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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

Philadelphia Electric Company

(Limerick Generating Station,  
Units 1, and 2)

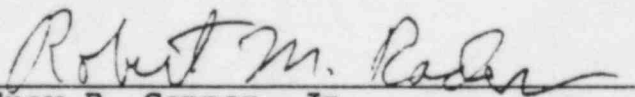
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DOCKETED  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
Docket Nos. 50-3520L  
50-353

APPLICANT'S PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW IN THE FORM OF A  
FOURTH PARTIAL INITIAL DECISION (ON OFFSITE  
EMERGENCY PLANNING CONTENTIONS RELATING TO GRATERFORD)

In addition to its oral argument by the undersigned counsel, Applicant hereby submits its written proposed findings of fact and conclusions of law relating to the two Graterford contentions in the form of a Fourth Partial Initial Decision (On Offsite Emergency Planning Contentions Relating to Graterford).

Respectfully submitted,

  
Troy B. Conner, Jr.  
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Dated: July 17, 1985.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyt, Chairperson  
Dr. Richard F. Cole  
Dr. Jerry Harbour

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In the Matter of	)	
	)	
Philadelphia Electric Company	)	Docket Nos. 50-352
	)	50-353
(Limerick Generating Station,	)	
Units 1 and 2)	)	July __, 1985

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FOURTH PARTIAL INITIAL DECISION  
(On Offsite Emergency Planning Contentions  
Relating to Graterford)

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I. Introduction

This is the Fourth Partial Initial Decision ("PID") issued by this Atomic Safety and Licensing Board ("Licensing Board" or "Board") in this proceeding. The first PID and Second PID decided all issues admitted for litigation before this Licensing Board, except offsite emergency planning contentions, and resolved them in favor of Applicant,

Philadelphia Electric Company ("Applicant").<sup>1/</sup> The Third PID disposed of those remaining issues in favor of Applicant except for contentions admitted on behalf of the inmates of the State Correctional Institution at Graterford ("Grafterford").<sup>2/</sup> The Fourth PID now disposes of the two Graterford contentions in favor of Applicant.

In an Order dated June 12, 1985, the Licensing Board ruled on the admissibility of the proposed contentions proffered by the Graterford inmates. One contention having two

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1/ The First PID was issued on March 8, 1983 and resolved the litigated issues in favor of Applicant, subject to certain conditions. Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), LBP-83-11, 17 NRC 413 (1983), aff'd in part, remanded in part, ALAB-785, 20 NRC 848 (1984). The remanded issues relating to the appeal from the first PID were resolved in favor of Applicant without the need for an evidentiary hearing. Limerick, supra, "Memorandum and Order on Del-Aware's Remanded and Revised Environmental Contentions V-14 and V-16" (November 8, 1984), aff'd, ALAB-804 (April 10, 1985). The Second PID was issued on August 29, 1984. Limerick, supra, LBP-84-31, 20 NRC 446 (1984), appeal pending. It decided all issues in controversy which were prerequisite for authorization of the low-power operating licenses requested by Applicant pursuant to 10 C.F.R. §50.57(c). The Third PID decided all offsite emergency planning contentions in Applicant's favor, subject to two conditions which have now been met, as verified by the Federal Emergency Management Agency ("FEMA"). Limerick, supra, LBP-85-14, 21 NRC \_\_\_\_\_ (May 2, 1984).

2/ See Limerick, supra, ALAB-806, 21 NRC \_\_\_\_\_ (May 1, 1985).

bases was admitted on behalf of the Graterford inmates.<sup>1/</sup> Following discovery, two days of evidentiary hearings on the contentions were held on July 15, 1985 and July 16, 1985 in Philadelphia, Pennsylvania.

Prior to the hearing, the Board and parties participated in a conference call regarding the hearing schedule and procedures to be followed. The parties identified their witnesses and agreed to make arrangements for their depositions. The parties further agreed that proposed findings would be made by way of oral argument, supplemented concurrently by written findings if the parties so desired. Limerick, supra "Memorandum and Order -- Graterford Contentions and Hearing Schedule" at 3 (June 18, 1985). As agreed, the Board heard oral argument at 1:00 p.m. on July 17, 1985.

