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U.S. NUCLEAR REGULATORY COMMISSION

Docket : 50-352,353 0 L

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

September 1, 1984

MOTION TO SET ASIDE "PARTIAL INITIAL DECISION" ON ANTHONY/POE CONTENTIONS V-3a and V-3b, AND MOTION TO REOPEN RECORD AND SCHEDULE DISCOVERY BASED ON BRD.NT. 84-142

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84 SEP 6 P7:02

We are in receipt of a memorandum from R.W. Starostecki to D.G. Eisenhut dated 7/31/84 on a "proposed Board notification" and an accompanying Notification NO. 84-142 from T.M. Novak. This notification mentions an interview conducted by Region I representatives with an "allegor regarding this concern relative to the response of the reactor enclosure vent stacks to blast loads following a railroad accident."

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The 7/31 memorandum cites a letter dated 7/19/84 and adds "further information". It appears, therefore, that Region I officials knew of the issue of calculations being questioned on the south stack of the reactor enclosure on 7/18/84, and presumably before that. If the Board's orders were being followed, the Board and the parties would have received a copy of the 7/19 letter. This means that the Board knew of this matter soon after 7/19, perhaps before, and at the latest, from notification # 84-142 on 8/20/84.

Mr. Starostecki recognized that the allegation "appears to have a nexus to the contention on pipeline hazards". We would expect the Board to agree. Under these circumstances we assert that the Board was not free to make a decision on contentions V-3a and 3 b after knowing of the question on the south stack. The Board's decision is dated 8/29/84, obviously after the Board was informed about this question.

We move, therefore that the Board set aside immediately its decision on V-3a and 3b. We also move that the record be reopened and that we be afforded our right to know all the information on these calculations and this construction, from all NRC and Bechtel and PECO records through discovery. As the intervenor we assert our right to have this information and to have the opportunity to make our own determination through the required Hearing Board process.

We assert that we have met the requirements for reopening: the information was not available before, it will change the outcome, and our health and safety and intervenor rights will be denied if the record is not reopened.

cc: Judges Brenner, Cole, Morris
NRC Counsel, Docketing, ASAB.
M.J. Wetterhahn, others on Serv. List

Respectfully submitted,
Robert H. Anthony
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