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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 ) Docket Nos. 50-3520L  
(Limerick Generating Station, ) 50-3530L  
Units 1 and 2) OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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APPLICANT'S ANSWER TO PROPOSED REVISED  
CONTENTIONS OF THE GRATERFORD PRISONERS

Preliminary Statement

On May 13, 1985, intervenor Graterford Prisoners ("intervenor") filed proposed, revised contentions regarding the adequacy of radiological emergency planning to protect inmates at the State Correctional Institution at Graterford ("Graterford").<sup>1/</sup> For the reasons discussed below, Applicant opposes those contentions as lacking specificity and bases pursuant to 10 C.F.R. §2.714(b).

The procedural history which resulted in the submission of these contentions has already been amply set forth by the Atomic Safety and Licensing Board ("Licensing Board" or

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<sup>1/</sup> See Proposed Revised Contentions of the Graterford Inmates With Regard to the Radiological Emergency Response Plan (May 13, 1985) ("Proposed Revised Contentions").

"Board") in its Memorandum and Order which denied the first set of proposed contentions.<sup>2/</sup>

Contrary to any expectation that respecification of the contentions would be supported by portions of Plan 2 not previously disclosed to intervenor in Plan 1,<sup>3/</sup> the revised contentions demonstrate that the further relief granted intervenor has resulted only in a reopening of issues previously resolved to its satisfaction during the discussions and negotiations which took place at two prehearing conferences before the Licensing Board on February 27 and March 22, 1985.<sup>4/</sup>

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<sup>2/</sup> Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2), Docket Nos. 50-352-OL and 50-353-OL (April 12, 1985) (slip op. at 1-4). That order was reversed by the Atomic Safety and Licensing Appeal Board ("Appeal Board") in ALAB-806 on the grounds that intervenor should have been granted yet another opportunity to submit respecified contentions based upon review by its counsel and consultant of a more fully disclosed version of the SCIG emergency plan. Limerick, supra, ALAB-806, 21 NRC \_\_\_\_ (May 1, 1985).

<sup>3/</sup> The Board and parties have used the designation "Plan 1" to refer to the sanitized version of the Graterford emergency plan disclosed to intervenor on December 13, 1984, and "Plan 2" as the almost fully disclosed version disclosed on March 18, 1985.

<sup>4/</sup> Thus, the proposed contentions are late without good cause. Nonetheless, the Appeal Board has precluded this Board from making any such determination and has found, even prior to its review of the revised contentions, that good cause exists for their lateness. Id. at 12.

The Appeal Board has directed this Board to consider "whether [the refiled contentions] have adequate bases and specificity."<sup>5/</sup> Even with regard to these limited criteria, the proposed contentions are seriously deficient for the reasons for which this Board denied virtually the same contentions in its Memorandum and Order of April 12, 1985 discussed below.

Argument

In determining the level of specificity required for admission of intervenor's proposed contentions, the recent decision of the Appeal Board in ALAB-804 provides excellent guidance. In that decision, the Appeal Board affirmed this Board's dismissal of respecified contentions relating to environmental impacts of the system for supplying supplemental cooling water for the Limerick facility, finding that intervenor had not put forth reasonable specific bases for its contentions based on the documents that were available to it.<sup>6/</sup> The situation there closely parallels the circumstances of the Graterford Prisoners' refiling here.

In ALAB-785, which also permitted respecification of contentions, the Appeal Board distinguished that intervenor's entitlement to reformulate its contention at an

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5/ Id. at 18.

6/ Limerick, supra, ALAB-804, 21 NRC \_\_\_\_ (April 10, 1985) (slip op. at 13).

advanced stage of the proceeding from that of a petitioner in proposing contentions at the outset. It emphasized that any allegations at that point must specifically dispute the adequacy of statements and analyses in the Final Environmental Statement for Limerick.<sup>7/</sup> Subsequently, the Appeal Board affirmed this Board's finding that no such specificity had been pleaded.

In like manner, intervenor here has been given yet another opportunity to sharpen the focus of its contentions based upon review of Plan 2. Despite a reasonable expectation that its proposed contentions would very precisely delineate alleged deficiencies with specific plan references, the allegations in support of the newly proposed contentions are as diffuse and unsupported as the originally proposed contentions. Each of the particular bases alleged will be examined individually.<sup>8/</sup>

A. Manpower mobilization. The thrust of this proposed contention is that commercial phone lines could be "overburdened and unavailable" in the event of a radiological

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7/ Limerick, supra, ALAB-785, 20 NRC 848, 869, 876 (1984).

