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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Nuclear Regulatory Commission

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

APPLICANT'S RESPONSE TO PETITION BY
DEL-AWARE UNLIMITED, INC. TO FILE REPLY TO
THE NRC STAFF'S ANSWER ON REVIEW OF ALAB-785

In an undated pleading entitled Petition for Leave to File Reply, served November 26, 1984, intervenor Del-Aware Unlimited, Inc. ("Del-Aware") petitioned for leave to file a reply to the Staff's October 25, 1984 answer opposing Del-Aware's October 10, 1984 Petition for Review of ALAB-785^{1/} before the Commission. On November 9, 1984, Del-Aware had previously filed what purported to be a reply to the NRC Staff's answer to Del-Aware's petition requesting review of ALAB-785. Del-Aware's instant pleading reiterates its previous request.^{2/} Del-Aware's petition is

1/ Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-785, 20 NRC ____ (1984).

2/ On November 23, 1984, Applicant Philadelphia Electric Company filed its Response to Unauthorized Reply by Del-Aware Unlimited, Inc. to the NRC Staff's Answer on Review of ALAB-785 ("Applicant's Response").

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unauthorized by the Nuclear Regulatory Commission's regulations, is without merit substantively, and should be denied.

The Commission's regulations expressly state in 10 C.F.R. §2.786(b)(3) that "[n]o . . . replies to answers will be entertained by the Commission." Del-Aware here once again seeks to reply to the Staff's opposition to its petition for Commission review, a situation which is covered by the intent of such regulation. For this reason, the petition by Del-Aware is unauthorized and should be denied.

Moreover, Del-Aware's reply is without merit substantively and should be denied. The Applicant's Response of November 23, 1984 to Del-Aware's previous unauthorized reply, which is incorporated by reference herein, demonstrates that the points sought to be raised are without merit and unrelated to the issues which the Commission is considering for review.^{3/} Essentially, the record of the proceeding is clear that even if the Limerick spray pond (i.e., the ultimate heat sink) were temporarily lost, adequate makeup water can be provided solely from the Schuylkill River. In rejecting a Del-Aware motion to stay the low power license for Limerick, the Appeal Board

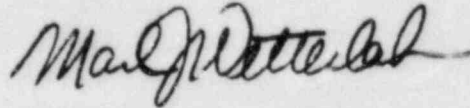
^{3/} Applicant's Response at pages two through four.

concluded, that water from the Point Pleasant diversion is "not needed at all for safe shutdown of the plant."^{4/}

For the foregoing reasons, Del-Aware's petition should be denied.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.



Mark J. Wetterhahn
Counsel for Philadelphia
Electric Company

December 10, 1984

^{4/} Limerick, supra, ALAB-785 (slip op. at 8).

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Petition by Del-Aware Unlimited, Inc. to File Reply to the NRC Staff's Answer on Review of ALAB-785," dated December 10, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 10th day of December, 1984:

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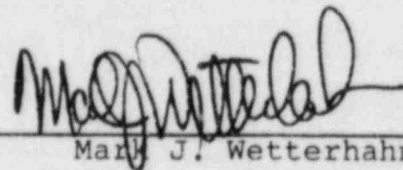
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