Docket Nos. 50-352/353

JUL 1 1986

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

Dear Mr. Anthony:

This is in regard to your letter of May 23, 1986, to the NRC's Director, Boiling Water Reactor Project Directorate No. 4 in the Office of Nuclear Reactor Regulation. Your letter expressed an objection to the request made by the Philadelphia Electric Company (PECo) in a letter dated May 14, 1986, for an extension of the due date for responding to an NRC issued Bulletin No. 85-03, "Motor-Operated Valve Common Mode Failures During Plant Transients Due to Improper Switch Settings."

The PECo letter of May 14, 1986 referred to in your letter is applicable only to Unit 2 of the Limerick Generating Station which is now under construction. However your concern appears to be with respect to Unit 1 since you request that action be taken "... before the reactor, which we understand is presently shutdown, is again put into operation," Therefore, we are interpreting your concern to be applicable to Unit 1.

In any event the actions requested of PECo by IE Bulletin 85-03 for Limerick Unit 1 are not of a nature that would affect the return of the unit to power operations in the near future. The Bulletin requests that several actions be taken over a period of two years. The first of these actions, and the one for which PECo requests an extension of time, is for the submittal of a report which documents the design basis for the subject valves and a program plan for accomplishing the other items in the Bulletin. No changes in the plant's design or operating limits are involved in completing this first action. On this basis I decline to grant the request made in your letter especially since no particular safety issues beyond those discussed in the Bulletin are raised in your letter.

Please also be informed that your "Petition" to the Commission dated April 29, 1986 has been referred to the staff for appropriate consideration. The Petition contains no significant new information. Consequently, no further staff action is required.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

cc: See next page

*Previously concurred:

LA:BWD-1:DBL	BWD-1:DBL	D:BWD-1:DBL	DEPER:IE	OELD
*MO'Brien/hmc	*REMartin	*WButler	*RBaer	*RHoefling
6/10/86	6/10/86	6/11/86	6/10/86	6/11/86

DD:DBL	D:DBL	DD:NRR	D:NRR
*WHouston	RBernero	DEisenhut	HRDenton
6/12/86	6/23/86	6/18/86	6/30/86

RHVollmer 6/24

8607090203 860701
PDR ADOCK 05000352
G PDR

Docket Nos. 50-352/353

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

Dear Mr. Anthony:

This is in regard to your letter of May 23, 1986, to the NRC's Director, Boiling Water Reactor Project Directorate No. 4 in the Office of Nuclear Reactor Regulation. Your letter expressed an objection to the request made by the Philadelphia Electric Company (PECo) in a letter dated May 14, 1986, for an extension of the due date for responding to an NRC issued Bulletin No. 85-03, "Motor-Operated Valve Common Mode Failures During Plant Transients Due to Improper Switch Settings."

It is not clear whether your specific objection is with respect to the status of this issue for Unit 1 or for Unit 2. If your concern is with respect to Unit 1, as is implied by the request that action be taken "...before the reactor, which we understand is presently shut down, is again put into operation," then we note that the PECo letter to which you object is for Unit 2. Nevertheless we have interpreted your concern to be applicable to Unit 1.

In any event the actions requested of PECo by IE Bulletin 85-03 for Limerick Unit 1 are not of a nature that would affect the return of the unit to power operations in the near future. The Bulletin requests that several actions be taken over a period of two years. The first of these actions, and the one for which PECo requests an extension of time, is for the submittal of a report which documents the design basis for the subject valves and a program plan for accomplishing the other items in the Bulletin. No changes in the plant's design or operating limits are involved in completing this first action. On this basis I decline to grant the request made in your letter especially since no particular safety issues beyond those discussed in the Bulletin are raised in your letter.

