

Phila. Elec. Co. Nuclear generating Station

Docket : 5G- 352 & 353.

Limerick Units 1 & 2.

July 3, 1984

APPEAL FROM ASLB'S ORAL, SUMMARY DENIAL OF ANTHONY/FOE MOTION OF 6/18/84 VS PECO "REMAINING PORTION OF THE LICENSE "(part 70) AND MOTION VS PECO MOTION FOR EXPEDITED DECISION AND LOW POWER LICENSE, BY ANTHONY/FOE 6/19/84 .

On June 19, 1984 R.L. Anthony submitted to the Atomic Safety and Licensing Board in Philadelphia the above motions dated 6/18/84 and 6/19/84. The Board considered them and summarily denied both, and stated that no answers would be necessary. Tr. 12,058 -17.

ASLB Error. The Appeal Board's decision of 3/30/84 and ASLB's decision, Memorandum and Order, 3/16/84, both on page 1 specify a Part 70 license for PECO " to receive and store new, unirradiated fuel outdoors at the Limerick site" ASAB adds, " for several weeks" ASLB adds, "outside" instead of "outdoors ". It is clear that both decisions are limited to storage outside the plant buildings. Our present motions are concerned with the moving of the fuel into the # 1 reactor building, uncrating, inspecting, storing in the fuel pool and loading into the reactor for low power operation. These activities are requested in a letter Gallagher/Kemper to R.G. Page, NRC, with Attachment 1, revisions of the fuel license, 6/7/84, and in PECO's 5/9/84 motion for Expedited Partial Decision and Low Power License.

We assert that the Licensing Board erred in denying our motions since they deal with new matter concerning the fuel license and not with new fuel shipment to the site. We disagree that the "previous order finding no health and safety or any other impact..." applies to our current motions. We ask the Appeal Board to reverse the ASLB decision and to grant the requested relief beginning with an immediate stay on any amendment of the license or moving of the fuel into the reactor building. We set forth below the violations in the license revisions and the threats to our health and safety from the moving indoors of the fuel, uncrating, storing and operating of the reactor under the present status of unresolved safety issues, equipment and structures and incomplete procedures and personnel training. Although the Board noted a question about its jurisdiction, it obviously accepted jurisdiction in recording its denial of our motions. We note the Commission's failure to review ALAB 765, Tr. 12,062 -18: 23, as confirmed by S.J. Chilk's Memorandum of 6/15/84. ALAB 765 concerned transferring fuel and storing outdoors, only.

CONTENT OF THE MOTIONS . We did not specify the violations included in the revisions requested in Attachment 1 for the fuel license in our 6/18/84 motion but we reserved the right to submit contentions on these. We include these contentions following the issues recorded below in our 6/19/84 motion. We ask the Board to note, however, that PECO's 6/7/84 letter and Attachment states no docket or license

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LOW POWER REQUEST. We filed a motion with ASLB on 5/18/84 against PECe's motion for expedited initial decision and issuance of a low power license. We include a copy of our 5/18 motion here and submit the <sup>fifteen</sup> eleven contentions in the motion as evidence that PECe is not presently prepared to safely move fuel into the plant or to take it through the process to reactor loading and operation. Additional evidence of essential lacks in PECe's equipment, procedures and personnel are set forth below in further inspection reports and documents. In relation to our contention (5/18/84) 10, the security plan for Limerick is incomplete because there has been no provision for county participation. At the public meeting of the Montgomery County Commissioners on 6/28/84 I asked the Commissioners whether PECe had made such a security plan with the County. Mr. Paul Bartle, Commission Chairman said that he had no knowledge of any approach to the County by PECe on this. The NRC repeated that this county participation is required under the NRC regulations in a discussion of the Sherrham plant during the 4/24/84 Commission meeting Tr. 35-17 to 36-1.

With respect to PECe's application for a low power license the operation requested is entirely contrary to 10CFR 50.57(e) as shown in our motion (6/19/84), para. 5. We, therefore petition the Appeal Board to declare PECe's low power application void (6/19/84, p2, para.1.).

UNRESOLVED SAFETY ISSUES. Had ASLB allowed a hearing on our two motions we would have provided further evidence to back up (6/19/84, p.2 para 3 and 4) <sup>that</sup> open inspection items and other hazards to safe operation must be cared for, before fuel is brought inside and handled and any license to operate is granted. We list these items below.

Inadequate radiation monitoring: 2/16/84 Insp. 84-02 ; 3/2/84 Insp. 84-03  
6/15/84 Insp. 84-20

Control Room: 5/21/84 Insp. 84-19 ; 4/16/84 Schwencer-Bauer report of audit.

Diesels: 5/21/84 Insp. 84-19 ; 4/19/84 84-07 ; 6/4/84 Insp. 84-16 ;

Seismic: 5/31/84 Martin report of 1/17-20/84 review audit.

Secondary containment: 1/16/84 83-23-05 unresolved.

Suppression Pool: 6/11/84 Schwencer-Bauer. Hydrodynamic load reconciliation.

Operating Staff and procedures: 1/5/84 Insp. 83-17 ; 5/31/84 Eisenhower-Bauer operating shift staffing.

HAZARDS IN ATTACHMENT 1 (Gallagher/Kemper to Page 6/7/84 )

P.8. Sec 1.2.4.2 In the event of Pipeline or Railroad accidents, as established in hearings on Contentions V- 3 a and b, an explosion would collapse the cooling towers and the non-safety pump house would be damaged and both fire pumps could be disabled. Therefore, fire protection cannot be assured "operative" until mitigating measures against these explosion hazards have been carried out.

P. 21 Sec 2.2.2 There is no mechanical provision to assure 5 feet separation between open shipping containers on the refueling floor or the 23 feet vertical distance to separate these from spent fuel racks.

Sec. 2.2.5.4 There is no qualification for auxiliary hoist or cherry picker for handling fuel in PSA Table 2.1 "Nonexempt heavy load handling system."

P. 24 Sec. 2.3.2 PECO takes the option of either dry or wet storage of the new fuel in the fuel pool. Dry storage is not a safe option against accidental criticality. Storage in borated water is required. In addition a water thickness of (approximately 10 inches) is required in paragraph 1, to guarantee against "adverse reactivity effect".

REQUEST FOR A STAY. In requesting that the Appeal Board grant a stay of new revisions of PECO's Part 70 fuel license, a stay on moving new fuel into the reactor building, and a stay on a low power license, under 10CFR 2.788 (e), we assert the threats to our health and safety from PECO's lack of readiness to bring new fuel into the plant as set forth above.

(1) We believe that the evidence we have presented adds up to a strong showing and will prevail.

(2) Without a stay we will be subjected to the risk of operation of the reactor as well as accidental criticality from the handling of fuel under unsafe conditions.

(3) A stay will not harm PECO but will prevent it from the loss of personnel, money, and credibility if there were to be an accident from unsafe equipment and handling processes at this time with new fuel.

(4) The public interest lies in the preservation of health and safety for residents as well as the safety of PECO's personnel and investment.

RELIEF. We petition the Appeal Board to reverse the ASLB denial of our two motions on 6/19/84 and we specifically request:

1. PECO's motion for a low power license of 5/9/84 be declared void.
2. The revisions of PECO's fuel license Attachment 1, 6/7/84 be stayed.
3. The moving of new fuel into the building be stayed, and uncrating be stayed until there has been a hearing on the contentions we have raised on new fuel handling and the readiness of the plant and processes and personnel, and a decision rendered.

Cc: Judges Brenner, Cole, Morris  
NRC Staff. M.J. Wetterhahn  
Others on Serv. List.

Respectfully submitted,

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