8812

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of	)	
	)	
Philadelphia Electric Company	)	Docket No. 50-353
	)	
(Limerick Generating Station, Unit 2)	)	

APPLICANT'S REPLY MEMORANDUM IN SUPPORT OF ITS MOTION FOR CLARIFICATION OR, ALTERNATIVELY, FOR AN EXEMPTION

Introduction

On June 5, 1989, Applicant Philadelphia Electric Company (PECO) filed a motion requesting the Commission to clarify its delegation of authority to the Atomic Safety and Licensing Board and issue an operating license for Unit 2 of the Limerick Generating Station (Limerick). Alternatively, PECO sought an exemption from any procedural requirement under NRC regulations which might be interpreted to preclude issuance of an operating license prior to a resolution of the only remaining contention in this proceeding.

By Order dated June 8, 1989, the Commission directed that, pending a decision on this motion, the NRC Staff shall not issue any authorization for operation of Limerick Unit 2 beyond those steps necessary for fuel loading and pre-criticality testing. The Commission further ordered intervenor Limerick Ecology Action (LEA) to file its response to PECO's motion in hand by June 16, 1989 and the NRC

DS03

Staff by June 20, 1989.[1/] Finally, the Commission ordered PECO to file its reply by June 23, 1989.

Discussion

I. The Commission Has Retained Jurisdiction Over Issuance Of The Operating License For Limerick Unit 2

In its motion, PECO demonstrated that the Commission's Order of May 5, 1989 directing the appointment of a Licensing Board should by construed by its express terms as well as the procedural context of this remand proceeding. Fairly read, the Order delegated only such authority as was necessary to decide the remaining contention on severe accident mitigation design alternatives (SAMDA's) remanded by the Third Circuit Court of Appeals in its decision of February 28, 1989.[2/]

Indeed, PECO also demonstrated that the delegation of such authority would have been superfluous because the previously appointed Licensing Board has already authorized issuance of an operating license for Limerick Units 1 and 2 -- an action which LEA has never asked the Court of Appeals to vacate.[3/]

1/ An opposition to the motion was also filed by the Commonwealth of Pennsylvania and was received by PECO's counsel on June 19, 1989.

2/ Limerick Ecology Action, Inc. v. NRC, 869 F.2d 719 (3d Cir. 1989).

3/ Id. at 741 n.27.

Any question as to jurisdiction is essentially academic. The Commission has frequently stepped into ongoing proceedings by asserting its inherent supervisory authority. Most recently, the Commission did so to expedite the licensing of the Shoreham plant when faced with the "real prospect of literally endless litigation" which threatened to block operation of the plant.[4/] The Commission has taken similar actions to accelerate the licensing of Seabrook.[5/] It should act likewise for Limerick Unit 2.

LEA contends that the Commission has not reserved to itself (indeed, apparently that it cannot reserve) authority over the licensing of Limerick Unit 2. Its contention displays a fundamental misunderstanding of the function of the Commission's subordinate boards and their relationship to the Commission. Inasmuch as boards are entities of limited jurisdiction possessing only the authority delegated to them, a board's authority in any instance is determined by the explicit terms of the delegation. In contrast to boards established pursuant to the general delegation of authority to decide contested cases,[6/] the Commission's

---

4/ Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), CLI-88-9, 28 NRC 567, 570 (1988).

5/ Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-89-04, 29 NRC ___ (March 6, 1989); Seabrook, CLI-88-8, 28 NRC 419 (1988).

6/ See 37 Fed. Reg. 28710 (1972) (amending 10 C.F.R. Part 2 to establish a general delegation of authority).

Order of May 5, 1989 directed the convening of a licensing board for a very specific, limited purpose. Thus, where the Commission has so carefully defined the authority it has delegated, it should not be inferred that greater power has been conferred.

The adoption of rules governing the Commission's role in the issuance of an operating license, and the revisions to this rule,[7/] are constant reminders of the Commission's plenary authority over licensing. Thus, LEA is certainly wrong that the Commission's reservation to itself of licensing authority over Limerick Unit 2 constitutes a "usurpation of the ASLB authority conferred by regulation."[8/] Contrary to LEA's claim that the Atomic Energy Act (AEA) as well as NRC regulations require a licensing board to authorize issuance of an operating license, Section 191 of the AEA, 42 U.S.C. §2241, merely empowers the Commission to establish such boards and to make licensing decisions "as the Commission may authorize."

