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U.S. NUCLEAR REGULATORY COMMISSION

RE: PHILA.ELEC CO. Limerick Gen. Sta. Units 1 and 2 DOCKET # 50-352,353

July 26, 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.

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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 evaluated 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 (p. 27388) leaves the refueling floor unequipped to maintain a vacuum. This means that 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 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
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