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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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Easton, PA. 18042

In the Matter of  
PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station, Units 1 and 2)  
Docket Nos. 50-352 and 50-353 DL

Dear Mr. Elliott:

At the hearing on the City's issues concerning severe accident risks, the Board asked the Staff to send you the transcript pages in which the Board directed that the 'emergency planning implementing procedures problem' be addressed in parties' proposed findings on onsite emergency planning. Tr. 11,912-13. Accordingly, I have enclosed the transcript pages in which the Board gave that direction and also the pages in which the matter was discussed. Tr. 11,909-15.

The Board also imposed a page limitation of 35 pages for findings on LEA's DES contentions. That ruling is to be found at Tr. 11,906, which is also enclosed.

Sincerely,

*Ann P. Hodgdon*  
Ann P. Hodgdon  
Counsel for NRC Staff

Enclosures: As stated

cc w/o enclosures: See next page

DS07

cc w/o enclosure:

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the matter of:

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,  
Units 1 & 2)

Docket No. 50-352  
50-353

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Location: Philadelphia, Pa.

Pages: 11,902-11,995

Date: Thursday, May 31, 1984

**TAYLOR ASSOCIATES**

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1 certainly and 35 pages sounds about right to us.

2           You know, findings are not to regurgitate every  
3 sentence in the written testimony or in the FES or anything  
4 else you would want to use. One important purpose of our  
5 page limitation is to avoid that, which I have seen on  
6 occasion in other cases at least -- that is, the parties just  
7 regurgitating that instead of boiling it down and focusing  
8 what the findings are.

9           So we are going to impose that limit of 35 pages  
10 for City 13 and 14 and 35 pages for the LEA severe accident  
11 contentions and we will set 15 pages for the replies.

12           Now if when we are back on the record in June  
13 you find you have a severe problem, you can bring it back  
14 to our attention and we will consider what you have to tell  
15 us then.

16           So you will have that safety valve. I think 35  
17 pages is about right.

18           MS. BUSH: I would just note for the record that  
19 I disagree with that, but I appreciate the safety valve and  
20 I will raise it in June if I continue to have this opinion.

21           JUDGE BRENNER: I don't want it to be just a  
22 prospective opinion. In June, you can tell me that your  
23 findings are substantially written if not completed even  
24 though they are not due then and that having gone through  
25 them and made every good faith effort to boil it down but

1 JUDGE BRENNER: Okay. Thank you. I think that  
2 completes any need for you to be here, Ms. Bush.

3 MS. BUSH: Thank you.

4 JUDGE BRENNER: Nice to see you again. We will  
5 see you in June.

6 MS. BUSH: Thank you.

7 JUDGE BRENNER: I wanted to get a report on the  
8 emergency planning implementing procedures problem.

9 MR. WETTERHAHN: Applicant has contacted  
10 Mr. Elliott with regard to his position on the motion.  
11 Mr. Elliott objects to a hearing on June 4th through 6th in  
12 Bethesda. He instead wanted a hearing on June 11th and 12th.

13 I know the Board had noted on the record that it  
14 was not available.

15 JUDGE BRENNER: We have noted that for months and  
16 I have emphasized we set the schedule well in advance so  
17 all parties could be ready, so that those dates are not  
18 acceptable.

1 MR. WETTERHAHN: According to my understanding,  
2 Mr. Elliott indicated there was one change, at least one  
3 change, that he considered to be substantive as far as the  
4 difference in the procedures and that is where the discussions  
5 stand with regard to the Staff's position. I believe  
6 Mr. Vogler can state that position.

7 MR. VOGLER: Staff's position was determined by  
8 counsel for Philadelphia around 10 o'clock last night, so I  
9 do not have a case citation yet this morning upon which the  
10 Staff is relying.

11 We would like to see the Applicant's motion to  
12 substitute perhaps be changed to a motion to supplement. We  
13 do not believe that the implementing procedures that we had  
14 hearing on should be removed and the other procedures put in  
15 its place.

16 Rather the Staff would prefer that the new  
17 implementing procedures be added to the record and that the  
18 parties have a chance to comment on those implementing  
19 procedures.

20 We do not think at this time that additional  
21 hearing is necessary, I note, and as I prefaced my remarks  
22 before I got started, I do not have a citation this morning,  
23 but the licensing board handled such a procedure in the  
24 San Onofre, the Southern California Edison proceeding on  
25 approximately November, 1980, a similar procedure was

1 followed whereby additional material was added to the record  
2 rather than substituted to the record.

3 JUDGE BRENNER: I am not familiar with the case  
4 either but it depends upon the extent of agreement among the  
5 parties and how significant the issues are and so on.

6 MR. VOGLER: The Staff is aware of that.

7 JUDGE BRENNER: So it isn't too much precedent  
8 unless you look at exactly what was involved and then make  
9 a determination as to similarities or differences to the  
10 case at hand.

11 What change is it that LEA thinks may create a  
12 problem, do you know?

13 MR. WETTERHAHN: EP102, Section 9.1.1.2, the  
14 original stated "Shift supervision -- supervisor -- to  
15 initiate" and then the change was, "Shift supervisor to  
16 direct" and this was the single example given over the  
17 telephone.

18 Mr. Elliott may have others but that is the one  
19 he discussed with Mr. Conner.

20 JUDGE BRENNER: That which you just told me does  
21 not comport with Appendix A as I am looking at it, although  
22 I don't have the implementing procedures with me.

