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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
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BRANCH

In the Matter of

Philadelphia Electric Company

(Limerick Generating Station,
Units 1 and 2)

)
) Docket Nos. 50-352
) 50-353
)
)

APPLICANT'S REPORT TO THE LICENSING BOARD
PURSUANT TO ITS MEMORANDUM AND ORDER REGARDING
ESTABLISHMENT OF HEARING SCHEDULE AND
GRANTING AWPP MOTION TO COMPEL DISCOVERY

In its Memorandum and Order Regarding Establishment of Hearing Schedule and Granting AWPP Motion to Compel Discovery (September 13, 1983) (slip op. at 2-3), the Atomic Safety and Licensing Board ("Licensing Board" or "Board") requested formal contention reports and a report on overall schedule with agreements and disagreements noted. The Licensing Board's Memorandum and Order permitted separate reports, but required that they reflect coordinated discussion among parties. Applicant Philadelphia Electric Company ("Applicant") hereby files its report on a proposed overall schedule and its view of the status of the first group of contentions listed by the Licensing Board of Mr. Lewis, FOE and AWPP.

As a result of a conference call among the parties, Applicant understands that the Staff is proposing a schedule

which would lead to the start of a hearing on the first group of contentions on December 12, 1983. Applicant understands that there are no other weeks during which the Licensing Board is available for a hearing in December. Therefore, Applicant believes that it is prudent to hold hearings on one or more of this group of four contentions during the month of November if the Board's schedule so permits. This would allow consideration of all the first group of issues before the end of the year even if more than one week of hearing time were required.

The schedule proposed by the Staff could easily be modified to allow for a hearing in November. Therefore, Applicant proposes the following schedule leading to a hearing beginning on November 14, 1983:

<u>Action</u>	<u>Date</u>
1. Motions for Summary Disposition filed	October 7, 1983
2. Written Testimony of Intervenors Submitted	October 10, 1983
3. Written Testimony of Applicant and Staff Submitted	October 17, 1983
4. Answers to Motions for Summary Disposition filed	October 27, 1983
5. Motions to Strike and Cross Examination Plans filed	October 31, 1983
6. Board Ruling on Motions to Strike and Motions for Summary Disposition	November 7, 1983
7. Hearing Begins	November 14, 1983

This schedule is still quite generous with regard to the time allotted for the matters specified and could be easily compressed. Inasmuch as certain proposed dates occur prior to the commencement of the scheduled prehearing conference, the Board would, of course, be required to notify the parties promptly if it accepts this schedule.

Applicant feels obligated to report to the Licensing Board what it perceives to be a lack of cooperation on the part of intervenors AWPP and FOE. Mr. Anthony, representative of FOE, has apparently given little thought to the preparation of his case and is unwilling or unable to discuss his witnesses nor any other aspect of FOE's two contentions relating to pipeline rupture. Mr. Romano made known for the first time last week that he intends to testify on behalf of AWPP, but he was unable to discuss whether he intends to do so in the capacity of a factual or expert witness.

Considerable time has been allotted for discovery and trial preparation for these rather straightforward issues. It is disappointing to see that these intervenors preparation has not progressed. While these matters will, of course, be the focus of the upcoming prehearing

conference, Applicant wanted to make the Board aware of its difficulties such that it does not come up as a surprise.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

Mark J. Wetterhahn / RMH

Mark J. Wetterhahn
Counsel for Philadelphia
Electric Company

September 30, 1983

UNITED STATES OF AMERICA
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Report to the Licensing Board Pursuant to its Memorandum and Order Regarding Establishment of Hearing Schedule and Granting AWPP Motion to Compel Discovery" dated September 30, 1983, in the captioned matter have been served upon the following by deposit in the United States mail this 30th day of September, 1983:

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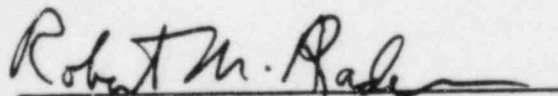
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