

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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Docket Nos. 50-352  
50-353

OFFICE OF SECRETARY  
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LIMERICK ECOLOGY ACTION'S REPLY TO APPLICANT AND STAFF  
ANSWERS TO LIMERICK ECOLOGY ACTION'S RESPECIFICATION  
OF CONTENTION I-42

In July of 1983, Limerick Ecology Action (LEA) filed its respecification of contention I-42, as ordered by the Board in its May 16, 1983 Memorandum and Order, and to which Applicant and Staff responded on July 25 and August 2, respectively. LEA herein replies to those responses.

I. Scope of Environmental Qualification Program/Report

Applicant argues that development of its Environmental Qualification Report (EQ Report) predated the new Environmental Qualification Rule (EQ Rule) of January 21, 1983,<sup>1</sup> and that due to this fact, some of the terminology used in the report is "confusing" in that it misrepresents the intended scope of the document.

LEA does not find it at all confusing. Quite the contrary. Since neither the new EQ Rule nor its expanded requirements are even mentioned in section 1 of the Applicant's EQ Report, which section describes the EQ criteria applicable to Limerick, LEA

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1. 10 CFR §50.49

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does not find use of the term "safety-related" throughout the report confusing -- use of that term is completely consistent with the criteria documents used by the Applicant to measure its regulatory compliance.

Applicant states that its Philadelphia Electric Company Q\*5 Component Classification Program Rules will clear up the confusion on this matter. Unfortunately, according to the Applicant, the company contracted to perform analyses for the Applicant (Quadrex Corporation), has taken the position that its classification rules are proprietary, and that they will not be made available to LEA or its consultant, even under a protective agreement, until contention I-42 is admitted by the Board. It may well be that the document would resolve the issue of the scope of the Applicant's EQ program, but without the document, LEA cannot of course make such a determination. LEA requests that the Board make no final admissibility determination that would prejudice its rights regarding this contention until it has had the opportunity to review the proprietary document in question. Any aid the Board can offer to expedite this matter would be appreciated, since at this point in time LEA has no formal discovery rights for obtaining the document. Admission of the contention is, of course, one option -- and the appropriate one as far as LEA is concerned.

## II. EQ Report Equipment List

In discussions at the May 9-11, 1983 prehearing conference, it was LEA's understanding that the EQ Report, when submitted to the parties shortly thereafter, would contain the complete

list of equipment to be qualified, though other portions of the Report would not be complete (for instance, EQRRs would not be available for all equipment listed). Furthermore, it was the Applicant's position at that time that the EQ Report would be sufficiently complete that respecification of contention I-42 would be appropriate after a period of time set for review of the document by LEA.

It is now the Applicant's position that the equipment list (Appendix B) is approximately 90% complete, and that the process of identification of equipment for inclusion in the list had not been completed when the report was submitted -- that identification is continuing.

LEA notes that this is not the first time that the position taken by the Applicant regarding completeness of a licensing document, and the actual status of the document, have not coincided (Applicant stated at the May9-11 prehearing conference, in no uncertain terms, that its on-site emergency plan was complete and ready for review -- that was not the case.). While it is no doubt beneficial to the Applicant for intervenors and their consultants to waste time and money reviewing incomplete documents for multiple re-specifications, LEA does not believe that a war of attrition contributes to sound decision-making regarding the licensing of the Limerick nuclear reactors.

Again, LEA requests that no final admissibility determination be made on this contention that would prejudice the right of LEA

to pursue the matter of environmental qualification of electrical equipment, prior to the availability of the complete equipment list.

### III. Nature of System/Component/Equipment Review

The Applicant alleges that LEA has not provided any basis for suggesting that feedwater control, emergency lighting and communications systems, the plant process computer, and computer software are "important to safety" and need to be qualified under 10 CFR §50.49.

LEA points out that the examples given in its contention were examples of systems or equipment that should be reviewed for inclusion, not that they, as whole systems, should be included. In order to determine what equipment falls into category (b)(2) of the EQ Rule,<sup>2</sup> both safety-related and non-safety-related systems must be reviewed, since either might contain non-safety-related components, the failure of which could prevent the satisfactory accomplishment of safety functions.

Again, the Applicant's proprietary Q\*5 Component Classification Program Rules, if they were available, would presumably reveal the scope of the search made for category (b)(2) equipment. It is LEA's position, contrary to that of the Staff and Applicant, that in light of Applicant's failure to address the new EQ Rule in its EQ Report, the burden is upon the Applicant to show that the requirements of the rule have been met. The suggestion that LEA should at this point be limited to alleging specific omissions in the equipment qualification list and the reasons they should be included, totally ignores the broader allegation intended by

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2. 10 CFR §50.49(b)(2)

this contention -- that the Applicant's EQ program does not address the new requirements of the January 21, 1983 EQ Rule. It is a simple matter, as already evidenced by Applicant's treatment of omission of squib valves, for the Applicant to treat omissions of particular pieces of equipment by adding them to the list, without addressing the larger and more important issue of why they were omitted. LEA has absolutely no evidence, based on the Applicant's EQ Report, that the omissions that LEA might find in the equipment list are isolated mistakes and not a failure to look for category (b)(2) equipment in the first instance.

Additionally, both the Applicant and Staff object to LEA's suggestion that a human interaction review is necessary to determine which equipment failures might mislead the operator, since nowhere in the new EQ Rule is there an explicit requirement to do such a review.

It is LEA's position that consideration of whether or not a failure would produce potentially misleading information is an essential part of identifying equipment important to safety. One way the failure of non-safety-related equipment could prevent satisfactory accomplishment of safety functions (10 CFR §50.49(b)(2)) is by providing information that could mislead the operator. Thus, consideration of that possibility is inherent in identifying category (b)(2) equipment. Likewise, a human interaction review

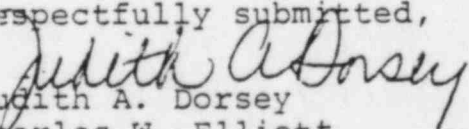
is inherent in any comprehensive determination of what types of equipment failures might mislead an operator by providing misleading information. Without such a review, the Applicant cannot assure that all category (b)(2) equipment has been identified.

Staff's position is that since the phrase "mislead the operator" appears only in sections (i)(4) and (5) of the EQ Rule, an analysis to determine which equipment failures will mislead the operator is required only in those instances where equipment qualification will not be completed prior to granting of an operating license. LEA finds it difficult to believe that that was the intention of the Commission in promulgation of the rule, given the potential seriousness of operator error in the exacerbation of accidents. Staff's reading of the rule is unnecessarily and improperly narrow -- in effect, taking some of the "guts" from what was meant to be a comprehensive treatment of the problem of electrical equipment failure in harsh environmental conditions.

#### IV. Conclusion

For the reasons stated, the Board should admit contention I-42 as respecified.

Respectfully submitted,

  
Judith A. Dorsey  
Charles W. Elliott

Counsel for Limerick Ecology Action

August 9, 1983



CERTIFICATE OF SERVICE

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I hereby certify that the foregoing Limerick Ecology Action's  
Reply to Applicant and Staff Answers to Limerick Ecology Action's  
Respecification of Contention I-42 was served, by U.S. mail,  
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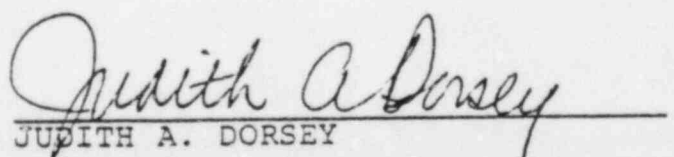
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