23 But on page 1 of Appendix A, which is attached  
24 to -- is referenced in the motion, the supplement, Applicant's  
25 motion to substitute dated May 25, but the actual Appendix A

1 was attached to that May 25 letter from counsel for the  
2 Applicant to the other parties and under their 9.1.1.2, it  
3 indicates that the change is to add, "Shift supervision to  
4 initiate." It has a few more words in there.

5 MR. WETTERHAHN: This is what I was told over the  
6 phone as far as again -- double hearsay.

7 JUDGE BRENNER: When are the findings, the  
8 Applicant's findings do? I don't have the --

9 MR. WETTERHAHN: June 11.

10 (Board conferring.)

11 JUDGE BRENNER: Since LEA is not here today and  
12 apparently as we understand could not be available for  
13 hearing next week and if we had a hearing at the outset we  
14 would have made a close determination as to whether a hearing  
15 was necessary and if so, why. But of course we need LEA's  
16 presence for that too. Given that procedural situation, we  
17 will handle it as follows and I would appreciate it if these  
18 transcript pages could be sent to LEA's counsel and in addi-  
19 tion if Mr. Elliott could be contacted as soon as possible  
20 to tell him about it, namely today, or as soon thereafter  
21 as practicable.

22 Each party shall argue in its findings which of  
23 the changes to the procedures raise material controversy and  
24 if so, why, how the findings would be changed and depending  
25 on any substantive problem, what procedural steps the party



1 believes is necessary, be it reopening the record or  
2 mandating that a certain change to a procedure not be made  
3 and so on.

4 And of course the main thing is all these arguments  
5 have to be very much in the specific context of what findings  
6 on the contention a party is proposing and the close analysis  
7 as to how the changes in the procedures of which any party  
8 has a concern would affect the outcome on the merits of the  
9 contention.

10 Now I think the normal sequence on this sub-point  
11 at least would be for LEA, now that the Applicant has  
12 indicated specifically what the changes are, for LEA at the  
13 time of filing its findings to devote some of the findings to  
14 the points I just indicated. Any procedures not objected to  
15 or not discussed will not be dealt with in our decision and  
16 the Applicant will be free to use the procedures as changed.

17 Then in the reply findings by the Applicant the  
18 Applicant can pick up any of these points and we will allow  
19 the Staff -- in fact, ask the Staff, require the Staff to  
20 file a reply also on the same date as the Applicants, but  
21 just on this one sub-part of the findings -- that is the  
22 changes to the procedures, because normally the Staff would  
23 not be filing a reply on the other matters in the findings,  
24 and I think we can then get the issue focused, highlight which  
25 ones if any remain in dispute, which changes remain in

1 dispute and we can see exactly what the controversy is and  
2 we will then take the appropriate action.

3 MR. VOGLER: Staff didn't concentrate on the  
4 pages on reply. Are you going to permit us to -- more pages  
5 on the reply?

6 Generally I don't have the page limitation that  
7 you gave the parties.

8 JUDGE BRENNER: I think it was 30; that is my  
9 recollection. We said 60 pages for the findings and as a  
10 rule of thumb, we have allowed approximately half or a little  
11 less when the number was uneven for a reply.

12 But that reply limitation was set for an entire  
13 reply, certainly don't go over it, but you should be well  
14 under it for this matter.

15 MR. VOGLER: All right.

End 2.

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c 3-1 1 JUDGE BRENNER: This also gives the parties  
2 a little more leeway to see if they can resolve the matter,  
3 and of course getting the information this way, we still  
4 don't understand what the dispute is, nor do I understand  
5 why the changes couldn't have been timely indicated when  
6 we were here the first time on the record.

7 If that becomes material to argue it, we can  
8 hear more on it. Right now, I don't know whether that  
9 point is material.

10 We have no other miscellaneous matters, and  
11 we are prepared to discuss the findings we received on  
12 AWPP's Contention VI-1 concerning welding, if the parties  
13 have nothing else.

14 Mr. Romano, we stated on the record previously,  
15 and this has been reported to you through various  
16 conversations from Staff, as we understand it -- that is,  
17 we have received the written proposed findings and  
18 conclusions on AWPP's Contention VI-1. We have read them.  
19 We have gone through the transcript as to each portion  
20 cited in each of the findings. We have also kept the  
21 whole record in mind and reviewed those portions of the  
22 record that, on our own, we think remanded rereview,  
23 even though not cited by any parties, and we have done  
24 that, and our conclusion is unchanged from the one we gave  
25 at the end of the evidentiary hearing session.

mgc 3-2 1                    However, we wanted to give you the opportunity  
2 on the record, if you want to avail yourself of it, to go  
3 through the substantive proposed findings that you have  
4 made and the responses by the parties, just to see if there  
5 is some point in the responses that we are still missing.  
6 But we only want to deal with the substantive matters,  
7 not any of our procedural rulings. Many of your findings  
8 deal with the procedural rulings, such as the method  
9 of cross-examination, and Dr. Eberson's testimony and so on.  
10 Our rulings on those matters are amply set forth on the  
11 record, and we have nothing to add on those, and the record  
12 is there for any party to argue later as to whether what  
13 we did was correct.

14                    However, we are willing now to deal with any  
15 of the proposed findings that would go to the merits of  
16 deciding the contention. I take it you are here for that  
17 purpose.

18                    MR. ROMANO: Well, fundamentally I am here to  
19 preserve my appellant rights. Otherwise, I really don't  
20 know why I'm here.

21                    I couldn't help feeling, as I have stated in  
22 my conclusions and findings, that it was practically  
23 useless to even file the findings and conclusions, which  
24 I feel suggested bias, that I think I felt all through  
25 the readings of the inspection and engineering reports,