

044

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

DOCKETED
USNRC

'85 MAY 17 11:08

In the Matter of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352
50-353

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

OL

MOTION FOR A STAY OF THE ASLB'S ORDER
AUTHORIZING THE ISSUANCE OF A FULL POWER OPERATING LICENSE
FOR THE LIMERICK GENERATING STATION

Limerick Ecology Action, Inc. (LEA), lead intervenor on offsite emergency planning issues in the above captioned proceeding, hereby respectfully moves the Appeal Board for a Stay of the Atomic Safety and Licensing Board's Third Partial Initial Decision on Offsite Emergency Planning which authorizes the issuance of a full power operating license for the Limerick Generating Station. LEA received a copy of the ASLB Decision indicating it was served on May 7, 1985, and is responding to the Board's Order through a Notice of Appeal filed on May 15, 1985 (previously served on the parties) and by the filing of this request for a stay of the Board's Order.

Pursuant to the Commission's Rules of Practice, 10 CFR § 2.788(a), LEA has responded with the required 10 days from service.

Respectfully submitted,

Phyllis Zitzer

Phyllis Zitzer
President of Limerick Ecology Action

May 16, 1985

8505200342 850516
PDR ADOCK 05000352
Q PDR

DS03

The Third Partial Initial Decision on Offsite Emergency Planning does not address LEA's Findings of Fact which are soundly based on the evidentiary record relevant to the admitted contentions. In other cases, the ASLB does not explain the basis or the reasoning for the inferences it draws which are not supported by the record.

This Motion for a Stay of the ASLB Order Authorizing the Issuance of a Full Power Operating License (above 5% of rated power) includes a discussion of several issues which LEA will develop further in its Brief in Support of Appeal. A full and exhaustive presentation of all grounds for appeal cannot be made within the time and space constraints of this Motion.

In particular, due to the remaining deficiencies identified by FEMA as still unresolved, LEA will clearly establish that the proposed local RERP's (the vast majority of which are not adopted or accepted by the respective local jurisdictions) do not provide a basis for making a predictive finding that there is reasonable assurance that protective measures can and will be taken in the event of a radiological emergency at Limerick.

The lack of available and adequate cooling water in the Schuylkill River during the current drought emergency make it impossible for PECO to carry out its testing program at the present time. Full consideration of LEA's Appeal and Granting a Stay of the ASLB Decision Authorizing the Issuance of a Full Power Operating License will not cause irreparable harm to the Applicant, who is prevented in any case, from embarking on a full power testing program at this time due to insufficient

and unstable water supply, at a minimum, pending action by the Delaware River Basin Commission to allocate and approve the use of additional temporary water for Philadelphia Electric's use at Limerick, beyond that already approved under DRBC Docket D-69-213 CP (Final) (Revised).

Granting LEA's Motion for a Stay and full consideration of LEA's Appeal prior to a full power license issuance would have no adverse economic impact on the public because there is sufficient electricity available to PECO at cheaper cost through the Pennsylvania-New Jersey-Maryland Interconnection (PJM Grid). Furthermore, it is only the Applicant whose interests could be even reasonably construed to be adversely affected by LEA's request for a Stay. Yet Philadelphia Electric's interests are solely economic in nature -- concerns which, as this Appeal Board has expressly noted, are "not within the proper scope of issues litigated in NRC proceedings".^{1/} Philadelphia Electric Co. (Limerick Generating Station) ASLB-789, ___ NRC ___ (November 5, 1984), slip. op. p. 5 (rejecting such concerns in the context of a stay of a license).

To the extent that such solely economic interests are deemed cognizable, LEA submits that the interest in the health and safety of the public must necessarily outweigh the monetary and private interests of the utility.

^{1/} Indeed, it would be arbitrary and capricious for the Commission to consider claims of economic harm to the utility caused by a licensing delay, yet exclude claims of economic harm to the rate-payers and the public occasioned by the licensing of a nuclear facility, which like Limerick, the need for which is dubious at best. If the Appeal Board intends to consider such claims of economic harm to the utility, LEA respectfully requests an opportunity to set forth the economic harm to its membership and the public resulting from facility licensing and operation.

