

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
JUNE 3 1985

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD <sup>85</sup> JUN 3 10:15

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket Nos. 50-352  
50-353 /oc

RESPONSE OF THE COMMONWEALTH OF PENNSYLVANIA  
TO GRATERFORD INMATES' DECEMBER 20, 1984  
MOTION FOR FULL DISCLOSURE OF GRATERFORD RERP  
AND REQUEST FOR ADDITIONAL TIME TO FILE  
MEMORANDUM IN SUPPORT OF SAID RESPONSE

On December 13, 1984, the Commonwealth made available to counsel for the intervenor-inmates at the State Correctional Institution at Graterford an unclassified copy of the Pennsylvania Bureau of Correction, Radiological Emergency Response Plan prepared for response by the Graterford institution to incidents at the Limerick Generating Station. The Commonwealth requested that certain portions of the emergency plan be withheld from disclosure, on the basis that release of such information would be "directly contrary to the public interest in protection from a security breach of the Graterford facility."

By motion dated December 20, 1984, counsel for the Graterford inmates requests this Board issue a protective order "allowing counsel and any recognized experts to review the entire plan under appropriate circumstances." The motion requests further that the twenty-day time period allowed for the filing of contentions based upon the

Graterford plan be tolled until full disclosure of the plan is permitted.

The Commonwealth opposes the motion in part. Specifically, the Commonwealth's position is that there be no further disclosure of the Graterford emergency response plan. The Commonwealth does not take a position with regard to the running of the twenty day time period in which inmates have been directed by prior Board orders to file contentions.

The Commonwealth intends to file a memorandum in support of its response to the inmates' request for disclosure of the Graterford plan. Additional time is needed for preparation and filing of said memorandum, the reasons for which are set forth below. Accordingly, the Commonwealth requests that it be allowed until January 18, 1985 to file a memorandum in support of its response.

The radiological emergency response plan served upon prisoners' counsel Angus Love on December 13, 1984 by the Commonwealth was developed principally by the Pennsylvania Bureau of Correction [Bureau]. Management and control of the Graterford facility is the direct responsibility of the Bureau. Consequently, the response of the Commonwealth to prisoners' motion and any other matters involving the Graterford emergency plan must of necessity involve the Bureau. The Board so acknowledged on this record (See Tr. 15,835-36).

The undersigned Commonwealth counsel has been informed that Bureau officials concerned with the Graterford plan, due to Christmas holiday schedules and other obligations,

are not now available and will not be until after the first week in January. Given the time of filing of the inmates' motion, it was not possible to ascertain this information prior to the Christmas weekend and the concomitant absence of these officials. The Commonwealth cannot respond to the matters raised in the inmates' motion without consultation with the Bureau. In view of the sensitivity of the Graterford plan (see Affidavit of Glen R. Jeffes, Acting Commissioner of Corrections ffers attached to Commonwealth Request for Non-Disclosure dated December 13, 1984), the Board is respectfully requested to grant the Commonwealth until January 18, 1985 to file its memorandum in support of its response to the Graterford inmates' motion for disclosure of the Graterford radiological emergency response plan.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Zori G. Ferkin". The signature is stylized with a large, looped "Z" and a cursive "F".

Zori G. Ferkin  
Assistant Counsel  
Governor's Energy Council

Dated: December 30, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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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 the "Commonwealth Response to Graterford inmates Motion" were served on the following by United States first class mail on the 31st day of December 1984:

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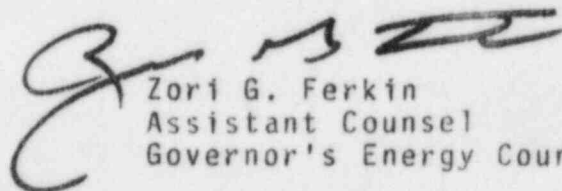
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Date: December 31, 1984