

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

Docket No. 50-352-OL
50-353-OL
ASLBP No. 81-465-07-OL

TELEPHONE CONFERENCE CALL

Location: Bethesda, Maryland
Date: Monday, June 17, 1985

Pages: 20,722-20,747

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 BEFORE THE ADMINISTRATIVE LAW JUDGES:
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6 In the matter of: Docket Nos. 50-352-OL
7 PHILADELPHIA ELECTRIC COMPANY 50-353-OL
8 (Limerick Generating Station, ASLBP No. 81-465-07-OL
9 Units 1 and 2)
10 -----

11 TELEPHONE CONFERENCE CALL

12 4350 East-West Highway
13 Fourth Floor
14 Bethesda, Maryland
15 Monday, 17 June 1985

16 The telephone conference in the above-entitled
17 matter was convened at 1:35 p.m., pursuant to notice.

18 APPEARANCES:

19 HELEN HOYT, ESQ., CHAIRPERSON,
20 Atomic Safety and Licensing Board
21 DR. RICHARD COLE, MEMBER,
22 Atomic Safety and Licensing Board
23 DR. JERRY HARBOUR, ESQ., MEMBER,
24 Atomic Safety and Licensing Board
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2 TROY B. CONNER, JR., ESQ.

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6

7 On behalf of the Commonwealth of Pennsylvania:

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15 On behalf of The Graterford Inmates:

16 ANGUS R. LOVE, ESQ.

17 Montgomery County Legal Aid

18 107 East Main Street

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21 On behalf of the NRC Staff:

22 DONALD F. HASSELL, ESQ.

23 JOSEPH RUTBERG, ESQ.

24 Office of the Executive Legal Director

25 Washington, D.C.

1 PROCEEDINGS

2 JUDGE HOYT: Good afternoon. Judge Harbour and
3 Judge Cole are here in the office with me today.

4 We have asked that you meet with us on this
5 telephonic conference call in order to get some preliminary
6 matters squared away for the anticipated hearings.

7 Before I forget, let me also advise everyone on this
8 call that we have a reporter here in the room with us, and
9 this call will be recorded verbatim. That will necessitate
10 each one of you people, as you speak, to identify yourself
11 each time before you begin, so that the reporter will have the
12 speaker clearly identified in the record.

13 Picking up again where I started, we are looking now
14 at the two contentions that we have. We anticipate getting
15 the hearings cranked up sometime about the middle of July.
16 We have had difficulty in obtaining hearing space anywhere in
17 Pennsylvania, although we are able now to confirm with you
18 that we have space available at the Customs House, Second and
19 Chestnut, in Philadelphia, where we were once before. I think
20 that is a central location and it fulfills all of the needs of
21 all the parties.

22 MS. FERKIN: Judge Hoyt, how are you today?

23 JUDGE HOYT: Good afternoon.

24 MS. FERKIN: With respect to the location of the
25 hearing, if we are expecting to go to hearing in the month of

1 hearing, if we are expecting to go to hearing in the month of
2 July, on the Commonwealth's part, one of the witnesses that we
3 would expect to call on our contentions would be the
4 Commissioner from the Department of Corrections.

5 The month of July is sort of a strange month this
6 year in the Commonwealth. There is the possibility that the
7 employees are going to go on strike. If so, it is preferred
8 that management employees, and especially department heads,
9 remain as close to their home office as possible.

10 We were thinking that if it was convenient to the
11 Board and to the Parties, we might be able to arrange for
12 hearing space in Harrisburg. And, I had asked my secretary to
13 do some investigation of that possibility.

14 MR. CONNER: Could I address that point?

15 Given the fact that these are two relatively
16 straightforward and simple issues, would it be possible to
17 have the hearings beginning sometime the week of the 24th. I
18 wouldn't think it would take one or two days, which would
19 avoid the possible state employees' strike, and let us get
20 this thing over with as quickly as possible.