Thus, the issuance of a Stay of the ASLB's Third Partial Initial Decision and full consideration of LEA's Appeal prior to the issuance of a license for operation above 5% of rated power can only benefit the public safety and cannot irreparably harm the public or the Applicant due to the water supply shortage and the availability of more economic electric supply alternatives.

In so far as portions of the proposed evacuation plans do not yet provide reasonable assurance that protective measures can and will be implemented in the event of a radiological emergency, operation of the Limerick Generating Station above 5% power constitutes an undue and unnecessary hazard to the public and to members of Limerick Ecology Action, Inc.

LEA's Brief in Support of its Appeal of the ASLB's authorization for the issuance of a full power operating license will further demonstrate that the record does not support the ASLB's predictive finding that there is reasonable assurance that the public can and will be protected by the proposed evacuation plans.

Furthermore, the ASLB has improperly delegated its responsibility to the NRC Staff, through the Director of the Office of Nuclear Reactor Regulation to receive and make a determination on the verification of the license condition imposed by the ASLB's Order with regard to the implementation of traffic control in the King of Prussia area. The Board does not state what process will be used to determine that there is "sufficient" assurance "that all the traffic evacuating along

the Route 363-to-Pennsylvania Turnpike can continue to move upon reaching the EPZ boundary". The delegation of this determination to the NRC staff precludes any participation by Limerick Ecology Action, Inc. in any adjudicatory proceedings where there would be an opportunity for testimony under oath and cross-examination of witnesses, thus circumventing the adjudicatory safeguards entitled to LEA and its members.

Issuance of a full power operating license based upon the ASLB's Third Partial Initial Decision would result in much irreparable harm to Limerick Ecology Action, Inc. and its members living within the EPZ or outside the EPZ, especially to the south and east in the King of Prussia area. It is essential that LEA's Appeal be heard, or at least considered, prior to any further licensing action. Specifically, LEA requests the Atomic Safety and Licensing Appeal Board to stay the ASLB's Order authorizing the issuance of a full power operating license.

The Board erred in assuming in Board Finding 70 that "a far greater number of traffic access and control points" were already in place in the EPZ than would be needed in the King of Prussia-Valley Forge area or south of the EPZ since Dr. Urbanik testified that in his professional opinion, the number perhaps wouldn't be as significant as the number in the EPZ, but "that's speculation. You would have to sit down and count up the numbers". (LEA Finding 159, Dr. Urbanik TR 19,208)

The Federal Emergency Management Agency (FEMA) has not provided the NRC with a determination that the Limerick Off-site RERP's are adequate and capable of being implemented. On April 16, 1985 Donald Hassell, Counsel for the NRC Staff served the parties to this proceeding with copies of three Memorandums dated March 29, April 9 and April 10 concerning FEMA's Supplemental Interim Finding on Offsite Radiological Emergency Preparedness for the Limerick Generating Station. Based on the identified deficiencies, FEMA's memo stated that the local offsite emergency response plans developed for incidents at the Limerick Generating Station are inadequate and not capable of being implemented. In response, Mr. Edward Jordan, Director of the NRC's Division of Emergency Preparedness and Engineering Response requested that FEMA advise the NRC of the schedule for resolution of the four remaining deficiencies as soon as practical...."resolution of these offsite issues is on the critical path to issuance of a full power license for the Limerick Generating Station." (see Attachment 1)

In particular, the record in this proceeding is not sufficient for the Board to ignore FEMA's concern with regard to unmet needs for buses and ambulances. Chester County requires 132 buses and 80 ambulances; and Montgomery County requires 12 buses and 82 ambulances. (See deficiency #2, Attachment 1)

Furthermore, the July 25 and Nov. 20 Limerick Exercise participation is not predictive that municipalities or school districts will achieve a "reasonable assurance" standard of emergency preparedness for radiological emergencies. No legal connection can be drawn between drill participation in a practice drill and the endorsement, approval and workability of a proposed RERP in a real emergency.

