

U.S. NUCLEAR REGULATORY COMMISSION... ATOMIC SAFETY & LICENSING APPEAL BOARD  
Re. PHILA.ELECTRIC CO. Limerick Gen.Sta. Units 1 & 2 DOCKET No. 50- 352,353. c.c.

Jan. 31, 1985

APPEAL FROM R.L.ANTHONY/FOE TO THE APPEAL BOARD FROM THE OBAL DENIAL BY LB  
OF OUR MOTIONS OF 1/29/85 to SET ASIDE THE FINDING SCHEDULE & RECALL WITNESSES.

BACKGROUND. During the hearings in Philadelphia on off-site emergency planning for a radiological emergency at the Limerick plant the Hearing Board applied prejudicial and arbitrary time restraints and other biased pressure on citizen intervenors who were thereby prevented from carrying out an orderly cross examination of witnesses. Time was restricted in a dictatorial manner with the result that our cross examination was cut off and the record is accordingly incomplete and faulty. The Board and the Parties will be denied many crucial items which were excluded because of the Board cutting off cross examination.

There is evidence in the hearing record of the Board's stated pressure to meet a deadline on submitting its decision. To thus circumvent due process and fair judicial procedure amounts to subversion of the judicial process. In addition there is a hint as to the source of some of the pressure in the transcript of a recent Commission meeting in which the time needed to complete the process of licensing Limerick was discussed with the implied goal of speeding up the outcome ( See transcript, NRC 1/8/85 pp. 28 to 37, served on us 1/25/85 )

RELIEF. On 1/29/85 Anthony/FOE submitted motions to LB to request that LB correct some of the prejudice and injustice done our contentions by the denial of due process and a fair hearing guaranteed to citizens under NEPA and AEA. Our motions to set aside the findings schedule and to recall witnesses where our cross examination had been cut off were summarily denied in an oral ruling by LB on 1/29/85.

We hereby petition the Appeal Board to reassert our rights to a fair hearing and to reverse the decision of the Licensing Board and order the findings schedule be set aside and <sup>that</sup> we be afforded the opportunity to have the LB recall witnesses where our examination was cut off, to complete our cross examination.

cc: NRC LB Judges, Counsel, Docketing Serv. Respectfully submitted,  
PECo, PEMA, FEMA, LEA and others on Serv. List. Robert L. Anthony  
Box 186 Moylan, Pa. 19065

P.S. Attention of Ms. C.J. Skeemaker, Sec. AB. :

In response to the AB order of 1/16/85, we inform you that R.L. Anthony will present argument at the hearing on 3/4/85 for Anthony/FOE.  
Robert L. Anthony

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