRAIDWOOD 2	12/18/87	3/88

# PLANTS WITH ZERO POWER LICENSE

<u>PLANTS</u>	<u>DATE ISSUED</u>	<u>LOW POWER (EST)</u>
SEABROOK 1	10/17/86	NOT SCHEDULED

# PLANTS EXPECTED TO BE LICENSED FOR LOW POWER WITHIN NEXT YEAR

<u>PLANTS</u>	<u>APPL. DATE</u>
SOUTH TEXAS 2	12/88
VOGTLE 2	2/89

# REMAINING PLANTS

## ACTIVE

COMANCHE PEAK 1 AND 2  
WATTS BAR 1 AND 2  
LIMERICK 2  
BELLEFONTE 1 AND 2

## INACTIVE

SEABROOK 2  
PERRY 2  
GRAND GULF 2  
WNP-1  
WNP-3

SELECTED NTOL PLANTS FOR DISCUSSION

- ° SHOREHAM
- ° SEABROOK 1
- ° SOUTH TEXAS 1
- ° BRAIDWOOD 2
- ° COMANCHE PEAK

## SHOREHAM SIGNIFICANT ISSUES

### 1. SCHEDULE

AN OPERATING LICENSE (PERMITTING FUEL LOADING AND OPERATION TO 24 KWT) WAS ISSUED ON DECEMBER 7, 1984. COLD CRITICALITY TESTING WAS COMPLETED ON FEBRUARY 17, 1985. FIVE PERCENT LICENSE WAS ISSUED ON JULY 3, 1985. LOW POWER TESTING IS COMPLETE.

### 2. FULL POWER LICENSE ISSUES

THE STAFF HAS COMPLETED REVIEW OF ALL SAFETY ISSUES AND CONCLUDED THAT THE FACILITY CAN BE OPERATED SAFELY. THE HEARING ON ALL ISSUES EXCEPT THE EMERGENCY PLANNING ISSUES HAS BEEN COMPLETED AND THE LICENSING BOARD HAS FOUND IN FAVOR OF LILCO. ALL APPEALS ON THESE ISSUES ARE COMPLETED. THE ONLY ISSUES REMAINING ARE THOSE RELATING TO OFFSITE EMERGENCY PLANNING.

THE REVISED UTILITY PLAN IS CURRENTLY UNDER FEMA REVIEW AND THE STAFF IS WORKING WITH FEMA ON A SCHEDULE FOR A FULL SCALE EXERCISE OF THAT PLAN. THE STAFF IS DEVELOPING AND WILL PROPOSE A SCHEDULE FOR REVIEW OF THE PLAN, THE SUBSEQUENT FULL SCALE EXERCISE AND LITIGATION OF ISSUES TO RESULT IN A LICENSING BOARD DECISION IN SPRING 1989.

### 3. INSPECTIONS

NORMAL INSPECTION OF LICENSEE'S OPERATIONS IS CONTINUING.

4. HEARINGS

CURRENT STATUS

OPEN ISSUES CONCERNING THE ADEQUACY OF THE LILCO EMERGENCY PLAN WHICH WERE REMANDED BY THE APPEAL BOARD OR WHICH AROSE SINCE HEARING ON THE PLAN INVOLVE: THE EMERGENCY BROADCAST SYSTEM, HOSPITAL EVACUATION AND SCHOOL BUS DRIVERS. IN ADDITION, HEARINGS ON THE EMERGENCY PLAN EXERCISE FOUND FUNDAMENTAL FLAWS IN LILCO'S ABILITY TO IMPLEMENT ITS PLAN. IN THIS REGARD LILCO HAS FILED TWO APPEALS OF EXERCISE BOARD'S FINDINGS: THAT THE EXERCISE SCOPE WAS INADEQUATE; THAT THE EMERGENCY PLAN CONTAINED FUNDAMENTAL FLAWS.

