

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

'82 JUN 10 P2:53

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

Docket Nos. 50-352 OL
50-353 OL

INTERVENOR LEWIS'S OBJECTIONS TO , REQUEST FOR CLARIFICATION OF, AND -IN
THE ALTERNATIVE- REQUEST FOR CERTIFICATION OF ELEMENTS IN THE SPECAIL PREHEARING
CONFERENCE ORDER OF June 1, 1982.

June 11, 1982.

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REQUEST FOR RECONSIDERATION OR IN THE ALTERNATIVE REQUEST FOR CERTIFICATION
TO THE COMMISSIONERS:

The Board has denied the Lewis contention on Electromagnetic pulse. (Page 122 SPCO) Intervenor Lewis respectfully wishes to bring the Board's attention to the misreading that the Board has placed upon both Intervenor Lewis's Contention and his argument before the Board at the SPC, January 8th. Throughout the Board's discussion on Page 123, the Board refers to "accidental explosion." The Board also refers to Intervenor Lewis's "postulation of an accidental explosion."

Intervenor Lewis' contention is not necessarily based upon an "accidental explosion." Intervenor Lewis' contention is also based on the the possibility, probability and commercial application of high altitude non-accidental explosions. Commercial applications would not be barred from consideration by Para 50.13. The entire logic presented for the denial of I-49 revolves about Para 50.13. Since commercial applications are not covered by Para 50.13, the justification for the denial of I-49 fails, and I-49 should be admitted on its merits.

Further Lewis did not use a missile silo accident as the basis for his contention as was the case cited for denial of I-49. LBP-81-42, 14 NRC 842(1981) Intervenor Lewis used a commercial application: Project Orion.

"The development of spaceships to be propelled thru space by nuclear explosions just behind them." Remarks of Commissioner Peter A Bradford before the Groton School, Groton Massachusetts, January 15, 1982. Although this Project Orion is not presently active, there is no reason to assume that Project Orion will not be reactivated by the US or its allies within the 35 year lifetime of the Limerick Nuclear Plants. Therefore Intervenor Lewis requests that I-49 be reconsidered using the basis of a non-accidental, commercial high altitude nuclear explosion as argued in front of the Board at the SPC, January 8th.

In the alternative, Intervenor Lewis respectfully requests that the ASLB certify the question of the admissibility of Contention I-49 based upon a commercial, non-accidental high altitude nuclear explosion.

Request for reconsideration of I-50;

Generally, the Board has characterized this contention correctly with only one or two essential differences from the Intervenor's approach. The Board states that Intervenor Lewis alleges "that the casks are inadequately inspected." The allegation is that the casks are not only inadequately inspected, but that the casks are not inspected at all. This is not a vague charge nor is this charge an impermissible challenge to the Commission's regulations. Surely, there must be some assurance that the regulations are met. Without any inspection or testing, there can be no assurance that the regulation's are met.

On this basis, I respectfully request reconsideration of this contention. If there is adequate or any Q/C on these casks, then this contention would fail during the "summary disposition phase" of the hearings according to the new Part 2 rules. Denial of this contention at this juncture is untimely.

The Board further rejects the contention on the grounds that Intervenor did not supply the "specific information on the conditions around Limerick" which would render the regulation inapplicable. This is untrue. Intervenor in argument before the Board pointed out that there was only one major highway to evacuate the immediate Limerick area and that there was only one small road to evacuate the plant area. Since there was no further question or discussion from the Board at that time, Intervenor assumed that adequate information on specific site demography had been demonstrated. The Board did not request any further clarification or information.

Finally, Intervenor Lewis did not limit his contention to shipment of spent fuel from the Limerick reactor. As Intervenor pointed out in his oral presentation, spent fuel could easily be shipped to Limerick for storage in the empty fuel pool from reactors where the fuel pool is full. Also spent fuel and other radioactive shipments not associated with Limerick at all could have accidents on the only major road that is available for evacuation in an emergency. Neither of these instances have been investigated in the emergency planning.

These are not nit picking or trivial points above. They are essential points in emergency planning.

For all the points above, to protect the health and safety of the public, Intervenor Lewis respectfully requests that the Board reconsider contention I 50.

REQUEST FOR RECONSIDERATION OF I-57.

The Board has apparently adopted the Staff's mischaracterization of the scenario upon which this contention is based as "confusion." There is no confusion except that which the staff is generating to justify the Board's denial of this contention.

There is no argument on intervenor's part that much of the coolant inventory in Limerick is not borated. Intervenor also agrees that "only the standby liquid control system contains borated water." This is exactly the problem upon which the contention is based.

The standby liquid control system is used to shut down the reactor when sufficient control rods fail to insert.

The scram discharge volume is not safety grade. There is no reason to assume that failure of the scram discharge volume system could be repaired in 30 days which is the amount of cooling water stored on site for normal condenser cooling.

This leaves a scenario that is truly a quandary.

Failure of the SDV does not allow the control rods to drop. The SIC contains a limited supply of borated water. Eventually the reactivity control from the borated water is lost as the borated water is used up. Due to failure of the SDV, the control rods do not drop. This situation continues for over thirty days. The spray pond is used up attempting to cool the reactor which is generating its full thermal rating.

This scenario fits those elements that the staff believes the Intervenor is confused about.

Intervenor Lewis rebuts that the staff is confused about the possible scenarios specific to this reactor.

For all the above reasons and to protect the health and safety of the public, Intervenor respectfully requests reconsideration of this contention.

One further point: This is not the only scenario that fits into possible SDV failure. If accepted, I hope that the contention will not be limited to only the above scenario.

REQUEST FOR RECONSIDERATION OF CONTENTION IV-1.

Intervenor Lewis reiterates that this contention is not an attack on Commission regulations. All that this contention is saying is that the training described in NUREG 0645 is not adequate to meet the regulation. Surely it is permissible under the rules to question if a training manual that is deficient upon its face is an adequate guide to meet a regulation.


That is all this contention asks.

REQUEST FOR CLARIFICATION OF SPCO CONCERNING IV-2.

This contention is denied without prejudice. However, intervenor's rights will be prejudiced if discovery at this time on this subject is not allowed. For this reason, intervenor suggests that informal discovery be allowed on this contention at this time.

This is not phrased as a Motion to request since the order does not make clear if informal discovery is denied to those contentions which are denied without prejudice for future consideration.

Respectfully submitted,


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I hereby certify that copies of the foregoing Intervenor Lewis's Objections to the SPCO of June 1, 1982 were placed by me in the US Mail, First Class on June 8, 1982.

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