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UNITED STATES OF AMERICA NOV -5 110:58
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Philadelphia Electric Company)	Docket Nos. 50-352 6 C
)	50-353 0 C
(Limerick Generating Station,)	
Units 1 and 2))	

JOINT REPORT OF THE PARTIES WITH RESPECT TO THE
HEARING ON OFFSITE EMERGENCY PLANNING CONTENTIONS

As suggested in the letter from Applicant's counsel to the Licensing Board and parties, dated October 23, 1984, the parties concerned with offsite emergency planning contentions met in Philadelphia on October 30, 1984 to discuss the procedural matters covered by the Board's Order, dated October 19, 1984, relating to the resumption of evidentiary hearings on those issues. Present at the meeting were counsel for the Applicant, Commonwealth of Pennsylvania, Nuclear Regulatory Commission Staff, Federal Emergency Management Agency, the City of Philadelphia and representatives of Limerick Ecology Action.

At that time, the parties discussed the order of hearing the issues, order of presentation by the parties, various evidentiary matters, and the possibility of settlement of contentions. With regard to the latter item, Applicant's counsel restated Applicant's willingness to meet with any of the parties to discuss settlement and withdrawal

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of any of the admitted contentions.^{1/} The representative for LEA stated that she did not expect any of the contentions to be withdrawn, except possibly LEA-26, relating to route alerting. LEA stated that it would advise the parties within a week.

With regard to the scheduling of the contentions, there was agreement, subject to the Board's approval, that the hearings should commence with LEA's contentions. Counsel for the City stated that the City will not be available the afternoon of November 20, November 21 or the week of December 17 and therefore requests that its issues be scheduled for the week of December 3, 1984. FEMA indicated a willingness to address the City's contentions the week of December 3. The Commonwealth expressed no position on the matter. LEA stated that it had no objection either way. The Staff stated that it had no objection. Applicant believes that the hearings on LEA's contentions should be over by December 3, 1984, but does not agree that the continuity of the hearing should be interrupted for reasons personal to the counsel and/or witnesses of the City if the LEA contentions have not been completed by that date.

At the time of the meeting, it was agreed by the parties to recommend for the Board's approval the following

^{1/} Applicant's representatives will be meeting with representatives of the City of Philadelphia to discuss the City's contentions on Friday, November 2, 1984.

order of presentation for LEA's contentions: Applicant, LEA, Commonwealth and NRC/FEMA. This order was based on the Commonwealth's opinion that the Applicant should lead off, to which Applicant agreed.

Following the meeting, LEA stated a preference to switch positions with PEMA, due to potential witness conflicts. FEMA and the Commonwealth believe that the order of presentation agreed upon at the meeting should be followed. The NRC Staff advised LEA that it had no objection to LEA's proposal.

With regard to the City's contentions, the order agreed upon, again subject to Board approval, was as follows: Applicant, Commonwealth, City of Philadelphia and NRC/FEMA.

The question arose as to which county, municipal and school district plans might be offered in evidence, subject to the approval of the Board. The Applicant proposed for its panel to offer and to have received in evidence all of these documents in order that all might be in the record. Only those portions of the documents adverted to by the parties in proposed findings would be considered. This approach was considered preferable to offering only designated portions of each of the fifty-odd documents. The parties, of course, are prepared to present such evidence in whatever way the Board wishes.

The Commonwealth noted that its review, as well as that of FEMA, was based upon the revisions to the county, municipal and school district plans submitted in October-November,

1983. The Commonwealth and FEMA have not had the opportunity to formally review subsequent revisions generated and furnished to the parties thereafter. The Applicant, noting that the parties wanted it to lead off, stated that it would offer in evidence, subject to the conditions noted above, the latest version of each plan for the convenience of the Board. It further added that its testimony would be based upon the updated information which, in essence, is reflected in the continuing revisions and developments in the plans over the past year.

Consistent with FEMA's letter to the Board dated January 30, 1984, it was understood that there will be no final FEMA approval of the plan until, inter alia, the municipalities and counties have approved and adopted their respective plans and FEMA has approved the plans and transmitted them to FEMA for formal review and approval. See 44 C.F.R. Part 350. The Commonwealth reiterated its position that its testimony would be predicated on the plans October-November 1983, but observed that county coordinators whose testimony it was sponsoring might testify to the more recent changes in the plans.

In discussing the City's issues, the City requested a procedure whereby all interested parties file written rebuttal testimony on November 15, 1984 in response to the November 2 filing of testimony. The City suggested that this is the most efficient and effective way to present the issues in controversy to the Board. The City further stated

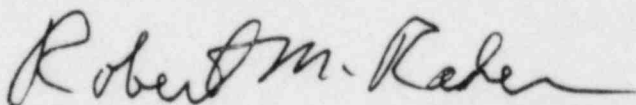
that technical experts can present coherent and thoughtful responses to issues raised in direct testimony. Under the City's proposal, all cross-examination would occur during one hearing period. Applicant took the position that such written rebuttal testimony is not ordinarily filed and would be unnecessary inasmuch as any party's witnesses may offer rebuttal testimony orally following cross-examination. The NRC Staff, the Commonwealth and FEMA took no position on the City's proposal.

As a final matter, PEMA reported that it expected a plan for Graterford to be available within approximately ten days. As required by the Board's previous order, the plan would be immediately furnished to counsel for the Graterford prisoners for his review and preparation of contentions.

Counsel for Applicant has read the foregoing to each of the counsel and representatives of the respective parties concerned with offsite emergency planning, who have authorized the filing of this Joint Report on their behalf.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

A handwritten signature in dark ink, appearing to read "Robert M. Rader". The signature is fluid and cursive, with a long horizontal stroke at the end.

Troy B. Conner, Jr.
Robert M. Rader

Counsel for the Applicant

November 1, 1984

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In the Matter of)	
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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 "Applicant's Transmittal of Testimony Relating to LEA and FOE Offsite Emergency Plan Contentions and City of Philadelphia Contentions City-18 and City-19" and "Joint Report of the Parties With Respect to the Hearing on Offsite Emergency Planning Contentions dated November 1, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 1st day of November, 1984:

* Helen F. Hoyt, Esq. Chairperson Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Atomic Safety and Licensing Appeal Panel U.S. Nuclear Regulatory Commission Washington, D.C. 20555
* Dr. Richard F. Cole 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
* Dr. Jerry Harbour Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	* Ann P. Hodgdon, Esq. Counsel for NRC Staff Office of the Executive Legal Director U.S. Nuclear Regulatory Commission Washington, D.C. 20555

* Hand Delivery on November 2, 1984

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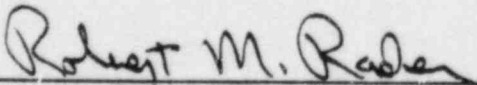
* Hand Delivery on November 2, 1984

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