The two license conditions ordered by the Atomic Safety and Licensing Board's Third Partial Initial Decision on Offsite Emergency Planning are issues which require additional adjudicatory proceedings to verify resolution, prior to full power licensing.

Procedural errors made by the ASLB tend to cause the scope of the King of Prussia traffic problems to be understated in the record during the hearings, although clear indications exist as to the scale of what needs to be done. (See LEA Findings 39,40,41,42,43,44,52-54,56,65,156,157,158) In addition, Mr. Anthony's (representative of FOE) consolidation with LEA resulted in numerous procedural problems which prevented LEA from fully developing the record on several critical issues. Mr. Anthony prevented a stipulation agreed to by all parties except himself with regard to admission of LEA Exhibit E-56, the Upper Merion Township-wide Traffic Study, although LEA had been designated as 'lead' intervenor for LEA-24/FOE-1. Furthermore, following Mr. Anthony's direct examination of Mr. Wagenmann, the Upper Merion Township Manager, LEA had no opportunity for cross-examination on the direct testimony. After Mr. Stone protested the ASLB's ruling, he was permitted to cross-examine only on the narrow issue of the Upper Merion Township-wide Traffic Study.

Authorization to exceed 5% power at Limerick prior to a verifiable resolution of the identified traffic control concerned addressed by the testimony of Dr. Urbanik and other witnesses would seriously endanger that part of the public which would attempt to evacuate from the EPZ on those evacuation corridors. At least one serious error was found in the Applicant's ETE study which sends traffic south (west) on Route 202, but does not simulate the effect of that traffic from King of Prussia on other traffic using Route 202 from Phoenixville and other townships. Should emergency management officials attempt to use the HMM ETE as a basis for decisionmaking without

the implementation of the corrective traffic control arrangements, much irreparable harm would be done.

LEA's traffic contentions, the vaildity of which was accepted only in part by the ASLB, in fact involves a network of major highways and evacuation corridors, and the interrelationship of EPZ and non-EPZ traffic using these roads previous to and during an evacuation.

The Board's procedrual errors in limiting the litigation, for example, in precluding testimony as to spontaneous evacuation outside the EPZ as it would affect the ability of EPZ traffic to use Upper Merion evacuation corridors, or by not admitting evidence indicative of the scale of the problem, such as exclusion of relevany portions of the Upper Merion and Uwchlan Township Traffic Studies (LEA Exhbs. E-56 and E-46) tended to unduly narrow and understate in the record the scale of the traffic problems actually present.

The Board's Findings overlook evidence from the Chester County portion of the Valley Forge-King of Prussia area, particularly in Schuylkill Township and the Phoenixville area. The NRC Staff's witness, Dr. Urbanik, testified that traffic control in areas fairly remote from the King of Prussia area could adversely affect the ability of EPZ traffic to use key evacuation routes just outside the EPZ, which would back up into the EPZ during an evacuation if these corridors were filled beyond capacity. (See LEA Findings 39-41)

The principle discussed by Dr. Urbanik with respect to the Downingtown exit of the Pa. Turnpike would apply to similar limited access highways traversing the King of Prussia area and used as evacuation route links, such as Routes 202 and 363, the County Line Expressway, the Schuylkill Expressway, and the new Schuylkill extension-Pottstown expressway. However, its application is a relatively complicated matter requiring much local participation and local traffic knowledge. Furthermore, the commitment of local officials to implement a planning assumption that non-EPZ traffic would be prevented from using the major highways in the King of Prussia area prior to and during an EPZ evacuation is critical to determining that there is reasonable assurance of plan workability and implementability in this area. According to the PEMA/PENNDOT Evacuation Map, dated June 1983 (LEA Exhb E-16, received into evidence as part of Comm. Exhb E-1), some 9499 cars are assigned to the basic Route 363-Turnpike evacuation corridor. In addition, 4222 cars are assigned to Route 252 through the western part of Valley Forge Park and onto Route 202 where an additional 3421 cars merge from other parts of Chester County. As indicated in Appl. Exhb. E-67, the ETE assigns a portion of the Route 363-County Line Expressway traffic to Route 202 west, but does not simulate numerically its effect on the other Route 202 west traffic, since no link is calculated between that last traffic node and the first Route 202 traffic node from the Chester County EPZ traffic.