21 It would seem to me that this is something that
22 would not require any particular discovery, since everybody's
23 position is known to the other. And, we can probably dispense
24 with simple issues like this, dispense with canned testimony,
25 and just go and put it in and be done with it. In that way it

1 could be gotten over with very quickly.

2 MR. LOVE: Can I respond to that?

3 JUDGE HOYT: I was anticipating that, Mr. Love, and
4 would ask you to give us your response now.

5 MR. LOVE: I don't see it quite as simply as
6 Mr. Conner. I do believe there are just one or two matters
7 that have to be cleared up before the hearings are conducted.
8 And I also feel strongly that the hearings should be in
9 Philadelphia, at the Customs House for the benefit of the
10 other parties.

11 In particular, these are matters that I feel have to
12 be cleared up. Maybe I am incorrect, but from a reading of
13 the opinion which I just got this morning, wouldn't it be
14 incumbent upon the State to produce some sort of sequential
15 analysis of the ETE?

16 JUDGE HOYT: Mr. Love, are you asking that as a
17 question of Ms. Ferkin?

18 MR. LOVE: Yes.

19 JUDGE HOYT: Ms. Ferkin, do you want to respond?
20 You, and Mr. Otto?

21 MR. OTTO: I was just on the other phone trying to
22 get a more current date. I wanted to make sure the same dates
23 I have are available.

24 MR. LOVE: After reading the Licensing Board
25 comments regarding the ETE, it is my understanding that there

1 has to be something forthcoming from the State to describe the
2 methodology utilized in order to come up with the ETE.

3 MR. CONNER: It would seem to me that what the State
4 would need to produce is what it already has available to it;
5 i.e., what they considered in developing the six to ten hour
6 estimate.

7 If Mr. Love doesn't like it, it then becomes his
8 problem to show rather than to ask the State to suddenly
9 produce everything.

10 MR. LOVE: I don't have that information. All I
11 have is a footnote in your Motion for an Exemption, which
12 states there was an ETE done and it is estimated to be six to
13 ten hours. The information is a private conversation that a
14 Mr. Otto and a Mr. Kaiser had. That is the only reference
15 anywhere to an ETE.

16 MR. HASSELL: This is Mr. Hassell, Judge Hoyt, if I
17 may.

18 JUDGE HOYT: Yes, Mr. Hassell.

19 MR. HASSELL: I was just going to add, it seems to
20 me what Mr. Love appears to be seeking can be gotten through
21 informal discovery between him and the Commonwealth.

22 MR. LOVE: That's my point. For hearings to start
23 next week, it seems a little premature.

24 MR. HASSELL: Judge, Hoyt --

25 JUDGE HOYT: Again, let me remind each of you, the

1 reporter must be aware of who it is each time you begin to
2 speak, because this is not the greatest fidelity in the world,
3 the speakerphone that we use.

4 So, please do that.

5 All right, Mr. Hassell, I would like for you to
6 repeat your remarks. As soon as you finish, Ms. Ferkin, I
7 would like the comments of the Commonwealth.

8 MR. HASSELL: I was just going to say, the point I
9 am simply trying to make is this: I believe that we could go
10 to hearing in July. I believe, however, that in order to do
11 that, and to facilitate Mr. Love's legitimate interest, I
12 believe, in pursuing some of the underlying reasons or
13 assumptions that went into the ETE estimate, that under
14 informal discovery I would think that the Commonwealth should
15 be able to produce that relatively quickly.

16 I have nothing further on that point.

17 MS. FERKIN: I would agree with Mr. Hassell's
18 statement. If Mr. Love has a need for informal discovery, we
19 will certainly be happy to cooperate as quickly as possible.

20 JUDGE HOYT: Mr. Love, I think you have an
21 indication now of the willingness of the commonwealth to give
22 you the information that you seek.

