

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 OCT 11 A11:03

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
OFFICE OF SECRETARY  
REGULATORY SERVICE  
BRANCH

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

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE  
TESTIMONY ON OFFSITE EMERGENCY PLANNING CONTENTIONS

In its Order dated August 15, 1984, the Licensing Board in the above-captioned proceeding established a schedule for hearings on Limerick Ecology Action (LEA) and City of Philadelphia admitted offsite emergency planning contentions. That schedule set October 16, 1984 as the due date for receipt of parties' written direct testimony, along with exhibits and references not already in possession of the parties. The Board stated that the evidentiary hearing on these contentions would be scheduled to commence as soon as practicable after November 2, 1984, "once it is clear that the schedule is proceeding as now anticipated."

The Commonwealth of Pennsylvania is an interested governmental participant in this proceeding pursuant to 10 C.F.R. Section 2.715(c). In accordance with its role in

8410110512 841005  
PDR ADOCK 05000352  
G PDR

DS03

offsite emergency planning for nuclear facilities in the state, the Commonwealth intends to submit direct testimony in this proceeding in response to one or more admitted contentions. As explained below, however, it is now clear that the Commonwealth will not be able to meet the October 16 submission date for its direct testimony. The Commonwealth therefore asks that the Board grant the Commonwealth an extension of time until November 2, 1984 (mailing date) in which to submit its written testimony. The Commonwealth has consulted with other parties to this proceeding on this matter and their positions are addressed below.

#### Basis

The Board should grant the Commonwealth's motion for the following reasons:

(1) The Commonwealth is an integral actor in offsite emergency planning for the Limerick facility. 10 C.F.R. Section 50.47(b) requires, inter alia, that the adequacy and implementability of the state radiological emergency response plan be considered in the Federal Emergency Management Agency (FEMA) and ultimately NRC review of offsite emergency planning capability. Moreover, Pennsylvania law requires that emergency plans prepared by local governments be consonant with the state's emergency plan. See 35 Pa. C.S. Sections 7501-03. Inasmuch as the

admitted contentions involve matters of state emergency planning, the Commonwealth's testimony is vital to development of the record in this proceeding.

(2) The Commonwealth resources needed to respond to these contentions are not centralized in one, or even two agencies. Rather, responses to the issues raised in these contentions require input from several state agencies, divisions within agencies and political subdivisions that have the appropriate knowledge and expertise. Moreover, emergency planning issues by their very nature involve matters of state policy. Consequently any testimony the Commonwealth would submit in this proceeding must undergo various levels of government review before it can be submitted on behalf of the state. In light of these factors, significant time is required to coordinate and obtain approval of state testimony through the proper government channels.

(3) The scope of the admitted contentions has only recently been made certain. LEA filed its reworded admitted contentions on September 6, 1984. The Board issued its Memorandum and Order ruling on these contentions on September 24. That order delineates exactly what matters are in issue under each of LEA's contentions. Prior to the September 24 order, it was not possible for the

Commonwealth to identify in more than a general sense the state resources needed to prepare testimony on these contentions which will contribute meaningfully to this record.

(4) This proceeding will not be unduly delayed if the Board grants the requested extension. Filing of testimony on November 2, 1984 would allow motions to strike, answers, and cross-examination plans to be filed by mid-November. Hearings could be completed by mid to late December. Given that applicant is currently estimating readiness for full power operation in April 1985, the Board's decision on these issues should be issued in sufficient time to meet that schedule. Finally, the Commonwealth will exercise its best efforts in completing its testimony expeditiously and will file it in advance of the requested extension date if at all possible.

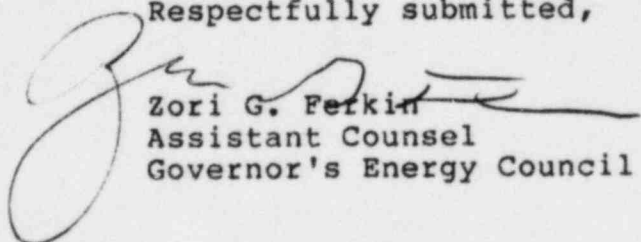
(5) The Commonwealth has acted diligently in notifying the Board of its need for additional time. The Commonwealth could not have foreseen, at the time of the Board's August 15 Order or in its discussions with other parties on a proposed schedule for emergency planning hearings prior to that Order, that it would require more time to prepare its testimony and to obtain the necessary review, approvals and coordination. Further, the Commonwealth is filing this request as soon as practicable after it became clear that additional time would be needed.