At the evidentiary hearing, the Board heard the testimony of seven witnesses and received into evidence the deposition transcript of Robert L. Morris. Except for Mr. Morris, all the witnesses appeared and were subject to cross-examination. Intervenor offered the deposition of Mr. Morris even though he was not present at the hearing. At the end of Mr. Morris' deposition on July 3, 1985, intervenor proposed, for the first time, that the witness' deposition testimony be received into evidence in lieu of live testimony.

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3/ Limerick, supra, "Order Admitting Certain Revised Contentions of the Graterford Inmates and Denying Others" (June 12, 1985).

(Deposition of Robert L. Morris, Tr. 73, ff. Tr. 21013). The other parties did not agree to this procedure because there had been no proper notice given or legal basis stated for the proposal. After a discussion at the hearing on the admissibility of the Morris deposition, the parties agreed not to object to the admissibility of this testimony, even though the witness was not present for cross-examination, to avoid any potential claim of error (Tr. 21009-13).

## II. FINDINGS OF FACT

### CONTENTION OF THE INMATES AT THE STATE CORRECTIONAL INSTITUTION AT GRATERFORD

There is no reasonable assurance that the Radiological Emergency Response Plans for the State Correctional Institute [sic] at Graterford will protect the inmates at said institution in the event of a nuclear emergency at the Limerick Generating Station.

#### A. Basis C-Training

There is no reasonable assurance that emergency response training will be offered to civilian personnel who will be involved in the emergency response plans, such as civilian bus and ambulance drivers.

The inmates contend that emergency response training be offered to civilian personnel who will be assisting the Bureau of Corrections, the state police, and the National Guard in the appropriate response to an accident at Limerick Generating Station. Pursuant to further discussions, held during the closed conference in Harrisburg, the Commonwealth of Pennsylvania has attempted to address the inmates' concern by the offering of said emergency



response training to civilian bus drivers. The method by which the Commonwealth has suggested to achieve this purpose is a letter to all bus providers which is attached to the Commonwealth's "Answer of the Commonwealth of Pennsylvania to Proposed Contentions of the Graterford Inmates with Regard to the EVacuation Plan" dated April 4, 1985 as Exhibit B. This letter, addressed to the employers of the bus drivers, offers a two hour course explaining the proper use of dosimetry by the Pennsylvania Emergency Management Agency. The inmates find this letter inadequate in several respects. Initially, there is no guarantee that the employees will ever receive any notice of the opportunity to avail themselves of this training program. Futhermore, the training envisioned by the inmates was a broader, more comprehensive program, such as the training offered to the school bus drivers. See the Third Partial Initial Decision on Offsite Emergency Planning by the Licensing Board, Section 333, page 155, which reads, "The training program for bus drivers offers a general orientation and overview of radiation principles, emergency management principles, susceptibility of children to radiation and additional background information." 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 in this respect.

#### Offer of Training

1. Donald Taylor, Director of Training and Education for PEMA, testified that "civilian personnel" within the meaning of this contention are those non-state employees identified in the Radiological Emergency Response Plan ("plan") for Graterford who would have a role in the emergency response in the event of a radiological emergency at Limerick. This

includes drivers employed by civilian bus and ambulance companies which have agreed to furnish vehicles upon request to assist in an evaluation of Graterford (Taylor, ff. Tr. 20856 at 2).

2. All reasonable efforts are being made to offer training to civilian personnel who would be involved in an evacuation of Graterford. For example, on April 4, 1985, Mr. Taylor wrote each of the six bus companies that would transport prisoners from Graterford in an evacuation and offered dosimetry and decontamination training at no expense for drivers who would be involved. Mr. Taylor has made plans to visit each of the bus companies personally to urge them to take advantage of this training (Taylor, ff. Tr. 20856 at 3-4; Taylor, Tr. 20863, 20877). Ambulance providers will be offered training in the same manner as bus companies, i.e., by letter and personal visit (Taylor, ff. Tr. 20856 at 4) Personal visits to the bus and ambulance companies will occur in late July or early August, 1985 (Taylor, Tr. 20879-80).

3. The initial training and/or refresher training will be made available annually to the drivers of each bus and ambulance company having a responsibility for an evacuation of Graterford (Taylor, ff. Tr. 20856 at 5).

#### Nature of Training

4. The plan of instruction for bus and ambulance drivers will cover a full spectrum of topics, including

government response to disasters, levels of radiation during an incident at a fixed nuclear facility and the proper use of dosimetry (Taylor, ff. Tr. 20856 at 6; Taylor Instruction Plan).