LICENSING BOARD ALSO CONSIDERING LILCO'S APPLICATION FOR 25% POWER LICENSE.

PROPOSED STAFF APPROACH

THE STAFF IS DEVELOPING AND WILL SHORTLY PROPOSE A SCHEDULE FOR THE REVIEW OF THE REVISED UTILITY PLAN, A FULL SCALE EXERCISE OF THAT PLAN AND LITIGATION OF ALL OUTSTANDING ISSUES TO RESULT IN A LICENSING BOARD DECISION IN SPRING 1989.

5. ALLEGATIONS

THREE ALLEGATIONS UNDER REVIEW.

6. OTHER

ON JULY 3, 1986, THE NEW YORK STATE LEGISLATURE PASSED A BILL, WHICH GOVERNOR CUOMO LATER SIGNED, CREATING THE LONG ISLAND POWER AUTHORITY. THE NEW AGENCY IS INSTRUCTED TO BEGIN NEGOTIATIONS WITH THE LONG ISLAND LIGHTING COMPANY CONCERNING A FRIENDLY TAKEOVER OF LILCO. IF LILCO DOES NOT ACCEPT THE OFFER, THE NEW POWER AUTHORITY IS INSTRUCTED BY THE LEGISLATION TO INSTIGATE CONDEMNATION PROCEEDINGS. THE LEGISLATION PROHIBITS THE AGENCY FROM CONSTRUCTING OR OPERATING A NUCLEAR POWER PLANT IN ITS SERVICE AREA. IT ALSO PROHIBITS LILCO FROM RECOVERING ANY OF THE COST OF SHOREHAM FROM THE RATEPAYERS IF THE PLANT IS NOT IN COMMERCIAL OPERATION BY DECEMBER 1, 1988. LILCO FILED SUIT IN U.S. DISTRICT COURT ON JANUARY 14, 1987, TO HAVE THE LIPA BILL DECLARED UNCONSTITUTIONAL. ON AUGUST 4, 1987, THE COURT RULED THAT THE LIPA BILL DID NOT VIOLATE THE CONSTITUTION.

ON FEBRUARY 17, 1988, THE STATE OF NEW YORK COURT OF APPEALS, THE STATE'S HIGHEST COURT, ISSUED AN OPINION IN THE MARIO

CUOMO, ET. AL., V. LILCO. THE COURT OF APPEALS DETERMINED THAT THE LOWER COURT DID NOT HAVE JURISDICTION OVER WHETHER LILCO LACKED LEGAL AUTHORITY TO IMPLEMENT ITS EMERGENCY PLAN FOR SHOREHAM. IN THE APPEALS COURT'S OPINION, THE COMPLAINT WHICH REQUESTED AN ADVISORY OPINION ON THE LEGAL AUTHORITY ISSUE WAS OUTSIDE THE SUBJECT MATTER JURISDICTION OF THE COURT AND DISMISSED THE COMPLAINT. THE IMPACT OF THIS DECISION IS UNDER REVIEW BY THE STAFF.

## SEABROOK UNIT 1 SIGNIFICANT ISSUES

### 1. SCHEDULE

A FUEL LOAD AND PRECRITICAL TEST LICENSE WAS ISSUED ON OCTOBER 17, 1986. PRECRITICAL TESTING COMPLETION HAS BEEN FOLLOWING LICENSING SCHEDULE.

### 2. LOW POWER

A LICENSING BOARD DECISION IS REQUIRED FOR THE FOLLOWING ISSUES:

- 1) ENVIRONMENTAL QUALIFICATION OF COAXIAL CABLE.
- 2) EMERGENCY NOTIFICATION IN THE MASSACHUSETTS COMMUNITIES WITHIN THE EPZ.

### 3. FULL POWER

A LICENSING BOARD DECISION IS REQUIRED FOR THE FOLLOWING ISSUES:

- 1) STATE OF NEW HAMPSHIRE RADIOLOGICAL EMERGENCY RESPONSE PLAN.
- 2) SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES.
- 3) STEAM GENERATOR TUBE INTEGRITY.
- 4) BIOFOULING IN SAFETY RELATED COOLING SYSTEMS.

