

696

DOCKETED  
USNRC

UNITED STATES OF AMERICA<sup>84</sup> APR 20 A11:11  
NUCLEAR REGULATORY COMMISSION

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) )

THIRD JOINT REPORT OF LIMERICK ECOLOGY ACTION, APPLICANT,  
AND NRC STAFF ON STATUS OF NEGOTIATIONS REGARDING ONSITE  
EMERGENCY PLANNING CONTENTIONS AND LIMERICK ECOLOGY  
ACTION'S DISMISSAL OF PARTICULAR CONTENTIONS

In an Order dated March 15, 1984, the presiding Atomic Safety and Licensing Board ("Licensing Board" or "Board") directed Limerick Ecology Action ("LEA"), the Philadelphia Electric Company ("Applicant") and the NRC Staff to hold further settlement discussions regarding LEA's onsite emergency planning contentions, including a face-to-face meeting on or before March 24, 1984.<sup>\*/</sup> The initial settlement conference was held on March 24, 1984 and a joint status report was filed by the parties with the Board on March 27, 1984, enumerating specified contentions withdrawn by LEA. A second settlement conference was held on April 5,

---

<sup>\*/</sup> Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), Docket Nos. 50-352-OL and 50-353-OL, "Order Directing Parties to Hold Settlement Conferences for Onsite Emergency Planning Contentions" (March 15, 1984).

DS02

1984, following submission of written testimony by the Applicant and Staff. A second joint status report was submitted on April 6, 1984, enumerating other contentions withdrawn by LEA.

As directed, the parties appeared before the Licensing Board on April 9, 1984 to discuss their respective positions on the remaining contentions, some of which LEA withdrew at that time. Tr. 9476, 9485. The Board directed the parties to hold a final, face-to-face settlement conference (Tr. 9517), which the parties had on April 16, 1984. The Board requested a written status report on April 19, and also suggested the possibility of a conference call on that or the following day if the parties believed that the Board's participation in negotiations would be fruitful. Tr. 9518.

At the meeting on April 16, 1984, LEA was represented by its counsel; Applicant was represented by its counsel and its Director of Emergency Preparedness; the Staff was represented by its counsel and its witness on these contentions. Pursuant to those discussions, LEA has agreed to withdraw and hereby does withdraw the following additional contentions:

VIII-10(b)

VIII-19(b)

VIII-20(e)

VIII-3, as it relates to hydrological monitoring and fire detection

Attached for the information of the Board is a letter to LEA's counsel from the Applicant's counsel agreeing to a revision to a section of the Emergency Plan requested by LEA. As a result of this change, LEA agreed to withdraw Contention VIII-19(b).

The Applicant is not aware of any further steps it could take to reach settlement on any of the remaining contentions. Nevertheless, the parties believe that the conference call suggested by the Board might result in a further simplification of the issues.

Counsel for Applicant has read the foregoing status report to counsel for LEA and the Staff, who have agreed to

its submission and authorize counsel for Applicant to sign it on their behalf.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

*Troy B. Conner, Jr.*

Troy B. Conner, Jr.  
Mark J. Wetterhahn  
Robert M. Rader

Counsel for the Applicant

*Charles W. Elliott / Rm*  
Charles W. Elliott  
Counsel for LEA

*Nathene A. Wright / Rm*  
Nathene A. Wright  
Counsel for NRC Staff

April 19, 1984

LAW OFFICES  
CONNER & WETTERHAHN, P.C.  
1747 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20006

TROY B. CONNER, JR.  
MARK J. WETTERHAHN  
ROBERT M. RADER  
INGRID M. OLSON  
ARCH A. MOORE, JR.\*  
ROBERT H. PURL  
OF COUNSEL  
\*NOT ADMITTED IN D.C.

April 18, 1984

(202) 833-3500

CABLE ADDRESS: ATOMLAW

Charles W. Elliott, Esq.  
Brose & Poswistilo  
1101 Building  
11th & Northampton Sts.  
Easton, PA 19042

Re: Limerick Onsite Emergency Planning Contention VIII - 19(b)

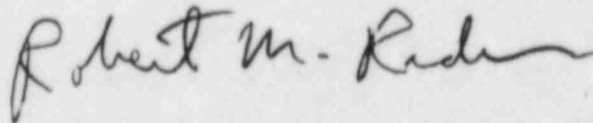
Dear Mr. Elliott:

As discussed in our telephone conversation of April 17, 1984, Philadelphia Electric Company has agreed to change EP-500, Action 9.1.9, to state "...contract support groups, they will be informed of these changes."

Additionally, the April, 1984 Revision 9 to the Emergency Plan states "The result of the review along with recommendations for improvements, shall be documented, reported to appropriate corporate and plant management and PEMA, NRC and risk counties." This means that the results of the entire review process which includes the appointed reviewer(s) results, Plant Operations Review Committee evaluation and recommendations, and the Nuclear Review Board recommendations will be reported to the organizations cited above.

