

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'85 JUL 22 P3:40

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket Nos. 50-352 OL
50-353 OL

NRC STAFF PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW ON THE GRATERFORD ISSUES

A. INTRODUCTION

1. On May 2, 1985, the Licensing Board issued its Third Partial Initial Decision on offsite emergency planning that resolved all issues in favor of the Applicant, Philadelphia Electric Company, except for any issue which might arise from the inmates of the State Correctional Institution at Graterford (SCIG). Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-85-14, ___ NRC ___, slip op. (May 2, 1985).

The Licensing Board's Order of June 12, 1985 admitted the following contention: "There is no reasonable assurance that the Radiological Emergency Response Plans for the State Correctional Institute at Graterford will protect the inmates at said institution in the event of a nuclear emergency at the Limerick Generating Station." Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), Order Admitting Certain Revised Contentions Of The Graterford Inmates And Denying Others (unpublished), slip op. Appendix at 1.

2. The Board admitted two bases for this contention. The first basis concerned training. For training the Board identified the following areas of concern:

- (1) that there is no reasonable assurance that emergency response training will be offered to civilian bus and ambulance drivers who will assist in evacuating the SCIG;
- (2) that the method by which the Commonwealth seeks to offer such training, i.e., by letter, to such civilian employees is inadequate because (a) there is no guarantee that the employees will ever receive any notice of the opportunity to avail themselves of the training program, and (b) the training envisioned by the inmates was a broader, and more comprehensive training program, such as the training offered to school bus drivers (Third Partial Initial Decision, Section 333 at p. 155).
- (3) Moreover, the inmates contend that the two hour course offered by PEMA is not as comprehensive as the one offered to the bus drivers of school children and is therefore inadequate. Id.

3. The second basis for the contention admitted by the Board concerned the estimated time of evacuation for the SCIG. For this basis, the Board identified the following concerns:

- (1) there is no reasonable assurance that the estimated time of evacuation of 6 to 10 hours can be achieved;
- (2) the Inmates contend that the failure to specifically address the estimated time of evacuation in the plan fails to meet the

criteria suggested by Appendix 4 to NUREG-0654, specifically Section II.C and Section IV.B; and

- (3) the Inmates contend that a breakdown of the various sequential events for the 6 to 10 hour evacuation time estimate is necessary and that this breakdown was not included in the ETE as prescribed by Section IV.B. Appendix 4, NUREG-0654. (Id.)

4. On July 15 and 16, 1985, the evidentiary hearing on this admitted contention and its bases was held at the U.S. Customs Court House, Philadelphia, Pennsylvania.

5. With respect to the training issue, the Commonwealth of Pennsylvania presented Mr. Donald F. Taylor, Director of Training and Education For PEMA as a witness. (Taylor, ff. Tr. 20,856, 20,857-20,882). FEMA presented a panel of witnesses consisting of Mr. James Asher and Mr. Richard Kinard (Asher/Kinard, ff., Tr. 20,995; Asher/Kinard, Tr. 20,996-21,007). The Graterford Inmates presented Major John Case, Field Director, Pennsylvania Prison Society as a witness (Case, ff. Tr. 20,930; Tr. 20,931-952; See Case Deposition).

6. For the evacuation time estimate issue, the Commonwealth presented Mr. Charles H. Zimmerman, Superintendent, State Correctional Institution at Graterford as a witness. (Zimmerman, ff. Tr. 20,763, 20,765-20,853). FEMA presented Mr. Edward Lieberman, Vice President KLD Associates, Inc., Huntington Station, N.Y. as a witness (Lieberman, ff. Tr. 20,956; Tr. 20,957-20,971). The NRC presented Dr. Thomas Urbanik, II, Program Manager and Associate Research Engineer, Texas Transportation Institute, Texas A&M University, College Station, Texas, as a witness. (Urbanik, Tr. 20,973-991). The Graterford Inmates also

presented Major John Case as a witness on this issue. (Case, ff. Tr. 20,930, Tr. 20,931-952; Case Deposition, ff. Tr. 20,930). Further, the Graterford Inmates presented the testimony of Mr. Robert L. Morris, Consultant in Transportation Planning and Traffic Engineering, Bethesda, Maryland in the form of a deposition that was received in evidence. (ff. Tr. 21,013). The Applicant did not present witnesses on the admitted contention but conducted its case through cross-examination.

The Board has considered all of the proposed findings of fact and conclusions of law presented by the parties. Those not incorporated directly or inferentially in this decision are rejected as unsupported by fact or law or as unnecessary to the rendering of this decision.