LEA's other claim that the Commission's retention of authority over licensing "simply ignore[s] its own

---

7/ See 10 C.F.R. §2.764. As pointed out in PECO's motion, it is wholly within the province of the Commission to create or dissolve its boards. The Commission may, consistent with its regulations, empower its boards with, or withdraw from them, whatever authority it chooses. See PECO's Motion at 6 n.9.

8/ LEA Opposition at 6.

regulations"[9/] is also wide of the mark. Indeed, the regulation which explains the responsibilities of the Atomic Safety and Licensing Board Panel explicitly states that the Panel "conducts hearings for the Commission and such other regulatory functions as the Commission authorizes."[10/] The other regulations cited by LEA add nothing to its theory. By no stretch of imagination does any of these provisions constitute an irrevocable delegation of licensing authority to the Atomic Safety and Licensing Board Panel or its presiding officers.[11/]

LEA also claims that the newly appointed Licensing Board, rather than the Commission, is responsible for compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., in accordance with the

---

9/ Id.

10/ 10 C.F.R. §1.15 (emphasis added).

11/ Section 2.104(c) merely states that the notice of hearing in an operating license proceeding, "unless the Commission determines otherwise," shall state that the presiding officer will consider matters in controversy among the parties and may raise other serious issues sua sponte. Section 50.57(c) provides a means for an applicant to seek a low-power (less than 1% of full power) operating license from a licensing board, but in no way impedes or detracts from the plenary authority of the Commission to issue licenses. Finally, Section 51.106 simply recognizes the authority of licensing boards to conduct hearings on environmental issues and to issue a low-power operating license under Section 50.57(c).

Third Circuit's decision.[12/] This is clearly in error. NEPA imposes responsibilities upon federal agencies, not their subordinate officers or tribunals. Therefore, it does not follow, as LEA asserts, that NRC regulations specifying the role of a licensing board in considering environmental impacts precludes the Commission from complying with NEPA per the Third Circuit's mandate by reserving to itself discretion to issue an operating license for Unit 2. Certainly, nothing in NEPA or the AEA compels the Commission to delegate compliance with a Court's mandate to a licensing board.

In simple terms, the Commission has drawn a proper distinction between considering the merits of LEA's remaining contention, a matter delegated to the Licensing Board, and authorization to issue an operating license for Limerick Unit 2, a matter not delegated by the Commission.

II. NEPA And NRC Regulations Permit Issuance Of An Operating License Prior To Disposition Of A Single NEPA Issue On Remand

In its motion, PECO established that, under federal court and NRC precedent, the Commission may issue an operating license for Limerick Unit 2, subject to any license conditions to effectuate the outcome of this proceeding on the remaining NEPA issue. Neither LEA nor the Commonwealth discuss, much less refute, the Commission's authority to

---

12/ LEA Opposition at 4.

issue such a conditional license as it did, for example, in the Table S-3 cases.

Both LEA and the Commonwealth strain to overcome the clear import of the Third Circuit's statement at footnote 27 that its decision should not be construed to interfere with the licensing of Limerick Unit 2. LEA disparages the Court's explanation as "somewhat misleading,"[13/] while the Commonwealth suggests that the Court could have been speculating beyond the record that a license for Unit 2 "might" already have issued.[14/] These attempts to brush aside the Court's statement as inartful or hypothetical should be disregarded. The Commission is entitled to rely upon what the Court said, not what others wish it had said.[15/]

LEA and the Commonwealth recite at length the well-known purposes of NEPA and the necessity for compliance

---

13/ LEA Opposition at 1 n. 1.

14/ Commonwealth Opposition at 9.

