

## LAW OFFICES

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May 25, 1984

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Gentlemen and Miss Ferkin:

As you know, on May 4, 1984, Applicant submitted a motion to the Licensing Board to substitute seven revised implementing procedures related to its onsite Emergency Plan. The Board stated that it wished a supplement to our motion, reflecting the changes between the procedures in evidence and the revised procedures.

By response dated May 9, 1984, LEA objected to Applicant's motion on the ground that "it seeks to substantively change procedures relevant to LEA's contentions." The Staff indicated that it would take the same position.

Thereafter, the Licensing Board directed that the parties confer and, if possible, submit a joint response by June 4 or by May 31 if the Board were in hearing in Philadelphia at that time. Knowing that all of you were involved in the hearings in Philadelphia this week, I

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attempted to arrange a conference call today to discuss the matter. Since I could not arrange a conference call, we called each of you individually to discuss the matter.

On this basis, I have enclosed Applicant's Supplement to its Motion to Substitute, which attaches seven tables comparing the implementing procedures in evidence and the revisions. If you will examine the comparison, I believe you will agree that there are no substantive changes which affect any matter discussed at the hearing.

If you will agree with this position, we can submit a stipulation to that effect to the Licensing Board. Given the fact that the Board ruled that it did not want to base findings upon procedures which are no longer current (Tr. 11094), the alternative, of course, is for us to present evidence in Bethesda from the witnesses to show that no significant changes affecting any matter discussed at the hearing are involved in the revised procedures and to make the witnesses available for cross-examination.

Sincerely,

*Troy B. Conner, Jr. (RMR)*  
Troy B. Conner, Jr.

TBC/ac  
Enclosure  
cc: Service List