

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

NRC PUBLIC DOCUMENT ROOM

In the Matter of )

PHILADELPHIA ELECTRIC COMPANY )

(Fulton Generating Station, )  
Units 1 and 2) )

Docket Nos. 50-463  
50-464

PRELIMINARY RESPONSE OF APPLICANT TO INTERVENOR'S  
"PETITION TO TERMINATE DOCKET AND TO QUASH PREAPPLI-  
CATION AND EARLY REVIEW OF SITE SUITABILITY"

Save Solanco Environment Conservation Fund ("Solanco"), an intervenor in these dockets, has filed a "Petition to Terminate Docket and to Quash Preapplication and Early Review of Site Suitability" (the "Petition") with this Board. Although the Petition is undated, its certificate of service states that it was mailed on May 14, 1979. Under the Commission's Rules of Practice, 10 CFR §§ 2.730, 2.710, Philadelphia Electric Company's answer to the Petition -- which is in essence a motion -- would normally be due on May 29, 1979.\*/

Solanco did not, however, serve its Petition on Philadelphia Electric's counsel in this proceeding, as the certificate of service reveals. As a result, counsel became aware of the Petition only through a coincidental conversation more than a week after the Petition's mailing date and actually received a copy only on May 24.

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\*/ The Rules of Practice permit parties other than the Regulatory Staff ten days to file an answer to a motion, plus five further days if the motion was served by mail. 10 CFR §§ 2.730, 2.710.

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For purposes of calculating a response date, it seems appropriate to compensate for the delay in counsel's receipt of the Petition by regarding its actual date of receipt (May 24) as the equivalent of the fifth day following service. An answer would then be due to be filed by June 4. With the Board's concurrence, therefore, Philadelphia Electric Company, proposes to file its answer on or before June 4. Counsel for Philadelphia Electric Company has so notified the Chairman of the Atomic Safety and Licensing Board today by telephone.

PHILADELPHIA ELECTRIC COMPANY

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Dated: May 25, 1979

344-111

BEFORE THE  
UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of )

PHILADELPHIA ELECTRIC COMPANY )

Docket Nos. 50-463  
50-464

CERTIFICATE OF SERVICE

I hereby certify that copies of Philadelphia Electric Company's Preliminary Response of Applicant to Intervenor's "Petition to Terminate Docket and to Quash Preapplication and Early Review of Site Suitability" have been served this date by deposit in the U.S. mail, first class, postage prepaid, on each of the following persons:

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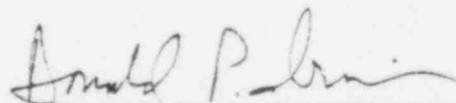
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Dated: May 25, 1979

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