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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION MD 54

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
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In the Matter of :
PHILADELPHIA ELECTRIC COMPANY : Docket Nos. 50-352
50-353
(Limerick Generating Station, :
Units 1 and 2) :

MEMORANDUM OF CEPA IN OPPOSITION
TO NRC STAFF MOTION TO REJECT
CONTENTION II-1



CEPA opposes the motion filed by the NRC Staff which requests the rejection of CEPA's contentions. CEPA believes that their contentions remain unaffected by the rules published in the Federal Register and cited by the NRC Staff as the basis for their motion.

CEPA contends that "Limerick generating capacity is not needed and there are alternatives that are more reliable, economical, and less harmful to the environment."

As the transcript of the pre-hearing conference reveals, CEPA's contention is that a combination of conservation, load management, and alternative energy sources are superior to the construction of Limerick not only because they are more reliable and more economical, but because the combination is less harmful to the

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environment than Limerick. Not only have the economic projections changed dramatically since these issues were considered (though in a very superficial and inadequate record) at the construction permit stage, so too have the facts and projections relating to environmental impact. At the earlier hearings, for example, Limerick's environmental impact was compared to the impact of inadequate electric power, black-outs and brown-outs, in the service territory. It was also assumed that disposal of spent fuel presented no environmental hazard or uncertainty. CEPA will prove that the assumptions which form the basis for these environmental comparisons are false. CEPA will also prove that Limerick's alternatives are both more economical and less environmentally harmful.

Even if the newly published rules are interpreted to eliminate the consideration of economic issues, those rules still allow consideration of the environmental aspect of those same issues and for that reason Contention II-1 should not be rejected.

It is clear from the Summary section of the new rule (47 Federal Register 12940, March 26, 1982) that the purpose of the amendments "is to avoid unnecessary consideration of issues that are not likely to tilt the cost-benefit balance." The transcript of the pre-hearing conference reveals that CEPA argues that, if given the opportunity, it will prove that these issues do tilt the cost-benefit balance. CEPA will prove that all economic considerations, including cost-benefit analysis weigh heavily in favor of replacement

of Limerick with the less environmentally harmful combination of conservation, efficiency improvements, and alternative energy sources.

For the foregoing reasons, CEPA should be given the opportunity to prove that alternatives to Limerick are both more economical and less harmful to the environment, particularly since all of these issues have changed dramatically since the construction permit stage.

Respectfully submitted,



Steven P. Hershey, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that copies of Memorandum of CEPA in Opposition to NRC Staff Motion in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this 6th day of May, 1982.

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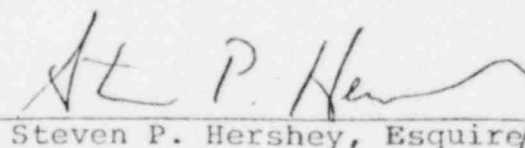
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