23 How soon could that be arranged with the
24 Commonwealth, in your opinion?

25 MR. LOVE: Within a week, I would hope I could

1 receive that information.

2 JUDGE HOYT: Let's remember we are now on June
3 17th. Could you get it any sooner than that, Mr. Love?

4 Could you be ready to make your questions known to
5 the Commonwealth any sooner than that, than a week?

6 MR. LOVE: I have currently scheduled a review of
7 whatever documentation is forthcoming with my expert on the
8 28th of June. So, I would think that the mid-July schedule
9 your Honor mentioned would seem to be appropriate, under my
10 way of thinking.

11 JUDGE HOYT: Well, that seems to be about where we
12 are going to have to come down on this. I would have liked to
13 have made it earlier if we could, but we do have the space and
14 we do have the arrangements made and it can be done in that
15 time.

16 So we will, first of all, reach the decision now of
17 the 15th of July, which is a Monday. And we will give you an
18 order on that later, as to when precisely on that date we will
19 meet. I just don't see that we can anticipate doing it any
20 sooner without running into more problems than I think the
21 matter necessitates.

22 MR. HASSELL: Judge Hoyt, if I may?

23 JUDGE HOYT: Yes.

24 MR. HASSELL: Should the Staff decide to call
25 Dr. Urbanek for a very limited portion of testimony, I have

1 spoken to him about his availability. And, one of the days he
2 is unavailable is July 15th, 1985. He is, however, available
3 for the balance of that week.

4 JUDGE HOYT: Then we will take him the balance of
5 the week.

6 We will probably hear the first contention on the
7 training, anyway, and then take the estimated times studies
8 later on in that week. So that any time after the 16th, you
9 could anticipate having him ready.

10 MR. HASSELL: That is fine with me.

11 JUDGE HOYT: Very well.

12 Now, let me see if we can do one other thing here,
13 now that the time as to the beginning of the hearings are
14 firmed up.

15 What I would like from each of you now, is if you
16 can tell us, as we alerted you to do for this conference when
17 Mrs. Kerr called you either last week or this morning -- I
18 think in Mr. Love's case she contacted you this morning, and
19 the other persons in this conversation today were contacted
20 last week.

21 We would like to know who your witnesses are, if you
22 can tell us at this time.

23 Let's start out with the Applicant first.

24 MR. CONNER: At this point in time, the Applicant
25 has no witnesses. We would expect Mr. Love's witness's

1 deposition as soon as we can work it out. And, I mean very
2 quickly.

3 JUDGE HOYT: All right. You want a deposition then
4 of Major Case?

5 MR. CONNER: Assuming he is the only witness.

6 JUDGE HOYT: He is the only one that Mr. Love has
7 mentioned this far.

8 Let me inquire then of Mr. Love, do you have another
9 witness besides Major Case?

10 MR. LOVE: At this time, my only definite witness is
11 Major Case. I have placed a phonecall to an individual at the
12 University of Pennsylvania, and I am awaiting some word on
13 that.

14 I am also considering the possibility of Mr. Giamo,
15 who has testified previously from Skippack Township.

16 MR. CONNER: I'm sorry, I didn't hear that name.

17 MR. LOVE: Mr. Giamo, G-i-a-m-o.

18 JUDGE HOYT: I believe he was the supervisor there?

19 MR. LOVE: Right.

20 JUDGE HOYT: Mr. Love, you know he has testified
21 previously in this case. You could possibly review his
22 testimony again in order to determine whether, in fact, you
23 want to call him.

24 MR. LOVE: I will do that, certainly. I won't be
25 any more redundant. I will review that to make sure that

1 whatever he would say, after I talk with him, will not be
2 redundant, but I have not had the opportunity to do that yet.

3 JUDGE HOYT: Mr. Love, I will expect you to notify
4 Mr. Conner no later than the close of business on June 19th.
5 That is Wednesday of this week. By close of business I mean
6 5:00 o'clock. That you will notify him of any other witnesses
7 that you may have available. For example, the person that you
8 have not identified from the University of Pennsylvania, in
9 order that those witnesses may be deposed.

