

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Lawrence Brenner, Chairman
Dr. Richard F. Cole
Dr. Peter A. Morris

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In the Matter of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352-OL
50-353-OL

September 30, 1983

MEMORANDUM AND ORDER REGARDING APPLICANT'S MOTION FOR
SUMMARY DISPOSITION OF CONTENTION V-4

On September 27, 1983, the Applicant served a motion for summary disposition of AWPP's Contention V-4. The Applicant has included, as required by 10 C.F.R. § 2.749, a statement of material facts (55 in number) as to which it contends there is no genuine issue to be heard. It is helpful to the Board and parties for each such statement to have a specific citation to the portion of the affidavit which purportedly supports the statement. The Applicant has not done this. In addition, any portions of licensing documents being relied upon, such as the FSAR and EROL, must be supported by appropriate affiants attesting to the truth and correctness of the particular facts being relied upon. It is also helpful for the particular portions of documents being relied upon

for particular, identified facts to be identified and attached to the motion.

Accordingly, the Applicant is directed to file the above described information, including a new statement of material facts with supporting citations which can be substituted for the original statement. Provided this supplemental information is received by AWPP, the NRC Staff and the Board by October 6, 1983, this order shall not operate to extend the time for answers to the Applicant's September 27, 1983 motion. */

Unless the parties have agreed otherwise in the proposed schedule report to be filed on September 30, 1983, and the Board approves, the time and procedure for answers shall be as prescribed by Section 2.749. Answers, and any responses thereto, shall be served on the Board and affected parties by express mail. It is requested that counsel for the NRC Staff and the Applicant assure that AWPP understands the provisions of Section 2.749 with respect to answers to the motion, and responses by a party opposing the motion to any new matter raised in an answer to the motion by another party.

*/ It is somewhat surprising that such a motion by the Applicant, filed within a few months of hearing on the issue, and in recognition of the relatively longer time permitted for answers and needed for consideration by the Board, was not furnished to the affected parties and the Board by means more rapid than ordinary mail.

The Applicant was informed of the substance of this order on
September 29, 1983.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

Lawrence Brenner
Lawrence Brenner, Chairman
ADMINISTRATIVE JUDGE
by
V.M.S.

Bethesda, Maryland
September 30, 1983

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COURTESY NOTIFICATION

As circumstances warrant from time to time, the Board will mail copies of its memoranda and orders directly to each party, petitioner or other interested participant. This is intended solely as a courtesy and convenience to those served to provide extra time. Official service will be separate from the courtesy notification and will continue to be made by the Office of the Secretary of the Commission. Unless otherwise stated, time periods will be computed from the official service.

I hereby certify that I have today mailed copies of the Board's "Memorandum and Order Regarding Applicant's Motion for Summary Disposition of Contention V-4" to the persons designated on the attached Courtesy Notification List.

Valarie M. Lane

Valarie M. Lane
Secretary to Judge Brenner
Atomic Safety and Licensing
Board Panel

Bethesda, Maryland

Attachment

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