

DOCKETING SER

U.S. NUCLEAR REGULATORY COMMISSION . . ATOMIC SAFETY AND LICENSING BOARD
RE: PHILA. ELEC. CO. Limerick Gen. Sta. Units 1 & 2. Docket # 50- 352,353⁰ L

July 3, 1985

R.L. ANTHONY/FOE RESPONSE TO APPLICANT'S RENEWED MOTION FOR AN EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50.47 (a) and (b) RE. CONTENTIONS OF GRATERFORD PRISONERS.

Anthony/FOE renew our opposition to the motion of PECO for an exemption from the requirements of 10 CFR ^{50.47}(a) and (b), as related to the contentions of the Graterford Prisoners "during the period necessary for litigation" and we further oppose PECO's motion to operate Limerick "at power levels greater than 5%...prior to the completion of litigation of the contentions..." (above). (PECO Renewed Motion, p.1.)

SUPPORT FOR OUR RESPONSE In support of our opposition to PECO's motion we cite and include by reference in their entirety here, our 3/15/85 Motion in Opposition, 3/27/85 Additional Statement in Opposit., 6/2/85 Appeal to AB of LB 5/24 Order, and 6/7/85 Brief in Support of Our Appeal (AB).

We also include here by reference our 6/29/85 Answer Opposing Request for Expedited Review of ALAB-809 and Relief. In relation to PECO's claim that the Graterford emergency plans have no deficiencies and that previous deficiencies have been resolved (PECO Renew, p.6,7,8) we call the Board's attention to our 6/25/85 Notice of Appeal to the Director, FEMA, in which we prove that FEMA has no basis for certifying the emergency plans for Greaterford or the whole EPZ. We petitioned the Director to revoke the certification of these plans. We showed that FEMA failed to fulfill the requirements of 44 CFR 350.7 (b), 44 CFR 350.10 and 350.12. FEMA also failed to fulfill the regulations under 10 CFR 50, Appendix E Sec. IV F 1, and 44 CFR 350.9, as well as 44 CFR 350.3 (d) and 350.2 (j). We are convinced that we will prevail in this appeal and that the Director will revoke the FEMA certification.

We further include here by reference our 7/2/85 Brief in support of our Appeal from ASLB 6/4 Memorandum and Order on effluent releases at Limerick. We showed PECO's management of radiological activities has been subject to NRC category III violation and assessment of a fine, and PECO is in violation of 10 CFR 20.106 (b), and 20.106 (c) (1,2,3,4). PECO's radiological effluent management also violates 10 CFR 50.36 (c)(1) and (B)(ii)(A) as well as 50.36a (a)(2). On the basis of these violations we expect the Board will find that the public health and safety is threatened from routine releases of radioactivity at Limerick as well as releases from nuclear emergencies and that no full power license should be authorized.

In summary we assert that PECO has not met the requirements of 10 CFR 50.47 for an exemption as we have shown above, and the reactor at Limerick cannot be safely operated. PECO, furthermore, has not met the necessary factors under 10 CFR 50.12 (a) since an exemption and license authorization is not in the public interest and PECO's claimed costs are not a compelling reason. The public would be better off to have Unit 1 permanently shut down, thus eliminating most fuel and personnel costs, and keeping Limerick Unit 1 out of the rate base.

cc: NRC: AB, Staff Counsel, Docketing, PECO
FEMA, FEMA, A. Love, Others on Serv. List.
Respectfully submitted,
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