

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 RESTATING OF OUR PETITION UNDER 10 CFR 50.100 and 10 CFR 2.201 (c).

On 2/27/86 Anthony/FOE petitioned the Commission under 10 CFR 50.100 to find cause for the suspension of license NPF-39, <sup>issued to</sup> 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

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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.

A. Fission and Activation products. Est. Total	Semi-annual Effl. Release No.1 12/22/84 - 12/31/84	Effl. Release Report No.3 7/1-12/31/85
	.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 dissolved 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