

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

In the matter of
Philadelphia Electric Company
(Limerick Generating Station,
Units 1 and 2)

Dockets Nos. 50- 352 and 50-353. ^{DOCKETED} ^{USNRC}

'83 DEC 27 P12:28

Intervenor Lewis' Motions based on NEWLY RECEIVED INFORMATION

MOTIONS:

1. Reconsideration of previously summarily disposed Contention I-62
2. Acceptance of a new contention
3. Certification to the Commission of a Question
4. Clarification to the ALAB that Contention I-62 is a major part of this hearing
5. Any and all other contentions, motions and appeals that may properly preserve Intervenor's rights on this record.

Background:

Intervenor has fought long and hard to have the Contention on the problem of pressurized thermal shock heard in this proceeding. The NRC has admitted to the problem of PTS in PWRs but has not allowed the problem of PTS in BWRs is substantial.

On Dec 2, 1983 a M and O from the ALAB (dated Nov 30, 1983) was delivered to Intervenor denying my appeal of the Summary Disposition as "interlocutory." On or about Dec. 7, 1983, The M and O from the ASLB on Limerick was received denying reconsideration and granting Applicant's Summary Disposition of Contention I-62. Part, and in intervenor's view-much, of the reasoning of the Board to grant Applicant's Summary Disposition was that Intervenor could not provide data actually generated for BWRs such as Limerick.

Subsequently to the receipt of the above M and Os, just such data arrived at the Intervenor's door in the form of a submission by the Applicant. The data was in the reports, "Common Sensor Failure Evaluation Report" dated August 83 and delivered to Intervenor 12-15-83, and "Control Systems Failures Evaluation Report" dated September 1983. Both these reports were prepared for the Applicant by the General Electric Company, Nuclear Energy Business Operations, San Jose, California, 95125, and authored by Dr S.H. Slivinsky.

Intervenor is perplexed that this very succinct and particularized report was not presented to Intervenor during discovery although it was obviously being reviewed within the Applicant's organization during the discovery period of Contention I-62.

Intervenor believes that his discovery rights were abridged in that this document was within the Applicant's organization during discovery on Contention I-62, that this document was pertinent to discovery on Contention I-62, and that this document was not delivered to Intervenor until after all appeal routes on the Summary Disposition of Contention I-62 were exhausted.

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How do the aforementioned reports impact and relate to Contention I-62?

The basis of all the motions in this filing turn upon the issue of "new information". Further this "new information" must be directly applicable to the question of PTS in BWRs such as Limerick. Both reports are sizeable and the examples offered herein are not comprehensive or all inclusive. They are merely demonstrative.

Example 1. In the M&O of Dec 7, 1983, The ASIB finds, "The Staff has accepted the use of the control rod drop accident as a limiting case with regard to overstress of the reactor vessel resulting from a malfunction during the control of reactivity. It also has accepted the reported estimate of 12.5 psi pressure rise. ... Intervenor has offered nothing to cause us to reject this position."

At the time of the M&O, Intervenor could not offer anything to cause the Board to reject the Staff's acceptances because Intervenor did not have the 'new information' in the GE reports. Specifically, Intervenor points to the table, Criteria for Elimination of Systems and Components of Systems from Control System Failure analysis." See Elimination Criteria N2 "Operator actions as a result of indications are not considered control functions for the control system failure analysis." and N5 "Systems or components which cannot affect reactor parameters within 30 minutes of the loss of any power bus or combination thereof." And especially N6, "Systems which are not used during normal power operations. For example, startup, shut down and refueling systems not used during normal operations may be eliminated (from control systems failure analysis)."

The above quotes provide several reasons to reject the Staff's acceptance of a 12.5 psi pressure rise during a rod drop accident during startup or hydrotest. Hydrotest is done in a full solid condition. The reactor is filled up with water and pressurized to a certain value. Often certain valves are 'tied down' so that they will not lift and ruin the test. By the admissions in the GE report

1. Control systems are not analyzed for failures during 'shut down'. Normally, hydrotests are done during shutdown. It's difficult to do a hydrotest during normal operation and I don't believe that the Tech Specs allow for such.
2. Operator actions are not considered part of the control system analysis. This means the same situation can occur at Limerick that has occurred during the accident at TMI#2. ALJ Brenner is very familiar with this accident as he was law clerk to the Chairman of the Board for the TMI Restart Hearings. Namely that operators can act inappropriately intensifying the accident and that inappropriate operator action is not analyzed.
3. Systems of components which cannot affect reactor parameters within 30 minutes of the loss of any power bus or combination thereof. This 30 minutes is entirely arbitrary and does not square with previous accidents, namely TMI, where several hours were needed to reestablish some modicum of control.

