



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

FEB 13 1985

Docket Nos.: 50-352  
50-353  
(10 CFR 2.206)

Mr. Robert L. Anthony  
Box 186  
Moylan, Pennsylvania 19065

Dear Mr. Anthony:

This letter acknowledges receipt of the Petition filed by you on behalf of yourself and Friends of the Earth (Petitioners) on December 23, 1984. The Petition requests that the Director of the Office of Inspection and Enforcement institute proceedings pursuant to 10 CFR 2.202 by serving an order on the Philadelphia Electric Company (Licensee) to show cause why License No. NPF-27 issued for the Limerick Facility should not be revoked. The Petition argues that certain exemptions granted to the Licensee when License No. NPF-27 was issued were improvidently granted and that the public health and safety is thereby endangered. Specific exemptions identified are concerned with control room habitability, the standby gas treatment system, compliance with 10 CFR Part 50 Appendix J, and the adequacy of isolation valves for certain systems. Secondly, the Petition argues that Licensee Event Reports issued by the Licensee since the commencement of operation under the low-power license are further indication that activities under the license are being conducted in an unsafe fashion. Thirdly, the Petition makes reference to various Inspection Reports issued by the NRC and to correspondence between the Licensee and the NRC as identifying additional deficiencies warranting revocation of the license. Finally, the Petition suggests that the Independent Design Verification Program undertaken for the Limerick Facility was insufficient to support issuance of the low-power license.

Although your Petition was directed to the Office of Inspection and Enforcement my office will respond to your Petition in that it deals with activities authorized by the low-power license for the Limerick Facility which this office issued.

The Petition is being treated under 10 CFR 2.206 of the Commission's regulations. The Staff will review the Petition and I will issue a formal decision in regard to it within a reasonable time. The Petition does request the immediate issuance of a show cause order to the Licensee based on the concerns identified in the Petition. Preliminary review of the Petition indicates that the Petition provides no new information which would serve as a basis for such action.

The exemptions referred to in the Petition, as indicated by Paragraph 2.D of License No. NPF-27, were evaluated by the NRC staff and discussed in the

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Licensing Event Reports (LERs) are required to be filed with the NRC only after issuance of a facility operating license, and are promptly evaluated. This has in fact occurred with the LERs that have been issued for the Limerick facility. The NRC review of those LERs does not justify any immediate actions with respect to the facility.

The NRC staff was aware of the issues addressed in the Inspection Reports and correspondence between the licensee and the staff, referenced by the Petition, at the time of issuance of License No. NPF-27 and considered those issues as appropriate to allow issuance of the License. The specific Inspection Reports referenced in your letter documented the results of inspections conducted prior to the issuance of License No. NPF-27 on October 26, 1984. Although some of the reports were formally issued to the Licensee after October 26, the findings in these reports were well known to the NRC prior to issuance of the license. Each of the inspection findings was assessed by the NRC to determine the potential safety impact. Those findings necessary to be resolved prior to license issuance were so resolved and documented in subsequent Inspection Reports. Similarly, those findings necessary to be resolved prior to initial reactor criticality were satisfactorily resolved prior to the start of this plant evolution on December 22, 1984. No new information has been set forth in the Petition which would call into question those earlier decisions.

Finally, the status of the NRC staff's review of the Independent Design Verification Program at the time of issuance of License No. NPF-27 was reported in Supplement 3 of the Safety Evaluation Report. For the reasons stated there, the staff concluded that completion of the program was not necessary prior to issuance of License No. NPF-27.

As discussed above these are all matters of which the NRC staff is well aware. None of these matters require immediate action sought by the petition regarding continued operation of the facility. Consequently, I decline to take any immediate action on the basis of your Petition. A copy of the Notice that is being filed for publication with the Office of Federal Register is enclosed for your information.

Sincerely,

Original Signed by  
H. R. Denton

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl.: See next page

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\*Previous concurrences concurred on by:

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