10 You will also notify him at that time, and by him I
11 of course mean Mr. Conner again, what days those witnesses --
12 and the location they will be available for the deposition.

13 MR. LOVE: I will do that.

14 MR. HASSELL: Judge Hoyt, if I may --

15 JUDGE HOYT: Do you want to join in those
16 depositions, Mr. Hassell?

17 MR. HASSELL: I definitely would like notice of
18 those depositions.

19 JUDGE HOYT: Yes. I think I should have mentioned,
20 Mr. Love, if you will notify Mr. Hassell and Ms. Ferkin, as
21 well as Mr. Conner, please.

22 MR. LOVE: Yes.

23 JUDGE HOYT: That is June 19th, Wednesday, by 5:00
24 o'clock, which is the close of business here in Washington,
25 the names of the witnesses you intend to call and when they

1 can be deposed by the parties, and where they can be deposed.

2 MR. LOVE: Fine, I will do that.

3 JUDGE HOYT: Ms. Ferkin?

4 MS. FERKIN: Yes

5 JUDGE HOYT: For the Commonwealth, what witnesses do
6 you have? Commissioner Jeffes?

7 MS. FERKIN: Judge Hoyt, I would like to make a
8 couple of points.

9 I did not receive a copy of your order admitting
10 these contentions until this morning, and that was only by it
11 being made available through the Applicant directly to me. I
12 was also not alerted by your office of the scope, of the
13 nature of this conference call. So, I am going to have to
14 hedge my comments with a little uncertainty brought on by
15 those events.

16 JUDGE HOYT: Ms. Ferkin, let me say this then.

17 We understood that you had been notified. If this
18 lack of notification causes you any impediment, you may
19 certainly expect our cooperation to try to cure it.

20 I think the only two issues that have been admitted
21 by this order -- and you will find them on pages 5 and 8,
22 those are the two contentions that were admitted. And the
23 bases of the training are very limited, and the very limited
24 basis for the estimated time of evacuation is the methodology.

25 That is very roughly where we are.

1 MS. FERKIN: Your Honor, I appreciate that. I will
2 mention that the other parties -- in particular the Staff --
3 have been very helpful in explaining the nature of the order.

4 With that in mind, I would suggest that at this
5 point the Commonwealth would call two witnesses with respect
6 to the training contention, although we hope that that could
7 be settled prior to any hearing, and I intend to pursue that
8 with Mr. Love.

9 But, in the event that that is not resolved,
10 we would intend to call a witness from PEMA, from the
11 Pennsylvania Emergency Management Agency. It is likely that
12 that witness will be Mr. Don Taylor, who testified previously
13 with respect to LEA's contention. He testified on a panel
14 with Mr. Hippert, if you recall.

15 JUDGE HOYT: I recall now.

16 MS. FERKIN: He will testify on the training
17 contention.

18 With respect to the evacuation time estimate
19 contention, we would expect, depending on his availability,
20 Commissioner Jeffes to testify to that point. If Commissioner
21 Jeffes for some reason is not available, and we do have a
22 tentative idea of his availability for July, someone else
23 equally competent will testify on that, probably from the
24 Department of Corrections, would be available.

25 JUDGE HOYT: Very well.

1 Ms. Ferkin, we will give you the same time that we
2 have given Mr. Love. That is until the close of business 5:00
3 o'clock on Wednesday, June 19th, in order to tell Mr. Love,
4 Mr. Hassell and Mr. Conner when these persons will be
5 available for deposition. Where and when.

6 MS. FERKIN: Judge Hoyt, I need to make the same
7 point I made earlier in the call. The Commonwealth is in sort
8 of a precarious position right now. As of July 1st, we will
9 know whether or not our State employees are going on strike
10 and the schedules of both Mr. Taylor and Commissioner Jeffes,
11 being in that position, as well as Mr. Otto and myself to some
12 extent, are affected by the scope and length of the strike.

