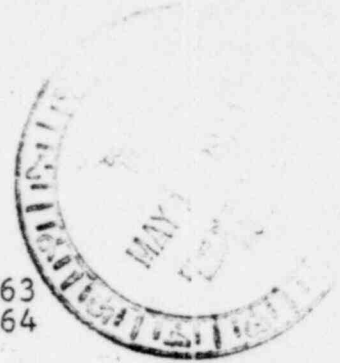


NRC PUBLIC DOCUMENT ROOM
BEFORE THE

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
)
PHILADELPHIA ELECTRIC COMPANY)

Docket Nos. 50-463
50-464



PETITION TO TERMINATE DOCKET
AND TO QUASH PREAPPLICATION AND EARLY
REVIEW OF SITE SUITABILITY

TO THE HONORABLE, HEARING BOARD OF THE NUCLEAR REGULATORY
COMMISSION:

Petitioner, Save Solanco Environment Conservation
Fund, by its attorney,

RESPECTFULLY REPRESENTS AS FOLLOWS:

1. Petitioner is intervening party in the above captioned docket.
2. The application for a construction permit by Philadelphia Electric was originally filed with the Atomic Energy Commission on July 3, 1973. In about September, 1975, the applicant suspended activity concerning the proposed construction permit.
3. The application of July 3, 1973 by Philadelphia Electric included an environmental report. In that report, it was asserted that additional nuclear generating capacity was necessary for the base load of the Philadelphia Electric system early in the 1980's, thus describing and justifying the need for the Fulton Generating Station.

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4. A final environmental statement relating to the proposed Fulton Generating Station, Units 1 and 2, was filed by the staff in April, 1975. The regulatory staff concurred in the need for additional electric generating services as suggested by the applicant.

5. Time has clearly established that the forecast of both the applicant and the Nuclear Regulatory Commission has been grossly in error as to the need for additional generating capacity in the early 1930's by the proposed Fulton Generating Station.

6. The applicant originally planned to construct twin 1,100 megawatt high temperature gas reactors manufactured by General Atomic Company. That company announced on September 17, 1975 that it would not manufacture the proposed units.

7. To date, to the best of the intervenor's knowledge, no substitute or alternate facility for the proposed site has been proposed formally to the Nuclear Regulatory Commission. There has not been a safety evaluation concerning any proposed nuclear reactors for the site in question.

8. On or about December 29, 1973, Philadelphia Electric Company submitted to Harold V. Denton, Director of the Office of Nuclear Regulatory Regulation, its application for Early Site Suitability Review.

9. The application relies on the 1973 submittal to the Atomic Energy Commission with respect to various issues proposed for early site review. For example the environmental effects of accidents, Chapter 7, relates to radiological consequences as set forth in the 1973 analysis.

10. The application is defective in that it does not relate to a specific nuclear reactor that is proposed to be sited at Fulton. Accordingly, an analysis of radiological consequences and environmental effects of accidents is purely speculative, conjectural, and unrelated to any facts as proposed.

11. Furthermore it is clear that the environmental effects of accidents have no significant relationship to the facts since that chapter does not account for recent studies by the Nuclear Regulatory Commission concerning accidents, nor the environmental effects of accidents as established by the Three Mile Island accident.

12. The applicant now asserts that the need for additional generating capacity is necessary for the period from 1994 to 1999 (as opposed to ten to fifteen years earlier as indicated in its application of 1973).

13. It is submitted that any discussion in 1979 as to alternatives for energy sources fifteen to twenty years later is inappropriate contrary to the mandates of the National Environmental Policy Act and would not be in the public interest since the degree of likelihood that any early findings on these issues as well as others would retain their validity in later reviews as the facts already well demonstrate.