8/ As to the "General Contention" which has been pleaded (Proposed Revised Contentions at 2), intervenor lacks standing to assert any interest on behalf of the SCIG staff. Intervenor was admitted as "the Graterford Prisoners" to represent the collective interests of SCIG inmates who petitioned for intervention. See Limerick, supra, LBP-82-43A, 15 NRC 1423, 1446-47 (1982).

emergency such that off-duty Graterford security personnel could not be promptly reached.<sup>9/</sup> The only basis cited for this concern is a statement by a township supervisor in the evidentiary hearing on offsite emergency planning for Limerick. The contention fails to note, much less address, the Licensing Board's specific disposition of the witness's concern in its Third PID.<sup>10/</sup> Moreover, the contention unjustifiably equates the need for prompt notification of township Emergency Operations Center personnel with notification of off-duty prison guards.

As such, there is a serious lack of basis in the contention. It fails to recognize that adequate prison security is on duty at all times. Additional security personnel would be needed only if an evacuation were ordered. It is already a matter of record that such an evacuation would not even commence until about six hours into an actual emergency.<sup>11/</sup> Under those circumstances, there will be ample time to contact any necessary personnel by telephone.

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<sup>9/</sup> Proposed Revised Contentions at 2.

<sup>10/</sup> Limerick, supra, LBP-85-14, 21 NRC \_\_\_\_ (May 2, 1985) (slip op. at 271).

<sup>11/</sup> See the discussion at pages 13-16, infra. Although intervenor has challenged the accuracy of the time estimate, its allegations do not question whether an evacuation can occur sooner, but rather "whether the plan [i.e., evacuation] can be accomplished in the  
(Footnote Continued)

In any event, there is no requirement under the Commission's regulations or planning guidance for other than commercial telephone communications as a means of notifying personnel such as off-duty prison guards. Intervenor's reliance upon Criterion F.1.a of NUREG-0654 is unwarranted. That provision provides guidance as to communications between response organizations. As to notifying individual personnel within those organizations, NUREG-0654, Criterion F.1.e simply states that plans shall include "provision for alerting or activating emergency personnel in each response organization." A network of sequential or "cascade" commercial telephone calls meets this standard.<sup>12/</sup> In short, the

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(Footnote Continued)

estimated time frame [of six to ten hours]." Proposed Revised Contentions at 13.

- 12/ In Diablo Canyon, the Licensing Board considered the adequacy of a similar network for notifying offsite emergency workers. It held:

NUREG-0654 does not prohibit cascade or sequential warning systems for the notification of individual emergency workers. The County emergency plan includes a cascade plan for telephone notification which will reach into every element of the response organization. The plan generally specifies that organizations upon receiving a notification will in turn notify key personnel using prioritized call lists.

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), LBP-82-70, 16 NRC 756, 813 (1982), aff'd, ALAB-781, 20 NRC 819 (1984). This likewise disposes of intervenor's related contention that "a viable back-up system should be required." Proposed Revised Contentions at 3.

proposed contention lacks any legal basis and also fails to explain any specific reason why it would be necessary to contact off-duty prison guards immediately in order to prepare for an evacuation which would not even commence until at least six hours after an evacuation was ordered.<sup>13/</sup>

B. Planning input from the prison guards' union. It is unclear in this contentions whether intervenor is attempting to represent the legal interests of Graterford officers, their union or both. As the Licensing Board has pointed out, neither any guard nor his union is a party to this proceeding (Tr. 20624-25). Intervenor lacks standing to represent any interest of the guards because standing constitutes a personal stake in the outcome of the proceeding.<sup>14/</sup>

In any event, there is simply no regulatory requirement that support organization personnel or their unions have an opportunity to provide input into the planning process.<sup>15/</sup>

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<sup>13/</sup> As the Board has observed, the same telephone system will be used within the Limerick EPZ to notify county and municipal emergency workers (Tr. 20629). FEMA has thoroughly reviewed the offsite plans pursuant to its responsibilities under 44 C.F.R. Part 350 and has found no deficiency in the use of commercial telephone lines to contact county and municipal personnel. Intervenor has alleged nothing which would distinguish the situation for telephone notification of off-duty Graterford guards.

<sup>14/</sup> See note 8, supra.

<sup>15/</sup> Limerick, supra, "Memorandum and Order" (April 12, 1985) (slip op. at 13-14).

