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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES: 84 AGO 16 AIO:24

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

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

SERVED AUG 16 1984

August 15, 1984

ORDER ESTABLISHING SCHEDULE FOR
OFFSITE EMERGENCY PLANNING ISSUES

The Board has considered the "Joint Report of the Parties on Schedule Proposal for Offsite Emergency Planning Matters," dated August 7, 1984. This report states that the formal FEMA report of its findings, based, in part, on the July 25, 1984 emergency exercise, is not estimated to issue until October 1, 1984. Therefore, the Applicant's schedule which would require the filing of direct testimony by parties other than FEMA prior to November 1, is neither efficient nor conducive to development of a sound record through direct testimony which takes account of FEMA's formal findings. On the other hand, LEA's proposal would unnecessarily delay the filing of testimony on all contentions until mid-to-late December in order to accommodate time to specify or settle the deferred contentions.

The Board believes that, given the many pending contentions, a bifurcated schedule can best accommodate the schedule needs and preferences of the parties. Accordingly, the Board is establishing one schedule for the admitted contentions, and a later schedule for the deferred contentions. The earlier schedule is keyed to the estimated issuance of FEMA's formal findings by October 1, 1984. If the FEMA formal findings are not received on or about October 2, 1984, the schedule for the admitted issues will change accordingly. The NRC Staff is directed to inform the Board and the participating parties immediately of any changes in the date for issuance of the formal FEMA findings. In addition, the Board and the participating parties shall receive, by expedited means, the report on the Limerick exercise by the FEMA regional office, estimated to be issued on or about September 1, 1984.

The schedule for the filing of respecified contentions by the Graterford Prisoners remains as twenty days from the still uncertain date on which the emergency plan for the prison will be made available by PEMA to the Prisoners' counsel. All dates below are receipt dates.

Admitted Offsite EP Contentions

September 6, 1984: Voluntary narrowing and focusing by LEA and the City of admitted contentions and reports of any settlements. */

October 2: Formal FEMA findings.

October 16: Written direct testimony (along with exhibits and references not already in possession of the parties).

October 23: Motions to strike testimony, if any.

October 30: Answers to any motions to strike.

November 2: Cross-examination plans.

The evidentiary hearing on the above issues will be scheduled in advance for a commencement date as soon as practicable after November 2, once it is clear that the schedule is proceeding as now anticipated.

*/Negotiations on this shall take place prior to the filing date. It is not expected that there would be any objections, particularly given the required negotiations, to legitimate narrowing and focusing. Any such unanticipated objections shall be received by September 13, 1984.

Deferred Offsite EP Contentions

September 25, 1984: Mandatory specification by LEA of its deferred contentions and reports of any settlements (to be preceded by negotiations among the parties).

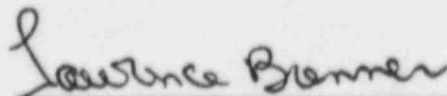
October 9: Answers by other participating parties supporting or opposing the admission of LEA's specified contentions.

The Board will rule on the specified deferred contentions as soon as practicable thereafter. It is presently anticipated that a schedule will be established at that time which would require the filing of testimony in mid-November on any of these contentions which are admitted.

The Board appreciates the negotiation efforts of all the participating parties throughout the offsite emergency planning issues prehearing process. It is important that these efforts continue as noted in the above schedules.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



Lawrence Brenner, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
August 15, 1984

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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 "Order Establishing Schedule for Offsite Emergency Planning Issues" 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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