

limerick ecology action

BOX 761

POTTSTOWN, PA. 19404

(215) 326-9122

DOCKETED
USNRC

GRANTED
For the Atomic Safety and
Licensing Board

'84 SEP 28 AIO :50

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard F. Cole 9/25/84
Jerry Harbour 9/25/84

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED SEP 28 1984

Sept. 24, 1984

In the Matter of
Philadelphia Electric Company
Docket No. 50-352, 353

loc

RE: Schedule for Filing Respecification of LEA's Deferred Off-site
Emergency Planning Contentions

REQUEST OF LIMERICK ECOLOGY ACTION FOR
EXTENTION OF TIME FOR FILING RESPECIFIED OFF-SITE EMERGENCY
PLANNING CONTENTIONS DUE TO THE DELAY IN ISSUANCE OF THE
FEMA REPORT ON THE JULY 25 LIMERICK EMERGENCY EVACUATION DRILL

Judge Cole,

Limerick Ecology Action has been informed by Mr. Ric Kinnard, of FEMA, Region III (Phila.) that FEMA is not making its draft RAC report on the Limerick July 25 Limerick Exercise available to parties to this proceeding, as had been previously agreed to, but that FEMA would release the Final Interim Finding Report from Washington, D.C. at the end of the day on Tuesday, Sept. 25th.

Mr. Kinnard stated that FEMA was looking into the possibility of making arrangements to send a copy of the report to Limerick Ecology Action by Federal Express, which would hopefully insure delivery to us on Wednesday, Sept. 26th, although Mr. Kinnard was unable to provide further confirmation at this time. (11:00 a.m. 9/24)

DS02

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PDR ADDCK 05000352
G PDR

The Board's Order of August 15, 1984 established the schedule for respecification of Limerick Ecology Action's (LEA) off-site emergency planning contentions. LEA's deferred contentions (LEA-1, LEA-2, LEA-3, LEA-4, LEA-5, LEA-6, LEA-23), were to be respecified in a filing to be received by the parties on Sept. 25, 1984. The same order directed FEMA to make available the FEMA RAC regional report on the July 25 Limerick Exercise by expedited means, expected to be issued on or about Sept. 1, 1984. (see page 2). This schedule anticipated receipt of the draft FEMA RAC report prior to the deadline for respecification. The schedule for the deferred contentions is of particular concern to LEA because they deal directly with matters relating to the July 25 Limerick Exercise.

On Sept. 19, LEA received a message from the NRC Staff Counsel (Nathene Wright) stating that FEMA had agreed to make the draft RAC report available to LEA and other interested parties on Friday morning, Sept. 21 at the Phila. FEMA office. That same day, LEA contacted Mr. Robert Rader, Counsel for Philadelphia Electric Company, and Ben Vogler, Counsel for the NRC Staff to discuss proposing a request to the Board for an extension of the filing deadline for LEA's deferred contentions in order to allow for a negotiation meeting between the parties following receipt of the draft FEMA RAC report. Mr. Vogler stated that he felt a week's extension would be appropriate due to the fact that the FEMA RAC report was being released 1 week late. Mr. Rader stated that he felt Philadelphia Electric Company would be willing to agree to a 2 day extension to accommodate a meeting. Based on this discussion, LEA informed the Secretary to the Licensing Board of the situation. A message was relayed to Judge Cole who returned a call to Limerick Ecology Action, granting a 2 day extension. This established a "receive" date of Sept. 27 for the respecification filing on LEA's deferred contentions. This schedule anticipated that the parties would obtain the FEMA RAC report on Sept. 21 and that a meeting could take place to discuss the report and the proposed respecification of LEA's deferred contentions before the Sept. 27 receive date.