This will confirm that I have read the foregoing to you by telephone today and that, based on these representations, LEA agrees to withdraw contention VIII - 19(b).

Sincerely,



Robert M. Rader

RMR:pkc  
cc: See Attached Service List

cc: Judge Lawrence Brenner  
Judge Peter A. Morris  
Judge Richard F. Cole  
Troy B. Conner, Jr., Esq.  
Ann P. Hodgdon, Esq.  
Mr. Frank R. Romano  
Mr. Robert L. Anthony  
Mr. Marvin I. Lewis  
Ms. Phyllis Zitzer  
Charles W. Elliott, Esq.  
Zori G. Perkin, Esq.  
Mr. Thomas Gerusky  
Director, Penna. Emergency  
Management Agency  
Mr. Steven P. Hershey  
Angus R. Love, Esq.  
Mr. Joseph H. White, III  
David Wersan, Esq.  
Robert J. Sugarman, Esq.  
Martha W. Bush, Esq.  
Spence W. Perry, Esq.  
Jay M. Gutierrez, Esq.  
Atomic Safety & Licensing Appeal Board  
Atomic Safety & Licensing Board Panel  
Docket & Service Section  
James Wiggins  
Timothy R. S. Campbell

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 APR 20 A11:11

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Third Joint Report of Limerick Ecology Action, Applicant, and NRC Staff on Status of Negotiations Regarding Onsite Emergency Planning Contentions and Limerick Ecology Action's Dismissal of Particular " dated April 19, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 19th day of April, 1984:

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

\* Hand Delivery

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Philadelphia Electric Company  
ATTN: Edward G. Bauer, Jr.  
Vice President &  
General Counsel  
2301 Market Street  
Philadelphia, PA 19101

Mr. Frank R. Romano  
61 Forest Avenue  
Ambler, Pennsylvania 19002

Mr. Robert L. Anthony  
Friends of the Earth of  
the Delaware Valley  
106 Vernon Lane, Box 186  
Moylan, Pennsylvania 19065

Mr. Marvin I. Lewis  
6504 Bradford Terrace  
Philadelphia, PA 19149

Phyllis Zitzer, Esq.  
Limerick Ecology Action  
P.O. Box 761  
762 Queen Street  
Pottstown, PA 19464

\*\* Charles W. Elliott, Esq.  
Brose and Postwistilo  
1101 Building 11th &  
Northampton Streets  
Easton, PA 18042

Zori G. Ferkin, Esq.  
Assistant Counsel  
Commonwealth of Pennsylvania  
Governor's Energy Council  
1625 N. Front Street  
Harrisburg, PA 17102

Steven P. Hershey, Esq.  
Community Legal  
Services, Inc.  
Law Center West North  
5219 Chestnut Street  
Philadelphia, PA 19139

Angus Love, Esq.  
107 East Main Street  
Norristown, PA 19401

Mr. Joseph H. White, III  
15 Ardmore Avenue  
Ardmore, PA 19003

Robert J. Sugarman, Esq.  
Sugarman, Denworth &  
Hellegers  
16th Floor, Center Plaza  
101 North Broad Street  
Philadelphia, PA 19107

Director, Pennsylvania  
Emergency Management Agency  
Basement, Transportation  
and Safety Building  
Harrisburg, PA 17120

Martha W. Bush, Esq.  
Kathryn S. Lewis, Esq.  
City of Philadelphia  
Municipal Services Bldg.  
15th and JFK Blvd.  
Philadelphia, PA 19107

Spence W. Perry, Esq.  
Associate General Counsel  
Federal Emergency  
Management Agency  
500 C Street, S.W., Rm. 840  
Washington, DC 20472

Thomas Gerusky, Director  
Bureau of Radiation  
Protection  
Department of Environmental  
Resources  
5th Floor, Fulton Bank Bldg.  
Third and Locust Streets  
Harrisburg, PA 17120

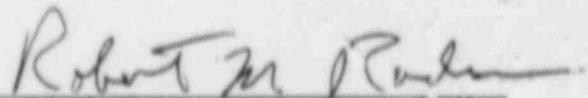
\*\* Federal Express



Jay M. Gutierrez, Esq.  
U.S. Nuclear Regulatory  
Commission  
Region I  
631 Park Avenue  
King of Prussia, PA 19406

James Wiggins  
Senior Resident Inspector  
U.S. Nuclear Regulatory  
Commission  
P.O. Box 47  
Sanatoga, PA 19464

Timothy R.S. Campbell  
Director  
Department of Emergency  
Services  
14 East Biddle Street  
West Chester, PA 19380

  
Robert M. Rader