B. TRAINING

7. Planning Standard 0. of NUREG-0654/FEMA-REP-1, Rev. 1 and 50.47(b)(15) call for radiological emergency response training to be "provided to those who may be called on to assist in an emergency." Furthermore, Criterion 0.1 provides that "each organization shall assure the training of appropriate individuals." (Asher/Kinard, ff. Tr. 20,995 at 1).

8. PEMA will be responsible for conducting the training for civilian bus companies and ambulance companies. (Taylor, ff. Tr. 20,856 at 3; Asher/Kinard, ff. Tr. 20,995 at 1).

9. On April 4, 1985, PEMA sent a letter to each of the six bus companies that will transport prisoners from Graterford in the event of an evacuation caused by an accident at the Limerick Generating Station. These letters offered dosimetry training to the bus drivers who will be

employed in this endeavor. To date, no responses from these six bus companies have been received. (Taylor, ff. Tr. 20,856 at 3; Asher/Kinard, ff. Tr. 20,995 at 2).

10. A program designed to encourage the six bus companies to accept this training will be implemented by PEMA in late July and early August, 1985. This implementation will involve personal visits by the Director of Training and Education to each of these bus companies so as to personally urge them to take advantage of this offer of training. (Taylor, ff. Tr. 20,856 at 4; Tr. 20,863).

11. The ambulance companies will be offered training in the same manner as for bus companies. PEMA will contact the ambulance companies that would be called upon in an evacuation of Graterford in a radiological emergency at Limerick by letter. Within the next month, Mr. Taylor will visit each company to encourage the company to accept the training offer, if the company has not already done so. (Taylor, ff. Tr. 20,856 at 4; Tr. 20,879-880).

12. Any training sessions that are conducted for bus and ambulance drivers will be scheduled in a place and at a time convenient to the drivers themselves. (Taylor, ff. Tr. 20,856 at 4; Asher/Kinard, ff. Tr. 20,995 at 2).

13. The training to be offered to the civilian bus drivers and ambulance drivers who would assist in evacuating the SCIG would include a general orientation, an overview of radiation principles, emergency management principles, and additional background information about radiation principles. (Taylor, Tr. 20,860-861; Taylor, ff. Tr. 20,856. Plan Of Instruction Number Seven pp. 1-4).

14. The dosimetry training that will be provided to these bus and ambulance drivers will include decontamination monitoring procedures, since there is a remote possibility that, if dosimetry is utilized by these bus and ambulance drivers, they will also be involved in some manner with decontamination monitoring. This training will ensure their knowledge of that process. (Taylor, ff. Tr. 20,856 at 2).

15. The training program for school bus drivers provided by Energy Consultants (EC) through the auspices of the Applicant, Philadelphia Electric Company, was approved by Mr. Taylor, the Director of Training and Education for PEMA, prior to its implementation in the various counties in the Limerick EPZ. (Taylor, ff. Tr. 20,856 at 5-6). Further, PEMA certifies the EC instructors as qualified to give such instruction. Id.; Taylor, Tr. 20,861. Consequently, the Board believes Mr. Taylor is in a position to compare the EC course to that being offered by PEMA in this instance. (Id.)

16. The plan of instruction for these bus and ambulance drivers covers a full spectrum of topics, including government response to disasters, levels of radiation during an incident at a fixed nuclear facility, proper use of dosimetry, and decontamination monitoring procedures. (Taylor, ff. Tr. 20,856 at 6; and Plan of Instruction Number Seven, ff. Tr. 20,856). The only significant difference between this course and the EC program is that the latter provides for a "public relations" lesson, which explains how a nuclear generating plant operates and the safety of such a facility. (Taylor, ff. Tr. 20,856 at 6).

17. Any additional concerns raised by the drivers during training, such as security precautions for the protection of the drivers, will be

addressed by PEMA during the training sessions. (Taylor, ff. Tr. 20,856 at 6); Asher/Kinard, ff. Tr. 20,995 at 2; Asher and Kinard, Tr. 20,999-21,000).

18. The course of training offered by PEMA to the civilian bus drivers and ambulance drivers for Graterford is as comprehensive as the course offered to the bus drivers of school children. (Taylor, Tr. 20,861; Plan of Instructions Number Seven, Taylor, ff. Tr. 20,856).

19. It is FEMA's judgment that emergency response training should be tailored to the individual's expected duty in responding to an emergency. (Kinard, Tr. 21,000).

