

U.S. NUCLEAR REG. COMMISS...DIRECTOR, OFFICE OF INSPECTION & ENFORCEMENT

RE: Phila. Electric Co. Limerick Gen Sta. Unit 1.

Docket No.: 50-352,353 (2.206)

PETITION BY INTERVENOR, R.L. ANTHONY/FRIENDS OF THE EARTH, TO THE DIRECTOR, OFF. OF INSPECTION AND ENFORCEMENT TO INSTITUTE PROCEEDINGS TO REVOKE LICENSE NPF-27, ISSUED TO PECO; AND TO ISSUE AN ORDER TO SHOW CAUSE WHY THIS LICENSE SHOULD NOT BE REVOKED.

12/23/84

12/23/84 10:47

BACKGROUND FOR PETITION.

Anthony/FOE has been an intervenor in the Limerick licensing proceedings since 1981. From the time of our first knowledge in February 1984 of a Part 70 license application up to the present we have entered appeals with NRC agencies against the issuance of a fuel license and a low power operating license for PECO. We have appeals awaiting decisions with NRC and the U.S. Third Circuit Appeals Court. We believe these appeals will be decided in our favor. Meanwhile PECO is assuming, apparently, that it does not have to respect our appeals, and, we understand, has started or is about to start the fission process in #1 reactor. We assert that PECO is in violation of NRC regulations and is subjecting us and the public to the risk of extensive unauthorized health and safety dangers by starting the nuclear reactor without the required safety provisions.

We therefore seek to stop the threat to our health and safety through the revoking of the "low power" license issued to PECO on 10/26/84 by NRC Off. of Nuclear Reactor Regulation. Anthony/FOE petitions the Director, hereby, under 10 CFR 2.200 to revoke License NPF-27, and, to that end, under 10 CFR 2.201(c) to find that the public health and safety are at risk because of PECO's operation of this reactor, and, further, to find that PECO has willfully violated our health, safety and interests and those of the public. And in addition we petition the Director, under 10 CFR 2.202 (a) to institute proceedings and to serve on the licensee an order to show cause why License NPF-27 should not be revoked. We submit below the evidence which proves PECO is not qualified to operate this reactor safely and the specific deficiencies and violations in equipment, procedures, training, testing and safeguards, from NRC and PECO records.

WILLFUL ACTION.

We claim that PECO's application for exemptions from the requirements of 10 CFR 50 constitute willful sacrifice of public safety in the interest of speeding the reactor getting into service. The details in J.S. Kemper's letter, 10/25/84, to H.R. Denton, NRC demonstrate this: (Request for Exemption from 10 CFR, App. A, GDC 19)

- Para. 1....main control room becomes either inoperative or uninhabitable.
2. ...makes it highly unlikely... simultaneously unavailable.
3. The likelihood...the control room uninhabitable is very small...
4. The likelihood that the Remote Shutdown Systems would not function as designed is small...
- 5...using equipment presently installed...in conjunction with temporary jumpers...

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The quotations above show a casual attitude toward the loss of the control room, and ability to shut down the plant in case of an accident. Such a loss would bring a catastrophe to the public, and the workers in the plant. To dismiss this possibility with unsubstantiated assumptions such as those above, "highly unlikely" and "likelihood is very small" is irresponsible at the least, and we assert that it constitutes a deliberate, willful neglect of public safety. The concluding paragraphs of Mr. Kemper's letter are included below . (1.).

We conclude that as Vice President Engineering and Research, he speaks for PECo. PECo, thereby, and NRC, in issuing the license and granting the exemptions, endorse the dismissing of the importance of public health and safety with: "Only the potential impact on public health and safety is at issue". This is the key issue and the one that must control, not the secondary one that Mr. Kemper stresses, "a delay in the attainment of commercial operation (and subsequent ^{further} increase in ratepayer's cost)". The final paragraph is ^{further} wishful thinking and unsupported by any firm evidence, "...we have concluded that granting the requested exemption will not endanger life or property... and is otherwise in the public interest." (Emphasis added). We emphatically deny PECo's (and NRC's) conclusions above and assert the extreme threat to our health and safety and that of the public involved in the risk of loss of operation or habitability of the control room.

In granting the exemptions, including the one above, NRC-NRR (at 2 D, license #, NPF-27) is in violation of 10 CFR 50.12 since the exemptions violate the public health, safety and interest. (We quote from the draft "Facility Operating License" supplied to us by V.S. Boyer on 10/17/84, since we were never sent a copy of Lic. NPF- 27 when it was issued.)