15/ It is no small irony that the Commonwealth argues that the "result of the Court's decision, including footnote 27 [719 F.2d at 741 n.27] is to maintain the status quo of the licensing of Units 1 and 2 pending the conclusion of the proceedings mandated upon remand." Commonwealth Opposition at 10. Maintaining the status quo is precisely the function of a stay, which the Court observed it had not been asked to grant and was not granting. Further, PECO has never contended that "the Court endorsed the NRC's decision to authorize a license for Unit 2." Commonwealth Opposition at 7. The Court did not "endorse" anything; it merely left the Commission discretion to proceed with licensing as a routine matter, consistent with its decision.

with the statute. None of this, of course, reaches the question of how the Commission may exercise discretion to comply with NEPA under the Third Circuit's mandate. Although LEA and the Commonwealth insist that it must be so because they say it is so, nothing in the text of NEPA, its legislative history nor any judicial or NRC precedent is cited to support their argument that the license may not issue forthwith.[16/] Vehement insistence that the NRC comply with NEPA, therefore, only begs the question.[17/]

LEA argues that NRC regulations require certain NEPA findings by a Licensing Board prior to its authorization to the NRC Staff to issue a license. For the reasons discussed in PECO's motion, such findings have been made. The provisions of 10 C.F.R. §§51.104 and 51.106 do not by their

---

16/ The statement by the Third Circuit relied upon by LEA that a failure to consider SAMDA's "could affect the final decision," 869 F.2d at 738, is wholly consistent with an amendment of the licenses for Units 1 and 2 to incorporate any SAMDA required to be installed. Neither LEA nor the Commonwealth contend that such a license condition would prejudice the NRC's evaluation of SAMDA's, or that any such condition should be different for Unit 1 than Unit 2.

17/ This results in numerous straw man arguments. For example, PECO has never claimed that the Third Circuit intended to "sanction future violations of NEPA," (Commonwealth Opposition at 8) or that NEPA and Part 51 "are severable from and collateral to the AEA and other regulations governing NRC licensing procedures" (id. at 11). Here again, the Commonwealth (and LEA in similar statements) assumes without showing that issuance of the operating license for Limerick Unit 2 would violate NEPA.

terms apply to a remand from the Court of Appeals following completion of the licensing proceeding, i.e., after issuance of an initial decision and authorization to the NRC Staff to issue an operating license. Those provisions apply only to the original proceeding in which the NRC Staff introduced and defended its FES. To the extent that one aspect of the NRC's environmental findings was set aside by the Third Circuit, the Commission has discretion to weigh the equities under the applicable federal and NRC precedents cited by PECO and license Limerick Unit 2, subject to the outcome of the subsequent hearing on the remaining issue.[18/]

LEA and the Commonwealth believe that a single NEPA issue on remand must be treated under the identical procedures applicable to all environmental issues (presumably contested or uncontested).[19/] According to LEA, the Commission cannot issue a license (notwithstanding the

---

18/ In this respect, LEA and the Commonwealth have not disputed PECO's statement that "the SAMDA issue does not cast any doubt whatsoever on issuance of the license; it only concerns possible design alternatives that might be added to the plant to further reduce a risk that has already been determined to be 'clearly small.'" Applicant's Motion at 12.

19/ Contrary to the suggestion that PECO claims an "implicit exception" from NEPA on remand issues (Commonwealth Opposition at 13 n.5), PECO has only observed that Part 51 requirements for preparing an FES and its use at hearing are geared to the timing and mechanics of the principal licensing proceeding. Remand issues introduce concerns which warrant consideration of other factors, as discussed in PECO's motion.

Commission's actions in the Table S-3 cases) unless and until the NRC prepares a supplement to the Limerick FES by repeating the whole panoply of Part 51 procedures necessary for the original FES. Only thirty days thereafter, according to LEA, could the NRC Staff offer the supplement FES in evidence as the position of the NRC on SAMDA's for Limerick.[20/]

No provision of NEPA, NRC regulations, nor any precedent requires the blanket application of FES supplementation procedures to the remaining SAMDA issue. Certainly, the Third Circuit required no such consideration.[21/] The formalized procedures for supplementing an FES do not automatically apply to a remand issue because it is the very purpose of the remand hearing to cure the defect in the FES and thereby amend it.[22/]

In a prior phase of this proceeding, LEA similarly claimed that a deficiency under NEPA in the FES "can be cured only by recirculation."[23/] The Appeal Board easily disposed of this claim by pointing out that NRC regulations

---

20/ LEA Opposition at 10-15.

