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U.S. NUCLEAR REGULATORY COMMISSION..... ATOMIC SAFETY AND LICENSING BOARD

PHILA. ELEC. CO. Limerick Gen. Sta. Units 1 & 2.

DOCKET # 50-552,353.

June, 18, 1984

R.L. ANTHONY/POE CONTENTIONS BASED ON NEW MATTER, LETTER FROM J.W. GALLAGHER/J.S. KEMPER, PECO., 6/7/84, REQUESTING "REMAINING PORTION OF THE LICENSE" (Part 70) TO MOVE FUEL TO THE REFUELING FLOOR, INSPECTION, AND STORAGE IN THE FUEL POOL, AND PETITION FOR A STAY.

IMPROPER SUBMISSION. We are in receipt of a copy of a letter, dated 6/7/84, from J.W. Gallagher/J.S. Kemper, PECO, to NRC R.G. Page, Chief Fuel Licensing, providing "pages to our application that have been revised." The subject is: "Limerick, ... Unit # 1 Special Nuclear Material License Application".

These kinds of revisions and additions to a nuclear fuel license constitute exactly the same kind of eliminating of The Board's jurisdiction and the participation by intervenors as was deplored by the Board in the failure of PECO to notify the Board of its original fuel license application 6/1/83. We request that the Board penalize PECO for its defiance of the Board's prerogatives and its specific orders, and its violation of intervenors' rights, and the Commission's ~~order~~ (Part 70, Comm. Order 32284).

CONTENTIONS BASED ON REVISIONS OF NRC MATERIALS LICENSE. We note that the last revisions of License # SNM-1926 were dated 4/3/84 and were forwarded to the Board and parties by the NRC Staff Counsel on 4/10/84. The documents submitted were a letter from R.G. Page, NRC, to E.G. Bauer, PECO, and Materials License sheets setting forth specific conditions. The above letter 6/7/84, ^{by contrast} suggests sweeping changes in the conditions of the application and asks their approval by 7/2/84, in order to satisfy a schedule of moving new uranium fuel from outdoor storage to the plant's refueling floor on July 9, 1984, via an Attachment 1; thus ^{the} Board is left out.

We take exception to this "short-cut" of the NRC regulations and the Board's review. We ask the Board to find this letter impermissible and without validity in the fuel licensing process. If there are to be revisions of, and additions to this license, we move that they be submitted in the required form to the NRC Staff and the Board, with notification to the parties. We have studied the contents of Attachment 1. and have found fifteen revisions and conditions that will form the basis for ^{our} new contentions to protect the safety of the public and specifically our health and interests. We reserve the right to submit these to the Board if and when revisions of the license in the proper form are submitted.

Since the Board was given jurisdiction in this Part 70 process, we petition the Board for a stay on any implementation of the revisions in Attachment 1, 6/7/84 letter, or any changes in the license, or the moving of the fuel into the plant, under 10 CFR Sec. 2.788. We have satisfied the conditions of this section (above) and we add that PECO will not be delayed in a reactor testing schedule of mid-September.

Cc: Judges Brenner, Cole, Morris
NRC Staff Counsel, PECO, Commw. Penna., Phila.
Others on Serv. List

Respectfully submitted,
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