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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

SECRETARY  
OF ENERGY  
& SERVICE  
BRANCH

In the Matter of )  
 )  
Philadelphia Electric Company ) Docket Nos. 50-352  
 ) 50-353  
(Limerick Generating Station, )  
Units 1 and 2) )

APPLICANT'S RESPONSE TO AWPP'S SECOND MOTION  
FOR RECONSIDERATION OF THE DENIAL OF A  
CONTENTION RELATING TO ASBESTOS

On June 8, 1984, Air and Water Pollution Patrol ("AWPP") moved the Atomic Safety and Licensing Board, in effect, to reconsider its denial of a contention related to the use of asbestos in the Limerick Generating Station cooling towers.<sup>\*/</sup> The Atomic Safety and Licensing Board ("Licensing Board") had summarily denied a previous request for such reconsideration on March 27, 1984. As discussed below, this present motion should be similarly denied.

AWPP has simply failed to state with any degree of specificity and with reference to the Board's ruling the particular manner in which the Board allegedly misinterpreted the facts before it or the governing law. AWPP has not shown in its motion, with any specific reference to its

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<sup>\*/</sup> The pleading was entitled "AWPP moves the Board re-open the AWPP asbestos question and the use of 'judgement' by Mr. Boyer and Mr. Wetterhahn."

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original pleading, argument in support of the contention or to the Board's ruling, how the Licensing Board failed to adequately deal with the contention, as originally submitted. The general references to the health effects of asbestos and repetition of arguments already considered concerning the cooling towers cannot support the motion for reconsideration.

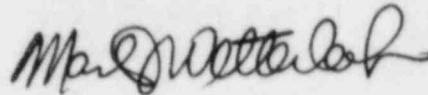
Next, AWPP alleges that Applicant answered incorrectly when asked as to the presence of asbestos at locations other than the cooling tower, but cites no record citation for such question or response. Applicant's review of the record indicates that there was neither such a general question asked nor any answer given by Applicant which could be reasonably interpreted as having given the response alleged.

AWPP asserts that a 1977 inspection report (Inspection 50-352/77-06; 50-353/77-06) supports its motion. Reference to that inspection report indicates that the NRC had designated as an open item a matter concerning the construction, storage and handling of certain pipe spools. The matter only peripherally refers to the use of asbestos in a portion of the material used to cover the pipe during in-place storage. This matter is apparently isolated and is unrelated to the use of asbestos in the facility itself. In any event, AWPP had this inspection report available to it when it submitted its contention originally; therefore, it does not support the motion for reconsideration.

For the above stated reasons, the second motion for reconsideration should be denied.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

A handwritten signature in black ink, appearing to read "Mark J. Wetterhahn". The signature is fluid and cursive, with the first name "Mark" and last name "Wetterhahn" clearly distinguishable.

Mark J. Wetterhahn  
Counsel for the Applicant

June 18, 1984