On Friday Sept. 21, I went to the Phila. FEMA office to obtain the draft RAC report. Mr. Hugh Laine told me that he did not have it, that he knew nothing of any meetings planned to discuss it, and that he would try to find out what was going on. He stated that Ric Kinnard was out of the office for the rest of the week, and would not be available to speak to. I returned calls nearly every hour for the rest of the day to determine if LEA needed to send someone in to receive the information later on in the day. Numerous times, I was told that both Mr. Perry and Mr. Laine were "busy in meetings", "away from their desks", or were "taking another call". Finally at 3:45 p.m. a secretary informed me that Mr. Kinnard was in the office, but she couldn't put him on the phone to me. She told him I wanted to know when the RAC report would be available. She relayed a message to me that he said it would not be "until the middle of next week". Mr. Rader and Mr. Vogler were not in their offices at that point to discuss the impact that this additional delay would have on the proposed negotiation meeting and the filing date.

On Monday morning (Sept. 24) Mr. Rader and Mr. Vogler were out of their offices, making it difficult to discuss the matter further. Mr. Rader was reached later on and stated that he believed Philadelphia Electric Company would agree to my proposal to request an extension for the filing deadline to October 1. He discussed plans for a meeting after the FEMA report was released, and tentatively plan to meet on Thursday Sept. 27. He stated that he also believed that the Applicant could still meet the October 9 response date, as long as LEA's respecification was received by Oct. 1.

Mr. Vogler also returned a call this afternoon stating that the NRC Staff would not oppose LEA's request for an extension, although he was uncertain whether or not the Staff could meet the October 9 response filing date. He stated that the Staff might need a few additional days for its response, possible extending the date to October 12. (The previous schedule had allowed for a 2 week response time).

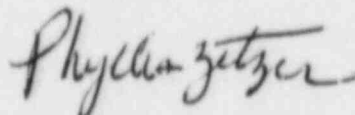
LEA has been unable to reach any of the other parties to discuss this matter in greater detail at this time. In order to promptly bring this matter to the Board's attention, this filing must be

mailed out at this time.

Therefore, Limerick Ecology Action, lead intervenor on offsite emergency planning contentions in this proceeding, respectfully requests the Board to grant an extension for the respecification of deferred offsite emergency planning contentions from Thursday, Sept. 27 until Monday October 1. This will allow the parties to receive the FEMA Interim Report on the July 25 Limerick Exercise, and to have a meaningful negotiations meeting, before the filing of respecified deferred contentions.

If there is a need for a conference call to discuss this matter in more detail, I hereby request that Mr. Charles Elliott, LEA's counsel for other matters (other than offsite emergency planning) in this proceeding be contacted on LEA's behalf. This is due to the fact that I will be unavailable on Tuesday, Sept. 25 to participate in a conference call. I will be in the LEA office on Wednesday, Sept. 26 if any of the parties need to contact me.

Respectfully submitted,



Phyllis Zitzer
President of Limerick Ecology Action
(designated representative for
LEA's off-site emergency planning
contentions)

cc: Service List

~~Express mail~~ to: Judge Cole (4)
Mr. Rader
Federal Express Mr. Vogler

limerick ecology action

BOX 761

POTTSTOWN, PA. 19464

(215) 326-9122

BEFORE THE UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PHILADELPHIA ELECTRIC COMPANY)

(Limerick Gererating Station))

(Units 1 and 3))

Docket No. 50-352

50-353

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned representative of Limerick Ecology Action enters an appearance in the above captioned matter. In accordance with 10 C.F.R. 2.713(b), the following information is provided:

Name: Phyllis Zitzer

Address: Limerick Ecology Action
P.O. Box 761
Pottstown, Pa. 19464

Note: for Federal Express: 762 Queen Street
Pottstown, Pa. 19464

Phone number: (215) 326-9122
(215) 326-8687 (only if other line is busy)

Name of Party: Limerick Ecology Action

Designated representative for Off-site Emergency Planning matters (replacing Maureen Mulligan)
(Note: Ms. Mulligan may continue to assist in these matters, but Phyllis Zitzer has lead responsibility for LEA)

Phyllis Zitzer

Phyllis Zitzer
President of Limerick Ecology Action

Sworn and subscribed
before me this 24th.
day of September, 1984.

D. Clay Emdy
D. CLAY EMDY, NOTARY PUBLIC
POTTSTOWN BORO. MONTGOMERY COUNTY
MY COMMISSION EXPIRES APRIL 6, 1987