5. Bus and ambulance drivers will be provided self-reading dosimetry and thermoluminescent dosimeters, which would be read afterwards. Data will be recorded (Taylor, Tr. 20872-73).

6. The training program offered by PEMA is essentially identical to that offered by Energy Consultants to other bus drivers who would participate in an evacuation of the plume exposure pathway emergency planning zone for Limerick ("EPZ"), which this Board previously found to be acceptable (Taylor, ff. Tr. 20856 at 6; Taylor, Tr. 20860-86; see Third PID at 156). Training on decontamination monitoring procedures is also included, however, on the remote possibility that bus and ambulance drivers might become involved in some manner with decontamination monitoring (Taylor, ff. Tr. 20856 at 2). The training will also answer any questions concerning the evacuation of prisons (Taylor, Tr. 20859; Kinard, Tr. 20999-21000).

7. Training in inmate custody and control is unnecessary. Drivers will only be required to drive their buses or ambulances. The Department of Corrections will provide the staff necessary to ensure control of the inmates (Taylor Tr. 20860, 20868-69; Asher, Tr. 20999).



8. Intervenor's witness, Major Case, has no particular expertise or knowledge in such instruction, nor was he familiar with the training criterion contained in Appendix O of NUREG-0654 (Case, Tr. 20937). Moreover, the Board believes that the testimony of Major Case more accurately reflects the views of intervenor's counsel, who drafted the testimony for Major Case (Case, Tr. 20932). In his oral testimony, for example, he expressed no view whether the training program for civilian personnel who would assist at Graterford in the event of an emergency at Limerick was adequate.

9. In his testimony, Major Case's only concern within the scope of this contention was whether bus drivers would have an incentive to attend the training session (Case, Tr. 20938-39). He did not address in any way the adequacy of the training to be offered bus and ambulance drivers by PEMA.

10. Notwithstanding his belief that incentives should be offered to civilian bus drivers, Major Case expressed no basis for believing that civilian bus drivers would not accept training (Case, ff. Tr. 20930 at 5; Case, Tr. 20939).

11. Based upon training given to offsite emergency response personnel and volunteers for other nuclear power plant sites in Pennsylvania and information supplied by PEMA concerning Graterford and Limerick, FEMA concluded there is reasonable assurance that emergency response training will be offered to civilian personnel expected to be involved in the

implementation of the Department of Correction's emergency plan for Limerick (Asher and Kinnard, ff. Tr. 20995 at 2).

12. Even if such training were not received by bus and ambulance drivers assisting in the evacuation of Graterford in the event of an emergency at Limerick, those drivers would not be expected to do more than what they would do in carrying out their routine work assignments, i.e., drive a bus or ambulance (Taylor, Tr. 20866; see Third PID at 159). Thus, their ability to function during an emergency would not be impaired by not having received training (Taylor, Tr. 20874). The FEMA witnesses agreed that drivers could perform their function without training (Asher, Tr. 20998).

13. The Board is satisfied that training will be offered and accepted by bus and ambulance providers. The Board is further satisfied that the limited responsibility which drivers would be called upon to perform in an actual emergency involves no more than the driving assignments they perform on a daily basis. Accordingly, even if drivers for Graterford inmate evacuation have not received training, overall bus and ambulance provider response and the ability to implement an evacuation at Graterford would not be impaired. Moreover, drivers could be quickly instructed in the use of dosimetry at the time of an actual emergency before carrying out their assignments (Taylor, Tr. 20873).

B. Basis E-Estimated Time  
of Evacuation

There is no reasonable assurance that the estimated time of evacuation of six-to-ten hours can be achieved.

Appendix 4 of NUREG-0654 provides details regarding evacuation time estimates within the plume exposure pathway. II.C. Special Facility Populations states, "An estimate for this special population group shall usually be done on an institution by institution basis. The means of transportation are also highly individualized and shall be described." Section IV.B. of Appendix 4 entitled Methodology states, "The method for computing total evacuation time shall be specified. Two approaches are acceptable. The simplest approach is to assume that events are sequential. That is to say, for example, that no one begins to move until all persons are warned and prepared to leave before anyone starts moving. The time is estimated by simply adding the maximum time for each component. This approach tends to overestimate the evacuation time. The second approach, which is more complex and will be discussed further, is to combine the distribution functions for the various evacuation time components. This second approach may result in reduced time estimates due to a more realistic assumption." The inmates contend that the failure to specifically address this estimated time of evacuation in the plan and the mere mention in a footnote of the Applicant's request for an exemption fails to meet the criteria as suggested by Appendix 4. The inmates are concerned that the six-to-ten hours estimate does not include a breakdown of the various sequential events as prescribed in NUREG-0654, Appendix 4.IV.B. necessary to accomplish the task. The inmates contend that such a breakdown is necessary.