Please also be informed that your "Petition" to the Commission dated April 29, 1986 has been referred to the staff for appropriate consideration. The Petition contains no significant new information. Consequently, no further staff action is required.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

cc: See next page

LA:BWD-1:DBL	BWD-1:DBL	D:BWD-1:DBL	DEPER:IE	OELD
MO'Brien/hmc	REMartin	WButler	RBaer	
6/10/86	6/10/86	6/11/86	6/10/86	6/11/86

Oral concurrence per ADromerick Acting for RBaer

DD:DBL	D:DBL	DD:NRR	D:NRR
WHouston	RBernero	DEisenhut	HRDenton
6/12/86	6/23/86	6/ /86	6/ /86

DISTRIBUTION: (Green Ticket 001779)

Docket File w/incoming
NRC PDR
Local PDR
EDO #001779
EDO r/f
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RBernero
GLanias
DCrutchfield
AD/PWR-A
WButler
RMartin w/incoming
MO'Brien w/incoming
OPA
DMossburg (EDO #001779) w/incoming
PD#4 r/f w/incoming
LHarmon
VStello
Bill Clements, SECY, H-1149
OGC w/incoming
JLieberman, OELD
ASLAB
ASLBP
ACRS (1)
JResner (2) (W-501)
JTaylor
TMurley
PPAS
SECY

Document Name:
GREEN TICKET 001779

aff Ltr No. 17 - copy of morning petition to licensee

Requestor's ID:
CLEM

#2
6/12/86
N.O.

Author's Name:
RMartin/hmc

Document Comments:
Response to Mr. Robert L. Anthony - Limerick 1 & 2 (2.206) 6/13 (2) Oh

Per telecon w/ Steve Comi 6-10-86, do not identify response to this grn ticket as a 2.206. (But give pub dist.)
EDO 1779
D 6/24

Walt,
I object to the 2nd paragraph —
I am sure he is referring to Unit 1
RCB

↳ The 2nd ¶ has been revised to speak directly to Unit 1.
RLM

CS 5
6/25

K OK 6/30

→ Hector

As we discussed
Did they request exemption
for I & II or
just II?

Dick B.
It's as is.
Pls call & I'll
explain the
"problem".
Walt.

865603

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

Butler

ACTION

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM: ROBERT L. ANTHONY

DUE: 06/30/86

EDO CONTROL: 001779
DOC DT: 05/23/86
FINAL REPLY:

TO:

NRC

FOR SIGNATURE OF: Denton ** GREEN ** SECY NO:

DESC:

2.206 - REQUEST DENY PECO'S REQUEST FOR EXEMPTION TO IE BULLETIN # 85-03 RE LIMERICK 1 & 2

ROUTING:

DENTON
TAYLOR
MURLEY

DATE: 05/28/86
ASSIGNED TO: ~~ELD~~ NRR CONTACT: Denton ~~CUNNINGHAM~~

SPECIAL INSTRUCTIONS OR REMARKS:

Per Steve Burns, OELD, this letter does not need the full 2.206 treatment.

NRR RECEIVED: 5/30/86
ACTION: DBL: BERNERO

NRR ROUTING: DENTON
PPAS
MOSSBURG

Per telecon w/ Steve Burns 6-10-86 do not identify response as a 2.206.

865246

EDO

No. 50-352/353 (2.206) Logging Date 5/28/86

NRC SECRETARIAT

TO:
- ☐ Commissioner _____ Date _____
- ☒ Exec. Dir./Oper.
- ☐ Gen. Counsel
- ☐ Cong. Liaison
- ☐ Solicitor
- ☐ Public Affairs
- ☐ Secretary
- ☐ _____

Incoming: _____

From: Robert L. Anthony
FOE

To: Commission Date 5/23/86

Subject: Objection to PECO Request to WRButler for Exemption from the Deadline of 5/14/86 to Respond to IE Bulletin #85-03

☐ Prepare reply for signature of:
- ☐ Chairman
- ☐ Commissioner _____
- ☐ EDO, GC, CL, SOL, PA, SECY
- ☐ Signature block omitted
- ☐ _____
- ☐ Return original of incoming with response

- ☐ For direct reply*
- ☒ For appropriate action
- ☐ For information
- ☐ For recommendation

EDO --- 001779

Remarks: Cys EDO, Commissioners, OGC, OPE, OCA, OPA, Chilk, Bates, Records

For the Commission: Eugenia

*Send three (3) copies of reply to Secy Mail Facility

NRC-62A ACTION SLIP

DOCKETING

U.S. NUCLEAR REGULATORY COMMISSION...BWR PROJECT DIRECTORATE # 4

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

May 23,1986

R.L.ANTHONY/FOE,INTERVENOR, OBJECTION TO PECO REQUEST TO W.R.BUTLER,DIR. FOR EXEMPTION FROM THE DEADLINE OF 5/14/86 to RESPOND TO IE BULLETIN # 85-03.

