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U.S. NUCLEAR REGULATORY COMMISSION . . . ATOMIC SAFETY AND LICENSING BOARD

Re: Phila. Elec. Co. Limerick Gen.Sta. Units #1 & 2 Docket # 50- 352,353.

June 19, 1984

ANTHONY/POE MOTION IN ADDITION TO MOTION OF 5/18/84 vs. PECO MOTION OF 5/9/84  
for EXPEDITED PARTIAL DECISION AND LOW POWER LICENSE.

PECO's Improper Moves. PECO moved uranium fuel to the Limerick site without waiting for the outcome of an appeal by Anthony/POE, 4/5/84 to the Commission on the application for a Part 70 license. Consequently, we assert that the license is not proven to be valid and the fuel may very well have been transported to the site and stored there illegally.

On top of this, PECO offered revisions to this license (still under appeal) in a letter J. Callaghan/J. Kemper, 6/7/84 to R.G. Page, NRC, which does not have any docket reference nor any acknowledgement of the Board's jurisdiction. This letter asks for the issuing of the "remaining portion of the license authorizing the movement of the fuel to the refueling floor for inspection and storage in the fuel pool" by July 2, 1984. This appears to be a blatant short-cut around the Board's review and interveners' rights, as well as a violation of the regulations which cover Part 70 applications.

PECO's third improper move seeks an Expedited Decision and a Low Power license to load this uranium fuel (still under appeal) in the # 1 reactor and "operate the facility at power levels not to exceed five percent of power".

It is apparent, therefore that PECO has moved uranium fuel and stored it at the site without reference to the Appeal to the Commission and is proceeding without apparent regard to the Commission or the Board to arrange to move the fuel inside, unpack it, store it, and load it into # 1 reactor and initiate the nuclear reaction.

Low Power License. Our motion was filed <sup>5/18/84</sup> in opposition to a low power license for PECO. We <sup>can</sup> assert that PECO cannot legally have uranium fuel at Limerick at this time nor <sup>can</sup> it move, open, test, store or load this fuel.

In addition PECO's motion of 5/9/84 for the issuance of a low power license is not in accordance with the provisions of 10 CFR 50.57(c) since it <sup>asks</sup> "an operating license authorizing Applicant to load fuel in the Limerick Generating Station, Unit 1 reactor and to operate the facility at power levels not to exceed five percent of power." Section 50.57(c) does not provide for fuel loading and low power operation. It authorizes "low power testing....and further operations short of full power operation". PECO's motion, therefore, is invalid since it omits altogether "low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility)".

In recognition of the improper actions by PECO related to movement, storing, and proposed loading of nuclear fuel in Limerick # 1 reactor, Anthony/FOX moves that the Board reject PECO's motion of 5/9/84 for an expedited decision and low power license and declare it void. There is no provision for an expedited decision under 10 CFR 50.50.57 (c) nor is there any authorization of low power operation without low power testing.

In the light of unresolved safety issues that bear on the moving, storing, and loading of fuel at the plant and the involvement of these in any operation of the nuclear reactor, we move that the Board in the interest of safe operation and the health and safety of the public require PECO and the NRC Staff to certify to the Board that all non-conformance items and open inspection items that are in any way connected with nuclear fuel and the nuclear reaction process, are corrected and completed before any nuclear fuel is moved into the plant.

We further move that all personnel connected with fuel handling and operation be installed at the plant and trained and qualified as certified by the Staff and NRC, and that all processes and manuals and instructions be certified in order, to the Board, and that all equipment and facilities connected with fuel and operation be also certified as free of non-conformance and open inspection reservations, before any nuclear fuel is moved into the plant.

Respectfully submitted,

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Cc: Judges Brenner, Cole, Morris  
NRC Staff Counsel PECO Counsel  
Commonw. of Pa. City of Phila.  
Others on Serv. List.