

June 2, 1985

APPEAL BY A.L. ANTHONY/FOE FROM ASLB's ORDER, 5/24/85, IMPLEMENTING ITS GRANT OF EXEMPTION TO PECO RE: 10 CFR 50.47 (a) (b) FOR GRATERFORD PRISONERS' CONTENTIONS AND AUTHORIZING THE ISSUANCE OF A FULL POWER LICENSE; AND PETITION FOR STAY.

1. Anthony/FOE hereby appeals ASLB's order of 5/24/85 implementing its grant of exemption from the requirements of 10CFR 50.47 (a) & (b) re. the Graterford Prisoners, and the authorizing of the issuance of a full power operating license for Limerick Generating Station, Units 1 and 2 (sic). We petition the Board to reverse AB's granting of the exemption and to declare invalid, and reverse the authorization of a full power license. LB has exceeded its authority in authorizing a license for Unit 2 and this should call into question its ability to issue any authorization, including Unit 1. LB insults the NRC, and citizen protection of their safety and health under NEPA and AEA by this abuse of licensing jurisdiction. This illegal action reinforces LB's prejudiced stance which was apparent in the latest Emergency planning decisions, LBP-85-14, reinforced by LB's apparent sponsorship of Unit 2 in ASLEP 81-465-07, 5/9/85, page 8, "Further delays impact on the restart of construction of Unit 2..". In our statement 5/16/85, in opposition to this exemption we named this reference: "gratuitous, irrelevant and prejudicial. (See Attachment 1.)"

2. LB's condition, included in its decision LBP -85-14, requiring traffic control points outside the EPZ has not been met as shown in FEMA, R.W. Krimm to E.L. Jordan, 5/21/85, p.3 since the plans have not yet been reviewed by Penna. State Police or FEMA. LB is not waiting for its own conditions to be satisfied.

3. We request an immediate stay on the granting of the exemption and the authorization of the issuance of a full power license on the following bases:

I. We believe that we shall prevail on the merits since LB has erred in basing its decision on 10 CFR 50.47 (c) (1) because the Applicant has failed to "meet the applicable standards" for Graterford emergency plans, that "deficiencies in the plans" have not been corrected (the contentions have not even been heard yet), "interim compensating actions" have not been taken, and there are not valid "other compelling reasons to permit plant operation". Furthermore LB has abused its authority by authorizing a license for Unit 2, and has acted with prejudice against the public health and safety by promoting the interest of PECO in Unit 2 (Attac. 1 above)

II. As we have shown in evidence presented to Mr. H. Denton, Dir. NRR, & NRC, 12/23/85 through May 9, 1985 PECO is not able at this time to operate the Unit 1 reactor in a way that will not threaten our safety and health and that of the public because of the danger of imminent accident and the lethal release of radiation.

III. To abandon Unit 1 now may involve loss to PECO stockholders but they will be better off if the plant never operates and is written off with the cost shared by ratepayers and government. (See Attachment 5.)

IV. It will serve the public interest best if PECO stays solvent, the plant is never operated, and the public is saved the risk of nuclear accident and destructive rate increases which will impact families and businesses disastrously.

cc: NRC- AB, LB, Staff Counsel, Docketing

FEMA, FEMA, PECO, A. Love, F. ROMANO, LEA, Others

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PDR ADOCK 05000352

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PDR

Respectfully submitted,

Box 186 Moylan, Pa. 19065

Robert L. Anthony

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May 16, 1985

STATEMENT OF ANTHONY/FOE IN OPPOSITION TO GRANTING APPLICANT'S MOTION FOR
EXEMPTION FROM 10CFR 50.47 (a) & (b) RE: EVACUATION PLANS FOR INMATES.

The objections which Anthony/FOE submitted to the Board on 3/15/85 are still valid and unanswered; we reassert these. We disagree with the Board's order of 5/9/85 in most aspects, and especially the conclusion (p.8) "the inmates' health and safety are, in the opinion of the expert agency in the area of emergencies, adequately protected in the event of a radiological emergency at Limerick."