Thus, this proposed contention does not allege any deficiency in the Graterford plan; it merely proposes an additional procedural mechanism for soliciting comments. As such, the contention is wholly without basis. Intervenor's citations to various portions of NUREG-0654 regarding assignment of responsibilities to "organizations" which support an emergency response are inapposite. Prison guards are not "organizations" and their union as such has absolutely no role in implementing an emergency response under the Graterford plan.

C. Training for civilian bus and ambulance drivers.

In essence, intervenor asserts its dissatisfaction with the representation by the Commonwealth that dosimetry training will be offered bus drivers whose employers have agreed to furnish buses and drivers to evacuate Graterford inmates in the event of a radiological emergency. Intervenor states a preference for the broader training "offered to the school bus drivers."<sup>16/</sup> During a discussion of this contention as originally proposed, intervenor's counsel expressly stated that it would be withdrawn if a commitment were made to provide those drivers with an opportunity to receive the same training offered to bus providers which have agreed to assist in the evacuation of school children and other

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16/ Proposed Revised Contentions at 7.

transportation-dependent individuals in the event of a radiological emergency at Limerick (Tr. 20687-90).<sup>17/</sup>

In renewing this contention, intervenor fails to address the representation of Applicant on the record that such bus driver training will be provided by Energy Consultants on the same basis as to other bus providers who have agreed to assist in an evacuation.<sup>18/</sup> This is precisely what intervenor requested. Moreover, Applicant's representation has not been challenged as deficient in any way.<sup>19/</sup>

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<sup>17/</sup> See also Notice of Appeal from Licensing Board's Memorandum and Order on Graterford Prisoners' Proposed Contentions at 10 (April 18, 1985).

<sup>18/</sup> See Applicant's Answer to Proposed Emergency Planning Contentions of the Graterford Prisoners at 4 n.3 (April 4, 1985).

<sup>19/</sup> Intervenor lumps together "ambulance drivers, rescue squad operators, hospital personnel, police and fire departments" in the same category as requiring further training. See Proposed Revised Contentions at p. 7. Unlike bus drivers, however, such personnel are, by the very nature of their responsibilities, given extensive training in responding to emergencies. Intervenor has failed to state any basis for asserting that such personnel have not received adequate training to perform responsibilities, if any, related to Graterford in the event of a radiological emergency at Limerick. In fact, intervenor has not even made a threshold showing that the Graterford plan relies upon any non-Department personnel, other than bus drivers, who would be expected to report to Graterford in a radiological emergency. Finally, it is again emphasized that civilian emergency personnel will serve the entire populace within the EPZ in the event of an emergency. Here again, FEMA has not reported any deficiency in their training or preparedness, nor has intervenor independently cited any basis for its implicit assertion to the contrary.

D. Medical services for contaminated/injured individuals. Citing the decision in San Onofre that planning to provide medical care for about 25 contaminated injured individuals is reasonable,<sup>20/</sup> intervenor questions whether there is adequate "capacity" at Montgomery Hospital to meet the needs of any contaminated injured Graterford inmates. This involves an obvious non sequitor because there is no regulatory requirement in planning medical services for contaminated injured victims that each hospital must individually be able to render service to all 25 or so hypothetical patients.

Moreover, intervenor's allegation that Dr. Linnemann's affidavit "does not address the capacity that exists at Montgomery Hospital for treating such contaminated individuals"<sup>21/</sup> is utterly lacking in specificity. It is wholly unstated and otherwise unapparent what additional "capacity" intervenor alleges to be missing.<sup>22/</sup>

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<sup>20/</sup> See Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10, 17 NRC 528, 532, 535 n.10 (1983).

<sup>21/</sup> Proposed Revised Contentions at 9.

<sup>22/</sup> If intervenor is referring to physical capacity, it totally misapprehends Dr. Linnemann's affidavit as well as the basic concepts involved. As the Board previously found, planning standards and criteria for providing medical services to contaminated injured individuals "are concerned with radiation exposure principally because medical personnel treating traumatic injury sustained in a radiological emergency  
(Footnote Continued)

Intervenor's remaining claims, including its assertion that a "back-up facility" must be specified, have already been decided by this Board in its Second PID. The Board explicitly rejected the same contention as regards planning for Limerick onsite workers, holding that there are a considerable number of hospitals capable of providing radiation exposure/contamination treatment.<sup>23/</sup> As the Board

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(Footnote Continued)

may well have to reckon with contamination as an obstacle to adequate treatment of the traumatic injury." Limerick, supra, LBP-84-31, 20 NRC 446, 531 (1984). Thus, hospitals utilize their routinely available facilities and resources to handle contaminated injured victims. In the event larger numbers must be treated, a hospital would initiate its disaster plan for expanding such capabilities, just as it would in the event of any non-radiological emergency (Boyer, et al., ff. Tr. 9772, at 8-9, 14; Linnemann, Tr. 9928; Appl. Exh. 40). Intervenor has shown no basis for litigating any issue related to physical capacity.