OTHER EXEMPTIONS.

Granting of an exemption from 10 CFR 50 App. A.GDC-61 as requested in the letter, V.S. Boyer to H.R. Denton, 9/21/84, in NPF-27, is in violation of 10 CFR 50.12. Not connecting the standby gas treatment system to the refueling area prior to the first refueling outage risks discharging radioactive gas to the public's

(1.)

(Emphasis added.)

The requested exemption does not impact the common defense and security. Only the potential impact on public health and safety is at issue.

The requested exemption is in the public interest in that any delay in commencement of low power testing and power ascension would cause a delay in the attainment of commercial operation (and subsequent increase in ratepayer's cost) and since, as shown above, the health and safety of the public will be adequately protected.

Based upon the foregoing, we have concluded that granting the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

atmosphere in case of an accident. We assert that (p.2) "These commitments effectively preclude the release of radioactivity to the refueling^{area}." do not guarantee that they are sufficient or will be carried out, nor is there evidence to substantiate the assumptions summed up in, .." we have concluded that granting the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest". We conclude the exact opposite, and further declare that connecting SGTS services to the refueling area is essential to protect the public, is necessary and in the public interest. " ..delaying the operation of Limerick" is, and must be secondary to public safety! Having the SGTS functioning is vital protection for the public against the accidental release of radioactive gases since lic. NPF-27 does not exclude exceeding 50% power operation (C.(10) (f) nor 100% power (C. (1.)).

Granting an exemption from 10 CFR 50 App.J, as requested in J.S.Kemper's letter of 9/14/84 to H.R.Denton is not justified and is in violation of 10CFR 50.12 because it endangers the public health and safety. Public safety is ignored on page 2, "...it can be concluded that there is reasonable assurance against undue air lock leakage..." Public safety requires more than "reasonable assurance"; it is a question of human lives, and nothing short of all possible assurance is satisfactory. It is not true that there could be (p.2) "no significant increase in the environmental impact beyond that experienced with no exemption." And we deny (p.4) "That it can be concluded that there is reasonable assurance against undue TIP guide tube leakage.." We further assert that (p 4. D.) "exemption from the requirement to perform local leak rate testing on seven RHR relief valves.." makes safe shutdown uncertain and is a threat to public health and safety and is in violation of 10 CFR 50.12.

It is contrary to NRC regulations and NEPA and AEA that public safety should be put in second place to (p.5.) "Changes to facilitate such testing at the present time would have an adverse impact on system turnover and plant startup," and (p.6.) "If literal compliance were mandated... If design changes were undertaken, a corresponding delay in the operation... Any delay in the operation of Limerick ..would cause the cost of the unit to increase." The last sentence (p.6.) shows where PECO's priorities lie, ^{and} its disregard of the public safety and interest, "Denial... would have a substantial financial impact on PECO and its customers and is not warranted..." NRC must not allow PECO's financial straight^{to}s ^{to} compromise the safety and lives of the public.

A further exemption requested by PECO in a letter, V.S. Boyer to H.R.Denton, 9/21/84, poses a severe threat to public safety and interest by postponing until the first refueling outage adequate isolation valves for the hydrogen recombiner lines and the Drywell Chilled Water and Reactor Enclosure Cooling Water.. Public safety is at risk because of the absence of these valves; the operation of the reactor is unsafe and 10 CFR 50.12 was violated by the granting of this exemption by NRC in lic. NPF-27. Any penetrations of the primary containment have the potential

for radioactive releases to the public environment and no safeguards connected with these should be omitted, especially in the first phase of operation of the reactor. It cannot be assured to operate safely and to shut down without risk to the public with the omission of the valves cancelled by this exemption. There is no substantiation to PECO's assertion (p.3) "The probability of a release to the environment through these closed systems inside containment is low" PECO goes on to explain the exact kind of accident which could cause such a release. We disagree with NRC's finding that (p.3) "This deviation represents a justifiable, temporary exemption from 10 CFR 50, App. A, General Design Criteria 56.", and (p.4.) "no significant increase in environmental impact". There is ^{on the contrary} the risk of fatal impact on the public in the event of a nuclear accident and emergency.