20. There is no necessity for the training of the bus and ambulance drivers to include the matter of inmate custody and control. (Taylor, Tr. 20860; Asher, Tr. 20,999). This is because security personnel from the Bureau of Corrections will accompany the drivers during an evacuation and the drivers' role does not include inmate custody and control. (Taylor, Tr. 20,868-869; Kinard, Tr. 21,005).

21. The bus and ambulance driver's role is limited to driving the bus or ambulance during an evacuation of the SCIG. (Kinard, Tr. 21,005; Taylor, Tr. 20,869).

22. Graterford Inmates have also raised a concern about whether there is a "guarantee" that training will be offered to bus and ambulance drivers, since no financial inducement has been offered for participation in the training. (Case, ff. Tr. 20,930 at 5).

23. At the outset, the Board observes that our mandate does not include a standard that calls for a "guarantee" in the emergency planning area. Rather, the standard to be applied for emergency matters under the

Commission's regulations is whether there is "reasonable assurance."
(See, 10 C.F.R. § 50.47).

24. There is no probative evidence of record to suggest that the civilian bus drivers will not accept the training that will be offered by PEMA. (Kinard, Tr. 21,006; Taylor, Tr. 20,869; Case, Tr. 20,951-952).

25. There is nothing in the emergency planning guidance (NUREG-0654, REP-1, Rev. 1) that requires the provision of financial incentives to anyone receiving training. (Asher, Tr. 21,001). PEMA's Director of Training and Education does not believe that the bus and ambulance drivers will not accept training because of the lack of financial incentives. (Taylor, Tr. 20,869).

26. However, the Board notes that both FEMA and PEMA have determined that the civilian bus drivers who would assist in evacuating the SCIG would be able to carry out this function without the emergency response training offered by PEMA. (Asher, Tr. 20,998; Taylor, Tr. 20,866).

27. Based on this record, the Board finds that the Inmates' concern about financial incentives is without merit.

28. Graterford Inmates have raised a concern that training be offered on an ongoing basis. (Case, ff. Tr. 20,930 at 5). The Board notes that this training and/or refresher training will be made available annually to the drivers of each bus and ambulance company. (Taylor, ff. Tr. 20,856 at 5; Tr. 20,865). Thus, this concern has been resolved.

29. PEMA has determined that the training offered to the bus drivers and that will be offered to the ambulance drivers will adequately prepare the drivers to respond to the Graterford facility during a

radiological emergency at the Limerick Generating Station. (Taylor, ff. Tr. 20,856 at 6).

30. Based on (1) the fact that the offered training has been provided at other sites in Pennsylvania, (2) the information provided by PEMA to FEMA concerning how training will be offered to the drivers supporting the evacuation of the SCIG and (3) the assurances of PEMA and Mr. Taylor that personal contact will be made with the bus and ambulance companies, FEMA has concluded that there is reasonable assurance that emergency response training will be offered to civilian bus and ambulance drivers supporting the SCIG radiological emergency response plan. (Asher/Kinard, ff. Tr. 20,995 at 2; Kinard, Tr. 20,997-998; Asher, Tr. 21,003-004).

31. Based on the foregoing record, the Licensing Board concludes that there is reasonable assurance that emergency response training will be offered to civilian bus and ambulance drivers who will assist in evacuating the SCIG.

32. Additionally, the Board finds that, based on this record, the Commonwealth's letter of April 4, 1985 to the bus providers and Mr. Taylor's commitment to personally visit each of the bus and ambulance companies assisting in the evacuation of the SCIG provides reasonable assurance that the drivers will receive notice of the emergency response training to be provided by PEMA.

33. Further, given the limited role of the bus and ambulance drivers in assisting in an evacuation of the SCIG and that their training should be tailored to their expected duties, the Board finds that based on this record there is reasonable assurance that the training to be

provided by PEMA is as comprehensive as the training offered to the school bus drivers.

C. EVACUATION TIME ESTIMATE

34. Appendix 4, NUREG-0654, FEMA-REP-1, Rev. 1 (November, 1980) is the Commission's guidance which governs the preparation of evacuation time estimates for special facilities. (Urbanik, Tr. 20,974-975.) Section II.C of Appendix 4, NUREG-0654 provides under special facility population that "An estimate for this special population group shall usually be done on an institution-by-institution basis." (NUREG-0654 at p. 4-3.)