ACRS MEETING AND LETTER OF RECOMMENDATION.



4. FSAR REVIEW

ESSENTIALLY COMPLETE EXCEPT FOR THE REMAINING ISSUE OF EMERGENCY NOTIFICATION OF COMMUNITIES WITHIN THE MASSACHUSETTS PORTION OF EPZ.

5. INSPECTIONS

NORMAL INSPECTION OF PRECRITICAL TESTING AND OPERATION ACTIVITIES IS IN PROGRESS. AN IDI INSPECTION WAS PERFORMED DURING NOVEMBER AND DECEMBER 1983. ALL IDI INSPECTION ITEMS HAVE BEEN CLOSED. A CAT INSPECTION WAS PERFORMED DURING APRIL AND MAY 1984. ALL CAT INSPECTION ITEMS HAVE BEEN CLOSED. OTHER SPECIAL INSPECTIONS PERFORMED WERE AS A RESULT OF FOLLOW-UPS TO ALLEGATIONS RAISED REGARDING CONSTRUCTION QUALITY AND THE AS-BUILT CONDITIONS OF THE PLANT. THESE INSPECTIONS WERE PERFORMED IN OCTOBER 1986, NOVEMBER 1986 AND APRIL 1987. WHILE EVALUATION OF SEVERAL NEW CONCERNS IS IN PROGRESS, NO VIOLATIONS WERE IDENTIFIED AS A RESULT OF THESE INSPECTIONS. A MARKEY REPORT ON CONSTRUCTION ADEQUACY IS CURRENTLY UNDER STAFF REVIEW.

6. HEARINGS

THE 8TH WEEK OF HEARINGS ON THE NEW HAMPSHIRE RADIOLOGICAL EMERGENCY RESPONSE PLAN WAS COMPLETED ON FEBRUARY 10, 1988. THE LICENSING BOARD DIRECTED THAT THE LITIGATION RECORD ON ALL ISSUES BE CLOSED EXCEPT FOR THE SHELTERING OF THE BEACH POPULATION ISSUE. HEARING ON THE SHELTERING ISSUE IS SCHEDULED FOR MAY 2, 1988.

THE LICENSING BOARD HAS YET TO ESTABLISH THE HEARING SCHEDULE ON THE SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES. CONTENTIONS TENTATIVELY SCHEDULED TO BE FILED ON APRIL 1, 1988.

SEABROOK PLAN FOR MASSACHUSETTS COMMUNITIES IS UNDER REVIEW AND FEMA AND NRC ARE WORKING TO SUPPORT A UTILITY PROPOSED MAY 23, 1988 GRADED EXERCISE.

7. ALLEGATIONS

FOUR ALLEGATIONS UNDER REVIEW.

8. OTHER

BECAUSE PSNH RECENTLY FILED FOR BANKRUPTCY, THE APPEAL BOARD HAS GRANTED THE INTERVENORS 30 DAYS TO AMEND THEIR ORIGINAL PETITION WHICH SEEKS TO ALLOW FINANCIAL QUALIFICATION CONSIDERATIONS WITH RESPECT TO LOW POWER OPERATION.

## SOUTH TEXAS UNIT 1 SIGNIFICANT ISSUES

### 1. SCHEDULE

A LOW POWER LICENSE WAS ISSUED ON AUGUST 21, 1987. THE LICENSEE HAS BEEN UNABLE TO MEET THEIR SCHEDULE FOR ACHIEVING INITIAL CRITICALITY, WHICH IS NOW SCHEDULED FOR FEBRUARY 24, 1988. THE COMMISSION WILL CONSIDER FULL POWER LICENSING AFTER SATISFACTORY PERFORMANCE IS DEMONSTRATED IN POST-CRITICALITY OPERATIONS.

