

715 U.S. NUCLEAR REGULATORY COMMISSION . . BEFORE THE COMMISSION

RE.PHILA ELEC.CO. Limerick Gen.Sta. Units 1 & 2. DOCKET # 50-352,353

July 3, 1985

R.L.ANTHONY/FOE RESPONSE IN OPPOSITION TO PECO'S MOTION FOR AN EXEMPTION FROM THE REQUIREMENTS OF 10 CFR Part 50 APPENDIX E, SECT.IV.F.1, EXERCISE WITHIN 1 YEAR

Anthony/FOE received PECO's motion for an exemption from the requirements of 10 CFR Part 50, Appendix E, IV.F.1 for a full participation exercise within one year before the issuance of a full power license. We are opposed to the granting of this exemption by the Commission for the substantial reasons set forth below. We petition the Commission to deny this exemption.

Graterford has never been included in a full scale exercise, as we recorded in our 6/29/85 Answer Opposing Review of ALAB -809, and Relief (para.2.), and our 6/7/85 Brief in Support of Appeal from LB's 5/24/85 Order which we incorporate here in its entirety. We showed above and in our 7/3/85 Response to PECO's Renewed Motion for an Exemption, which we also incorporate in its entirety, that there are a number of deficiencies and violations in the emergency plans for Graterford and the whole Limerick EPZ. As evidence we include here by reference our 6/25/85 Notice of Appeal to the Director, FEMA, in which we specify violations or deficiencies under 44 CFR 350.7 (b), 350.2 (j), 350.3 (d), 350.9, 350.10 and 350.12 as well as 10 CFR Appendix E sec. IV F 1. On the basis of the above submissions we believe the Commission will find that the emergency plans for Graterford and the entire EPZ are not adequate or able to be implemented and it is essential that these be revised and augmented as a result of the <sup>upcoming</sup> hearings by LB on the Graterford contentions, and appeals, including ours, related to emergency planning and the inability of PECO to operate Unit 1 safely. A new full participation exercise must be conducted after all deficiencies have been corrected and before a full power license is issued.

We call the Commission's attention to our 6/6/85 Brief in Support of Our Appeal from ASLB Third PID and our 6/2/85 Appeal from ASLB's Order of 5/24/85 both of which we include in their entirety by reference to further reinforce the deficiencies in emergency planning.

We further cite and include by reference our filing on the inadequacies of the Graterford plans and PECO's inability to operate Limerick safely, <sup>in</sup> our 3/15/85 Motion in Opposition, 3/27/85 Additional Statement in Opposition, and 7/2/85 Brief in Support of our Appeal of 6/7/85 from ASLB Order 6/4/85.

Furthermore, in summary we state our opposition to the above exemption on the basis that PECO is abusing privilege in applying to the Commission rather than LB in this motion and PECO has not met the requirements under 10 CFR 50.12 as set forth in our Response 7/3/85. We repeat our petition to the Commission to deny PECO's motion for an exemption from the requirements of 10 CFR 50 App.E, sec.IV.F.1.

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

Respectfully submitted,

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