35. Dr. Urbanik, one of the authors of Appendix 4, NUREG-0654, explained that Appendix 4, NUREG-0654 did not intend evacuation time estimates for special facilities to include analysis of worst case scenarios. (Urbanik, Tr. 20,976, 20,979-980). Rather, Appendix 4, NUREG-0654 intended such estimates for special facilities to provide some data points from which decisionmakers can in fact make decisions. (Id.) Further, the intent of Appendix 4, NUREG-0654 is for evacuation time estimates to present representative evacuation times for fair and adverse weather conditions which can be used by decisionmakers. (Urbanik, Tr. 20,976-977, 20,979-980).

36. The primary purpose of evacuation time estimates is to serve as a tool in the protective action decision-making process by providing a framework within which decisionmakers can incorporate input on evacuation characteristics and traffic flows at the time of an actual emergency. As such, pursuant to NUREG-0654, time estimates are intended to be

representative and reasonable so that any protective action decision based on those estimates would reflect realistic conditions. An overly conservative estimate could result in an inappropriate decision. (Urbanik, Tr. 20,979-980).

37. Neither NRC regulations nor NUREG-0654 establish a standard for effectuating evacuations within a given time. An evacuation time estimate study does not attempt to predict exact conditions during an evacuation. Rather, it attempts to indicate the sensitivity of the analysis to a number of commonly occurring events. (Id.)

38. The Board believes that the issues of whether the estimated time of evacuation (ETE) of six-to-ten hours developed by Commissioner Jeffes can be achieved and whether there is an adequate basis for that estimates' methodology are moot for several reasons. First, as we noted earlier (see, Board Findings 37, neither the Commission's requirements or guidance established a standard for effectuating evacuations within a given time. Second, the Bureau of Corrections for the Commonwealth subsequently undertook an independent analysis of the components and time needed to complete an evacuation of the SCIG. (Zimmerman, ff. Tr. 20,763 at 2). This analysis resulted in a revised ETE for Graterford of eight-to-ten hours which is within the range of and consistent with the six-to-ten hour ETE developed by Commissioner Jeffes. (Zimmerman, ff. Tr. 20,763 at 1, 2, 8; Tr. 20,768-769). The methodology for the revised ETE of eight-to-ten hours has been litigated and the record shows, as demonstrated below, that the methodology was based on reasonable assumptions regarding the evacuation of the SCIG. Accordingly, the Board does not believe that the revised ETE for Graterford of

eight-to-ten hours requires any changes in the SCIG's emergency planning or preparedness.

39. The revised ETE of eight-to-ten hours was developed based upon the SCIG's officials prior experience with other emergencies and the day-to-day operation of the SCIG. (Zimmerman, ff. Tr. 20,763 at 3). This prior experience was the basis for the estimates of lockdown time and population count time of 30 minutes each included in the revised ETE. (Id.) Population counts are made routinely everyday at the SCIG. (Id.)

40. There are certain times where the inmates at Graterford would already be locked down, such as at night, before lunch and before dinner. (Id. at 3-4).

41. In the event an evacuation of the SCIG were necessary, the inmates would be notified via our public address system, which is heard throughout the institution, that they should pack their personal effects in a pillowcase, that they would be permitted to take only that which would fit on that person and the pillowcase, and only those health and comfort items deemed necessary for their trip and for their relocation. (Id.) Further, the inmates will be informed through an inmate handbook provided to every inmate about what to do to assist in their evacuation. (Id.) Thus, the Board finds that Major Case's concern about the lock down time being extended because the inmates will lack information about the evacuation (Case, ff. Tr. 20,930 at 3; Case, Tr. 20,946-47) is without merit. Major Case acknowledges that the inmates would be likely to cooperate if they are provided information about the evacuation. (Case, Tr. 20,942, 20,946-47). Moreover, based on Superintendent Zimmerman's past experience at the SCIG, the inmates cooperate with SCIG staff when

the inmates recognize it is for their benefit during emergency situations. This has been the case in the past with fire drills at the SCIG. (Zimmerman, ff. Tr. 20,763 at 3).

42. The estimate for the vehicle arrival time portion of the revised ETE is two-to-four hours. (Zimmerman, ff. Tr. 20,673 at 4). This estimate is based on routes travelled regularly by SCIG buses and vans when moving from one facility to another. (Id.) If the radiological emergency developed gradually, the SCIG officials would already have the buses on site at Graterford. On the other hand, if the radiological emergency developed more rapidly, it might take between one-to-three hours for the bus companies to get their vehicles to the support facilities and then to travel to Graterford. (Id.) This is based on the drivers having the busses at the support institutions. (Id. at 5.)