### 2. FSAR REVIEW

THE FSAR REVIEW IS COMPLETE.

### 3. INSPECTIONS

ROUND-THE-CLOCK INSPECTION COVERAGE WAS APPLIED DURING FUEL LOADING. EXTRA INSPECTION HAS BEEN EMPLOYED DURING IMPORTANT PARTS OF THE PRE-OPERATIONAL TESTING PROGRAM. TWO TEAM INSPECTIONS HAVE ASSESSED OPERATIONAL READINESS.

### 4. HEARINGS

THERE ARE NO HEARING-RELATED ACTIVITIES ON THE SOUTH TEXAS PROJECT.

5. ALLEGATIONS

ALLEGATIONS RECEIVED THROUGH THE GOVERNMENT ACCOUNTABILITY PROJECT ARE BEING REVIEWED. A FINAL REPORT IS EXPECTED TO BE ISSUED PRIOR TO THE COMMISSION MEETING ON FULL POWER.

## BRAIDWOOD UNIT 2 SIGNIFICANT ISSUES

### 1. SCHEDULE

A LOW POWER LICENSE WAS ISSUED ON DECEMBER 18, 1987. APPLICANT'S PROJECTED CRITICALITY DATE IS FEBRUARY 29, 1988. OPERATION AT GREATER THAN 5% POWER COULD BEGIN ON ABOUT MARCH 21.

### 2. FSAR REVIEW

UNIT 1 REVIEW APPLICABLE TO UNIT. ALSO BRAIDWOOD DUPLICATES BYRON.

### 3. INSPECTIONS

REGIONAL INSPECTION PROGRAM IS PROGRESSING CONSISTENT WITH PLANT ACTIVITIES.

### 4. HEARINGS

THE ASLB ISSUED ITS INITIAL DECISION ON EMERGENCY PLANNING ON MAY 13, 1987 AND ON HARASSMENT ON MAY 19, 1987. AN APPEAL ON HARASSMENT ISSUE WAS FILED JULY 1, 1987. HEARING WAS HELD ON OCTOBER 21, 1987. APPEAL STILL UNDER REVIEW.

BRAIDWOOD UNIT 2  
SIGNIFICANT ISSUES (CONTINUED)

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5. ALLEGATIONS

TEN ALLEGATIONS UNDER REVIEW.

## COMANCHE PEAK UNIT 1 SIGNIFICANT ISSUES

### 1. SCHEDULE

APPLICANTS' CURRENT PROJECTED DATE FOR COMMERCIAL OPERATION IS SOME TIME AFTER THE PEAK SUMMER LOAD OF 1989. THIS ESTIMATE IS BASED ON THE APPLICANTS' PROJECTION OF THE HEARING SCHEDULE AND CONSIDERATION OF THE SCHEDULE FOR COMPLETION OF REPORTS ON WHICH THE HEARINGS WILL BE BASED. THE SCHEDULE, INCLUDING INTERMEDIATE MILESTONES PRIOR TO COMMERCIAL OPERATIONS, IS UNDER REVIEW BY THE UTILITY AND WAS DISCUSSED AT TU ELECTRIC'S BOARD OF DIRECTORS ON FEBRUARY 19, 1988.

### 2. FSAR REVIEW

THE APPLICANTS' CORRECTIVE ACTION PROGRAM (CAP) HAS RESULTED IN A NUMBER OF FSAR AMENDMENTS REQUIRING STAFF REVIEW AND PREPARATION OF SSER'S. THIS IS EXPECTED TO CONTINUE UNTIL COMPLETION OF THE CAP.