We call especial attention to Mr. Boyer's use of the same words as quoted from Mr. Kemper's letter, 10/25/84 (p.2 above) (p.4.) Only the potential impact on public health and safety is at issue. " This certainly appears to discount and probably dismiss the issue of public health and safety as of any controlling relevance. On the other hand he also stresses the avoidance of "delay (p.4.) in the attainment of commercial operation", "If literal compliance..were mandated.. a corresponding delay in the operation", and "would cause the cost of the unit to increase." We repeat that "literal compliance" is no less than is proper to protect lives and it is what the regulations and NEPA and AEA require. Considerations of speed in getting Limerick in operation and the financial effects of delay on PECO are secondary issues which must yield to the protection of the public. Justification of the above exemptions by PECO show its deliberate and willful disregard of the public health, safety and interest.

LICENSEE EVENT REPORTS.

We have received copies of licensee event reports starting with 84-001, dated 10/27/84, but only reported 11/26/84. We have apparently not been supplied with copies of all these reports since there are gaps in numbers and we do not know whether there were operating incidents before # 84-001, connected with the nuclear fuel. In any case the 12 reports that we have been sent demonstrate that the Limerick plant and personnel are not in condition to operate the # 1 reactor safely and that License NPF-27 should be revoked immediately to protect the public health and safety. The 12 reports are listed here:

| LER # | Event | Report | Summary |
|-------------|------------|----------|------------------------------------------------------|
| 84-001 | 10/27/84 | 11/26/84 | Deficiency: channel check & radiation monitor |
| 84-002 | 10/31 | 11/30 | Channel bypass, trip signal, full scram. |
| 84-003 | 10/31 | 11/30 | CO2 pilot gas supply valve closed for 5 days |
| 84-005 | 11/9 | 12/10 | Trip coils burnt out, full scram signal |
| 84-006 | 11/13 | 12/13 | Drywell purge fan, less power to chlorine analyser |
| 84-007 | 11/14 | 12/14 | Improper venting-start core spray, RHR, diesel gen. |
| 84-008, 010 | 11/15 & 18 | 12/14 | Equipment malfunction, control room vent. isolation |
| 84-009 | 11/16 | 12/14 | Radiation monitor out, radioactivity sample missed |
| 84-011 | 11/18 | 12/17 | Technician short circuit, damage high radiation mon. |
| 84-13 | 11/20 | 12/19 | RHR isolation valve failed to open from remote panel |
| 84-021 | 11/15 | 12/14 | Short in test cable plug- isolation water cleanup |

These samples of Licensee Reports only give a hint of the true picture of equipment failures, construction deficiencies, procedure gaps and maintenance and operator blunders by PECO at the Limerick plant. The list above shows 12 examples, practically all of which could have endangered the public with a serious accident affecting safety systems at the plant, and consequent involvement of the reactor and the threat of radioactivity to the environment. The record above included 12 License Events in 25 days and we do not know whether all the events were reported or whether we were supplied a complete record. For example # 04 and # 12 are missing and there is a gap between # 13 and # 021. This record, however, of 12 events in 25 days (approximately $3\frac{1}{2}$ / week) without the fission process started, is a serious warning of the dangers to the public in actual operation, which we understand started about 12/15. Since we have no event record since # 84-13 on 11/15, we have no idea how many more there have been from then to the present. As an example of events which could have been concealed, we found the notice of a fuel bundle hitting the spent fuel pool wall on 8/22/84 on the last page (p.27) of NRC Region I. Inspec. ^{9/21/84} 84-43 and 84-11 in para. 6 which concludes (we claim with willful deceptiveness) "No violations were identified."

The record above conclusively proves that PECO is not able to operate the Limerick reactor in conformance with NRC regulations and without the probability of accidents and errors which would threaten the health, safety and interest of the public.

A sample of the Licensee Events above demonstrate PECO's inability to carry out safety responsibilities, and call for the revoking of Lic. NPF-27:

#84-001 (p.A-1) "... channel checks of the four scram discharge volume level transmitters and the four refueling area ventilation exhaust duct radiation monitors were not performed as required..."

84-002 (p. A-3) " This event was caused by personnel error-the failure of the I&C Technician to check with Shift Supervision prior to reconnecting the cable to the detector. The subsequent scram event would not have occurred if the IRM had been bypassed..."

#84-005 (p. A-1) "...source voltage was slightly high,..feeder tripped open.. With shorting links removed..RPS trip system... caused a full scram signal..."

#84-006 (p.A-2) "The cause of the event was inadequate investigation by the operators attempting to resolve the drywell purge problem..."

84-007 (p. A-2) "... a reactor low level isolation signal. The 'C' core spray pump and the 'C' RHR pump operated on minimum flow recirculation to the suppression pool. D 13 diesel generator output breaker did not close onto its emergency bus,.. "... Cause of the event was improper venting..."