43. With regard to the time of arrival of the off-duty personnel, the SCIG officials developed an estimate of one-to-two hours maximum for their arrival under average conditions and two-to-three hours maximum under adverse conditions. (Id. at 5.) This estimate is based on the SCIG's experience over the past several years involving emergency situations where they have had to call in off-duty personnel. (Id.) Some of the personnel would begin to arrive almost immediately, but to get the teams needed to load the vehicles it will take one-to-two hours. (Id.) All of the off-duty personnel would not be necessary to implement the SCIG evacuation plans, only the number of personnel indicated in the SCIG plans would be necessary to move the inmates from their cells to the staging area for loading. (Id.).

44. The SCIG officials have assigned designated personnel to be vehicle loading teams, that is, they would be at the staging areas. They have designated five of those areas in various places in the institution to which inmates would be funneled and boarded on the buses. Loading team personnel are required to see that the inmates get on the proper vehicle. (Id.)

45. In developing the revised ETE for the SCIG, the SCIG officials designated different classes of inmates depending on the amount of security required. (Zimmerman, ff. Tr. 20,763 at 6-7). For the revised ETE, Class 4 and 5 inmates are those inmates requiring the least amount of security at the institution. In fact, many of these inmates live outside the walls of the institution and work outside the walls. Some of them go home on furloughs periodically. Class 3 inmates are those inmates designated as the general population. They are free to move about the inside of the institution depending on their work assignments, where they live, and in which program they are involved. All of the SCIG staff who would be involved in moving these inmates have been trained in the use of security equipment and use it on a regular basis. The SCIG officials have designated special teams that go on the blocks, the numbers are determined by the size of the block and the amount of security needed. These teams would effectively remove the inmate from his cell, apply the appropriate security device and see him on his way to the appropriate staging areas. The teams can move from cell to cell because officers will be running a line from the block that is being evacuated onto the staging area. The inmate will be directed to go and follow that line of officers so that the inmates in effect would be walking to the

staging areas for boarding the buses in a smooth, uninterrupted flow. (Id.) The amount of time allocated for these Class 3, 4 and 5 inmates indicates that more than one inmate at a time in each of these classes will be getting security restraints and being loaded. There will be teams of officers doing this simultaneously on several blocks and moving right down the block on all of the ranges and tiers. Ranges and tiers are the different parts of the cellblock. (Id.) More time was allocated for loading Class 1 and 2 inmates because these inmates are those requiring the highest degree of security. These are inmates in our restricted housing units or in disciplinary lockup or administrative custody. The reason more time is allowed to restrain and load them is because of additional security devices that may be used and the additional security required in moving them from their cells to the vehicles. However, there are several teams working, depending upon the location and the physical plant, and the time estimate is based on the fact that the officers are familiar with using the restraints and moving the inmates. (Id. at 7.)

46. If one of the cellblocks refuses to lockdown or in some other way tries to impede the evacuation of the institution, the effect on the evacuation would be minimal to none. This is because the SCIG officials handle emergency situations on an almost regular basis, and the fact that Graterford is a maximum security correctional facility. Moreover, a team of trained personnel, the Emergency Response Team, would be on hand and would be ready to respond to any type of situation like this. Areas inside the institution can be isolated, and once isolated, the required personnel can be moved into that area, and they do

whatever is necessary to restore order. (Id. at 7.) The other inmates could still be evacuated. (Id.)

47. The numbers of the times of evacuation for the vans, ambulances and buses were arrived at by evaluating the actions that would take place during the evacuation. Certain actions will take place at the same time. The SCIG officials can begin lockdown, request the vehicles and call in off-duty personnel at the same time. (Id. at 7-8.) As noted earlier, inmates will be restrained, loaded into vehicles and removed as the vehicles arrive on site. To arrive at the total of eight-to-ten hours, the SCIG officials reviewed the buses that would be coming at what time and how many inmates would be loaded at what times. (Id.) They then added a short period of time for travel time out of the evacuation area. Inmates will be sent out of the evacuation area in a reasonably direct route that will not take them past Limerick. (Id.)

48. Buses would be loaded as they arrive and sent out to the support institutions, and the buses are expected to come in at varying times since they are travelling different distances. (Id. at 8.) It is unlikely that the evacuation could take longer than the eight-to-ten hours since the estimate was using figures based on experience, including experience with emergency situations. (Id., at 8; Lieberman, ff. Tr. 20,956 at 8.) Moreover, the inmates will have been provided information with respect to an evacuation in the inmate handbook and will be kept abreast of developments during an incident. (Id.)