### 3. INSPECTIONS

DEFICIENCIES DISCOVERED THROUGH THE UTILITIES' ACTIVITIES ASSOCIATED WITH THE COMANCHE PEAK RESPONSE TEAM (CPRT) PROGRAM PLAN LEAD TO THE COMPREHENSIVE CORRECTIVE ACTION PROGRAM (CAP) AT THE PLANT THAT INCLUDES REANALYSIS, REVISION, OR UPDATING OF EXISTING DESIGN CALCULATIONS, PHYSICAL RE-INSPECTION OF AS-BUILT HARDWARE, AND ACTUAL PHYSICAL HARDWARE CHANGES AND RECONSTRUCTION. ON JANUARY 22, 1988, OSP ISSUED CORRESPONDENCE APPROVING THE CPRT AND CAP PLANS. OSP IS CONDUCTING INSPECTIONS AND AUDITS OF THE IMPLEMENTATION OF THESE PLANS.

4. HEARINGS

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BECAUSE OF QUESTIONS RAISED BY INTERVENORS REGARDING THE EXPANDED SCOPE IN THE CORRECTIVE ACTION PROGRAM AND RELATED ACTIVITIES, THE INTERVENORS AND THE APPLICANTS AGREED TO POSTPONE INDEFINITELY FILING SUMMARY DISPOSITION MOTIONS ON THE CONCEPTUAL ADEQUACY OF THE CPRT PROGRAM PLAN. MATTERS BEFORE THE BOARD HAVE EXPANDED AND THE BOARD NOW QUESTIONS THE APPLICANTS' QA/QC PROGRAM'S ABILITY TO IDENTIFY, CORRECT, AND PREVENT RECURRING DEFICIENCIES IN DESIGN AND CONSTRUCTION OF THE PLANT. APPLICANTS' CORRECTIVE ACTION PROGRAMS ARE NOW THE FOCUS OF THE HEARING.

SUBSEQUENTLY, THE ASLB CONDUCTED A PREHEARING CONFERENCE ON NOVEMBER 2-3, 1987 TO DISCUSS MATTERS THAT REMAIN TO BE LITIGATED AND A SCHEDULE FOR RESTART OF HEARINGS. THE BOARD ISSUED AN ORDER ON NOVEMBER 18, 1987 ESTABLISHING A LITIGATION SCHEDULE ORGANIZED AROUND THE APPLICANTS' PROJECT STATUS REPORTS (PSR'S), THEIR COLLECTIVE EVALUATION AND THEIR COLLECTIVE SIGNIFICANCE REPORT. THE EARLIEST DATE FOR START OF HEARINGS WOULD BE 120 DAYS AFTER THE STAFF ISSUES ITS FIRST EVALUATION ON ANY OF THESE REPORTS. THE FIRST EVALUATION, ON THE LARGE AND SMALL BORE PIPING AND PIPE SUPPORTS PSR'S, IS EXPECTED TO BE ISSUED IN MARCH 1988.

CP

ON OCTOBER 30, 1986, THE ASLB ISSUED AN ORDER ADMITTING ONE AMENDED CONTENTION REGARDING A REQUEST FOR HEARING BY THE



CITIZEN'S ASSOCIATION FOR SOUND ENERGY ON THE UNIT 1 CONSTRUCTION PERMIT EXTENSION. ON JUNE 30, 1987, THE ASLAB AFFIRMED THE ASLB'S ORDER. ON JULY 17, 1987, THE APPLICANTS PETITIONED THE COMMISSION FOR REVIEW OF THE ASLAB DECISION. THE COMMISSION DECLINED AND THE DECISION BECAME FINAL AGENCY ACTION ON OCTOBER 6, 1987.

5. ALLEGATIONS

THIRTEEN ALLEGATIONS REMAIN UNDER REVIEW.

TWENTY-SEVEN ALLEGATION FILES ASSOCIATED WITH NRC'S SPECIAL TECHNICAL REVIEW TEAM (TRT) ACTIVITIES IN 1984-1985 ARE BEING REVIEWED BY OSP TO ENSURE NRC INVESTIGATION/FOLLOWUP HAS BEEN COMPLETED.