OTHER DEFICIENCIES.

While we do not have a complete record of deficiencies and open or unresolved construction or operation items which disqualify PECO from being able to operate the nuclear reactor safely, we include a sampling of some ^{which} should prevent PECO from holding Lic.NPF-27.

Inspection 84-49,-12. Open : p.11 Diesel; Unresolved, p. 17 Inspection
Brookhaven Nat.Lab., 10/4/84 Starostecki-Kemper , para. 10.1-Open Findings(10)

We include additional reports involving safety issues that are unresolved, ^{referenced} (in their entirety) but with special references indicated.

Insp. 84-47 (p. 7,15,17,18) 84-27 (p.16,20) 84-29 (p.9) 12 welds with rejectable indications. 84-50 (p. 5,6.) Murley- Daltreiff 11/9/84 (deficiency re. security guards.) 84-52 (Ittch. A p. 14,20,23.) 84-54 Exceptions (p.3,4,7.) 84-55 (p.13,14,15) 84-56 Training (p.2.) 84-62 Test exceptions (p.4,5.) 84-60,-13 (p. 13,14,15,16) 84-59 Shutdown margin 24 hours instead of 30 minutes. (p.4.) Control Room Design Review 10/84 Incomplete, Missing (p.11,16,20.) Schwencer-Bauer 10/16/84 Tech. Eval. Control Room. Incomplete, inadequate (p.18,19,20) Kemper- Schwencer 10/15/84 No NRC safety evaluation on the resolution of generic issue (p.2.) Kemper-Schwencer 8/1/84 Deferral RHRSW PRM radiation monitor (p.2.) Daltreiff-Martin 9/27/84 Emergency Preparedness deficiencies, Deferrals Att. B 84-18 (#1 through #49.) Kemper- Schwencer 8/8/84 Sprinklers deferred. 84-24,08 Inspector question of deferred Standby Gas Treatment System (p.5.) 84-39 Uncompleted maintenance training (p.6).

Kemper- Schwencer 9/12/84 Deferral of 8 surveillance tests. Daltreiff-Martin 9/7/84 Deferral of Emergency Preparations (p.5,6,8,13,18,24,25,28,34,35,38.) Kemper- Starostecki 11/7/84 Brookhaven Review of ESW (p.4,5.) 84-31 Maintenance Trending (p.17.) Kemper-Schwencer 9/6/84 Seismic/Dynamic Qualification deferral (p.2.) Kemper-Schwencer 9/4/84 Deferral Pressure Isolation Valves Leak Testing (Para. 3,(3)) Kemper-Schwencer 9/27/84 Reactor Coolant deferral (para. (3.)) 84-63 Guard deficiencies (p.2,3, Attach. A 77-04,78-17,79-03,79-16,80-09.)

Three letters Kemper- Schwencer on the same feedwater check valves (1FO74 A and 1FO74 B) cast doubt on PEC's records and show a degrading of standards and safety. Letters 9/7 and 10/4/84 both specify "minimum crack length of $3\frac{1}{2}$ inches" (para.2.) while letter 10/12 omits this. Kemper- Schwencer 10/12/84 Down-grading turbine steam valve test weekly, to 31 days. Kemper-Starostecki. 9/7/84 Downgrading leak rate testing; 10/12/84 Leakage reduction tests; 9/26/84 Nitrogen inerting system, redesign deferral.

The letters on tornado missiles and damage to the Ultimate Heat Sink, Kemper and Beyer to Murley and Schwencer 8/23,9/4,9/11,9/24, and 10/19/84 omit altogether the threat to safe shutdown from the design railway explosion which could simultaneously collapse the cooling towers and disable the water intake structure at the river. Lic. NPF-27 should be revoked because there is no provision to mitigate this. We assert NRC violated 10CFR 50.12 in granting Exemption from 10 CFR 50 App. A, GDC 2&4, Ultimate Heat Sink, Beyer-Denton 10/19/84.

INDEPENDENT DESIGN VERIFICATION PROGRAM. We have never been given a final Terrey Pines report. We conclude Schwencer-Bauer letter ^{9/12/84} has not been answered as to "finding that would potentially delay the startup program". Without ^{such} assurance Lic. NPF-27 should never have been issued.

CONCLUSION. On the basis of the violations, deficiencies and willful acts by the licensee set forth above we petition the Director to proceed to revoke Lic. NPF-27 and issue an immediate show cause order to this effect.

cc: NRC: Commis, AB, LB, Staff Counsel, Docketing, NRR. Respectfully submitted,
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