Testimony in evidence indicates that approximately 40,000 workers and up to 200,000 shoppers are in the King of Prussia area on heavy shopping days. Furthermore, addition of EPZ traffic attracted onto the new Schuylkill Extension-Pottstown Expressway instead of the previously designated old Route 202 corridor (which does not enter

King of Prussia) would increase the problem since the new expressway connects right into King of Prussia. 4615 cars are presently assigned to old route 422 and must be prevented from entering the new Schuylkill extension.

The ASLB acknowledges that the thrust of LEA-2 is "that unmet municipal staffing needs preclude a reasonable assurance that the requirement in 10 CFR § 50.47(b)(1), i.e., that each principal response organization has sufficient staff for initial and continuous response, will be met. (Board Finding 507) The ASLB further acknowledges the validity of LEA's concerns as stated in this contention by concluding that prior to operation above 5% of rated power FEMA must receive verification of satisfaction of the unmet staffing needs. (Board Finding 524). However, the Board ignores the testimony of FEMA's witness Mr. Kinnard at TR 20,166 which states that the names of response personnel would have to be officially recorded in the plans before FEMA would regard the situation as being resolved. Instead, in Board Finding 523, the ASLB states that Mr. Kinard testified that he would accept PECO's consultant, Mr. Bradshaw's testimony regarding current staffing of the various jurisdictions subject to verification by the jurisdiction involved and that with such verification the "Category A" deficiency stated in its April 1984 Interim Findings would be satisfied and resolved. Kinard TR 20253-57. It is unclear what procedure will be used to verify that this unmet need has been resolved, and whether or not LEA will have an opportunity to review and comment on the information provided within the context of an adjudicatory proceeding.

Furthermore, LEA believes the ASLB should give more weight to the significance of the identified municipal staffing deficiencies. As stated in 10 CFR § 50.47(b)(1), municipal staffing is a critical part of evacuation plan workability and implementability. The license condition imposed by the ASLB is only a partial recognition of the fact that most of the Applicant's volunteers who participated in the July 25 Exercise are not now included in the municipal plans as suitable volunteers. Therefore, a FEMA evaluation on the sufficiency of municipal staffing based on the July 25 Exercise may be hopelessly outdated. Evidence in this record shows that the 400 PECO "volunteers" who participated at the municipal level in the July 25 Exercise have largely, with the exception of 50 or so, not been accepted or incorporated into local municipal staffing positions. A review of the FEMA evaluation combining the levels of staffing in the July 25 and November 20 Exercises indicates that the combination of these two staffing levels cannot reflect the current situation, since, according to the Applicants witnesses own testimony, most of the PECO "volunteers" used last summer are not being used by the municipalities.

LEA Contention 1, which addresses the status of adoptability and implementability of the RERP's was improperly dismissed by the ASLB in its Third Partial Initial Decision, based largely on the provisions of Penna. P.L. 1332, which all municipal and school district witnesses said they would try not to violate, regardless of whether problems with the RERP's were still, in their own view, unresolved in their jurisdictions. It is improper for the Board to make a predictive finding of reasonable assurance based on good intentions to attempt to comply with a general state emergency planning law, since it is really the state of adoptability and

implementability which the municipality or school district has actually achieved that can be reasonably relied upon to predict a state of adequate preparedness. It is clear that the mere intent of a local jurisdiction to work on the problems that it has so far identified, does not provide sufficient basis for an assumption that the problems will necessarily be resolved or that new problems won't be discovered as the plan is reviewed and readied for adoption. It is particularly significant that even now, only a few of the 43 municipalities within the Limerick EPZ have adopted a radiological emergency response plan, despite the testimony provided by Energy Consultants that review and consideration for adoption was to occur from February to April 1985. In addition, the testimony provided by government officials subpoenaed by LEA indicates that many public officials not critical of local plans had delegated responsibility for the plan development to others, but had not yet begun any substantive plan review. The record does not indicate the results of that local review, except for the second or thirdhand testimony provided by Energy Consultants. Under current NRC precedent, LEA understands that plan adoption is not necessarily a prerequisite to NRC approval for full power operation, nonetheless, significant deficiencies which exist at the municipal level, and which are judged to be serious enough by the responsible municipal officials to preclude plan workability and adoption cannot be dismissed proforma by the ASLB, FEMA or PEMA. Furthermore, additional hearings are necessary to determine compliance with the 2 license conditions imposed by the ASLB's Order with regard to (1) the verifiability of 24 hour municipal staffing capabilities and (2) local traffic control arrangements, especially as they affect the King of Prussia evacuation Corridors, and the more urbanized areas east and south of the EPZ as well as (3) to

