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RE: Philadelphia Elec. Co.
Limerick Generating Sta. Units 1 & 2.

MAR 23 1983

Docket No. 50-352 & 353

70 - 2988

BRIEF OF R.L. ANTHONY/POE IN SUPPORT OF APPEAL FROM THE VERBAL ORDERS OF THE ASLB
3/6/84, 3/21/84 and WRITTEN ORDER 3/16/84, AND REQUEST FOR A HEARING.

We wish to acknowledge the Commission's order of 3/22/84 delegating authority to the Appeal Board to hear Part 70 issues raised in this case. We assert under P.L. 703, 8/30/54, The Atomic Energy Act, Chap. 16 Sec 182 b. the Commission's responsibility to publicize notice of the application for a license of a utilization or production facility for four consecutive weeks in the Fed. Register and to wait four weeks thereafter before issuing a license.

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APR 10
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REQUEST FOR A HEARING. We submit that the Commission is obligated under 10 C.F.R. Sec. 72.34, as provided in Sec. 2.104 and Sec. 2.105, to publish a notice of a hearing or a notice of a proposed action, and the 30 day notice may not be dispensed with because the amendment does "involve significant hazards consideration" and "unreviewed safety questions", as will be set forth below. Further, we understand The Atomic Energy Act, As Amended 1/4/83, P.L. 97-415, Sec. 12 (a) allows the Commission to make immediately an amendment to an operating license, but does not assign a similar authority for a Part 70 license, or amendment.

Safety Questions. Our Appeal to the Appeal Panel of 3/13/84, Application for Contentions on New Matter of 2/23/84, Addition to Contentions of 2/28/84, and Response to Affidavits of 3/19/84 have all been submitted to this Board. In addition we submit herewith (Exhibit 1.) a copy of a File, Elec. aerial photo of the Limerick site (said to be 1983) which shows the area of the outdoor fuel storage and the buildings, equipment, and high tension lines adjacent to it which would be involved with the stored fuel in the event of the hypothesized railroad explosion. We also refer to a new report on "tornado missile effects" sent on 3/22/84 by PECO entitled "Ultimate Heat Sink Extreme Wind Hazard Analysis". This shows (Table 4-5 missile distribution in the outdoor fuel storage and reactor building zone, the third highest in the study, 12,770 missiles. This hazard supplements those we have already enumerated from the hypothesized railroad explosion.

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EVIDENTIARY HEARING WITNESSES Testimony in the recent ASLB hearings on the structural integrity of safety related buildings produced corroboration of safety hazard in the reactor building which especially could impinge on the handling and storage of new fuel. The witnesses on 3/21/84 testified that a 9 ft. x 40 ft. louvre in the south wall of the reactor building could be destroyed by the railroad explosion and the plenum pushed to the floor, opening a direct passage from inside the reactor secondary containment to the outdoors. Mr. Boyer, "It's a sheetmetal gauge plenum. It can be distorted; it can be damaged; it can be ruptured, whatever you want to do with it, it's all right with me."..... (Question) "But if that happened then it would leave the reactor building with an opening to the outdoors."

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Mr. Boyer, "That's right. We would have a maintenance problem." (Trans. p. 8967). A reactor building wall could be breached in this way; fuel rods that were being unpacked and handled could be knocked about and possibly brought into critical alignment. Missiles from the ruptured louvre and plenum could puncture fuel rods.

FLOODING POSSIBILITIES. Testimony by William T. LeFave of the NRC submitted in writing in the hearing record 3/22/84 (p. 2. A6.) describes water entering the turbine and reactor buildings from the rupture of the tower basin walls. This water could flow through the zones of the reactor building and dilute the borated pool water where new fuel is stored, via the drain lines specified in NRC Reg. I Inspec. 83-23 and 83-08, 1/16/84, and Finding Rep. G-374 referenced on p. 8., "...no final resolution regarding corrective action has been achieved." Unlike the Diablo Canyon Plant (ALAB -334 p. 820) Limerick has two 7 million gallon tower basins and circulating water pipes considerably higher than the plant grade and in an almost direct flow path.

OTHER SAFETY QUESTIONS. NRC Inspec. # 84-08, 3/13/84 evaluated PECO's readiness "to receive, store, and protect the fuel". This report specified unresolved items in Quality Control, p. 4, Fire prevention, p. 5, and Security.