We are impressed with the deficiencies set forth in the Inmates' Proposed Revised Contentions, 5/13/85, and we agree that these are serious and could result in the miscarriage of evacuation plans and the release of dangerous criminals into the community, at a time of extreme tension. We also call the Board's attention to the memorandum of R.W Krimm FEMA, 4/9/85, to E.L. Jordan NRC (p.2)

..." the overall radiological emergency plans and preparedness are not adequate to provide reasonable assurance that the appropriate measures can be taken to protect the health and safety of the public in the vicinity of the Limerick Generating Station in the event of a radiological emergency."

It is obvious that evacuation of the inmates will coincide with the evacuation of the rest of the residents of the EPZ and if FEMA has not approved the overall plans, there are deficiencies which will invalidate any assurance that Graterford plans will protect the inmates, or the residents of the EPZ.

Furthermore, the Board placed a condition on its decision, LBP-85-14 (p.74) in connection with our contention LEA 24/FOE 1. in response to FEMA's restriction, "the Director, Office of Nuclear Reactor Regulation, shall receive verification of plans to implement a level of traffic control in the King of Prussia area..."

It is, therefore, not true that "any final impediment to the issuance of a full power license has been removed". (ALAB 5/9/85, p.8)

In addition there are many impediments to the safe operation of the Limerick plant as documented in Anthony/FOE's petitions to H.R. Denton, Dir. NRR, 12/23/85, 2/25/85, 5/9/85, and our letter of 4/27/85 to H.L. Thompson, NRC. PECO does not have permission from DRBC for cooling water to allow operation of the reactor and it violated the low power license in its application to DRBC. In the operation of the plant a high level of Licensee Events continued, 45 from 1/1/85 to 4/2/85. More than 1/3 of these were caused by personnel error and another 1/3 by design and equipment deficiencies. These "events" prove PECO's operation unsafe at any power level. Consequently a nuclear emergency could happen at any moment.

We submit that the Board's reference to "restart of construction of Unit 2" is gratuitous, irrelevant and prejudicial. (p.8) Appearing to sponsor Unit 2 is not an appropriate function for the Board in its judicial role.

cc: NRC ASLB Judges, ALAB, Counsel, Docketing
FEMA, FEMA, PECO, A. Love, Others on Serv. List

Respectfully submitted,

Robert L. Anthony

Box 186
Meylan, Pa.
19065

ATTACHMENT 1

April, 5, 1985

APPEAL BY R.L. ANTHONY/FOE FROM REFUSAL OF NRC DIRECTOR OF REACTOR REGULATION TO ACT ON OUR PETITION OF 12/23/84 TO SERVE A SHOW CAUSE ORDER, AND OUR REQUEST FOR RECONSIDERATION, 2/25/85; AND FOR AN ORDER FROM THE COMMISSION.

On 12/23/85 we submitted a petition to the Director of Inspection and Enforcement to issue a show cause order to start proceedings to revoke low power license NPF-27. We included substantiating evidence and references to show that PECO is not able to operate the Limerick reactor safely.

After a delay of 1½ months Mr. H. Denton replied that our petition did not require any immediate action and he declined to take any immediate action. We replied to Mr. Denton's letter on 2/25/85, asking for reconsideration and submitting further evidence from PECO's operation to date, of the faults in equipment and operator performance which demonstrated further PECO's inability to operate without endangering the public, NRC staff, and PECO employees. In a 3/26/85 letter Mr. Denton again "decline(d) to take any immediate action".

It is now more than three months since our petition for a show cause order, and PECO's operating record contains many more reports of violations and repeated errors which at higher levels of operation could have brought on a serious accident and threat to the public health and safety. We believe the Director's withholding of action on our petition amounts to a delaying tactic which threatens our health and safety under PECO's imminent ascension to levels above 5%, (See letter Daltroff to Denton 3/25/85), predicting a full power license in April.

We hereby petition the Commission to order the Director to issue a show cause order and to institute a hearing process on the revoking of the low power license. We further petition the Commission to order the reactor to be held in a shut down state until a decision on revoking the license has been made.

