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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
)	50-353
(Limerick Generating Station,)	
Units 1 and 2))	

APPLICANT'S ANSWER TO AWPP MOTION FOR EXTENSION
OF TIME AND OTHER RELIEF BASED ON NEW INFORMATION

On January 26, 1984, intervenor Air and Water Pollution Patrol ("AWPP") filed "AWPP Motions for Extention [sic] of Discovery Time Based on New Information" ("Motion"). Applicant obtained this pleading from the Atomic Safety and Licensing Board ("Licensing Board" or "Board").^{1/} AWPP requests "that a disinterested [and anonymous] individual be permitted on the Limerick site . . . re observation of known and yet unknown defective work" and that the discovery period for Contention VI-1 be extended for some unspecified time. Applicant opposes such relief as completely unsupported and unwarranted.

At the October 18, 1983 prehearing conference, the Licensing Board granted AWPP a period of 60 days to pursue

^{1/} Applicant has yet to receive a copy of the pleading and attachments directly from AWPP.

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its allegations relating to Contention VI-1. In an Order issued December 21, 1983, the Licensing Board extended the period to serve discovery requests until January 16, 1984.^{2/} Intervenor has had more than an adequate opportunity to exercise its discovery rights and has vigorously done so.

AWPP has submitted eleven sets of formal discovery requests related solely to Contention VI-1, all of which have now been answered. Many thousands of pages of documents have been produced. AWPP also received additional material as the result of informal discovery requests. Furthermore, on November 1, 1983, Applicant provided yet additional material to comply with the Board's instructions and also to assist AWPP in understanding the record-keeping system in use at Limerick. Finally, Applicant's quality assurance experts met with AWPP's representatives and consultants in order to answer any questions. There is no indication that any of Applicant's responses were other than completely adequate.

The motion is absolutely devoid of any concrete support for the relief requested. There is not a single reference to material obtained during the discovery process which substantiates any of the serious charges of misconduct

^{2/} See Tr. 6594. Discovery is therefore closed. Intervenor's motion should be for reopening discovery. Applicant submits that a higher standard analogous to that for reopening a record should be applied.

alleged by AWPP or provides a basis for the relief requested. The two Philadelphia Inquirer newspaper articles which discuss the situation at another nuclear power station similarly fail to provide any support for the extremely serious assertion of a "conspiracy involving the contractors, sub-contractors, the Applicant and the Nuclear Regulatory Commission itself, to cover up flagrant criminal violations" at the Limerick Generating Station. The mere incantation of "Marvin Lewis's anonymous Limerick in-house information source"^{3/} lends no more weight to the motion. The substance of the double hearsay involved is not discussed in the motion, and the Licensing Board could not properly, in any event, give credence to such innuendo.

Finally, the request for a "disinterested individual" is beyond the scope of relief which the Licensing Board could grant. In addition to Applicant's quality assurance capabilities, the NRC already has resident inspectors and visiting inspection teams at the site whose function by statute and regulation it is to oversee the construction of the Station as disinterested observers. Nothing has been shown which would cast any doubt on these inspectors' previous work or their ability to perform their responsibilities in the future. Neither does AWPP specify

^{3/} Motion at 1.

what "known . . . defective work"^{4/} presently exists at Limerick.

For the reasons discussed more fully above, the requested relief should be denied.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

Mark J. Wetterhahn / RMR

Mark J. Wetterhahn
Counsel for the Applicant

February 9, 1984

^{4/} Id.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Answer to AWPP Motion for Extension of Time and Other Relief Based on New Information" dated February 9, 1984 in the captioned matter, have been served upon the following by deposit in the United States mail this 9th day of February, 1984:

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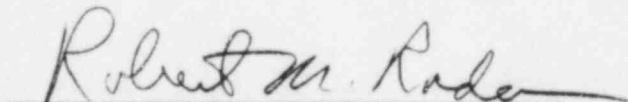
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