### Development of Evacuation Time Estimate

14. As part of its emergency planning effort for Graterford, the Department of Corrections undertook an evacuation time estimate analysis. In so doing, it worked with the Graterford staff and developed estimates based upon past experience as to how long it would take to secure the prisoners, assemble them, load buses, and transport inmates from the institution (Zimmerman, ff. Tr. 20763 at 3; Zimmerman, Tr. 20771).

15. To illustrate the methodology it used to determine the evacuation time for Graterford, the Department of Corrections developed a "flow chart" based upon previous experience with other emergencies and the day-to-day operation of the prison. This flow chart details the actions to be taken in evacuating the prison (e.g., calling off-duty personnel, assigning vehicle loading teams) and the times necessary to carry out these actions. On this basis, the Department of Corrections determined that it would take approximately eight to ten hours to evacuate the prisoners (Zimmerman, ff. Tr. 20763 at 3; Zimmerman Flow Chart). The Board finds this estimate reasonable and in accordance with the guidance of NUREG-0654, Appendix 4 (Zimmerman Flow Chart).

16. The NRC staff's witness, Dr. Thomas Urbanik, one of the principal authors of NUREG-0654, testified that the methodology set forth in NUREG-0654, Appendix 4, Section IV.B.

provides general guidance as to the methodology to be used for general population evacuation time estimates, not special facility estimates, (Urbanik, Tr. 20974-75). The only section of NUREG-0654 properly applicable to special institutions such as Graterford is Section II.C. of Appendix 4, which provides in essence that an evacuation time estimate for special facilities shall usually be done on an institution-by-institution basis. As explained by Dr. Urbanik, it was the intention of planners to rely upon the judgment of authorities responsible for particular special facilities in estimating evacuation times because of their specialized knowledge and expertise in operating those facilities (Urbanik, Tr. 20975, 20981).

#### Inmate Lockdown

17. The first action on the flow chart to be taken by prison officials is prisoner lockdown. Inmates are locked down several time during the day and for the entire night. If a decision to evacuate occurred at that time, there would be no need for a lockdown. Nonetheless, the Department reasonably concluded that it was more likely than not that a lockdown would be required and thus included this period as a component of its estimate (Zimmerman, ff. Tr. 20763 at 3-4; Zimmerman, Tr. 20771).

18. The Department of Correction's determination that it will take approximately 30 minutes to lock down the institution and an additional 30 minutes to count the prisoners



is based on previous experience. Therefore, it is highly reliable (Zimmerman, ff. Tr. 20763 at 3; Zimmerman, Tr. 20783, 20801). There is no reason to expect lockdown procedures to take longer than 30 minutes in a radiological emergency. The Department of Corrections is aware from past experience that prisoners cooperate when they know that actions are being taken for their protection (Zimmerman, ff. Tr. 25163 at 3; Zimmerman, Tr. 20783).

19. Intervenor tried to discredit the use of a 30 minute inmate lockdown time estimate by citing various past incidents in which lockdowns had taken longer. The evidence showed, however, that those longer time frames for lockdowns had occurred primarily during power outages before the installation and use of an emergency lighting system in 1984 (Zimmerman, Tr. 20782-20843). Since that time, partial power losses have occurred, but have never interfered with prison operations, including lockdowns, which have never taken more than thirty minutes (Zimmerman, Tr. 20849-850).

20. On the basis of this information, intervenor's witness, Major Case, agreed that a 30 minute lockdown time is realistic (Case, Tr. 20946-47). He felt that if there was a good educational program at Graterford for both the officers and prisoners explaining what should be done in the event of an emergency at Limerick and why those actions were being taken, the prisoners would cooperate and there would be no problem in

completing lockdown with 30 minutes, or for that matter, completing any other action that would have to be taken within the time frame calculated by the Department (Case, Tr. 20947). Major Case raised no concern regarding the adequacy of information that would be available to inmates if an emergency occurred (Case, Tr. 20938, 20942, 20946).

