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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

In the Matter of)
)
Philadelphia Electric Company) Docket Nos. 50-352 OL
) 50-353 OL
(Limerick Generating Station,)
Units 1 and 2))

APPLICANT'S ANSWER TO FRIENDS OF THE EARTH
MOTION TO INCLUDE VALLEY FORGE PARK
IN THE PLUME EXPOSURE EMERGENCY PLANNING ZONE

On December 8, 1984, R. L. Anthony for himself and as representative of Friends of the Earth in the Delaware Valley (hereinafter collectively "FOE") submitted a motion to include Valley Forge Park within the plume exposure Emergency Planning Zone ("EPZ").^{1/} Applicant opposes this motion as a legal nullity and lacking in basis under the Commission's regulations.

In admitting contention FOE-1 and the related contention LEA-24 concerning the potential effect of heavy traffic in, inter alia, Valley Forge Park on the evacuation of the EPZ, the Atomic Safety and Licensing Board ("Board")

^{1/} "R. L. Anthony/FOE Motion to Include Valley Forge National Park in Emergency Evacuation Planning for Limerick, Supplementing Verbal Motion of 12/5/84 (Tr. 14633)."

explained that it would focus on "whether the emergency plans provide reasonable assurance that traffic congestion in [Valley Forge Park] will not significantly impede evacuation of the EPZ."^{2/}

Thus, in the order admitting the contention, the Board explicitly stated that it would consider as part of the contention the very matter which FOE seeks to raise here. The Board stated that it "will entertain evidence that nothing short of including these four areas [including Valley Forge Park] in the EPZ will provide such assurance."^{3/} Accordingly, the relief now sought by FOE is already being sought in the context of the admitted contention. FOE is therefore requesting that the Board grant on an interlocutory basis the ultimate relief which it is seeking in the contention. Such relief is not available under the Commission's regulations.

The motion is thus a legal nullity. The request for relief must necessarily be included within the proposed findings of fact and conclusions of law which FOE is

^{2/} Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-84-18, 19 NRC 1020, 1067 (1984).

^{3/} Id.

required to submit pursuant to 10 C.F.R. §2.754 at the conclusion of the evidentiary hearing.^{4/}

For the foregoing reasons, FOE's motion to include Valley Forge Park within the EPZ should be denied.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

A handwritten signature in dark ink, appearing to read 'Mark J. Wetterhahn', with a stylized flourish at the end.

Mark J. Wetterhahn
Counsel for the Applicant

December 12, 1984

^{4/} If the Board believes that the instant motion is ripe for consideration, Applicant requests that it be given ten days after service of such determination to address the merits of the motion inasmuch as it is clearly not warranted based upon the evidence of record.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Answer to Friends of the Earth Motion to Include Valley Forge Park in the Plume Exposure Emergency Planning Zone" dated December 12, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 12th day of December 1984:

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