A NRC memorandum 2/23/84 from R.W. Starostecki to R.E. Cunningham, NMSS, states, "Based on the identified inadequacies, we do not believe that issuance of an amendment to the existing SNM license (SNM-1926) is justified at this time"

The design and "as built" verification referenced in our 2/23/84 Application is still outstanding. A letter dated 3/26/84 to A. Schwencer from J.S. Kemper, PECO, says that CYGNA, the contractor, will be ready to present only the program plan at the earliest on April 12. No fuel should be shipped before completion of the program.

In accord with our previous submissions, no fuel license should be issued until the reactor crane is qualified. No fuel can safely be stored outdoors as proposed, because of the hazards set forth from a railroad explosion in our filings with this Board and ASLE, including the accident scenario in our Response 3/19/84. We note again the missile threat, PSAR Tab. 3.5-5, "Railroad-Accident-Generated Missile". There should be no license until ASLE makes a decision on our pipeline contentions and the structural integrity of safety related structures, evaluating the testimony.

PACKAGING. "Final Report on Severe Rail and Truck Accidents: Toward a Definition of Bounding Environments for Transportation Packages", a study contracted by NRC with REA, Columbus, Oh., submitted 12/82, calls for a test standard of 1,600 degrees for 2 hours, to replace 10 C.F.R. Chap. 1 Appen. B, # 3 "Thermal", 1,475°F./ 30 min. The G.E. packages should be tested to see if they meet the higher standard.

EMERGENCIES. SECURITY. The requirements under 10C.F.R. Sec. 70.24 (3) for emergency procedures have not been met. (2/23/84 Memo. Starostecki to Cunningham, above.) In 10C.F.R. Sec 72.33, (5) (e) it is specified that no change be made that decreases the effectiveness of the security plan. PECO's Amendment to implement...

of 3/9/84 deleted its entire Security Plan and substituted a revised Physical Security Plan. PECO says that it has determined the new plan does not decrease effectiveness. There is no substantiation of this. No license should be issued until the Security Plan is guaranteed. We request access to both plans to make our own determination, or lacking that, an evaluation by an objective agency. We need to know that the current plan adequately protects against theft and sabotage.

RISK TO THE PUBLIC. Sec. 70.31 (d) of 10 C.F.R. forbids the issuance of a license that " would constitute an unreasonable risk to the health and safety of the public. The risks set forth above establish that there are unreasonable dangers for the health and safety of the public from granting a Part 70 license for uranium fuel to PECO for Limerick, both from storage outdoors and moving the fuel into the reactor building. In addition there are procedural deficiencies in the application process. We believe the above add up to conclusive weight against granting a license.

REMEDIES . We hereby petition the Appeal Board to reverse the ASLB decisions of 3/6/84, 3/16/84 and 3/21/84 and ask that our contentions on fuel transportation and storage at Limerick, 2/23/84 and 2/28/84 be accepted and scheduled by ASLB for discovery and scheduling.

We further petition that the Part 70 process for Limerick uranium fuel be reopened and recommenced in keeping with P.L. 703, Chap. 16 Sec. 182 b, and 10C.R.F. Sec. 72.34 with the required notice and the scheduling of a hearing.

We request that the Board declare a permanent stay on the granting of a Part 70 license until all of the above has been satisfied.

CC: ASLB, NRC Staff, M.J. Wetterhahn, L.E.A.,
Commonwealth, City, others on the Serv. List.

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

March 28, 1984

DISCOVERY #29 EXHIBIT
(FROM PECO AERIAL PHOTO (1953?))
COOLING TOWER #1

BUILDING AND EDGE LINES
IDENTIFIED FROM
BECHTEL DRAWING
C-111

CONTROL
BLDG.
SHUT
DOWN

220
KV

STORAGE
FUEL

220 KV
LIFE
HYDROGEN
BOTTLE
STAGE

ELECT.
STAFF
BLDG.

FUEL STORAGE

TURBINE
BLDG.

R.R.

220
KV
IRON
WORKERS
SUB STA

CAL. STAFF
BLDG.

REFUEL
WATER

COND.
STG.

220
KV TO

220
KV