Anthony/FOE is in receipt of a copy of a letter,J.S.Kemper to W.R.Butler, NRC,Directorate # 4, dated 5/14/86, requesting an exemption to the required response to IE Bulletin No. 85-03"Motor-Operated Valve Common Mode Failures During Plant Transients Due to Improper Switch Settings." The response was due on 5/14/86,the same date the letter was written.

We are aware that IE Bulletin # 85-03 was issued by NRC on the basis of a threat to the safe operation of BWR plants. We believe that PECo's request for an extention of response time till " within 60 days after NRC acceptance of the BWROG Committee position" indicates a casual attitude toward this important safety issue and dismisses the immediate public interest in the protection of public health and safety. The Bulletin involves potential switch failures during transients which have the potential for the loss of ability to shut the plant down safely.

We petition the Director to deny PECo's request for an extention of time and to insist that PEC carry out the required work and to report immediately, and in all events before the reactor,which we understand is presently shut down, is again put into operation.

Respectfully submitted,

Robert L. Anthony

Box 186 Moylan,Pa. 19065

cc: NRC- Commiss.,Docketing,Staff Counsel
Conner& Wetterhahn

8605290426

2pp.

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 8605070064 DOC. DATE: 86/04/30 NOTARIZED: NO DOCKET #
FACIL: 50-352 Limerick Generating Station, Unit 1, Philadelphia Ele 05000352
50-353 Limerick Generating Station, Unit 2, Philadelphia Ele 05000353
AUTH. NAME AUTHOR AFFILIATION
ANTHONY, R. L. Anthony, R. L.
RECIP. NAME RECIPIENT AFFILIATION
NRC - No Detailed Affiliation Given

SUBJECT: Petition for reconsideration of 860227 petition to suspend License NPR-39, per faulty referral to Director & inappropriate response & restatement of petition under 10CFR50.100 & 10CFR2.201 (c).

DISTRIBUTION CODE: D503D COPIES RECEIVED: LTR 1 ENCL 0 SIZE: 2
TITLE: Filings (Not Orig by NRC)

NOTES: LPDR 2cys Transcripts. 05000352
LPDR 2cys Transcripts. Application for permit renewal filed. 05000353

	RECIPIENT ID CODE/NAME	COPIES LTTR	COPIES ENCL	RECIPIENT ID CODE/NAME		COPIES LTTR	COPIES ENCL
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	MARTIN, R	1	1				
INTERNAL:	ASLAP	5	5	ASLBP	01	1	1
	ELD/PSB	1	1	GC		1	1
	OPE ARON, J.	1	1	PA		1	1
	RGN1	1	1				
EXTERNAL:	24X	1	1	LPDR		1	1
	NRC PDR	1	1				
NOTES:		2	2				

TOTAL NUMBER OF COPIES REQUIRED: LTTR 19 ENCL 19

DOCKETING

U.S.NUCLEAR REGULATORY COMMISSION
PHILA. ELEC. CO. Limerick Gen. Sta. Units 1 & 2 Docket No: 50-352,353

April,29,1986

DOCKETED
'86 MAY -5 A11 :17

PETITION BY R.L.ANTHONY /FOE TO THE COMMISSION FOR RECONSIDERATION OF OUR 2/27/86 PETITION TO SUSPEND LICENSE NPF-39, IN THE LIGHT OF THE FAULTY REFERRAL TO THE DIRECTOR AND HIS INAPPROPRIATE RESPONSE, AND REJECTING OF OUR PETITION UNDER 10 CFR 50.100 and 10 CFR 2.201 (c).