49. Based on a careful analysis of the assumptions and methodology underlying the revised ETE for the SCIG by FEMA's expert in traffic engineering and transportation planning (Lieberman, ff. Tr. 20,956 at 1-11),

FEMA's expert concluded that the revised ETE for the SCIG is certainly reasonable and conservative. (Id. at 8.) Furthermore, the Graterford inmates witness, Major John Case, acknowledges that it is possible to achieve the tasks identified in the revised ETE for the SCIG within the eight-to-ten hour time frame. (Case, ff. Tr. 20,930 at 4' Tr. 20,934-37.)

50. Finally, Mr. Robert Morris, a witness for the Inmates, cited his concerns that the ETE should include a combination of worst case situations such as traffic accident analysis, wind condition analysis, differences in acceptance time as a panic factor and various combinations of weather conditions. (See, generally, Morris Deposition, ff. Tr. 21,013 at 41-55). Mr. Morris stated that he was not familiar with NUREG-0654 or any other emergency planning regulations for nuclear power plants requiring an acceptable time limit for evacuation and he did not think it necessary. (Id. at 58-39, 49.) Nor had he ever studied anything that related to preparing an evacuation plan. (Id. at 44.) Dr. Urbanik has adequately explained why worst case scenarios are not appropriate under Appendix 4, NUREG-0654 for consideration in developing an ETE for a special facility. (Urbanik, Tr. 20,976-77, 20,986). Therefore, the Board finds Mr. Morris' testimony on this matter lacking any probative value.

51. Based on this record, the Board finds there is nothing in the Commission's emergency planning requirements or guidance that requires the estimated time for evacuating a special facility, such as the SCIG, to be included in the radiological emergency response plan for that special facility. See, 10 C.F.R. § 50.47, Appendix E, 10 C.F.R. Part 50;

NUREG-0654, FEMA-REP-1, Rev. 1 (November 1980). Furthermore, the Board finds that the revised ETE for the SCIG has adequately identified the various sequential events necessary to accomplish an evacuation of Graterford. Finally, the Board finds that based on this record the revised ETE of eight-to-ten hours is consistent with the Commission's guidance established in NUREG-0654, Appendix 4.

D. CONCLUSIONS OF LAW

In reaching this decision, the Board has considered all the evidence of the parties and the entire record of this proceeding on the admitted contention including all proposed findings of fact and conclusions of law presented by the parties. Based upon a review of that record and the foregoing Findings of Fact, which are supported by reliable, probative and substantial evidence, the Board, with respect to the issues in controversy before us, reaches the following conclusion pursuant to 10 C.F.R. § 2.760a:

The SCIG emergency response plan, meets the requirements of 10 C.F.R. § 50.47, and Appendix E to 10 C.F.R. Part 50, as well as the criteria of NUREG-0654, and provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

E. ORDER

WHEREFORE, in accordance with the Atomic Energy Act of 1954, as amended, and the Rules of Practice of the Commission, and based on the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED that:

In accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations, and based on the findings and conclusions set forth in the Third Partial Initial Decision On Offsite Emergency Planning and in this decision that the Director of Nuclear Reactor Regulation is authorized to issue a full-power operating license for the Limerick Generating Station, Units 1 and 2, consistent with the Board's decisions in this case and upon making requisite findings with respect to matters not embraced in the Third Partial Initial Decision On Offsite Emergency Planning.

Pursuant to 10 C.F.R. § 2.760(a) of the Commission's Rules of Practice, this Third Partial Initial Decision will constitute the final decision of the Commission forty-five (45) days from the date of issuance, unless an appeal is taken in accordance with 10 C.F.R. § 2.762 or the Commission directs otherwise. See also 10 C.F.R. §§ 2.764, 2.785 and 2.786.

Any party may take an appeal from this decision by filing a Notice of Appeal within ten (10) days after service of this decision. Each appellant must file a brief supporting its position on appeal within thirty (30) days after filing its Notice of Appeal (forty (40) days if the Staff is the appellant). Within thirty (30) days after the period has expired for the filing and service of the briefs of all appellants (forty (40) days in the case of the Staff), a party who is not an appellant may file a brief in support of or in opposition to the appeal of any other party. A responding party shall file a single, responsive brief regardless of the number of appellant briefs filed. See 10 C.F.R. § 2.762(c).

Respectfully submitted,

- 20 -
Donald F. Hassell
Donald F. Hassell
Counsel for NRC Staff

Nathene A. Wright
Nathene A. Wright
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 17th day of July, 1985