We present further evidence of PECO's inability to operate the reactor safely:

Conditions required under the license have not been satisfied as follows:

IMPEIGEMENT LOADS ON PIPES & SUPPORT (Torrey Pines)	3/8/85	R.E. Martin	to	PECO.
REDUNDANCY IN REMOTE SHUTDOWN CAPABILITY	3/6/85	A. Schwencer	to	E.G. Bauer
DETAILED CONTROL ROOM DESIGN REVIEW	3/14/85	"	"	"
SAFETY PARAMETER DISPLAY SYSTEM	3/27/85	"	"	"

The reactor cannot be safely operated until there has been a complete check on all safety systems and re-training of operators and supervisors to eliminate the possibility of process and equipment failure with consequences for accidents as indicated below:

- Safety-related equipment removed from service without permission, Violation 85-02 and Control Room HVAC system change without NRC approval, Violation 85-01
- Inspection 85-11 possible diesel fire pump flywheel crack, p.5; troubleshoot p.1
- For 4 hours containment isolation valves inoperable, Inspection 85-08, 1/15/85.
- For 7½ hours without protection of volume level switch, LER 85-14, 1/18/85.
- Tag-out operated by construction/craft personnel instead of PECO, LER 85-15,
- Repeated isolation of RWCU as in LERs 85-25, 85-27("cause of event remains under investigation") and previous LERs 84-12, 26, 34, 35, 36.
- Repeated scrams and half scrams from loss of power to safety systems, LER 85-24 and LERs, 84-05, 39, and 85-07.

ATTACHMENT

2. We petition the Commission to order a show cause order and to require a hearing to take testimony as to the revoking of the license NPF-27, and in the interval to suspend operation of the Limerick reactor. Respectfully submitted,
 To: NRC ASLB, Staff Counsel, Docketing Serv., PECO,
 H. DENTON, OTHERS ON SEAR. LIST.

Robert L. Anthony Bx 156 MRLAN 1985

85-4189-225 1p.

Mr. Hugh L. Thompson, Jr., Dir. Div. of Licensing, NRR
U.S. Nuclear Regulatory Commission, Washington, 20555

April 27, 1985

Dear Mr. Thompson,

Re: Phila Elec. Limerick Gen. Sta.
Docket No. 50-352
Unit 1. Startup Testing

We refer to your letter of 4/10/85 to E.G. Bauer in which you mention a letter to Mr. Denton of 3/25/85 which indicates PECO's plan to test operate the turbine-generator, to 5 % of rated power. You state, "We have not identified any conflicts with your plans on this matter..."

On the contrary we have identified several deficiencies and violations from recent NRC inspection reports which add up to the conclusion that PECO is not prepared to operate the plant safely at this time up to 5 % power or to test operate the turbine-generator. We, therefore, ask you to protect our health and safety and that of the public by changing your conclusion from "no objections" to we forbid any test operating of the turbine until the impediments to safe operation listed below have been corrected and resolved.

Region I inspection report 85-03 dated 4/2/85 in Appendix A (See Attachment 1.) states that Tech. Spec. 3.6.1.4 was violated from 12/29/84 to 1/30/85 because PECO allowed the two independent MSIV leakage control subsystems to be inoperable. This constituted a serious threat to the public while the reactor was in operation. Operation of the reactor should be suspended until NRC has the assurance that these systems are in order and PECO will maintain them in operation. R.V. Starostecki (p.2.) states that this MSIV-LCS violation "could be symptomatic of an undesirable trend."

Inspection report 85-06, dated 4/10/85, Appendix A, cites two violations which affected the power level of the reactor and which pose serious potential hazards to the public health and safety. PECO allowed the power level of the reactor to be manipulated without the knowledge and consent of a licensed operator, and permitted maintenance work to be done without permission from operation personnel. (See Attachment 2.) A violation of Tech. Spec. 6.3.1 and Reg. Guide 1.33 Rev. 2, App. A, para. 9.e.

On page 11 of this same inspection report which details the unauthorized raising of the reactor power level, under 4.3.3 "Corrective Action Review", Mr. S.D. Ebner, Dir. Reactor Safety, finds that the implementation of corrective action has not been developed and that review of these steps, i.e. "three corrective actions to this event" will have to be covered "in a subsequent inspection. This is considered an unresolved item pending NRC review (352/85-06-03)." It is unconceivable that you would allow any test operation of the turbine while these uncertainties as to control of the power level are unresolved.