evaluate the status of implementability and adoptability of municipal RERP's where problems were identified during testimony on this record which would preclude workability of the respective RERP, or where a lack of sufficient knowledge or readiness resulted in uncertainty whether the RERP could be implemented.

Specific examples to be considered are the communications problems addressed in the testimony of Lower Providence Supervisor Chairman Richard T. Brown at TR 18,151 & TR 18,134 and Mr. Harry Miller, Lower Providence Twp. Fire Chief at TR 18,142 which would preclude implementability of the Lower Providence Twp. RERP. LEA will provide other examples in its Appeal Brief.

Clearly, the ASLB erred in arguing in Board Finding 36 that verification of the lists of transport dependent individuals was performed during the July 25 and November 20 Exercises, since it is impossible to determine who is not on a particular list by calling everyone whose name is actually listed. LEA's assertion that the list is incomplete, especially in urban areas, by way of a comparison with the U.S. Census Estimates indicates, and is not even remotely countered by spot checking the incomplete list of those needing transportation which does not exist, based upon responses mailed back to a one time mail survey sent to households billed by Philadelphia Electric Company. If the U.S. Census estimates are closer to the fact, then the number of buses needed for urban areas such as Pottstown and Phoenixville is greatly understated. Buses and drivers to provide transportation must come from the pool of buses already being used for schools and other transport dependent needs. The ASLB's statement that double counting could occur if the U.S. Census Estimate data was used for planning purposes does not negate its close

correspondence between the U.S. Census date and the actual survey results in more rural and affluent areas. (Board Finding 42)

There is no assurance that the transport dependent population in the EPZ has been adequately identified or planned for in the event of a radiological emergency at Limerick. The earlier drafts of the RERP's show a large discrepancy between the survey done by Energy Consultants and the 1980 U.S. Census data. This is especially true in the Boroughs of Phoenixville and Pottstown. (LEA Exhb E-40-42)

Individuals with questions were advised to contact the county office of emergency management. (Bradshaw TR 17,191) This in no way addresses those who have not been identified because they do not have a PECO utility bill coming to their residence.

The first evidence that the surveys sent out with Energy Consultant's assistance were faulty was recorded by various witnesses who directed day care centers. The survey that began "Dear Residents" was overlooked by the day care, nursery and pre-school centers in the three county area. The development of a Model Day Care RERP is a step in the right direction, but does still not address the question of whether or not their transportation needs have been identified and planned for.

Under the Pennsylvania Commonwealth system of government, the counties have no legal authority over the municipalities, but each has its own responsibilities with the municipalities being more fundamental. Therefore, the testimony of the County Emergency Coordinators can at best be limited to the county RERP, which is in a coordinating and supplementary function, rather than in an implementary role. The existence of P.L. 1332 and the law abiding tendencies of public officials proves nothing about the proposed RERP's. In addition, P.L. 1332 clearly shows the pre-eminent role of the municipality in the Commonwealth of Pa. with regard to general emergency planning.

