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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:  
Helen F. Hoyt, Chairperson  
Dr. Richard F. Cole  
Dr. Jerry Harbour

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USNRC

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In the Matter of  
PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station,  
Units 1 and 2)

Docket Nos. 50-352-0L  
50-353-0L

ASLBP No. 81-465-07 0L

October 5, 1984

ORDER

1. On September 1, 1984, Robert L. Anthony on behalf of himself and Friends of the Earth in the Delaware Valley filed Motion to Set Aside "Partial Initial Decision" on Anthony/FOE Contentions V-3a and V-3b, and Motion to Reopen Record and Schedule Discovery Based on Brd. Nt. 84-142.

2. By an Order dated September 7, 1984, this Board determined that: (1) the intent of the movant on the first of its two motions was to request a stay of the Board's August 29, 1984 Second Partial Initial Decision which motion the Board denied; and, (2) on its motion to reopen, the NRC Staff and Applicant were ordered to file affidavits of

appropriate officials with knowledge of the facts contained in the Board Notification.

3. On September 17, 1984, the Applicant submitted Applicant's Response to Friends of the Earth's Motion to Set Aside the Partial Initial Decision and Reopen the Record. Attached to this response was the affidavit of John W. Benkert of the Bechtel Power Company and Civil Structural Group Supervisor for the Limerick Project who had testified previously in this proceeding. Tr. 8203.

Applicant opposed reopening the record asserting that FOE had not met the three criteria for opening a record of (1) timeliness; (2) addressing a significant safety or environmental issue; and, (3) demonstrating that a different result would have been reached initially had the Board had before it the newly submitted "evidence" of the board notification.\*

4. The Staff filed NRC Staff Response to Friends of the Earth's Motion to Set Aside the Partial Initial Decision and Reopen the Record, dated September 21, 1984 opposing FOE's positions. Attached to this response were the affidavits of (1) Robert M. Gallo, Chief, Projects Section 2A, Branch No. 2, who established that Staff had evaluated the allegation reported in the board notification and found it to be based

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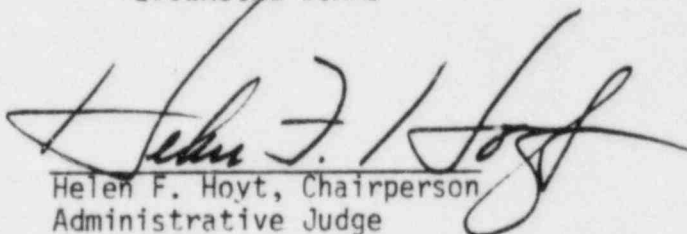
\* This Board notes that the Atomic Safety Licensing Appeal Board in an Order dated September 28, 1984 has set a period of fifteen days from the service date of this Order for FOE to appeal the results of this Order if it is dissatisfied with this Board disposition of the motion to reopen and treatment of Contentions V-3a and V-3b.

on a mistaken premise that the stack was safety-related and thus required to be designed to withstand the blast load; (2) Dr. P. T. Kuo and (3) Norman D. Romney who had previously testified on FOE's Contention V-3a and V-3b and in this matter and found that the new information in the board notification would not be likely to lead to an outcome different from that reached by this Board in its Second Partial Initial Decision.

5. After a review of the information presented in the affidavits described above and the entire record in this proceeding on the issue of Contentions V-3a and V-3b, this Board has found no merit in the Anthony/FOE positions. These motions are based upon the false premise that the reactor enclosure vent stacks were safety related and are required to withstand the effects of postulated blast loads following a railroad or pipeline accident. A review by the NRC Staff and the Applicant, as ably described in the ordered update affidavits, clearly demonstrate that the reactor enclosure vent stacks are of little or no safety significance. The failure of the south stack (the particular vent stack mentioned by FOE) would have no effect on the ability to safely shut down the plant. The stack is not a safety related structure and does not serve any safety function either for the safe shutdown of the reactor or radiation protection of the public.

6. Accordingly, FOE motions dated September 1, 1984--Motion to Set Aside "Partial Initial Decision" on Anthony/FOE Contentions V-3a and V-3b, and Motion to Reopen Record and Schedule Discovery Based on Brd. Nt. 84-142--are DENIED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 5th day of October, 1984.