

U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-352

PHILADELPHIA ELECTRIC COMPANY

LIMERICK GENERATING STATION, UNIT 1

ISSUANCE OF DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied under 10 CFR 2.206 requests for action filed by R. L. Anthony and the Friends of the Earth and Mr. Frank R. Romano regarding the Limerick Generating Station Unit 1 (the facility).

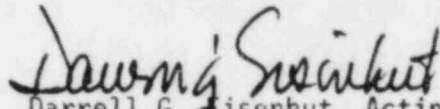
The Petitioners requested that the NRC revoke eight specific exemptions from certain aspects of NRC regulations that were granted to the Philadelphia Electric Company (PECo) with the issuance of the operating license for the Limerick Unit 1 facility. The Petition also requested that an environmental impact statement be prepared for the eight specific exemptions. The Director concluded that the Petitioners did not identify any information which warrants a change in the previous NRC actions regarding these matters.

The reasons for the above conclusions are fully described in a "Director's Decision Under 10 CFR 2.206", dated January 21, 1986, (DD-86-01) which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 10464.

A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 21 day of January 1986.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "Darrell G. Fisenhut". The signature is written in a cursive, flowing style.

Darrell G. Fisenhut, Acting Director
Office of Nuclear Reactor Regulation

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Christine N. Kohl, Chairman
Gary J. Edles
Dr. Reginald L. Gotchy

August 12, 1985
85 AUG 13 AIO:42

In the Matter of)

PHILADELPHIA ELECTRIC COMPANY)

(Limerick Generating Station,
Units 1 and 2))

OFFICE OF THE
SECRETARY
BRANCH
SERVED AUG 12 1985
Docket Nos. 50-352 OL
50-353 OL

ORDER

In a document dated August 8, 1985, and labeled "Before the Atomic Safety and Licensing Appeal Panel," intervenor Air and Water Pollution Patrol (AWPP) submits certain comments to the Commission concerning a July 26/27, 1985, filing of intervenors Robert L. Anthony/Friends of the Earth (Anthony/FOE). In an order issued August 8, the Commission referred that Anthony/FOE filing to the Director of Nuclear Reactor Regulation (NRR) for appropriate action. Accordingly, we refer AWPP's mislabeled, related August 8 comments to NRR as well.

It is so ORDERED.

FOR THE APPEAL BOARD

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PDR ADOCK 05000352
PDR

C. Jean Shoemaker
C. Jean Shoemaker
Secretary to the
Appeal Board

Dr. Gotchy did not participate in this order.

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AIR and WATER Pollution Patrol

BROAD AXE, PA.

August 8, 1985

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

85 AUG 12 P3:29

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL PANEL--CHRISTINE KOHL, CHAIRMAN
BRANCH

In The Matter Of
Philadelphia Electric Company
(Limerick Generating Station
Units 1 and 2

Docket Nos. 50-3520-
and 50-3530-

AWPP(Romano) re the July 26, 1985 Appeal By R.L. Anthony/FOE to the Commission from the Issuance of 8 Exemptions from Certain Regulations alleging no significant impact and denial of an Environmental Impact Statement (By Novak, NRC Division of Licensing, 6/27/85)

AWPP (Romano) appeals to the Commission against "exemptions from certain requirements of 10CFR Part 50" to PECO for Limerick Unit 1 by the NRC Division of licensing, Office of Nuclear Reactor Regulation, on 6/27/85.

AWPP also appeals NRC's finding and conclusion which determined an environmental impact statement for the requested exemptions was not to be made stating the requested actions will not have a significant effect on the quality of the human environment.

AWPP seeks that the Commission revoke the actions of the Division of Licensing re the 8 exemptions and NRC's conclusion re impact on the human environment. AWPP petitions the Commission require an environmental impact statement. The NRC's action appears to have more concern for the applicant's financial problems than the public safety.

The NRC states that there is no increased risk to the public from radioactive releases. However, Radon, gross Alpha in homes and drinking water in the Pottstown-Reading area when added to routine releases from Limerick augments Limerick's risk.

Both the Applicant and the NRC know asbestos and Vinyl chloride will be released from the cooling tower and into the river, but when AWPP/Romano detailed this hazard, it was summarily thrown out by Judge Brenner.

Rather than grant the eight exemptions to already specified ruling to the NRC, Asbestos and vinyl chloride in tower moisture released and river releases must be addressed.

Respectfully submitted,
AIR & WATER POLLUTION PATROL
Frank R. Romano, Chairman

The above has been served on the latest Service List.

