

U.S. NUCLEAR REGULATORY COMMISSION..ATOMIC SAFETY AND LICENSING APPEAL PANEL

RE: Philadelphia Electric Co.  
Limerick Nuclear Generating Station Units 1 & 2.

DOCKET # 50-352, 50-353

March 13, 1984  
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TO JUDGE CHRISTINE KOHL and APPEAL PANEL:

APPEAL FROM THE DISMISSAL OF ANTHONY/FRIENDS OF THE EARTH CONTENTION ON NEW MATTER, PHILA.ELEC's APPLICATION TO STORE NUCLEAR FUEL ( 70- 2988), AND DENIAL BY ASLB BOARD, CHAIRMAN L. BRENNER, OF AN IMMEDIATE STAY OF FUEL AT BOARD HEARING, PHILA. 3/6/84

Robert L. Anthony and Friends of the Earth in the Delaware Valley file this appeal as an intervenor in the Limerick Operating License proceeding. As soon as we received a copy of Phila.Elec.'s application to store nuclear fuel outdoors at the Limerick site on 2/23/84 (to start 3/5/84) we filed an application with the ASLB Board for a contention on new matter .(copy enclosed, also addition to Appl.)

The ASLB Board convened in Philadelphia on 3/6/84 and considered this new contention. On 3/6/84 Judge Brenner issued a verbal order for the Board rejecting our contention, and a further verbal order refusing our verbal request for an immediate stay on moving nuclear fuel to the Limerick site.

We petition the Appeal Panel to reverse both of these orders since our vital interests as an intervenor, as well as the interests, health, and safety of all the residents of the Philadelphia metropolitan area, are in danger from the moving and storage outdoors of nuclear fuel at the site. In our argument before the Board we pointed out the pendency of hearings as to the structural integrity of the safety related facilities, NRC refusal to certify the overhead crane (NRC Tech.Eval. 2/6/84 p.16 (A) and table 3.1 (enclosed) ), and several other vital safety matters as summarized in our Application and Addition. Further, we raised the potential hazard to the community from release of enriched uranium oxide to the air and water in the event of an airplane crash, or railroad explosion with crushing and rupture and burning of the stacked fuel rods. Judge Brenner ordered affidavits on this hazard by 3/20/84 and 3/27. This has no effect on the Board's orders vs. contention and stay.

Since we serve as a citizens' intervenor we are not provided with copies of the hearing transcripts and we cannot afford to buy. We apologize for not providing citations from the record. The transcripts will not be available to us in the Phila. Public Library for about two weeks. Because of our lack of legal training as lay, "pro se" intervenor we are not sure of the required steps and trust that you will understand that. To protect our rights

we ask that you act as quickly as possible since the crisis is immediate. Phila. El. says it plans to ship fuel 3/20/84.

cc: ASLB Judges L. Brenner, R.F. Cole, P.A. Morris  
NRC staff, Phila. Elec., City Phila., Commonwealth  
Docketing and Serv. Sect., others on service list

Respectfully yours,

Robert L. Anthony  
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