Inspection report 85-14, reported 4/23/85, (p.5) that "review of the startup test results is in process" and that "a number of changes were required" and "the adequacy of the licensee review of this startup test procedure will be assessed in a subsequent inspection". And para. 2.3 cites exception reports supposedly resolved, "but action still is required to close out the test exception." On page 6, STP-15.2, an unresolved "swap over situation" involving safety systems states, "This problem has persisted during tests of HPCI and RCIC" and "in addition HPCI stop valve experienced erratic behavior... during the pump start... A modification is also planned... These modifications will require retesting of HPCI". Until the problems with these essential safety systems have been completely cured, we are certain that you will not authorize any test operation of turbine-generator.

On behalf of intervenor Anthony/FOE, in recognition of the above obstacles to safe operation of the Limerick reactor, we petition you to exercise your authority to forbid PECO from test operating the turbine-generator.

cc: NRC Staff Counsel, ASLB, Docketing,
PECO, others on Serv. List.

Respectfully submitted,
Robert L. Anthony
Box 136, Moylan, Pa. 19065

ATTACHMENT 2

854562492
1 P.

Mr. Harold R. Denton, Dir. NRC Off. Nuclear Reactor Reg.
Washington, D.C. 20555

May 9, 1985

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

Dear Mr. Denton,

We are again calling your attention to our petition of 12/23/84 and our further petition of 2/25/85 requesting that you issue a show cause order to initiate proceedings to revoke low power license NPF-27 issued to Phila. Elec. Co. for its Limerick plant, unit #1. We are enclosing a copy of our letter, 4/27/85, to Hugh L. Thompson as further evidence to back up the need for this order.

The evidence which we submitted to you conclusively proves that PECO is not qualified to operate the plant safely and the license should be revoked until equipment, employee, and process deficiencies have been completely remedied. The present operation of this plant by PECO is a present and continuing threat to our health and safety.

In addition we now cite PECO's violation of Sections of license NPF-27:
Para. 1. C. Limerick will operate in violation of ^{the license} through the use of Schuylkill

River water for cooling during the low flow season, and by demanding releases from the Blue Marsh reservoir, and by renouncing its agreement to the "river follower mode" with the Delaware River Basin Commission. PECO's applications of 3/15/85 and 4/23/85 to DRBC call for removal of the 59° temperature limit, and releases from Blue Marsh storage. (M.J. Wetterhahn letters 3/19 & 4/25/85 to Service List with enclosures.)

1. D. The operation of Limerick with dependence on Schuylkill water for cooling will endanger the health and safety of downstream water users by threatening the biological life of the river and drawing upon reserves of drinking water, and ^{by} consuming water needed by industry to maintain jobs.

1. G. PECO's use of Schuylkill water is inimical to family and community services and community health and safety because of the threat to public water supply. Even in this time of drought Mr. V.S. Boyer, PECO V.P. called upon DRBC in his written statement on 5/7/85 for "Equitable demands upon all impoundments" despite PECO's agreement with DRBC to be limited by flow conditions in the Schuylkill. This ^{is} in violation of PECO's agreement with DRBC and in violation of the conditions of the NRC license.

1. H. Furthermore, PECO is in violation Appendix B of license NPF-27. Sect. 3.1 of the Appendix requires that "the licensee shall prepare and record an environmental evaluation" before making such an application as this one to change the consumptive demands on the Schuylkill river. Sect. 3.3 requires "an assessment of the environmental impact" and "NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP" (Environmental Protection Plan) PECO's application to DRBC violates both of these requirements of Appendix B.