21/ The Third Circuit simply remanded the SAMDA issue "for further consideration of that issue consistent with this opinion." Limerick, 869 F.2d at 741, 754.

22/ See Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-819, 22 NRC 681, 706 (1985).

23/ Id.

and precedent, approved by the federal courts, provide for the amendment of an FES through the adjudicatory process.[24/]

III. The Exemption Sought By PECO Is Authorized By Law

Only if the Commission determines that the SAMDA issue must be resolved prior to issuance of an operating license need it consider PECO's exemption request. If this consideration does become necessary, however, the request is plainly justified.

LEA and the Commonwealth's assertion that the requested exemption is not authorized by law boils down to a reargument of their position that NEPA's procedural requirements are inflexible, i.e., that issuance of a license can never precede final disposition of one remaining environmental issue on remand, even when, as here, the FES in all other respects has been circulated, commented upon, approved by the NRC, subjected to litigation and judicially approved where challenged. It is not an abuse of discretion or "contrary to law," as LEA contends,[25/] for the Commission to issue an operating license if it recognizes that its actions are subject to compliance with the Third Circuit's mandate.[26/]

24/ Id.

25/ LEA Opposition at 16.

26/ See PECO's Motion at 9-11. Hence, PECO does not seek
(Footnote Continued)

Although LEA labors to distinguish the authorities cited by PECO, it has failed to do so.[27] It is irrelevant whether some of the cases PECO relies upon involve legal challenges to the grant of licenses or license amendments. The same principles of NEPA were applied. In those cases involving amendments, the necessary consequence of invalidating the amendment, assuming no ameliorating relief by the Court of Appeals, would have been to require a shutdown of several plants.[28]

(Footnote Continued)
"a total elimination of the need to comply with any provision of Part 51 (Commonwealth Opposition at 18) (emphasis in original). PECO's alternative request seeks only temporary relief regarding the timing for evaluating SAMDA's.

27/ Most notably, LEA has not even addressed the Commission's issuance of conditioned licenses in the Table S-3 cases, nor distinguished the Commission's licensing of the Diablo Canyon plant. See San Luis Obispo Mothers for Peace v. NRC, 751 F.2d 1287 (D.C. Cir. 1984), vacated in part on other grounds, 760 F.2d 1320 (1985), cert. denied, 479 U.S. 923 (1986).

Notwithstanding LEA's misreading of PECO's motion, the case of GUARD v. NRC, 753 F.2d 1144 (D.C. Cir. 1985), was cited to demonstrate that the courts have taken the same approach "under either the AEA or NEPA" (Applicant's Motion at 14), by refusing to enjoin plant operating licenses pending correction of legal error by the Commission. In GUARD, the Court of Appeals for the District of Columbia Circuit held that emergency plans for the San Onofre plant did not meet emergency medical care standards under 10 C.F.R. §50.47(b)(12), but did not enjoin operation of the plant pending completion of the remanded issue. As with LEA in the instant case, the NRC had denied the intervenor's motion to stay in San Onofre prior to judicial review.

28/ It is also irrelevant, contrary to LEA's position (LEA
(Footnote Continued)

Finally, NEPA's procedural commands cannot be nearly as rigid and ironclad as LEA and the Commonwealth suggest. Otherwise, the Commission would never have had a proper basis for allowing exemptions from Part 51 requirements under 10 C.F.R. §51.6 in the first place.[29/]

(Footnote Continued)

Opposition at 17-18), whether the Court, in permitting continued licensing or plant operation, acted on a site-specific or generic basis. Whether the Commission resolves its non-compliance with NEPA by rulemaking or adjudication has no bearing on the equity in permitting a plant to be licensed or continue to operate pending that resolution. As Judge Bazelon stated in Potomac Alliance v. NRC, 682 F.2d 1030, 1038-39 (D.C. Cir. 1982) (concurring opinion), the Court's decision in that and a related case not to stay license amendments for several plants was based on "the balance of equities" which "weigh against forcing a plant to shut down."

LEA is also wrong that the relief PECO seeks is available only in "an emergency safety situation" (LEA Opposition at 18). Contrary to this characterization of the facts in National Resources Defense Council, Inc. v. NRC, 606 F.2d 1261 (D.C. Cir. 1979), the Court stated that its decision not to issue a stay pending compliance with NEPA rested upon (1) a particularized analysis of the NEPA violations; (2) the possibilities for relief; and (3) countervailing considerations of the public interest. The latter factor includes "the social and economic costs of delay." Id. at 1272.

