

1632

DOCKETED
USNRC

'84 DEC 14 A10:41

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Philadelphia Electric Company)	Docket Nos. 50-352 <i>OL</i>
)	50-353 <i>OL</i>
(Limerick Generating Station,)	
Units 1 and 2))	

APPLICANT'S ANSWER TO FRIENDS OF THE EARTH
MOTION TO INCLUDE VALLEY FORGE PARK
IN THE PLUME EXPOSURE EMERGENCY PLANNING ZONE

On December 8, 1984, R. L. Anthony for himself and as representative of Friends of the Earth in the Delaware Valley (hereinafter collectively "FOE") submitted a motion to include Valley Forge Park within the plume exposure Emergency Planning Zone ("EPZ").^{1/} Applicant opposes this motion as a legal nullity and lacking in basis under the Commission's regulations.

In admitting contention FOE-1 and the related contention LEA-24 concerning the potential effect of heavy traffic in, inter alia, Valley Forge Park on the evacuation of the EPZ, the Atomic Safety and Licensing Board ("Board")

1/ "R. L. Anthony/FOE Motion to Include Valley Forge National Park in Emergency Evacuation Planning for Limerick, Supplementing Verbal Motion of 12/5/84 (Tr. 14633)."

8412170343 841212
PDR ADOCK 05000352
G PDR

DS03

explained that it would focus on "whether the emergency plans provide reasonable assurance that traffic congestion in [Valley Forge Park] will not significantly impede evacuation of the EPZ."^{2/}

Thus, in the order admitting the contention, the Board explicitly stated that it would consider as part of the contention the very matter which FOE seeks to raise here. The Board stated that it "will entertain evidence that nothing short of including these four areas [including Valley Forge Park] in the EPZ will provide such assurance."^{3/} Accordingly, the relief now sought by FOE is already being sought in the context of the admitted contention. FOE is therefore requesting that the Board grant on an interlocutory basis the ultimate relief which it is seeking in the contention. Such relief is not available under the Commission's regulations.

The motion is thus a legal nullity. The request for relief must necessarily be included within the proposed findings of fact and conclusions of law which FOE is

^{2/} Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-84-18, 19 NRC 1020, 1067 (1984).

^{3/} Id.

required to submit pursuant to 10 C.F.R. §2.754 at the conclusion of the evidentiary hearing.^{4/}

For the foregoing reasons, FOE's motion to include Valley Forge Park within the EPZ should be denied.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.



Mark J. Wetterhahn
Counsel for the Applicant

December 12, 1984

^{4/} If the Board believes that the instant motion is ripe for consideration, Applicant requests that it be given ten days after service of such determination to address the merits of the motion inasmuch as it is clearly not warranted based upon the evidence of record.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352
) 50-353
(Limerick Generating Station,)
Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Answer to Friends of the Earth Motion to Include Valley Forge Park in the Plume Exposure Emergency Planning Zone" dated December 12, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 12th day of December 1984:

Helen F. Hoyt, Esq.
Chairperson
Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Jerry Harbour
Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Docketing and Service
Section
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Ann P. Hodgdon, Esq.
Counsel for NRC Staff
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Philadelphia Electric Company
ATTN: Edward G. Bauer, Jr.
Vice President &
General Counsel
2301 Market Street
Philadelphia, PA 19101

Mr. Frank R. Romano
61 Forest Avenue
Ambler, Pennsylvania 19002

Mr. Robert L. Anthony
Friends of the Earth in
the Delaware Valley
106 Vernon Lane, Box 186
Moylan, PA 19065

Charles W. Elliott, Esq.
325 N. 10th Street
Easton, PA 18064

Miss Phyllis Zitzer
Limerick Ecology Action
P.O. Box 761
762 Queen Street
Pottstown, PA 19464

Zori G. Ferkin, Esq.
Assistant Counsel
Commonwealth of Pennsylvania
Governor's Energy Council
1625 N. Front Street
Harrisburg, PA 17102

Jay M. Gutierrez, Esq.
U.S. Nuclear Regulatory
Commission
631 Park Avenue
King of Prussia, PA 19406

Angus Love, Esq.
107 East Main Street
Norristown, PA 19401

Robert J. Sugarman, Esq.
Sugarman, Denworth &
Hellegers
16th Floor, Center Plaza
101 North Broad Street
Philadelphia, PA 19107

Director, Pennsylvania
Emergency Management
Agency
Basement, Transportation
and Safety Building
Harrisburg, PA 17120

Martha W. Bush, Esq.
Kathryn S. Lewis, Esq.
City of Philadelphia
Municipal Services Bldg.
15th and JFK Blvd.
Philadelphia, PA 19107

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency
Management Agency
500 C Street, S.W.
Room 840
Washington, DC 20472

Thomas Gerusky, Director
Bureau of Radiation
Protection
Department of Environmental
Resources
5th Floor
Fulton Bank Bldg.
Third and Locust Streets
Harrisburg, PA 17120

James Wiggins
Senior Resident Inspector
U.S. Nuclear Regulatory
Commission
P.O. Box 47
Sanatoga, PA 19464

Timothy R.S. Campbell
Director
Department of Emergency
Services
14 East Biddle Street
West Chester, PA 19380

Mr. Ralph Hippert
Pennsylvania Emergency
Management Agency
B151 - Transportation and
Safety Building
Harrisburg, PA 17120


Mark J. Wetterhahn