21. At the hearing on July 16, 1985, Major Case stated that a one page addendum to the prisoners' handbook would be adequate (Case, Tr. 20938). The Board finds that Major Case's concerns have been adequately addressed by plans to issue an addendum to the inmate handbook, which is given to every prisoner, telling them what to expect in an evacuation (Zimmerman, ff. Tr. 20763 at 4; Zimmerman, Tr. 20833-34). Moreover, given the travel time it will take most buses to reach Graterford from their respective depots, which is greater than one hour, the time required to lock down and count inmates, a total of one hour, is not a critical path item (Lieberman, ff. Tr. 20956 at 4).

22. There would be little or no effect on an evacuation if inmates in a cell block refuse to lock down or in some other way try to impede an evacuation. The Department of Corrections routinely handles emergency situations. Trained personnel, designated as the Emergency Response Team, would be ready to respond to any disruptive situation. Individual areas inside the institution can be isolated, and once isolated, order

would be restored (Zimmerman, ff. Tr. 20763 at 7). Major Case acknowledged that Graterford is designed such that separate portions of the prison can be locked down independently. Other inmates could still be evacuated at this time (Zimmerman, ff. Tr. 20763 at 7).

Calculation of Travel Time for Vehicles to Arrive

23. In determining the time it would take vehicles to arrive at Graterford, the Department relied upon actual travel times for its own buses and vans, which regularly travel from other prison facilities to Graterford over the same routes (Zimmerman, ff. Tr. 20763 at 4; Zimmerman, Tr. 20802-03, 20845-46). Superintendent Zimmerman testified that the travel time from the support institutions to Graterford would be two to four hours (Zimmerman, ff. Tr. 20763 at 4). He testified that under adverse conditions it would take the vehicles four to six hours to arrive (Zimmerman, Tr. 20808; Zimmerman Flow Chart). The Board believes that these estimates are reasonable.

24. Contrary to Graterford inmates' assertions, any ongoing evacuation of the general populace from the EPZ would not delay the arrival of buses and ambulances at Graterford. The Graterford Superintendent testified that the development of the Graterford plan was coordinated with PEMA to ensure that routes were selected such that evacuating traffic of the general public would not interfere with vehicles travelling to Graterford (Zimmerman, Tr. 20803-805, 20815-816, 20844-845).

25. Although some time would be necessary to notify bus providers and mobilize buses which are assembled at the support facilities, the Board believes that the most realistic planning assumption is that sufficient lead time would exist to mobilize buses before departure to Graterford. This was the same assumption utilized in the Evacuation Time Estimate study (Applicant's Exh. E-67) for the evacuation of the general populace within the EPZ (Third PID at 38-41).

26. The validity of these estimates was confirmed in a separate analysis by a traffic engineering expert sponsored by FEMA, based on estimated travel speeds and distances. The FEMA witness noted that the estimated distances which buses must travel to Graterford from their respective depots range from about 90 miles to 190 miles (Stipulation, Tr. 20802). Estimated speeds were based upon his examination of a highway map and the types of connecting highways (i.e., interstate, non-interstate). Non-interstate highways were assumed to be two-way, two-lane roads. Average speeds were assumed to be 50 mph along expressways and 30 mph along local roads. Inclement weather speeds were estimated to be 70 percent of normal weather speeds (Lieberman, ff. Tr. 20956 at 4). This analysis concluded that it would take approximately two to four hours for vehicles to arrive in fair weather and approximately three to six hours under adverse conditions, which is almost identical to the Department's estimate of two to four hours in fair weather and

four to six hours in inclement weather (Lieberman, ff. Tr. 20956 at 4, 6; Lieberman, Tr. 20958).

Prisoner Assembly and Vehicle Loading

27. Past experience in emergency situations shows that off-duty personnel will arrive within one to two hours after notification. Superintendent Zimmerman testified that he had experience in the development of plans for all types of emergencies at the State Correctional Institutions at Huntington and Camp Hill, as well as the State Regional Correctional Facility at Mercer (Zimmerman, Tr. 20766). Additionally, Graterford's (non-radiological) emergency plan, which is tested at least twice a year, requires a demonstration of the call-in system. These tests also establish that off-duty personnel will arrive within one to two hours (Zimmerman, ff. Tr. 20763 at 5; Tr. 20308, 20839). Not all off-duty personnel are required to implement the evacuation plan (Zimmerman, ff. Tr. 20763 at 5; Zimmerman, Tr. 20809, 20840). Superintendent Zimmerman testified that, as a practical matter, only a maximum number of 300 staff would ever be needed onsite to assist in an evacuation. (Zimmerman, Tr. 20842).