As further evidence of the threat to the health and safety of the public from this consumptive use of Schuylkill water and Blue Marsh reserves, we cite the testimony of Mr. David C. Yaeck, Executive Director, Chester County Water Resources Authority, in opposition to the removing of the 59° restriction and the release of Blue Marsh water for Limerick consumption. He testified at the DRBC hearing on 5/7/85 in West Trenton as to the inviolate base that Blue Marsh water constitutes for public water resource planning in Chester County. He said that a temporary request by PECO had the potential of becoming permanent, and his public agency is completely opposed to PECO's modification of DRBC Docket D-69-210 CP. (See DRBC transcript 5/7/85)

We are enclosing a copy of our 4/29/85 petition to ALAB on this matter. On 5/7/85 ALAB dismissed our petition and advised us to submit it to your office.

cc: Mr. ALB, ASLB, Counsel, Docketing, 3030, DRBC
8505160058
1 p.
ATTACHMENT 4

Respectfully yours,

Robert L. Anthony
May 14, 1985
Newman, Pa. 19065

(ON LIMERICK #1 RATES)

The PENNSYLVANIA ENERGY RATEPAYERS COMMISSION has prepared this information based on documented facts. Our purpose is to enable everyone to understand the severe economic disaster which threatens the Philadelphia region due to the Philadelphia Electric Company (PECO) and its mistaken decision to continue construction of the Limerick nuclear plants at all costs.

At present, the cost of running PECO's oil plants or buying power from the grid is about 4.2 cents/kwh (PECO itself projects that this cost will increase to only 5.94 cents by 1990.) This replacement power, then, would cost less than one-third the projected 15 cents/kwh cost of Limerick I and

less than one-fourth the 19 cents/kwh cost of Unit I if Unit II is cancelled. PECO's main argument for Limerick has been that it would be cheaper than oil plants, but the cost of Limerick grew by more than 50% in the last three years while oil today costs only half what PECO said it would.

WHAT IF UNIT I IS CANCELLED, TOO?

The calculation above assumes that PECO would not be allowed to recover any of the costs of Limerick if the plant does not operate. However, if the PUC treats this case as commissions in other states have treated cancellations, PECO would be allowed to recover some of the costs. A typical method is to allow the utility to recover the construction cost in equal installment payments over 10 or 20 years without being allowed a profit on the part of costs which have not yet been recovered. (In accounting jargon, this is known as "amortization without a return on the unamortized balance.")⁴

For example, if Limerick I is cancelled PECO could collect one-tenth or one-twentieth of \$3.8 billion -- \$380 million each of 10 years or \$190 million each of 20 years. Even adding the cost of oil replacement power, cancellation is clearly a tremendous bargain:

\$190 - \$380 million cost of amortization
- \$230 million cost of oil instead
\$420 - \$610 million cost of cancellation
\$830 - \$1020 million cost of Limerick
- \$610 - \$420 million cost of cancellation
\$320 - \$600 million savings to consumers

SAVINGS

Of course, after the 10 or 20 year period, the cancellation would be paid off. In contrast, ratepayers would be paying for Limerick for 35 years!

One federally-sponsored study estimates that in cases of cancellation, ratepayers and stockholders would each pay about 30% of the wasted construction

cost, with federal taxpayers paying the other 40% as the utility takes a huge tax loss on the investment⁵. This would lower the cost to ratepayers considerably, making the savings due to cancellation even greater.

DO PECO'S REGIONAL ECONOMIC PROJECTIONS JUSTIFY LIMERICK?

Current trends do not indicate that Limerick would ever become cheaper or necessary to the Philadelphia regional economy during its 35-year lifetime. Since 1981, PECO's claims during the PUC investigation of Limerick have proven wrong on all the major economic factors:

Cost of Limerick Construction

Since 1981, PECO's projected cost has more than doubled, from \$4.2 billion to \$6.6 billion for both units.

Cost of Oil

In 1981, PECO projected oil today would cost \$55/barrel, more than twice the current price of \$29/barrel and falling!

Cost of Power Off the Grid

In 1981, PECO projected that replacement power off the grid would cost 10.74 cents/kwh by 1990. Now, PECO projects this cost will only grow to 5.94 cents -- little more than half.

Cost of Industrial Co-generation

In 1981, PECO said co-generation was not feasible. Now, PECO admits it could produce 720 megawatts of power for 6.2 cents/kwh or less. When adjusted for capacity factors, this would be enough to replace Limerick I at half the cost.

Growth in Electric Demand

In 1981, PECO projected electric use would increase by 2.3% per year. Now, PECO projects growth at only 0.9% per year. By the year 2000, this difference would eliminate the need for both Limerick units.

ATTACHMENT 5

SAVINGS IF LIMERICK I
IS WRITTEN OFF WITHOUT OPERATING