29/ Nor is there any merit to LEA's contention that PECO requires an exemption from the regulations promulgated by the President's Council on Environmental Quality. LEA has misinterpreted the Commission's rulemaking actions under Part 51. While the Commission revised Part 51 "to take account of the regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA voluntarily, subject to certain conditions," 49 Fed. Reg. 9352 (1984), the Commission has never adopted the CEQ regulations wholesale as applicable to its licensing procedures or substituted CEQ regulations for any Part 51

(Footnote Continued)

IV. Applicant Has Also Satisfied The Exemption Requirement Under 10 C.F.R. §50.12

PECO agrees with LEA that the exemption provision of 10 C.F.R. §50.12 is literally applicable only to requests arising under Part 50.[30/] Assuming, however, that the criteria of Section 50.12 or cases interpreting those criteria are deemed applicable here, PECO's request has also met these standards.

LEA contends that "undue risk" to the public health and safety would be created by operation of Limerick Unit 2 during the resolution of its SAMDA contention. Early on, LEA similarly contended that SAMDA's such as a filtered vented containment were necessary to meet NRC safety regulations.[31/] Ultimately, however, LEA did not pursue this contention. LEA cannot now resurrect this abandoned issue, and even if it could, it has provided the Commission with no basis in the record to contradict the findings in the Safety Evaluation Review for Limerick and the license itself that the plant meets all safety requirements.[32/]

(Footnote Continued)
requirement. Moreover, CEQ had advised the Commission prior to the NRC's adoption of its NEPA procedures that Part 51 conforms to the CEQ regulations and may therefore be implemented. 49 Fed. Reg. at 9380.

30/ See LEA Opposition at 19.

31/ Limerick, LBP-82-43A, 15 NRC 1423, 1505-06 (1982).

32/ Conversely, if LEA is claiming that SAMDA's at Limerick are not required by NRC regulations, but are necessary
(Footnote Continued)

In the remainder of its response, LEA attempts to dispute PECO's showing that the grant of an exemption, if necessary, would lie in the public interest and is justified by special circumstances. LEA's arguments are without merit. Nowhere does LEA even purport to show why the public interest would favor disparate treatment of Limerick Units 1 and 2. Shorn of rhetoric, LEA has not factually disputed (except on one point discussed below) PECO's showing that a balancing of equities compels equal treatment for both units.[33/]

(Footnote Continued)
to prevent undue risk, it is making an unauthorized challenge to the Commission's safety regulations. Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 2), ALAB-456, 7 NRC 63, 65 (1978); Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-410, 5 NRC 1398, 1402 (1977).

In either event, LEA confuses NEPA procedural requirements with AEA safety standards in its claim that undue risk exists if the risk can be mitigated with cost-effective alternatives (LEA Opposition at 20). Under the "undue risk" or "adequate protection" standard for licensing plants imposed by Section 182 of the AEA, 42 U.S.C. §2232, the Commission must determine, regardless of costs, the precautionary measures necessary to provide adequate protection to the public. Union of Concerned Scientists v. NRC, 824 F.2d 108, 117-18 (D.C. Cir. 1987). As noted, the Commission has already determined under Section 182 that adequate protection exists at Limerick. Any remaining risk attributable to a hypothetical, severe accident is, by definition, not "undue" as a matter of public health and safety.

33/ While the Commonwealth correctly recognizes that the license for Limerick Unit 1 can be amended to reflect the outcome of the remand proceeding (Commonwealth
(Footnote Continued)

Significantly, neither LEA nor the Commonwealth asserts that the ultimate disposition of the SAMDA contention will in any way be affected by licensing Unit 2. They implicitly concede that Applicant's agreement to view the cost/benefit analysis of alternatives for Unit 2 as of the time of initial licensing adequately assures that the NRC's evaluation of SAMDA's would not be prejudiced by Unit 2 operation. See Affidavit of Corbin A. McNeill, Jr. at ¶8.