LEA Findings 312-317 make it clear in quoting from the testimony of Montgomery County Commissioner Chairman Paul Bartle that adoption of the proposed Montgomery County RERP is not certain and that in fact Chairman Bartle has "little faith" that a winter night evacuation of 60,000 Montgomery County residents could be done but that as the conditions improved "you are going to get more out safely". Mr. Bartle was incorrect in using the figure 60,000, when in fact, the population figures contained in Appl. Exhb E-67 indicate 153,184 people for a winter week day population in Montgomery County and 124,496 for a winter week night scenario, such as he describes. A knowledge of the true population and larger dimensions of the problem can be reasonably be expected to increase Chairman Bartle's concerns, who stated, "I will use my own good common sense and judgement in the end to determine what I would do". (Bartle TR 18,620) Furthermore, Montgomery County has a history and a record of opposing Limerick, according to Chairman Bartle (Bartle TR 18,680, LEA Exhb E-55) Therefore, it cannot be assumed that there is reasonable assurance that the Montgomery County RERP will be judged to be workable and adoptable by local authorities, especially in such aspects as the King of Prussia Traffic plan, implementation of the Bucks County Support Plan, provision of buses and drivers for school evacuation, estimation of the transport dependent population and the provision of necessary transportation resources, telephone communications reliability such as the concerns of Lower Providence Twp. officials, and matters pertaining to the provision of sufficient ambulance resources. Based on these concerns, there is no basis to make a predictive finding that the Montgomery County RERP can and will be implemented, as the Applicant contends, and the ASLB seems to accept.

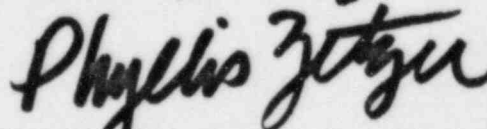
Through procedural errors and rulings which unduly limited, constrained, or narrowed the scope of the emergency response planning litigation, the ASLB prevented LEA from fully challenging and developing a thorough record on unworkable aspects of the RERP's.

Time limits for cross-examination imposed by the ASLB towards the end of the hearings were not adequately weighted towards the importance of witnesses or the number of contentions covered by a particular witness's testimony. Therefore, while there may have been ample time for cross-examination of some witnesses whose testimony was relatively minor, in most cases there was insufficient time to develop a thorough record with regard to the testimony of PEMA and FEMA witnesses and Dr. Urbanik, the NRC Staff's witness on traffic issues relating to LEA-24/FOE-1. LEA attempted repeatedly to obtain the requisite time for key witnesses with testimony on multiple contentions, and maintains that the extended cross-examination of Energy Consultants conducted by LEA, which the Board cites as the reason for time limits thereafter being imposed, was in fact directly proportional to the weight both the Applicant and the Board would give to their testimony and the degree to which the Applicant would rely upon that testimony to attempt to prove its case. Clearly, in the beginning of the hearings, some time was used while LEA's representatives were adjusting to the hearing format, but it was most often the Applicant's objections which contributed to delay, often at the most critical times in cross-examination. The record shows that such objections, even when sustained by the ASLB were often groundless and led to more confusion and imprecision than would have otherwise occurred.

For all of the foregoing reasons, Limerick Ecology Action, Inc. respectfully requests the Appeal Board to issue a Stay of the ASLB's Third Partial Initial Decision, pending consideration of the matters contained in this Motion, and as supplemented by LEA's Brief on its Appeal of the ASLB's Order.

May 16, 1985

Respectfully submitted,

A handwritten signature in black ink, reading "Phyllis Zitzer". The signature is written in a cursive, flowing style.

Phyllis Zitzer, LEA President



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

ATTACHMENT 1

MEMORANDUM FOR: Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological
Hazards Programs
Federal Emergency Management Agency

FROM: Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

SUBJECT: SUPPLEMENTAL INTERIM FINDING ON OFFSITE RADIOLOGICAL
EMERGENCY PREPAREDNESS FOR THE LIMERICK GENERATING STATION

This is to acknowledge receipt of your April 9, 1985 memorandum regarding all of the remaining offsite deficiencies in emergency planning and preparedness for the Limerick Generating Station. After reviewing the information in the memorandum and discussing it with your staff, we have arrived at the following understanding:

Two deficiencies which were identified at the July 25, 1984 Limerick exercise are being addressed at the April 10, 1985 remedial exercise. These are:

1. Testing of evacuation plans for the school districts; and
2. Participation by South Coventry Township, with Chester County performing compensatory responsibilities.

