

917

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF
Philadelphia Electric Co
(Limerick GS land2)

}
}
}

Docket Nos 59-352
353

DOCKETED
USNRC

'84 JUN 28 A10:53

Citizen Action in the Northeast Response to "Financial Qualifications Statement of Policy" and Motion for Certification of the Financial Qualifications Contention to the Commission

OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

On June 5, 1984, the Limerick ASLB issued an order deferring ruling on the admissability of the CANE Financial Contention. Subsequently at the order of the Board, the NRC staff attorney, Nathene A Wright, sent me the Commission's Financial Qualifications Statement of Policy published in the Federal Register on June 12, 1984. The effect of the Commission's policy Statement is to continue the present ban on trying financial qualification contentions until and unless a final rule issues on financial qualifications. I received Ms Wright's letter 6-15-84. In the case of Limerick 1, this policy is totally unfair and would rob intervenor, CANE, of all chance of a fair and effective hearing before this Board. The reason that CANE would be robbed of its legally entitled day in court is that the very act against which CANE is contending would have ensued long before a final rule could issue.

CANE contends that PECO, the Applicant, does not have the financial resources to operate Limerick 1 in a safe manner that would protect the health and safety of the public. Considering the comment date of September in the Proposed Rule, the fact that this comment date has already been extended once and can be extended again, the fact that PECO has publicly announced startup, fuel load and low power testing dates well before September 84, the Board would be remiss to allow a startup by a utility that is not in the financial condition to operate a reactor safely. This is exactly what can happen if the Board awaits the issuance of a Final Rule on Financial Qualifications.

In lieu of awaiting the final rule issuance, CANE respectfully petitions that the question of contending the financial qualification of PECO to operate the Limerick 1 safely be allowed to be heard in the present hearings. Alternately CANE respectfully requests that the question of financial qualification contention be certified to the Commission if the Board does not believe that the Board has the requisite authority to rule upon this contention.

I certify that I sent this Respectfully submitted,
out to LGS Dist. List
on 6-25-84.

Marvin Lewis

Energy Chairman for CANE
8406290107 840625
PDR ADOCK 05000352
PDR

M. I. LEWIS
6504 BRADFORD TERR.
PHILA, PA 19149

DS03