13 JUDGE HOYT: Doesn't that indicate more strongly
14 than ever the need to get these witnesses deposed as quickly
15 as possible. And perhaps we could take that deposition and
16 enter it into evidence as a stipulation of expected testimony,
17 where the witness is not available during the period in July?

18 MS. FERKIN: Sounds fair enough to us.

19 MR. LOVE: On that point I have considered the
20 possibility, if it was necessary, based upon the information I
21 have yet to receive, calling an inmate, Mr. Thomas Martin.
22 Perhaps his deposition could be taken, and therefore we would
23 not have to come across the problem of getting him to a
24 hearing, if that was necessary.

25 JUDGE HOYT: I have only the strongest desire to get

1 as many depositions entered as possible. If that poses no
2 problem for the other parties -- we will run through the
3 roster here.

4 Mr. Conner?

5 MR. CONNER: Of course, I haven't heard of
6 Mr. Martin before.

7 JUDGE HOYT: That was not one of the witnesses --

8 MR. CONNER: Anything we can do to expedite, of
9 course, we will do.

10 JUDGE HOYT: How about you, Ms. Ferkin. I think
11 that will be no problem for the Pennsylvania people?

12 MS. FERKIN: That's correct, no problem.

13 JUDGE HOYT: Mr. Hassell, you and Mr. Rutberg?

14 MR. HASSELL: That would be no problem.

15 JUDGE HOYT: When I say Mr. Hassell, Mr. Rutberg, if
16 you have anything to add to it, or wish to enter into the
17 conversation, please do so.

18 MR. RUTBERG: Will do.

19 JUDGE HOYT: All right.

20 MR. CONNER: Judge Hoyt, I don't want anything I did
21 not say to suggest I would agree that Mr. Martin might have
22 competent testimony, by agreeing to the concept of taking his
23 deposition and possibly using it in lieu of direct testimony.

24 JUDGE HOYT: Of course, I understand that.

25 I think if the deposition is there, you can get all

1 of these things in your deposition. Your whole cross
2 examination. And then at the hearing the ruling will be
3 forthcoming as to what part, if any, would be admitted of any
4 of that. We would rule on the competency of the testimony at
5 the hearing.

6 Any problems with that?

7 (No response)

8 I hear none. All right.

9 We have got the Commonwealth's witnesses, Mr. Love
10 has given us his, and Mr. Hassell, you have only indicated
11 your former expert, that he would be available on the 16th.
12 And, we have agreed to that. Do you have any other witnesses?

13 MR. HASSELL: We may have a FEMA witness, and I
14 haven't spoken to him in enough detail to know yet.

15 JUDGE HOYT: All right. Will you know by Wednesday
16 of this week?

17 MR. HASSELL: Yes. I will make sure I know by
18 then.

19 JUDGE HOYT: All right. And you will, of course,
20 pass that on then to the same parties that we have indicated
21 before here, and do that before 5:00 o'clock on Wednesday.

22 MR. HASSELL: We will do so.

23 JUDGE HOYT: Very well.

24 MR. CONNER: Mr. Conner, Judge Hoyt, may I ask a
25 question and make a suggestion?

1 JUDGE HOYT: All right.

2 MR. CONNER: I don't know, when you are talking
3 about witnesses, if it possibly extends to rebuttal
4 witnesses. And maybe that should be clarified.

5 There is a remote chance that we might want to
6 call, say Mr. Klimm on time estimates, or even Mr. Bradshaw on
7 training, for example. I don't think so, but I just want to
8 make clear that I would possibly consider rebuttal witnesses.