I understand that FEMA has made a judgment on the methods to address the remaining plan and exercise deficiencies and you are currently discussing them with the State of Pennsylvania to determine a schedule for their resolution. These remaining deficiencies and their dispositions, according to our understanding are:

1. The 24-hour emergency response capability in South Coventry Township which remains deficient due to staffing problems.

Resolution of this deficiency can be accomplished through a plan revision.

2. Unmet needs regarding buses and ambulances. Chester County requires 132 buses and 80 ambulances; and Montgomery County requires 12 buses and 82 ambulances.

Resolution of this deficiency can be accomplished through a plan revision.

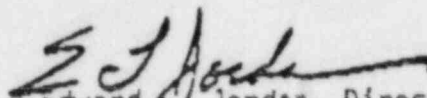
3. The process for establishing access control points remains incomplete.

Resolution of this deficiency can be accomplished through a plan revision.

4. Testing of the alert and notification process as well as the Berks County Emergency Broadcast System capability.

Resolution of this deficiency must be accomplished by demonstration at a limited scope remedial drill or exercise.

I appreciate the timely status information and encourage you to press forward for early resolution of these deficiencies. Please advise me of the schedule for resolution of the four remaining deficiencies as soon as practical. As you are aware, resolution of these offsite issues is on the critical path to issuance of a full power license for the Limerick Generating Station.



Edward L. Jordan, Director
Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement

cc: T. Murley, RI
H. Thompspon, NRR
E. Christenbury, ELD

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
PHILADELPHIA ELECTRIC COMPANY)
)
(Limerick Generating Station,)
Units 1 and 2)

Docket Nos. 50-352 '85 MAY 17 A11:08
50-353

DOCKETED
USNRC

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of LEA's "MOTION FOR A STAY OF THE ASLB ORDER AUTHORIZING THE ISSUANCE OF A FULL POWER OPERATING LICENSE FOR THE LIMERICK GENERATING STATION" in the above captioned proceeding have been served on the following by deposit in the United States mail, this 16th. day of May, 1985:

Judge Helen Hoyt, Chairwoman
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Benjamin H. Vogler, Esq.
Donald Hassell, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Jerry Harbour
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Troy B. Conner, Esq.
Conner and Wetterhahn
1747 Pennsylvania Ave. NW
Washington, D.C. 20006

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Philadelphia Electric Company
Attn: Edward G. Bauer, Jr.
VP and General Counsel
2301 Market Street
Philadelphia, Pa. 19101

Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Spence W. Perry, Esq.
Associate General Counsel
FEMA Room 840
500 C Street, SW
Washington, D.C. 20472

Zori Ferkin, Esq.
Governor's Energy Council
P.O. Box 8010
1625 Front Street
Harrisburg, Pa. 17105

Thomas Gerusky, Director
Bureau of Radiation Protection
DER, 5th Floor, Fulton Bldg.
Third and Locust Streets
Harrisburg, Pa. 17120

J. Gutierrez, Esq.
U.S. NRC Region 1
631 Park Ave.
King of Prussia, Pa. 19406

Ralph Hippert
John Patten
Pa. Emergency Management Agency
B-151, Transportation &
Safety Building
Harrisburg, Pa. 17120

Timothy Campbell, Director
Chester County, Dept. of
Emergency Services
14 East Biddle Street
West Chester, Pa. 19380

Angus Love, Esq.
Montg. Co. Legal Aid
101 East Main Street
Norristown, Pa. 19401

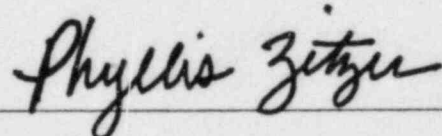
Robert Anthony/FOE
P.O. Box 186
103 Vernon Lane
Moylan, Pa. 19065

Charles Elliott, Esq.
325 N. 10th Street
Easton, Pa. 18042

Robert Sugarman, Esq.
Sugarman & Denworth
101 N. Broad Street
16th. Floor
Philadelphia, Pa. 19107

Frank Romano
61 Forest Ave.
Ambler, Pa. 19002

May 16, 1985



Phyllis Zitzer, President
Limerick Ecology Action, Inc.