LEA tries but fails to disprove PECO's representation that it sought to resolve all contested issues in a timely manner. Inasmuch as PECO (and the NRC Staff) resisted its SAMDA contention, LEA says, PECO cannot claim to have acted expeditiously.[34/] In an NRC proceeding, however, each party has the right and responsibility to take good-faith positions on the admissibility of contentions and other legal issues. No party can be fairly penalized just because its opposition to a contention, upheld at every phase of the agency's proceeding, is ultimately disapproved by a court. And it must be remembered that the inadmissibility of LEA's SAMDA contention was more than PECO's position; it was the position of the NRC which the Commission vigorously defended before the Third Circuit. The lengthy treatment of the

---

(Footnote Continued)
Opposition at 13 n.6), neither LEA nor the Commonwealth has suggested any equitable reason for treating Unit 2 differently.

34/ LEA Opposition at 5 n.10 and 21.

SAMDA issue by the Third Circuit confirms that difficult questions of law were faced by all the parties.[35/]

Finally, LEA disputes Applicant's assertion that power generation from Limerick Unit 2 from August through late September would be highly desirable in alleviating power shortages if they were to occur.[36/] LEA questions the availability of power generation from Unit 2 based upon the experience of Unit 1 for the first five months of 1985.[37/] What LEA overlooks, however, is that Limerick Unit 1 did not receive a full-power license (i.e., authority to exceed 5% of rated power) until August 8, 1985. If Limerick Unit 2 is granted a full-power license, on the other hand, it is anticipated that the unit will be ready to exceed 5% power by about August 1, 1989. Affidavit of Corbin A. McNeill, Jr. at ¶4. Accordingly, operation of Unit 1 in early 1985 cannot be used to predict power generation from Unit 2 in August - September 1989.

35/ Taking LEA's theory to its logical end, PECO ran the same risk of criticism by opposing any of the approximately 100 contentions LEA alone proposed in this proceeding, many of which were disallowed as a matter of law, including two (environmental impacts of reactor sabotage and long-range environmental impacts of a severe accident) whose rejection was sustained by the Third Circuit.

36/ Applicant's Motion at 18.

37/ LEA Opposition at 23 n.29.

Conclusion

For the reasons discussed above and in Applicant's originally filed motion, the Commission should determine that the NRC Staff is fully authorized to issue an operating license for Limerick Unit 2 and should be directed to do so once the requisite findings under 10 C.F.R. §50.57 have been made. If the Commission determines that an exemption is necessary to issue an operating license, it should find that the criteria of 10 C.F.R. §§51.6 and, if applicable, 50.12 have been fully met. The Commission should then direct the NRC Staff to make the requisite findings and issue the license pursuant to the exemption.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

Troy B. Conner, Jr.

Troy B. Conner, Jr.
Robert M. Rader
Counsel for Applicant

June 21, 1989

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	'89 JUN 22 P12:13
	)	
Philadelphia Electric Company	)	Docket No. 50-353
	)	
(Limerick Generating Station, Unit 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Reply Memorandum in Support of its Motion for Clarification or, Alternatively, for an Exemption" dated June 21, 1989 in the captioned matter have been served upon the following by deposit in the United States mail or Federal Express this 21st day of June, 1989 and by hand delivery on June 22, 1989:

* Lando W. Zech, Jr.
Chairman, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Thomas M. Roberts,
Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* James R. Curtiss,
Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Kenneth C. Rogers,
Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Kenneth M. Carr,
Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Samuel J. Chilk, Secretary
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Morton B. Margulies, Esq.
Chairman, Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

* Hand Delivery

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

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

** Joseph Rutberg, Esq.
Ann Hodgdon, Esq.
Counsel for NRC Staff
Office of the General
Counsel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Edward J. Cullen, Esq.
Philadelphia Electric
Company
2301 Market Street
Philadelphia, PA 19101

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

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

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

Michael B. Hirsch, Esq.
Federal Emergency
Management Agency
500 C Street, S.W.
Room 840
Washington, D.C. 20472

Theodore G. Otto, Esq.
Department of Corrections
Office of Chief Counsel
P. O. Box 598
Camp Hill, PA 17011

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

Robert M. Rader

Robert M. Rader

* Hand Delivery
** Federal Express