9 JUDGE HOYT: All right.

10 I guess we better set some time. I would assume
11 that after the depositions and the arrangements have all been
12 made and done this week, that we would anticipate the need for
13 any rebuttal testimony would be -- we would be notified
14 immediately of that, Mr. Conner, and you could make
15 arrangements with the parties along the same lines that we
16 have done for the direct witnesses here -- that is, also those
17 witnesses for deposition, and advise the Parties of what you
18 expect your direct testimony for the rebuttal testimony would
19 be. Is that agreeable?

20 MR. CONNER: I was just going to make the suggestion
21 that given the fact that there would be a lot of phonecalls at
22 5:00 o'clock on Wednesday, it might be well for the Parties to
23 try to arrange a conference call at 4:30 or 4:00 o'clock to
24 try to simplify the whole thing.

25 JUDGE HOYT: You mean with us here as we are doing

1 this one, Mr. Conner?

2 MR. CONNER: The Board need not be involved. I was
3 just going to suggest that while everybody was on the phone.

4 JUDGE HOYT: I see what you mean.

5 I didn't understand there would be a need for us to
6 be present.

7 MR. CONNER: Since there would be four parties, it
8 might be as well for a conference call.

9 JUDGE HOYT: Any method, Mr. Conner, that would
10 expedite the hearing and ease us into the position of meeting
11 a 15th of July deadline, is not only urged, but we would join
12 in suggesting that you make those arrangements here today in
13 order to expedite it as much as possible.

14 Very well. Then I think we have all the witnesses
15 identified that would be called. Have I left out anybody?

16 (No response)

17 Very well. One of the things that we have discussed
18 doing -- and we will see if the Parties have any problems with
19 this -- is a method of operating. In order that we relieve
20 you of as much of the responsibility of advance preparation as
21 possible, we have no intentions of asking for any cross
22 examination plans. We urge you to file any testimony in
23 advance, if you wish to do so.

24 I think there will probably be some testimony that
25 you may wish to handle in that fashion after the depositions

1 are taken.

2 If you do decide that you wish to file your prefiled
3 testimony, I would like that done no later than the 8th of
4 July 1985. All expected testimony that would not either be
5 admitted through an agreed-to stipulation with respect to
6 testimony through some other method, we would like to have it
7 in the form of prefiled testimony, written, and that would be
8 the only requirement that we would make of you to submit
9 anything in advance.

10 For the closing of the argument --

11 MR. CONNER: Would that include any documentation
12 that anybody would intend to offer by their witness?

13 JUDGE HOYT: We would assume -- and I hope this is
14 the understanding everybody is getting -- that in any
15 deposition, in any filing of expected testimony written, that
16 you would have attached to that any documents you intended to
17 admit through that witness, who you intended to have
18 identified in the deposition. You would attach those to the
19 deposition.

20 Any problems with that?

21 MR. RUTBERG: Judge Hoyt, I just have one question
22 for you on the status of testimony.

23 My understanding is you are saying all testimony
24 will either be prefiled or stipulated to?

25 JUDGE HOYT: Exactly.

1 MR. RUTBERG: You are not contemplating that on any
2 live testimony?

3 JUDGE HOYT: We do not expect any live direct
4 testimony.

5 MR. RUTBERG: That is what I mean.

6 JUDGE HOYT: Exactly. That is correct.

7 MR. RUTBERG: Thank you.

8 JUDGE HOYT: Who else? Did somebody else want to
9 come in on that? Mr. Conner

10 MR. CONNER: No.

11 JUDGE HOYT: Mr. Love?

12 MR. LOVE: No.

13 JUDGE HOYT: We will not ask for any briefs at the
14 conclusion of these hearings on the two contentions. We will
15 take oral arguments.

16 We will, however, require, if you intend to submit
17 any -- and we would urge that you do submit to us any proposed
18 findings of fact and conclusions of law -- that they be filed
19 concurrently with your oral arguments at the conclusion of the
20 case.