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G PDR

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RECEIVED AUG - 8 1985

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

85 AUG -8 P3:02

RECEIVED
DOCKET
EX-100

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

Limerick Generating Station,
(Units 1 and 2)

Docket Nos. 50-352-OL
50-353-OL

ORDER

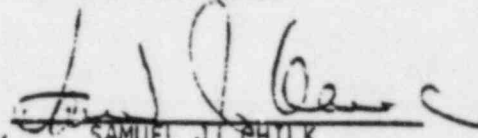
In a document dated June 27, 1985 (but postmarked July 27, 1985), Robert L. Anthony/Friends of the Earth in the Delaware Valley (collectively "FOE") appealed to the Commission from the issuing of eight exemptions from certain regulations to PECO. NRC regulations do not provide for an appeal from an issuance of exemptions. Rather, the granting of exemptions is generally within the delegated authority of NRC staff. We note that FOE previously submitted a 10 CFR 2.206 petition to the NRC staff raising similar concerns. Accordingly, this pleading is referred to the Director of Nuclear Reactor Regulation for appropriate action. In making this referral we express no opinion on the timeliness of the comments on the exemptions.

DSC2

It is so ORDERED.



For the Commission


SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.

this 5th day of August, 1985.

APPEAL BY R.L. ANTHONY/FOE TO THE COMMISSION FROM THE ISSUING OF 8 EXEMPTIONS FROM CERTAIN REGULATIONS TO PECO AND A FINDING OF NO SIGNIFICANT IMPACT AND DENIAL OF AN ENVIRONMENTAL IMPACT STATEMENT, BY THOMAS M. NOVAK, NRC DIV. OF LICENSING, 6/27/85.

As an intervenor in the Limerick licensing process R.L. Anthony/FOE appeals to the Commission from the issuing of 8 "exemptions from certain requirements of 10 CFR Part 50" to PECO for Limerick Unit 1 by the NRC Division of Licensing, Office of Nuclear Reactor Regulation, on 6/27/85, as recorded for NRC by Thomas M. Novak, Asst. Dir., in the Federal Register 7/2/85, pages 27388, 27389, 27390.

We also appeal NRC's finding and conclusion (p. 27390) that (it) "has determined not to prepare an environmental impact statement for the requested exemptions," and "conclude(s) that the requested actions will not have a significant effect on the quality of the human environment".

REQUESTED RELIEF. We appeal to the Commission to revoke the actions of the Division of Licensing in issuing the 8 exemptions and NRC's conclusion that these will have no significant impact on the human environment. We petition the Commission to reverse this decision and to order the preparation of an environmental impact statement. We assert that the granting of these exemptions undermines the integrity of the NRC's supervision of nuclear reactor regulations and jeopardizes the public health and safety in violation of NEPA and the Atomic Energy Act. The NRC actions indicate a willingness to go along uncritically with the applicant's requests and to bend the regulations for the sake of the applicant's financial interest at the expense of the public's interests and safety.

In its granting of these exemptions and refusal of an impact study NRC has made judgments that "any alternative to (these) exemptions will have either no environmental impact or greater environmental impact" without undertaking an environmental study to determine the impacts of granting the exemptions and the impacts of alternatives. This unsupported judgment is stated in relation to all 8 exemptions, Fed Reg. 7/2/85 27388, 27389, 27390. NRC, therefore, had no basis for issuing the exemptions on the assumption of no environmental harm. NRC must revoke the exemptions and require an environmental impact statement.

Radioactive Releases from accidents; and Routine Operation. NRC has reevaluated the impact of plant accidents in relation to the exemptions and has mistakenly concluded that there is no increased risk to the public from radioactive releases. In addition NRC overlooked, apparently, the effect of these exemptions on routine releases of radioactive effluents. The risks to the safety of the public from routine releases are pointed out in our 4/30/85 Petition to ASLB on these releases and our 7/2/85 Brief in support of our appeal to ALAB on these releases. Both of these documents are relevant here and are incorporated here in their entirety by reference. All of the exemptions increase the risk of radioactive releases to the public environment. For example Exemption A (FR 7/2/85 27388) leaves the refueling floor unequipped to maintain a vacuum. This means that any leakage from the primary containment might travel by way of the refueling area and be vented to the outside environment in the absence of the standby gas treatment system. Exemption B could contribute, too, to the risk of leakage to the refueling floor in the event of the failure of automatic isolation of hydrogen recombiner lines which penetrate containment without the backup of redundant isolation valves.

ALTERNATIVES. NRC dismissed any consideration of alternatives to the 8 exemptions. This constitutes in practically all instances a negligent disregard of the public safety to satisfy PECO's need to speed up the low power and test operating process in order to produce electricity at the soonest moment. The allowing of jumpers as a safety measure (FR 7/2/85 27388) in Exemption C and the downgrading of seal testing in D subject the public to risk not allowed under NEPA, AEA or NRC regulations. In all 8 exemptions where there is a chance for the installation of adequate equipment NRC must insist on these alternatives.

cc: NRC-Staff Counsel, Docketing Serv., PECO
Others on Serv. List.

Respectfully submitted
Box 186 Moylan, Pa. 19065 *Robert L. Anthony*

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