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

On 2/27/86 Anthony/FOE petitioned the Commission under 10 CFR 50.100 to find cause for the suspension of license NPF-39, issued to PECo, and further "to find under 10 CFR 2.201 (c) that the public health, safety and interest require it and that there are willful violations and, therefore, the NRC orders the Director immediately under Sect. 2.202 to issue a show cause order for the suspension of License NPF-39. "

FAULTY REFERRAL. The Commission referred our 2/27/86 petition to the NRR office. We state our objection to this referral and to the response by the Acting Director, addressed to us in a letter dated 4/16/86. We petition the Commission to reconsider our petition on the basis of the criteria which require license suspension under Sect. 50.100 and to suspend the license on its own initiative or to order the Director under Sect. 2.201 (c) to issue an immediate show cause order . We agree with Mr.Eisenhut (4/16/86) that it is not "appropriate to consider the Petition pursuant to 10 CFR 2.206 ". We did not petition under that section nor refer to it.

Mr.Eisenhut dismissed the points we made that are conclusively weighted toward suspension of the license. He did not consider at all the violations which we cited. He obviously is not the person to properly evaluate the criteria under Sect. 50.100 or to have an independent view as to the staff's enforcement of the license provisions, or PECo's evading of NRC regulations. His assumptions(Para.3 & 4, 4/16/86) that " it is appropriate to presume that the NRC has given appropriate consideration" and " it may be presumed that the agency response was adequate" are of no value in determining the merits of our case for suspension of the license.

RECONSIDERATION. We petition the Commission to make a decision on the merits of our 2/27 petition by weighing all the points raised in our petition. We add further emphasis by supplementing our arguments as specified below. (The paragraph numbers correspond to those in our 2/27 petition.)

5 and 6. There has been no remedying of the problems recorded in Insp. 86-02. The amount of radiation discharged to the community from the gaseous and liquid releases is not known, or whether any fatalities will be or have

been caused. Open items 86-02-01 and 86-02-05 are unresolved. Therefore, more accidental releases can be imminent. The dangerous trend in radioactive releases can be seen in a comparison of the reports of 2/20/85 and 2/17/86.

	Semi-annual Effl. Release No.1 12/22/84 - 12/31/84	Effl. Release Report No.3 7/1- 12/31/85
A.Fission and Activation products. Est. Total	.000E + 00	.180E + 02
B. Tritium."Total Release	.000E + 00	.133E + 02
C.Dissol.& Entr.Gases.Total	.000E + 00	.200E + 02
D. Gross Alpha Radioact. Total	.000E + 00	.147E + 01

7. Open Item 86-02-02 still cites an ongoing void in PECo's ability to monitor and to manage radiological incidents at Limerick. This combined with the open items above add up to a sufficient basis in themselves to demand a suspension of the license under Section 50.100.

8.& 9. Unresolved items 85-36-02 and 85-43-02 specify threats to safe operation of and safe shutdown of the reactor in an emergency. These include conditions which would have prevented the issuance of the license and call for its suspension now until the threats have been alleviated.

11. PECo's manipulation of Schuylkill cooling water through amendments of the DRBC compact last year and further applications to DRBC for manipulations in 1986 constitute deliberate violations of Appendix B of the license. We assert that this is willful violation of the license and NRC regulations, under 10 CFR 2.201 (c). We call attention to our petition to NRC for suspension of the license for this violation under Sect.50.100,submitted 3/5/86. (DRBC granting of the disolved oxygen criterion for 1986 was announced 4/29/86)

14.& 15. PECo's disregard of surveillance tests on instrument line check valves and on isolation valves which was ratified by NRC in the granting of amendments # 1 and # 2 constitutes deliberate and willful violation of the license and regulations. This calls for immediate license suspension. We ask the Commission to take note of our appeal to the Appeal Board filed on 4/12/86,currently under consideration by that Board.

18. We again call attention to the unlawful granting of license NPF-39 in violation of NRC regulations requiring a full participation emergency exercise and in disregard of USC 735 F 2d 1437 (1984). Such a required exercise is still missing and there is no assurance that evacuation can be carried out. PECo made a gesture only,with a token exercise earlier in April. The Third Circuit Court of Appeals has not yet rendered a decision on #85-3606.

CONCLUSION. We petition the Commission to immediately suspend license NPF-39 or to institute show cause action since we have presented full proof that continued operation is unlawful under all the criteria in 10 CFR 50.100.

I hereby certify copies by mail to:
NRC Docketing,Staff Counsel,D.Eisenhut, ASLAB
Conner & Wetterhahn 4/30/86 Robert L. Anthony

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