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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

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USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

SERVED JUN 11 1985

Docket Nos. 50-352 OL
50-353 OL

MEMORANDUM AND ORDER

CLI-85-11

By this Memorandum and Order, the Nuclear Regulatory Commission ("NRC" or "Commission") declines to make effective at this time the Atomic Safety and Licensing Board's ("Licensing Board") Order of May 24, 1985 which, together with prior Licensing Board decisions in this proceeding,¹ authorized the Director, Nuclear Reactor Regulation ("Director") to issue to the applicant Philadelphia Electric Company

¹Partial Initial L is LBP-84-31, 20 NRC 446 (1984), LBP-85-14, 21 NRC ___ (May 2, 1985) BP-83-11, 17 NRC 413 (1983), affirmed in part and remanded in part, ALAB-785, 20 NRC 848 (1984), responded to, ASLBP No. 81-465-07-0L (unpublished order, November 8, 1984), affirmed ALAB-804, 21 NRC ___, (May 30, 1985).

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("PECo") a full-power operating license for the Limerick Generating Station ("Limerick"). The Commission finds that important questions regarding the hearing rights of the inmates of the State Correctional Institution at Graterford, Pennsylvania have not yet been resolved.

Accordingly, the Commission directs the Atomic Safety and Licensing Appeal Board ("Appeal Board"), consistent with conducting a fair and thorough proceeding, to consider expeditiously the issue of the propriety of granting an exemption during the pendency of contentions filed by the Graterford inmates. Should the Appeal Board find that the grant of an exemption denied the Graterford inmates their rights to a hearing, the Appeal Board should take whatever steps are necessary to preserve and give expeditious effect to those rights. Once this matter is resolved, either by the Appeal Board's finding that a grant of the exemption was proper, or, if the Appeal Board finds that grant of an exemption was improper, by a Licensing Board decision on the contentions, the Commission will again consider the issuance of a full-power operating license for this facility.

It is so ORDERED.



For the Commission

A handwritten signature in cursive script, appearing to read "Samuel J. Chilk". The signature is written over a horizontal line.

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, DC
this day of June, 1985.