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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) |) | |

JOINT STATUS REPORT AND MOTION FOR CLARIFICATION

In its Memorandum and Order Denying Motion for Additional Time for City of Philadelphia to Submit Contentions (September 2, 1983) ("Memorandum and Order"), slip op. at 3, the Licensing Board directed that the Applicant, NRC Staff, Limerick Ecology Action ("LEA") and the City of Philadelphia ("City") file a joint status report on their negotiations and any changes in the proposed contentions resulting therefrom. This report is responsive to that request. Applicant, LEA and NRC Staff also move the Licensing Board to clarify whether, in view of the forthcoming prehearing conference, LEA has the right to reply in writing to the answers of Applicant and NRC Staff relating to the admissibility of the Severe Accident Risk Assessment contentions.

Subsequent to the issuance of the Memorandum and Order, the four involved parties have had a telephone conference call and separate telephone discussions concerning the

proposed contentions. The City and the Applicant met for an entire day, with consultants from each side present, to discuss resolution of the matters which had been raised by the City. These discussions have resulted in the elimination of a few of the matters initially raised.

While the discussions among LEA, Applicant and the NRC Staff have not resulted in the withdrawal or rewording of contentions, they were useful in understanding the thrust of the contentions and focusing the responses on the matters raised. Basic disagreements on the legal issues involved which must be resolved by the Licensing Board and a lack of knowledge as to the content of the forthcoming Staff DES were major factors in the lack of progress.^{1/} The involved parties plan to continue their discussions. The separate report of the City of Philadelphia is attached.

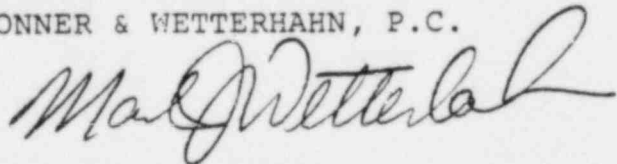
In its Memorandum and Order Confirming Schedules Established During Prehearing Conference (May 16, 1983), slip op. at 8, the Board stated that it "may not hold another prehearing conference at which these respecified contentions would be addressed . . . " and permitted LEA to reply in writing to the Applicant's and Staff's responses on

^{1/} Applicant, NRC Staff and LEA suggest that if severe accident risk assessment contentions are to be a major topic of discussion at the forthcoming prehearing conference, it not be scheduled until after the Staff DES on the subject is in the hands of the Board and parties.

certain issues. In its Memorandum and Order Regarding Establishment of Hearing Schedule and Granting AWPP Motion to Compel Discovery (September 13, 1983), slip op. at 3, the Board stated it is presently planning to hold a prehearing conference in October, 1983 at which pending contentions would be discussed. In view of these circumstances, the involved parties move the Board to clarify whether LEA may reply in writing to the answers of Applicant and Staff regarding proposed SARA contentions.^{2/}

Respectfully submitted,

CONNER & WETTERHAHN, P.C.



Mark J. Wetterhahn
Counsel for Philadelphia
Electric Company

September 20, 1983

^{2/} Applicant notes that the NRC regulations normally contemplate only a motion and answer (10 C.F.R. §2.730(c); see also 10 C.F.R. §2.714) and that Allens Creek only requires that an intervenor be permitted to respond at a prehearing conference prior to the Board's decision on a contention. Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-565, 10 NRC 521, 525 (1979).

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(Limerick Generating Station,)
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Response to Limerick Ecology Action and City of Philadelphia Contentions Related to Severe Accident Risk Assessment," "Joint Status Report and Motion for Clarification," dated September 20, 1983 and "Affidavit of Vincent S. Boyer Senior Vice President, Nuclear Power Philadelphia Electric Company" (original), dated September 16, 1983, in the captioned matter have been served upon the following by deposit in the United States mail this 20th day of September, 1983:

- | | |
|---|---|
| * Judge Lawrence Brenner (2) Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555 | Docketing and Service Section Office of the Secretary U.S. Nuclear Regulatory Commission Washington, D.C. 20555 |
| * Judge Richard F. Cole Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555 | * Ann P. Hodgdon, Esq. Elaine I. Chan, Esq. Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555 |
| * Judge Peter A. Morris Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555 | Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555 |
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