

636

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

DOCKETED  
USNRC

'84 SEP -6 P3:31

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED SEP 6 1984

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

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

September 6, 1984

ORDER INVITING ANSWERS TO THE NRC STAFF'S MOTION FOR  
RECONSIDERATION AND REQUIRING NRC STAFF AND FEMA BRIEF

Any party which asserts it has both a need and a right to receive FEMA's regional report, originally scheduled to be issued September 1, 1984, but now delayed until at least September 15, shall file an answer to the NRC Staff's August 23, 1984 "Motion for Reconsideration," as supported by the September 5, 1984 letter to the Board from FEMA's General Counsel. Any such answers shall be received by September 13, 1984.

8409070130 840906  
PDR ADOCK 05000352  
G PDR

DS02

Also by a received date of September 13, 1984, FEMA and the NRC Staff shall file a joint legal brief <sup>\*/</sup> justifying any reliance on the Shoreham Appeal Board decision (ALAB-773, June 13, 1984) for the proposition that the showing made before us by the Staff's August 23, 1984 motion and FEMA's September 5, 1984 letter justifies confidential treatment of FEMA's regional report on emergency planning at Limerick. In addition to discussing and applying the standards enumerated in Shoreham to the case before us, FEMA and the Staff shall clarify whether the FEMA regional report which we have directed to be disclosed is the same type of document as those containing the individual RAC committee member's views, which were the subject of the Shoreham Appeal Board decision. In particular, one inference from the Shoreham Appeal Board decision quotation of Suffolk County's discovery request (slip op. at 6) is that Suffolk County had the Shoreham FEMA regional report (contrary to the assertion in FEMA's letter to us that no such report has ever been released), and was seeking to obtain the supporting FEMA documents underlying that regional report. FEMA and the NRC Staff's joint brief shall clarify this for us.

---

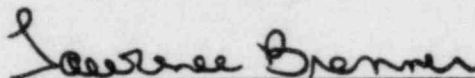
<sup>\*/</sup> See the previous orders in this Limerick proceeding by the Appeal Board (unpublished Memorandum, July 11, 1984) and this Licensing Board ("Memorandum and Order Regarding Establishment of Hearing Schedule. . . ," unpublished, slip op. at 9, September 13, 1983), rejecting the use of letters to seek some specific relief in this formal adjudicatory proceeding.

FEMA's regional report need not be disclosed, pending further order.

This order was read to the representatives of the NRC Staff, the Applicant, LEA, the Commonwealth and the City of Philadelphia on September 6, 1984.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

  
Lawrence Brenner, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
September 6, 1984

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

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

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

September 6, 1984

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 Inviting Answers to the NRC Staff's Motion for Reconsideration and Requiring NRC Staff and FEMA Brief" to the persons designated on the attached Courtesy Notification List.

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

Bethesda, Maryland

Attachment

Troy B. Conner, Jr., Esq.  
Mark J. Wetterhahn, Esq.  
Conner and Wetterhahn  
1747 Pennsylvania Avenue, N.W.  
Suite 1050  
Washington, DC 20006

Benjamin H. Vogler, Esq.  
Ann P. Hodgdon, Esq.  
Nathene A. Wright, Esq.  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Charles W. Elliott, Esq.  
Limerick Ecology Action  
Brose and Poswistilo  
1101 Building  
11th and Northampton Streets  
Easton, PA 18042

Maureen Mulligan  
Limerick Ecology Action  
P.O. Box 761  
762 Queen Street  
Pottstown, PA 19464

Zori G. Ferkin, Esq.  
Assistant Counsel  
Commonwealth of Pennsylvania  
Governor's Energy Council  
P.O. Box 8010  
1625 N. Front Street  
Harrisburg, PA 17105

Martha W. Bush, Esq.  
City of Philadelphia  
Municipal Services Bldg.  
15th and JFK Blvd. - Room 1530  
Philadelphia, PA 19107