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OFFICE OF THE SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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USNRC

March 5, 1986

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OFFICE OF
DOCKETING & SERVICE
BRANCH

Mr. Robert L. Anthony
Box 186
Moylan, Pennsylvania 19065

Dear Mr. Anthony:

Pursuant to 10 CFR 2.772, I have referred your motion of February 12, 1986 to the NRC staff for response pursuant to 10 CFR 2.206. In your motion you had requested the Commission to stay the effectiveness of License Amendment No. 1 issued by the NRC staff to the Philadelphia Electric Company (Limerick Unit 1). Under the Commission's newly promulgated regulations relating to license amendments, 10 CFR § 50.58(b)(6), [these amendments have been adopted by the Commission and are expected to be published in the Federal Register the week of March 3, 1986] the Commission has made clear that it will not entertain requests to stay NRC staff decisions to make license amendments effective before conclusion of public proceedings on the amendments. Accordingly, the only means available to challenge the staff's action is pursuant to 10 CFR 2.206.

On February 15, 1986, you filed with the Commission a pleading which contained the contentions that you propose be litigated in the Limerick operating license amendment proceeding. In the pleading you again requested a stay of the Limerick operating license. The contentions should have been filed with the Licensing Board presiding over the license amendment proceeding. Accordingly, I have referred your pleading to the Licensing Board. To the extent your pleading requests a stay, it has been referred to the NRC staff for response pursuant to 10 CFR 2.206.

Sincerely,

Samuel J. Chilk
Secretary of the Commission

cc: Limerick License
Amendment No. 1
Service List

B603060261 B60305
PDR ADOCK 05000352
G PDR

DS02

GEN. COUNSEL

U.S. NUCLEAR REGULATORY COMMISSION

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

Docket No: 50- 352,353

Feb. 12, 1986

PETITION TO THE COMMISSION BY R.L.ANTHONY/FOE FOR REVIEW AND REVOKING OF AMENDMENT TO LICENSE NPF *39 TO PECO BY DIR. PROJECT DIR.No 4, AND PETITION FOR AN IMMEDIATE STAY ON THE EFFECTIVENESS OF THIS AMENDMENT

Intervenor Anthony/FOE received today a notice of the issuance of Amendment No. 1 to operating license NPF- 39 by Walter R. Butler, Dir. BWR , Div. of Licensing , on 2/6/86.

The application for this amendment was the subject of our petitions to the Commission of 1/30/86 and 2/5/86 in opposition to the granting of this amendment and request for a hearing and leave to intervene. We repeat our petition for the latter, and petition the Commission to suspend the effectiveness of the amendment until a hearing and a decision based on the hearing.

We petition the Commission for an immediate stay on the effectiveness and implementation of the amendment. We petition the Commission to enforce the requirements of the Technical Specifications 4.6.3.4 ,and to require PECO to suspend operation of Unit 1 reactor on the date of the deadline for the required tests ^{2/19/86} until the tests have been carried out and the plant certified as safe to operate.

We assert that we have fulfilled the criteria for a stay with the specific statement of our vital interests and the threats to our financial interests, safety and health in our submissions of 1/30/86 and 2/5/76.

I certify copies by mail to:

NRC: Gen. Counsel, Docketing; Conner and Wetterhahn
W.R. Butler

2/12/86 Robert L. Anthony

Respectfully submitted,

Robert L. Anthony
Box 186 Moylan, Pa. 19065

~~86-2280333~~