The above specifics demonstrate that the GE reports were

1. pertinent to the Contention I-62 and
2. provide several reasons to reject the staff's acceptance of a 12.5 psi pressure rise during a rod drop accident.

Example 2. M&O Dec ,7,1983 the ASLB finds: It (the Staff) concluded that violation of pressure limits in a BWR startup could only occur if water level was not adequately controlled."

Adequate control is the subject of Chapter 4 Page 1-0054 of the GE Report, "Common Sensor Failure Evaluation Report" dated August 1983 and prepared for the Applicant. Specifically Instrument lines 6 and 7, "A break in this line will cause an increase in feedwater flow. without operator intervention, this could lead to a high water level scram." As discussed in Example 1, inappropriate operator intervention is not analyzed. A similar case can be made for lines 13 thru 16.

Here we have all the elements spoken of by the Staff as needed for a violation of pressure limits:

1. A BWR start up
2. inadequate water level control due to lack of analysis to see about the operator's actions in the face of a common sensor line break.

The above specifics demonstrate that the GE reports were

1. pertinent to the Contention I-62 and
2. provide several reasons to reject the Staff's acceptance of a 12.5 psi pressure rise during a rod drop accident, startup or common sensor failure.

Example 3. The ASLB finds, "Thus there is no basis for arguing that the pressure in the Limerick BWR RPV does not have to follow the steam water saturation curve as far as PTS is involved, because of the possibility of external flooding." This finding directly contradicts the elimination criteria discussed in Example 1. Perhaps flooding is unlikely, but it is not impossible under the elimination criteria from control system failure analysis. Specifically, any system that will not affect parameters of reactor pressure within 30 minutes are not considered. A control system that would flood the reactor vessel could fail and not have been analyzed by the admission in this table(N5).

Therefore this report does provide a basis for arguing that external flooding could cause the PTS problem in the Limerick BWR. Further, the above specifics demonstrate that

1. that the GE reports are pertinent to Contention I-62 and
2. that the GE reports provide several reasons to accept the possibility of external flooding and consequent PTS problems at the Limerick BWR.

Finally the question of Fluxes must be met. Here the Board provides insurmountable tests to the Intervenor and full succor to the Applicant. That historic data is ranging all over the place does not sway the Board from finding in the Applicant's favor. That predicted and actual fluxes at Peachbottom differ by 40% does not sway the Board. Apparently the Board believes that if a number is inaccurate, it is therefore "conservative." Intervenor's problem is further compounded as the instrument lines for the flux are not analyzed because they do not meet the criteria to be analyzed. Therefore the Applicant could say about anything and would be accepted due to the Board's previous rulings for the Applicant.

Intervenor admits that he cannot meet the Board's tests as far as the issue of fluxes are involved, but objects to the Board's tests on the basis of unfairness.

Finally Intervenor wishes to bring a IE Notice to the Board's attention. IE Information Notice No. 83-8 2" Failure of safety /relief valves to open at BWR final report." This failure of BWR safety relief valves to lift adds credence to a PTS at a BWR . A PTS could occur if safety relief valves failed to lift causing a hot reactor to go solid. Only the area of water injection would be cooled providing all the necessary ingredients for a PTS.

Summary:

On the basis of the above , Intervenor respectfully requests that

1. Contention I-62 is retrieved from Summary Disposition and reinstated with an extended discovery period to provide discovery for the new information in the GE reports.
2. that any new material which surfaces shall be allowed to provide new contentions where appropriate
3. that in the alternative the question of PTS in BWRs such as Limerick be certified to the Commission
4. that in the alternative if rejected , that Contention I-62 be clarified to the ALAB as a major part of this hearing for Limerick .The basis is that this is the only contention . which goes to the basic issue of poor design.
5. In the alternative, Intervenor respectfully petitions the Board as to direction in determining what other rights he might have in this confusing and unfair world of administrative law.

Intervenor will send this Motion out on 25 Dec 1983. I received IE Notice 83-82 on 23 Dec 83 and the GE reports on 15 Dec 83. That's why I have to send my Motion out on 25 Dec 83, to the whole distribution list.

I wish everyone a Happy Holiday.

Respectfully submitted,

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