

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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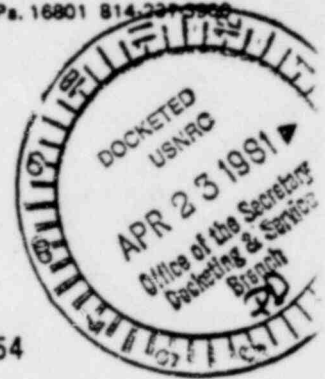
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

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

Docket Nos.
50-463, 50-464

April 20, 1981



INTERVENORS RESPONSE TO THE APPLICANT'S MOTION FOR EXTENSION
OF TIME

In the Applicant's Motion for Extension of Time, dated April 13, 1981, and received by the Intervenor on April 16, 1981, counsel for the Applicant grossly distorts facts well known to counsel in order to conceal his failure to make even the most trivial attempt to contact the Intervenor. The following facts should be considered:

- 1) the York Committee for a Safe Environment has never had a telephone listed under the name of the committee or any individual, anywhere, ever.
- 2) at the conclusion of the May 11, 1978, meeting with the Staff and Intervenor, counsel for the Applicant remarked to Kepford about the unusual situation of the non-legal representative of an intervening group living some distance from the groups. That was, of course, because Kepford lived then, and still does, in State College, Pa., the address was known then to counsel for the Applicant.
- 3) the phone number by which Kepford was contacted was, and has been for more than four years, the same one ((814) 237-3900) which appeared on the letterhead of the Dec. 17, 1980 filing of Kepford in this proceeding.
- 4) Counsel for the Applicant apparently refused to match the well-known to him Kepford name and address on the service list with the well-known to him letterhead.

The failure of counsel for the Applicant to make even minimal use of the information available to him and known to him is unexplained and unexplicable. Nor does counsel for the Applicant explain why, in the face of an alleged continuing family illness, no attempt had been made to inform the parties of a request for time extension at an earlier date.

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These matters were conveyed to counsel for the Appeal Board by telephone on April 17, 1981, by Kepford as the basis for the objection of the York Committee for a Safe Environment to the extension of time requested by Applicant's counsel. It appears that these objections carried no weight, since we received by mail on April 18, 1981, that the extension had been granted on April 15, 1981, before Applicant's request had been delivered to the Intervenor. This information was not conveyed to Kepford in the April 17, 1981, conversation by counsel for the Appeal Board.

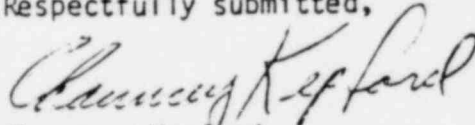
The Intervenor objects to the granting of this request for an extension of time for the above cited reasons. There is no factual reason whatsoever why the Intervenor could not have been contacted. The Intervenor also objects to the issuance of the decision in such a way that any response to which the Intervenor is legally entitled prior to the Appeal Board's decision was completely denied.

We note here that in the TMI-1 Restart proceeding, these same Intervenor had similarly requested an extension of time to file an amendment to a previously filed timely intervention petition. In that proceeding, even though no other party objected to the request, the request was denied as being untimely and unorthodox.

We question the need for the distortions advanced here by counsel for the Applicant. We object to being denied the opportunity to comment on and register our objection to Applicant's request. We object to a decision to which we are totally denied the opportunity to be allowed legitimate comment prior to the decision. We object to a decision which is based at least in part on fabrications, misrepresentations and feigned ignorance by counsel for the Applicant. We are tired of being lied to and lied about.

Our rights continue prejudiced by this kind of distortion and misrepresentation. We request that this hasty decision be reversed immediately.

Respectfully submitted,



Chauncey Kepford
Representative of the Intervenor
433 Orlando Avenue
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CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVENORS RESPONSE TO THE APPLICANT'S MOTION FOR EXTENSION OF TIME have been served on the following by deposit in the U.S. Mail, first class, postage paid, on this 26 day of April, 1981:

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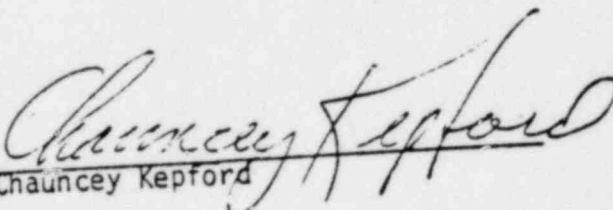
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