21 Does that help or hinder anyone, or is there any
22 objection to that as a method of operation?

23 MR. CONNER: Will the oral argument take place
24 immediately following the introduction of any evidence?

25 JUDGE HOYT: Yes, that is correct. At the

1 conclusion of all testimony.

2 MR. CONNER: Like a real jury trial.

3 JUDGE HOYT: Exactly.

4 Might as well try that method.

5 All right, Ms. Ferkin, I understood you to have
6 something to say.

7 MS. FERKIN: No. Mr. Conner's question was my
8 question.

9 JUDGE HOYT: Very well.

10 MS. FERKIN: Thank you.

11 JUDGE HOYT: Mr. Love, is there any problem of that
12 for you?

13 MR. LOVE: No problem with that at all.

14 MR. HASSELL: Judge Hoyt?

15 JUDGE HOYT: You were next, Mr. Hassell. Go ahead.

16 MR. HASSELL: Okay. Well, given the nature of the
17 system here, I would think, at least tentatively, I would have
18 a problem with that, unless you give me a day, at least, to
19 check with my management. Because very often, as you probably
20 are aware, our filings has to be reviewed by more than one
21 level.

22 JUDGE HOYT: I understand that, Mr. Hassell.

23 I had hoped that perhaps you wouldn't need that.

24 But, if it is necessary, and if you cannot persuade them, then
25 why don't you advise the Board at that time.

1 MR. HASSELL: Okay.

2 JUDGE HOYT: Through a letter that would be served
3 on all the parties.

4 MR. HASSELL: I will do that.

5 JUDGE HOYT: I think that is all that I had on my
6 list of points I wanted to discuss with you.

7 Let me take each of you in turn and see if there is
8 anything we can do to expedite it any better, to give you an
9 opportunity to advise us of anything you might want to do
10 differently.

11 Ms. Ferkin, we will take you first.

12 MS. FERKIN: Your Honor, the only point I would make
13 -- and we would be willing to do a little legwork on this --
14 would be to investigate whether there is some space available
15 in Harrisburg the week of July 15th.

16 I understand Mr. Love has some objections to this,
17 but we would be willing to investigate whether there is
18 something available, if that is all right with the Board.

19 JUDGE HOYT: Let me take you next, Mr. Love.

20 Given the difficulty that the Commonwealth employees
21 are in, and the fact that we have had some hearings in this
22 case in Harrisburg, do you think it would be any more
23 difficult for you to come to Harrisburg than it would be to
24 make the hearings at the Second and Chestnut --

25 MR. LOVE: By all means, it would be much more

1 difficult to Harrisburg. In an effort to be reasonable, I
2 wouldn't object if Mr. Jeffes' testimony, and Mr. Jeffes'
3 testimony only would be taken in Harrisburg. For me to get my
4 expert to Harrisburg involves a considerable amount of
5 expense, which I am hoping to avoid.

6 JUDGE HOYT: Ms. Ferkin, if the only witness that
7 you had was Mr. Jeffes, I think that may require the testimony
8 in Harrisburg -- although I think it would probably cover more
9 than Mr. Jeffes', it would probably cover also Mr. Taylor --
10 perhaps you and Mr. Love could get yourselves on the same
11 wavelength and get your testimony either through depositions
12 or stipulated.

13 Let me try you first on that, Ms. Ferkin. How about
14 you, do you think you could work that out?

15 MS. FERKIN: I have no problem trying to work it
16 out. I am more than willing if we can, since this is a
17 problem of the Commonwealth.

18 JUDGE HOYT: Mr. Love, could we ask that you then
19 join Ms. Ferkin for the testimony of those two witnesses, with
20 the taking of a deposition that would be either introduced, or
21 if you care to write it up and put it in as a stipulation that
22 you two have agreed on?

23 Do you think we could work this out, this problem
24 out through that method?

25 MR. LOVE: I think so. Certainly, as I said, I

1 can't bring my expert to Harrisburg. But I have no problems
2 to try to work out something along those lines.

