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December 29, 1983

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Philadelphia Electric Company
(Fulton Generating Station, Units 1 and 2):
ASLBP Docket No. 76-300-01 CP
(NRC Docket No. 50-463 CP, 50-464-CP)

Gentlemen:

As required by this Board's Order of December 14, 1983, Philadelphia Electric Company (PE) files herewith its Objection to this Board's proposed Decision and Order anticipatorily dated December 30, 1983.

PE believes that the only summary disposition of this case consistent with the Appeal Board's Decision is dismissal without prejudice. Accordingly, PE also encloses the following additional papers:

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PDR ADOCK 05000463
G PDR

DS03

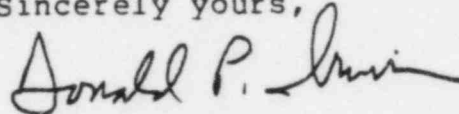
HUNTON & WILLIAMS

1. Motion for Summary Decision and for Termination of Proceedings as Moot, Without Prejudice
2. Statement of Material Facts
3. Affidavit of Vincent S. Boyer

Mr. Boyer is out of his office and beyond convenient access to a notary public this week. His affidavit is therefore being submitted today without signature. He has, however, reviewed each of the papers it supports, agrees with their factual assertions, and will execute the affidavit attached here in blank upon his return next Tuesday. It will be promptly refiled, with signature, at that time. PE asks that the Board accept the affidavit and the pleadings it supports today, subject to Mr. Boyer's execution of his affidavit next Tuesday.

PE also lodges with the Board, as a courtesy, a copy of the brief it filed with the Appeal Board in this matter in 1981. Copies were sent to the prior Board at that time, but may not be immediately available to all Board members. The copy has been included in Mr. Cotter's envelope.

Sincerely yours,



Donald P. Irwin
Counsel to Philadelphia
Electric Company

91/730

Enclosures: As Stated
cc w/enclosures: Attached Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	ASLBP Docket No. 76-300-01 CP
)	
PHILADELPHIA ELECTRIC COMPANY)	(NRC Docket No. 50-463-CP
)	50-464-CP)
(Fulton Generating Station,)	
Units 1 and 2)	

CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the following documents: (1) Philadelphia Electric Company's Objection to and Motion for Modification of Proposed Decision and Order Dismissing Proceeding With Prejudice, (2) Motion of Philadelphia Electric Company for Summary Decision and for Termination of Proceedings as Moot and Without Prejudice, (3) Statement of Material Facts accompanying Motion, (4) Affidavit of Vincent S. Boyer, and (5) Letter, Donald P. Irwin to B. Paul Cotter, Jr., Esq., et al., on the following persons by U.S. mail, first class, postage prepaid, or by hand (*) or by Federal Express (**), this date:

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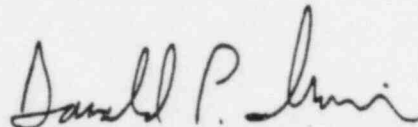
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Donald P. Irwin
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Philadelphia Electric Company

DATED: December 29, 1983