14. Since the original filing, the Nuclear Regulatory Commission has published the Reactor Safety Study and Review by the Lewis panel. The Nuclear Regulatory Commission accepted the findings of the special review group headed by

Dr. Harold Lewis of the University of California at Santa Barbara. That group indicated that the prior reports and studies of the Commission, notably the Reactor Safety Study, WASH-1400, had not adequately indicated the full extent of the consequences of reactor accidents and did not sufficiently emphasize the uncertainties involved in the calculation of their probability.

15. The acceptance of the Lewis report was in 1979, approximately 5½ years after the initial application of Philadelphia Electric. Much of the accident analysis in the original application of Philadelphia Electric was based upon the premises and probability studies of the now disclaimed WASH-1400 Report. On or about March 23, 1979, an accident occurred at Three Mile Island of significant safety concern affecting the underlying bases and foundations of the Nuclear Regulatory Commission concerning its policy with respect to siting, safety inspections, safety regulations, and the general review and operation of nuclear power facilities.

16. Without updating its application, Philadelphia Electric now seeks to have a site approved for a possible nuclear reactor in Lancaster County, Pennsylvania. Various governmental and state agencies have objected to an early review of the site issues in accordance with 10 CFR, Appendix C, Part 50, Section 2.605, as not being in the public interest. Attached hereto and made a part hereof are copies of said objections.

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17. The early site review process as set forth in Appendix G, part 50, is contrary to the National Environmental Policy Act in that it would allow a utility to establish a situs for a nuclear power station without utilizing a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment as required by the National Environmental Policy Act.

18. Without knowing exactly what Philadelphia Electric proposes with respect to a nuclear facility on the Fulton site, this Commission could not meet the mandates of the National Environmental Policy Act since it could not make the review as mandated by the National Environmental Policy Act while the actions of the Commission may significantly affect the quality of human environment. Yet, the Commission would not be able to make a detailed statement of the environmental impact of the proposed action since the nature of the proposed action is not fully established. The Commission would not be able to assess any adverse environmental effects which could be avoided since the nature of the proposed action is not fully established. The Commission would not be able to review and deal with alternatives to the proposed action, especially concerning safety issues that may affect man's environment, the disposal of radioactive waste, and the effects of low-level radiation since the proposed facility has not been determined. Nor could the Commission detail the relationship

between local short-term uses of man's environment in the maintenance and enhancement of long-term productivity and irretrievable and irreversible commitments of resources since the exact nature of the facility proposed has not been established. All of the aforesaid would create a review for the early site application without meeting the mandates of the National Environmental Policy Act and thus would be contrary to the same.

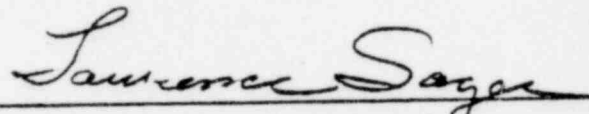
19. The pre-application early review of site suitability issues by Philadelphia Electric issues as proposed by the utility are, at best, abstract conclusions without foundation and fact. The Early Site Suitability Review environmental report is general, couched in conclusions without foundation, and not comprehensive to allow for a full National Environmental Policy Act, particularly with reference to waste disposal, environmental effects of accidents, effects of low-level radiation, and the economics of nuclear power generation that presently exist.

20. The consequence of Philadelphia Electric's application for an early site suitability review is to foist upon the public a proposed site for a future nuclear facility without a full cost-benefit analysis, a full environmental review as mandated by the National Environmental Policy Act, and without any basis in fact for the commitment of billions of dollars of human resources for a future nuclear facility of unknown type, and without any degree of likelihood that any findings in 1979 would have any relevance to the validity of later

reviews ten to fifteen years hence.

WHEREFORE, petitioner prays the Hearing Board to Order the utility to show cause why its application should not be terminated, including the application for Pre-Application Early Review of Site Suitability issues in accordance with Appendix O of Part 50 of the Nuclear Regulatory Commission Regulations, and, if necessary, to certify such issues as this Board may deem necessary to the full Commission for review.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lawrence Sager". The signature is written in dark ink and is positioned above a horizontal line.

Lawrence Sager, Esquire
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