28. Inasmuch as teams of officers will be operating simultaneously on several cell blocks and moving down the prison areas, more than one inmate at a time in each class of prisoners will be fitted with security restraints and loaded on to vehicles (Zimmerman, ff. Tr. 20763 at 6). Once individual



inmates are removed from their cells and security devices are applied, they will be escorted by security officers from their cells to the appropriate staging area (Zimmerman, Tr. 20820-23; Zimmerman Flow Chart).

29. Superintendent Zimmerman testified that each step necessary to evacuate prisoners will not be performed sequentially. Various assignments could be carried out at the same time. For example, while awaiting arrival of vehicles, off-duty personnel would be notified, loading teams would be assigned, and the inmates would be prepared for an evacuation (Zimmerman, ff. Tr. 20763 at 7-8; Zimmerman, Tr. 20817; Lieberman,, ff. Tr. 20956 at 7).

30. Any projected increase in the number of inmates at Graterford would have no effect on the evacuation time estimate of eight to ten hours. Any increase in the number of inmates would be met by a concomitant increase in staff and support resources (Zimmerman, Tr. 20831).

31. Five loading areas have been identified at various places within the institution to which inmates would be moved once the buses, vans and ambulances arrive at Graterford. Boarding of vehicles would proceed concurrently. The total estimated time for securing inmates from their cells, assembling them at staging areas and loading them on buses would be about five hours and ten minutes (Zimmerman, ff. Tr. 20763 at 5; Zimmerman Flow Chart). Based on this evidence, the Board

accepts the boarding time estimates of the Department of Corrections as reasonable.

32. The Board finds that the evacuation from the EPZ should proceed rapidly. Graterford is approximately 8.3 miles from Limerick at the closest point. It is thus reasonable to conclude that the travel distance from Graterford to the EPZ boundary is only a very short distance because "a reasonably direct route" out of the EPZ will be taken. Accordingly, actual travel time of loaded buses out of the EPZ will be very brief (Zimmerman, ff. Tr. 20763 at 8; Lieberman, ff. Tr. 20956 at 5-6).

### III. 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 two contentions of the Graterford inmates, including all findings of fact and conclusions of law proposed by the parties in writing and at the oral argument on July 17, 1985. Based upon a review of that record and the foregoing Findings of Fact, which are supported by reliable, probative and substantial evidence, the Board reaches the following conclusion with respect to the issues in controversy before us pursuant to 10 C.F.R. §2.760a:

The emergency plan for the State Correctional Institution at Graterford, as regards training of civilian drivers who would assist in an evacuation and evacuation time

estimates for the facility, 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 provides reasonable assurance that adequate protective measures can and will be taken on behalf of the Graterford inmates in the event of a radiological emergency.

#### IV. 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:

The Director of Nuclear Reactor Regulation is authorized to issue full power operating licenses for the Limerick Generating Station, Units 1 and 2, upon making requisite findings with respect to matters not embraced in the Fourth Partial Initial Decision on the contentions of the Graterford Inmates.

Pursuant to 10 C.F.R. §2.760(a) of the Commission's Rules of Practice, this Fourth 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).

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

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Helen F. Hoyt, Chairperson  
ADMINISTRATIVE JUDGE

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Richard F. Cole  
ADMINISTRATIVE JUDGE

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Jerry Harbour  
ADMINISTRATIVE JUDGE

Dated at \_\_\_\_\_  
this \_\_\_\_\_ day of July, 1985.

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'85 JUL 19 AIO:31

In the Matter of )

Philadelphia Electric Company )

(Limerick Generating Station,  
Units 1 and 2) )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket Nos. 50-352 OL  
50-353

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Proposed Findings of Fact and Conclusions of Law in the Nature of a Fourth Partial Initial Decision (On Offsite Emergency Planning Contentions Relating to Graterford)," dated July 17, 1985 in the captioned matter have been served upon the following by deposit in the United States mail this 17th day of July, 1985:

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