

Rec'd 2/1/86
L-17
21
62
76

Feb. 15, 1986

INTERVENOR R.L. ANTHONY/FOE REQUEST FOR A HEARING AND PETITION FOR LEAVE TO INTERVENE IN THE LIGHT OF THE ISSUANCE ON 2/6/86 OF AMENDMENT 1 TO LIC. NO. NPF-39 WITHOUT A HEARING AND PETITION FOR STAY OF OPERATION AFTER 2/19/86, LIMIT FOR TESTS

Anthony/FOE received on 2/12/86 a copy of Amendment No. 1 to operating license NPF-39 issued to PECO on 2/6/86. We call the Secretary's attention to our interest in this matter as evidenced by our petition for review and a stay directed to the Commission on 2/12/86, our amendment to our petition for a hearing and leave to intervene of 2/5/86, and our first letter to the Secretary requesting a hearing and the right to intervene of 1/30/86.

We are disturbed by the issuance of the amendment without a hearing because of the severe safety hazards involved in granting the extension of time for essential surveillance tests. We protest this issuance. We assert that the NRC erred in ^{proposing a} finding that that no significant hazards were involved and further erred in not making "a final determination on the issue of no significant hazards consideration", after a hearing was requested by Anthony/FOE on 1/30/86 and 2/5/86. NRC thereby failed to follow the published requirements from p. 52875 F.R. 12/26/85. The "Safety Evaluation" ^{of NRC} which accompanied Amendment No. 1 contains a mistaken conclusion that no final determination regarding no significant hazards consideration is needed. (p. 2 para. 3.0) "No public comment on such finding within the time provided" is not the controlling factor. We assert that the Commission is obligated to follow the Fed. Reg. notice (p. 52875) and "If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held."

SUBMISSION OF CONTENTIONS Since we believe that the Commission intends to honor its instructions in F.R. notice 12/26/85, p. 52875, we expect to hear shortly when the date for the hearing will be scheduled. In preparation for this hearing we hereby submit the following contentions.

CONTENTION 1. The amendment is in violation of 10CFR 51.22(c)(9). It does not meet the eligibility criteria for categorical exclusion since it does subject us and the public ^{and employees} to the risk of significant increases in amounts, possible change in types in effluents released offsite, and significant increase in individual and cumulative occupational radiation exposure.

CONTENTION 2. It is in violation of 10CFR 51.22(b) since based on #1, above, an environmental impact statement and ^{or} environmental assessment are required.

CONTENTION #3. The postponement of surveillance tests required under Tech. Spec. (TS) 4.6.3.4 violates the maximum time limit set by NRC for the safe operation of the instrumentation lines excess flow check valves, and there can be no assurance during the added 14 weeks of safe plant operation and protection of the public and employees from failure of the valves and release of radioactivity.

8603060262 860305
PDR ADDCK 05000352
PDR

CONTENTION 4. The "extended startup program schedule" (Safety Eval.NRR, 2/6/86, p.1) reinforces rather than eliminates the need for the surveillance tests on schedule, since there could have been more deterioration of the valves without power operation than with it. Changes in cooling water pressure and starts and stops of the reactor could exert more strain than continuous operation.

CONTENTION 5. The hazards from the malfunctioning of the valves is highlighted by (p.2 Safe Eval NRR):

This operation cannot be performed during normal power operation (because that)...would involve potential hazards to testing personnel upon opening of the line in the unlikely event that one of the valves fails to check and releases fluid that is both at a high temperature and radioactive... and... would result in multiple engineered safety feature system and/or reactor protection system actuations ...

The extreme danger from the malfunction of the valves (above) proves the need for the surveillance test on schedule since ^{wear of faults in} these valves could precipitate disaster.

CONTENTION 6. The amendment does not specify the number of valves or tests covered, but it does include (F.R. 52874) "(Primary Containment Isolation Valves) Table 3.6.3-1 Part B " Part B lists 67 instrumentation lines. Some of these include multiple valves. It is obvious that the amendment involves a large number of valves operating in most of the plant's key systems, for example, Main Steam Line, Recirc. Pump, HPCI, RPV, LPCI, Jet Pump, Core Plate, RCIC, RWCU, etc.

The failure of one or more of these valves and instrument lines could cause radioactive releases and precipitate other failures, resulting in catastrophe.