5

(6) The Commonwealth has consulted with applicant, NRC Staff (representing FEMA) and LEA in preparation of this motion, and attempted to contact counsel for the City. The NRC Staff and LEA have authorized counsel for the Commonwealth to state that these parties support the Commonwealth's request, on the condition that each of these parties receives the same additional time to submit its testimony as that granted the Commonwealth. The Commonwealth agrees with the Staff and LEA that a single filing date for written direct testimony will best serve the interest of efficiency in this proceeding.

In view of the foregoing, the Commonwealth respectfully requests this Board to grant an extension of time in which to file written testimony on admitted offsite emergency planning contentions until a mailing date of November 2, 1984. The NRC Staff and LEA ask that the time for submission of their testimony be extended as well to the time allowed the Commonwealth.

Respectfully submitted,



Zori G. Ferkin  
Assistant Counsel  
Governor's Energy Council

Dated: October 5, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
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 "Motion for Extension of Time in which to File Testimony on Offsite Emergency Planning Contentions" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Commonwealth of Pennsylvania's internal mail system, this 5th day of October 1984:

Helen F. Hoyt (2)  
Administrative Judge  
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. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing  
Board  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Troy B. Conner, Esq.  
Conner and Wetterhahn, P.C.  
1747 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Jerry Harbour  
Administrative Judge  
Atomic Safety and Licensing  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Benjamin H. Vogler, Esq.  
Counsel for NRC Staff  
Office of the Executive Legal  
Director  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Panel  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Philadelphia Electric Company  
ATTN: Edward G. Bauer, Jr.  
Vice President &  
General Counsel  
2301 Market Street  
Philadelphia, Pa. 19101

Frank R. Romano  
61 Forest Avenue  
Ambler, Pa. 19002

\*David Wersan, Esq.  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, Pa. 17120

Robert L. Anthony  
Friends of the Earth of  
the Delaware Valley  
P. O. Box 186  
103 Vernon Lane  
Moynan, Pa. 19065

Steven P. Hershey, Esq.  
Community Legal Services, Inc.  
Law Center West  
5219 Chestnut Street  
Philadelphia, Pa. 19139

Marvin I. Lewis  
6504 Bradford Terrace  
Philadelphia, Pa. 19107

Angus Love, Esq.  
101 East Main Street  
Norristown, Pa. 19104

Joseph H. White, III  
15 Ardmore Avenue  
Ardmore, Pa. 19003

Phyllis Zitzer  
Limerick Ecology Action  
P. O. Box 761  
Pottstown, Pa. 19464

Charles W. Elliott, Esq.  
Brose and Postwistilo  
1101 Building  
11th & Northampton Sts.  
Easton, Pa. 18042

Sugarman, Denworth & Hellegers  
16th Floor Center Plaza  
101 North Broad Street  
Philadelphia, Pa. 19107

\*Director, Pennsylvania  
Emergency Management Agency  
B-151, Transportation and  
Safety Building  
Harrisburg, Pa. 17120

\*Thomas Gerusky, Director  
Bureau of Radiation  
Protection  
Department of Environmental  
Resources  
5th Floor, Fulton Bank Bldg.  
Third and Locust Streets  
Harrisburg, Pa. 17120

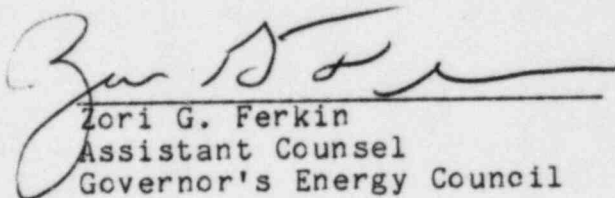
Jay M. Gutierrez, Esq.  
U. S. Nuclear Regulatory  
Commission  
Region I  
631 Park Avenue  
King of Prussia, Pa. 19406

Timothy R. S. Campbell  
Director  
Department of Emergency Services  
14 East Biddle Street  
West Chester, Pa. 19380

Martha W. Bush, Esq.  
Kathryn S. Lewis, Esq.  
City of Philadelphia  
Municipal Services Bldg.  
15th and JFK Blvd.  
Philadelphia, Pa. 19107

Spence W. Perry, Esq.  
Associate General Counsel  
Federal Emergency Management  
Agency  
500 C Street, S.W., Rm. 840  
Washington, D.C. 20472

Gregory Minor  
MHB Technical Associates  
1723 Hamilton Avenue  
San Jose, CA 95125

  
Zori G. Ferkin  
Assistant Counsel  
Governor's Energy Council

Date: October 5, 1984