

U.S. NUCLEAR REGULATORY COMMISSION... ATOMIC SAFETY & LICENSING APPEAL BOARD

Judges: Christine N.Kohl, Ch., Gary J. Edles, Dr. Reginald L. Getchey
 Re: PHILA.ELEC.CO. Limerick Gen.Station, Units 1&2 Desk # 50-352,353
 APPEAL BY R.L.ANTHONY/FRIENDS OF THE EARTH IN THE DELAWARE VALLEY FROM
 SECOND PARTIAL INITIAL DECISION, LBP-84-31 and LICENSING BOARD'S ORDER ON 10/9/84
 9/1/84 MOTION TO SET ASIDE AND REOPEN CONTS.V 3a & 3b, AND PETITION FOR STAY.

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 DOCKETING & SERVICE
 BRANCH

On 9/1/84 R.L.Anthony/FOE filed a motion with LR requesting that the Partial Initial Decision on our Contentions V-5a & 5b be set aside and that the record be reopened and a schedule for discovery be set up.

On 9/7/84 LB refused to stay its decision. We appealed this decision and affidavits of 9/21/84, on 9/24/84 to the Appeal Board.

The Appeal Board's Order of 9/28/84 extended our time of appeal to 15 days from the date of LB's order disposing of our 9/1, motion. That LB Order was served on 10/9/84 and we are now appealing within the 15 days of service as specified by the Board.

Anthony/FOE hereby appeals the decision, LBP -84-31 on our Contentions V-3a & 3b and the authorizing of a license to PECE for low power testing, and also we appeal LB's Order, served 10/9, denying our Motion of 9/1/84.

We also petition the Board to stay the authorization of a low power license for PECE. We support this petition under 10CFR Sec.2.778 (e) as follows. 1.The reactor building is not able to withstand overpressures from postulated external explosions. The nuclear fuel was not brought to the plant in accordance with NRC regulations, and AEA and NEPA. A decision on this is pending in the U.S. Third Circuit Court (our appeal # 84-3409). 2.If Limerick is operated, an inexorable process will start which will threaten my safety, increase electric rates, impair regional economy, and force me to move from the area. 3. A stay could delay PECE's testing, but 4. public health and safety, the local economy, PECE's solvency, and prospects for safe energy alternatives predominate over all else.

We move for an immediate stay on LBP-84-31 and authorizing a low power license.

cc:by 1st class mail to:

AB Judges C.N,KOHL, G.J.EDLES, Dr.R.L.Getchey
 Special Delivery
 LB Judges Hoyt, Cole, Harbur.

NRC Staff Counsel Deeketing Service

M.J. Wetterhahn Limerick Ecol.Action F.Romano

Respectfully submitted,

Robert L. Anthony
 Box 186 Moylan, Pa 19065

October 23, 1984

Certified 10/23/84 R.L. Anthony

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