

DOCKETED
NRC

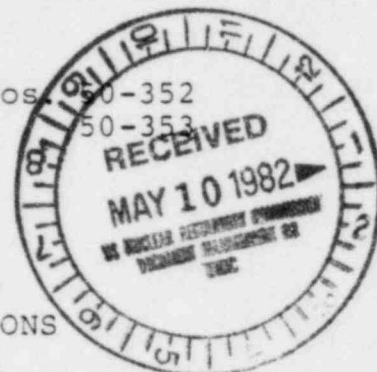
'82 MAY -7 P1:59

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
Philadelphia Electric Company)
)
(Limerick Generating Station,)
Units 1 and 2)

Docket Nos. 50-352
50-353



APPLICANT'S ANSWER TO NRC STAFF
MOTION TO REJECT PROPOSED CONTENTIONS
II-1, III-1, AND, IN PART, III-2

By motion dated April 26, 1982, the NRC Staff requested the Atomic Safety and Licensing Board herein to reject a number of proposed contentions on the basis of two recent amendments to 10 C.F.R. Part 51 which provide that need for power and alternative sources issues will no longer be considered in operating license proceedings and eliminate previous requirements under 10 C.F.R. Part 50 for review of utility applicant's financial qualifications, including funding for decommissioning.

Applicant concurs in the motion by the Staff to eliminate contentions II-1, III-1 and III-2 for the reasons set forth in the motion. Moreover, the Appeal Board has recently acknowledged that issues of financial qualifications are no longer cognizable in NRC proceedings.

Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-671, 14 NRC _____ (March 31, 1982).

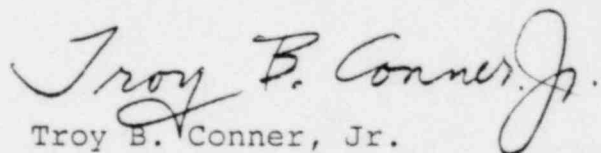
In addition, Applicant notes that some of the proposed contentions (e.g., I-23) are apparently based upon the same rationale which the Commission expressly rejected in adopting the new financial qualifications rule, i.e., that an applicant has a strong financial incentive to ignore safety requirements. To such extent, those contentions should be rejected as well.

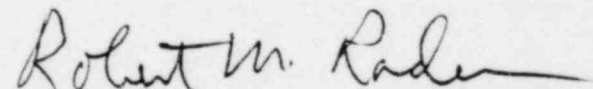
Conclusion

For the reasons discussed above, Applicant concurs in the motion of the Staff and requests that it be granted.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.


Troy B. Conner, Jr.


Robert M. Rader

Suite 1050
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
202/833-3500

Counsel for the Applicant

May 6, 1982

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 NRC Staff Motion to Reject Proposed Contentions II-1, III-1, and, in Part, III-2," in the captioned matter have been served upon the following by deposit in the United States mail this 6th day of May, 1982.

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

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

Judge Peter A. Morris
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
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Stephen H. Lewis, 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

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

Mr. Charles B. Taylor
24 West Tenth Avenue
Collegeville, PA 19426

Mr. Robert L. Anthony
103 Vernon Lane
Moylan, PA 19065

Mr. Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, PA 19149

Samuel & Clarissa B. Cooper
P.O. Box 16
Colora, Maryland 21917

Judith A. Dorsey, Esq.
1315 Walnut Street
Suite 1632
Philadelphia, PA 19107

Charles W. Elliott, Esq.
123 N. 5th Street
Suite 101
Allentown, PA 18102

Mr. William Lochstet
119 E. Aaron Drive
State College, PA 16804

Mr. Alan J. Nogee
3700 Chestnut Street
Philadelphia, PA 19104

Mr. Steven Levin
11 Beard Circle
Phoenixville, PA 19460

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

Robert W. Adler, Esq.
Assistant Counsel
Commonwealth of Pennsylvania
DER
505 Executive House
P.O. Box 2357
Harrisburg, PA 17120

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

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

John Shniper, Esq.
Hy Mayerson, P.C.
Meeting House Law Bldg. and
Gallery
Mennonite Church Road
Schuylkill Road
Spring City, PA 19475

Steven P. Hershey, Esq.
Community Legal Services, Inc.
Law Center North Central
Beury Building
3701 North Broad Street
Philadelphia, PA 19140

James M. Neill, Esq.
Box 511
Dublin, PA 18917

Donald S. Bronstein, Esq.
1425 Walnut Street
Philadelphia, PA 19102

Mr. Joseph H. White, III
11 South Merion Avenue
Bryn Mawr, PA 19010

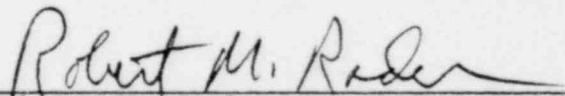
Dr. Judith H. Johnsrud
Co-Director, ECNP
433 Orlando Avenue
State College, PA 16801

Walter W. Cohen, Esq.
Consumer Advocate
Office of Attorney General
1425 Strawberry Square
Harrisburg, PA 17120

Robert J. Sugarman, Esq.
Sugarman & Denworth
Suite 510, North American Bldg.
121 South Broad Street
Philadelphia, PA 19107

W. Wilson Goode
Managing Director
City of Philadelphia
Philadelphia, PA

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


Robert M. Rader
Counsel for the Applicant