

RE: PHILA ELEC. CO.

Limerick Gen. Sta. Units 1& 2

Docket # 50-352, 353.

MOTION BY R.L.ANTHONY/FOE (In the Delaware Valley) IN OPPOSITION TO APPLICANT'S MOTION FOR AN EXPEDITED PARTIAL INITIAL DECISION AND ISSUANCE OF A LOW POWER LICENSE FOR LOADING AND TESTING ; AND SUBMISSION OF CONTENTIONS BASED ON NEW MATTER.

In accordance with 10 C.F.R. Sec. 50.57 (c) with respect to the rights of parties to be heard on relevant contentions, R.L.Anthony/FOE submits the contentions below, and moves that these be admitted and be given full hearing and consideration, while during this time no expedited partial initial decision be made nor any low power license be granted for fuel loading and low power testing.

We assert that PECO's motion of 5/9/84 is in violation (Par #1) of 10 CFR 50.57 (c) in asking to operate " not to exceed 5 % of power" while Par. ( c) provides for up to only 1 % of full power. Further the PECO motion and the state of construction at the plant (Unit 1) do not satisfy 10 CFR 50.57<sup>(a)</sup> (1), (2), (3), (4), and (6), and (b), as specified below.

Contention 1. The plant cannot safely have fuel loading or any level of testing until ASLB determines that the structures are designed to withstand explosions from outside (Cont. V 3a and 3b) and the risks from such explosions have been mitigated to the extent specified in Anthony/FOE Findings and Conclusions 5/2/84, page 8, # 1-6. ( V 3a and 3b)

Cont. 2. No fuel loading or testing until the "Independent Design Review Program" has been carried through and construction verified in compliance with design. This review has not yet begun and has only been recently approved by NRC ( See 5/15/84 letter A.Schwencer to J.S. Kemper.)

Cont. 3. Violations of PSAR in the "turn-over" process. ( See NRC Meeting Report 50-352/84-33) 4/30/84 p.1 Para. 3, Appendix A- Severity Level IV Violation.

Cont. 4. Missing information, NUREG-0737, Items II F 1. Attachments 1, and 2, ( noble gas monitor; analysis of plant effluents.), and Item III.D.1.1 ( integrity of containment of radioactive material). See 5/9/84 letter A.Schwencer- E.G. Bauer.

Cont. 4 a. NRC Inspection Report # 84-05, 5/4/84 states p.1 Para. 3 : ".The inspections of the Radiation Protection Program found the majority of the program, needed to support fuel load and power operation, had not been established." PECO cannot be allow<sup>ed</sup> to load fuel until these requirements are satisfied. See # 84-05 Details, p.2, p.3, p.4, p.5., p.6., and p.7.

Cont. 5. PECO will not be ready to set up procedures under new Generic Letter 83-28, 7/8/83 (Salem ATWS Events) until 6/1/84 and expects "procedure will be in effect by Sept. 1, 1984 ". There is no assurance PECO will meet these requirements by a fuel loading deadline in September. (See letter V.S.Boyer-Eisenhut 5/8/84

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Cont. 6. No fuel can be loaded until further checks of quality control in construction have been carried out and there is assurance that equipment and structures are safe for operation. ( See NRC Combined Inspection 84-17; 84-05, 5/10/84) Details and pages 3 through 5. (See Details).. "the practice of documenting a non-conforming condition and/or authorized rework/repairs on ASME Code items on IPRN instead of NCR was of concern to the inspector." Also the lack of follow-up and correction of welds passed in error by faulty inspection leaves vulnerable points in the construction, including those now inaccessible, which must prevent fuel loading until they can be ascertained to pose no liability for safe operation, beyond any possible doubt.

Cont. 7. The integrity of welding as well as that of the Reactor Pressure Vessel are in doubt as specified in 4/18/84 memorandum to the Commissioners from D.G. Eisenhut (See p.6 para.4; and para 5 for deficiencies in welding inspection; and unresolved item in para. 6 and para.7.

Cont. 8. NRC letter 5/7/84 Thomas E. Murley - J.S. Kemper details violations of regulations which disqualify any fuel loading until they are completely rectified. Seven violations of severity level IV and seven of level V are listed on page 27. All the violations and omissions detailed in this report make fuel loading out of the question from a safety aspect and they form the basis for this contention.

Cont. 9. NRC Inspections 84- 14 and 84-04 dated 4/20/84 detail differences between as-built systems and FSAR which also must stand in the way of fuel loading until they are corrected. (See page 9). This inspection also includes a number of unresolved construction items and faulty equipment which must prevent fuel loading. The ability of the staff to handle radioactive material is in question too, as shown by the throwing of containers of nuclides in a trash bin. ( page 10)

Cont. 10 NRC letter 4/30/84 F.T. Martin- J.S. Kemper, Insp. 84-13 forms the basis for this contention that the security program at Limerick is not adequate to allow fuel loading.

Bases for Contentions . These contentions are based on new matter, and are therefore timely. The motion for a low power license was submitted only on 5/9/84. No other party has raised the contentions above. We are equipped to do so and have demonstrated in these proceedings our ability to raise issues of safety which otherwise would not be completely dealt with. The contentions will not broaden the issues but focus on the necessity for plant safety before any operation, thereby protecting the public's interests and safety and welfare.

CC. Judges Brenner, Cole, Morris Spec. Del  
NRC Staff, M.J. Wetterhahn  
Others on Service List  
May 18, 1984

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