3 JUDGE HOYT: Very well. It seems to me that is the
4 intelligent thing to do. Then we will hold the rest of the
5 hearings in the City of Philadelphia.

6 Judge Harbour has indicated that we have not set any
7 last date for a hearing for discovery requests of any of the
8 witnesses, depositions of any of your witnesses.

9 I would assume that if we have all of them by the
10 19th, any changes or deletions, additions or revisions of that
11 list could be worked out among the parties.

12 Is there any objection to that? We will start out
13 with Mr. Conner. How about you?

14 MR. CONNER: I see no problem now, unless, you know,
15 somebody wants to stall. And I don't see that at present.

16 JUDGE HOYT: All right. Let's try, then, you,
17 Mr. Hassell?

18 MR. HASSELL: I have no objection.

19 JUDGE HOYT: Ms. Ferkin?

20 MS. FERKIN: No objection.

21 JUDGE HOYT: Mr. Love?

22 MR. LOVE: No objection.

23 JUDGE HOYT: Very well. That solves that problem.

24 We will leave this line open with you, and
25 Mr. Hassell, if you will take over and give the parties the

1 guidance to setting up your conference call for Wednesday
2 afternoon. We will mute our speaker here. We will overhear
3 what you folks have to say, but we will terminate the
4 conference as of this time, unless there is some objection.

5 MR. HASSELL: No objection.

6 MR. CONNER: No objection.

7 JUDGE HOYT: Very well. Mr. Hassell, it is your
8 ball.

9 This conference, as far as this Board is concerned,
10 has been closed at this time. We will attempt to put out
11 somewhat of a Memorandum of Understanding of what has occurred
12 here. Or, if the Parties would just as soon have it, this
13 copy of the transcript can be made available within two days.

14 MR. HASSELL: Copy of the transcript will be
15 sufficient for the Staff.

16 MR. CONNER: We request that we be sent a copy of
17 the transcript, and, of course, billed for it.

18 JUDGE HOYT: Very well, the reporter has been so
19 notified.

20 Mr. Love?

21 MR. LOVE: No, thank you.

22 JUDGE HOYT: You don't want a copy of the
23 transcript?

24 MR. LOVE: No, thank you.

25 JUDGE HOYT: Ms. Ferkin, did you want a copy?

1 JUDGE HOYT: Very well. The reporter has been so
2 notified.

3 We will now terminate our portion of the
4 conversation. We will leave this line open for the Parties to
5 use as we indicated a moment ago.

6 We will mute our phone here and only if someone has
7 a question of us, will we come back on. But, we will keep
8 this line going for the use of the Parties here today.

9 Very well. Thank you for your cooperation and
10 participation in the conversation, and in the arrangements we
11 have made here.

12 We look forward to seeing you then on July 15th in
13 Philadelphia at the Old Customs Courthouse, Second and
14 Chestnut, to resume the hearings.

15 Thank you, again.

16 (Whereupon, at 2:10 p.m., the hearing in the
17 above-entitled matter was recessed.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2
3
4
5 This is to certify that the attached proceedings
6 before the United States Nuclear Regulatory Commission in the
7 matter of: PHILADELPHIA ELECTRIC COMPANY

8
9 Name of Proceeding: (Limerick Generating Station, Units 1 & 2)
10 Telephone Conference Call

11 Docket No.:

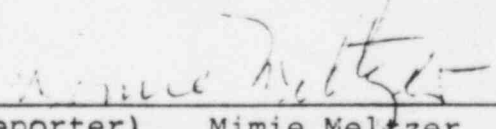
12 Place: Bethesda, Maryland

13 Date: Monday, June 17, 1985

14
15 were held as herein appears and that this is the original
16 transcript thereof for the file of the United States Nuclear
17 Regulatory Commission.

18
19 (Signature)

(Typed Name of Reporter)


Mimie Meltzer

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21
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23 Ann Riley & Associates, Ltd.
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