CONTENTION 7. The effects of faults in the check valves or leaks in the lines could have severe consequences ^{for} many of the instrument lines listed in Part B (above) " since the line many serve as an instrumentation manifold with multiple transmitters.." (Safe Eval.NRR,p.2.) The check valves and lines, therefore, in case of failure could precipitate other faults and even cut off the functions of instruments needed for safe shutdown.

CONTENTION 8. The hazards to Boiling water plant safety from the interaction of systems failures are pointed out, with particular relevance to this amendment as set forth in PRA Insights, NUREG/CR-4405, BNL/NUREG-51931, Dec.'85, p.xiii, "In the two PRAs (Millstone and Seabrook) which specifically documented risk contribution by sequences; interfacing systems LOCA represents over 98% of the total contribution to early fatalities."

The other study, "Insights Gained From P.R.A.s", Sarah M. Davis, 9/20/84 cites check valves specifically, p.24, " 8. Interfacing systems LOCA: ... For many plants, the valves of concern are the check valves in the RHR or Low Pressure Injection lines. Part B (above) lists a number of LPCI lines and valves. The amendment includes interfacing systems, therefore, with strong likelihood for accident interaction.

CONTENTION 9. As we pointed out in our letter to the Secretary, 1/30/86, instrumentation lines were found to be vulnerable to jet impingement loads from the rupture or whipping of adjacent pipes. (See Torrey Pines, Independent Design

Review of Limerick - Core Spray System, Nov. 1984, Executive Summary, Vol. 1. p. 12. It is possible that many and perhaps most of the 67 instrumentation lines (Part B) have this vulnerability and likelihood of accident. As we stated in our letter, 1/30/86, we have no assurance or indication that adequate protective measures have been taken to ^{eliminate} these accident prospects which were warned of in the Torrey Pines report. This further emphasizes the necessity of testing the check valves and their lines within the original Tech.Spec.time limit.

CONTENTION 10. (Amendment No 1 , Sect. 1. A., B., C., D., E) The amendment violates the requirements of, and intention of the Atomic Energy Act and the regulations under 10 CFR Chap.1, including Part 51. To extend the time for essential surveillance tests is not in keeping with the Act or the Regulations which were designed to see that plants operate in a way not to endanger health and safety of the public. As the contentions above prove, the instrumentation lines and check valves are at the center of safe operation of the plant and ^{involve} the means for shutting down safely in case of need. To postpone these tests amounts to playing Russian roulette with the safety and lives of the public and employees.

CONTENTION 11. It appears that in a self serving move which seems financially motivated, PECO applied to cut corners on these tests and the ERC is conspiring to fall in with this unless it immediately determines that the plant must not operate beyond the 2/19/86 limit without the tests being carried out.

Further evidence of bad faith and betrayal of the public safety on PECO's part comes clear from the record of operation of the reactor. For instance in December the operation was at 10-15% ^{from} the 19th to the 22nd and previous to then PECO was apparently testing bus temperature and the plant could have been shut down in connections with these reductions in power for a long enough period to carry out the check valve tests. PECO thus seems willing to discount the safety of the public and employees for the sake of corporate convenience and profit.

PETITION FOR STAY. We petition the Commission to grant a stay of operation of the Limerick No.1 reactor to go into effect on 2/19/86 and continue in effect until all the requires tests under TECH.SPECS 4.6.3.4 have been satisfactorily carried out. In consideration of this stay we submit:

- (1.) We are likely to prevail on the merits because the test were included in the Specifications to assure that reactor operation would not pose a hazard by continuing beyond a predictable safe limit. An extension of 14 weeks gambles lives
 - (2) We could be irreparably injured in a possible breakdown because of the neglect of these tests, and, also, further injury is threatened by such a precedent.
 - (3) PECO has had ample opportunity to complete the tests up to now, if it had had the incentive to protect the public and its employees; and they can now be carried out with minimum loss, which should be PECO's responsibility because of its neglect of prior opportunities to carry out these tests.
 - (4) There is no question that the public interest lies above all else in insuring safety and health and lives. Postponing the tests means a gamble with these, ^{to suspend the effectiveness and implementation of}
- We ask the Commission ^{to suspend the effectiveness and implementation of} this amendment which constitutes such a gamble.

I certify service by mail on: NRC-Commis, Legal Dir., Docketing & Serv., W.R. Butler, Conner & Wetterhahn 2/16/86 *Robert L. Anthony* Respectfully submitted *Robert L. Anthony* Box 186 Moylan, Pa. 19065