Contrary to intervenor's assertion that Dr. Linnemann's Affidavit of April 4, 1985, does not cover the equipment necessary to provide such medical care, he expressly stated in ¶3 of his affidavit that "[t]here are specific supplies and equipment set aside for this type of patient" at Montgomery Hospital. Intervenor's criticism that the affidavit does not contain as much "detail" as Dr. Linnemann's testimony fails to specify any deficiency in planning.

<sup>23/</sup> Limerick, supra, LBP-84-31, 20 NRC 446, 535 (1984). The decision in GUARD v. NRC, 753 F.2d 1144 (D.C. Cir. 1985), provides no support for intervenor's position. That decision simply held that agreements to provide medical services, rather than the mere designation of available hospitals, are required by the NRC's regulations. Also, the Commission has instructed licensing boards to utilize pre-GUARD standards in their licensing decisions. See Statement of Policy on Emergency Planning Standard 10 C.F.R. §50.47(b)(12). 50 Fed. Reg. 20892 (May 21, 1985).

held in dismissing this particular contention initially, findings as to the availability of medical services in the Second PID represent the law of the case<sup>24/</sup> and therefore require denial of this contention as lacking in any litigable basis.

E. Evacuation time estimate. In its proposed contention, intervenor misapprehends the requirements for preparing an evacuation time estimates study for the EPZ surrounding a nuclear power plant as well as the purpose for which such estimates are prepared. It appears that intervenor is under the impression that some regulatory requirement will be violated if Graterford inmates are not evacuated within the estimated six to ten hour period.

Thus, as the primary basis for its claim, intervenor asserts that there is "no reasonable assurance that the estimated time of evacuation of six to ten hours can be

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<sup>24/</sup> Limerick, supra, Memorandum and Order on Graterford Prisoners Proposed Contentions (April 12, 1985) (slip op. at 15). See also Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-781, 20 NRC 819, 824 (1984); Diablo Canyon, supra, ALAB-592, 11 NRC 746, 754 (1980); Public Service Company of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-493, 8 NRC 253, 259-60 (1978); Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Units 1 & 2), LBP-83-18, 17 NRC 501, 504-05 (1983); Perry, supra, LBP-82-117, 16 NRC 1955, 1956 (1982); Cincinnati Gas & Electric Company (Wm. H. Zimmer Nuclear Power Station, Unit 1), LBP-82-68, 16 NRC 741, 746 n.2 (1982).

achieved."<sup>25/</sup> Contrary to the allegation, there is no time mandated by regulation within which an evacuation must be accomplished, as this Board held in its Third PID.<sup>26/</sup>

Moreover, the matters raised by intervenor as a basis for alleging that a longer period will be required simply are not litigable. There is no way this Board can possibly anticipate, much less determine, whether prisoners will attempt a "hostage siege" or "riot" as hypothesized by intervenor.<sup>27/</sup> There is also an absence of any showing that prison authorities would not be prepared to handle any potential disturbances regardless of their cause and no basis has been shown to litigate the adequacy of security measures already in place to prevent or handle any such disturbances.<sup>28/</sup> Moreover, such speculative and conjectural issues defy adjudication. Even if such issues were heard, it is impossible to discern any useful planning information that could be developed. How much time would intervenor

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25/ Revised Proposed Contentions at 11.

26/ Limerick, supra, LBP-84-14, 21 NRC (May 2, 1985) (slip op. at 31-32). See also Cincinnati Gas & Electric Company (Wm. H. Zimmer Nuclear Power Station, Unit 1), ALAB-727, 17 NRC 760, 770 (1983); Carolina Power and Light Company (Shearon Harris Nuclear Power Plant, Units 1 and 2), LBP-84-29B, 20 NRC 389, 419 (1984).

27/ Proposed Revised Contentions at 13.

28/ See Limerick, supra, "Memorandum and Order" (April 12, 1985) (slip op. at 14).

allow in the revised estimate to quell a riot or successfully negotiate a hostage's release?

Another fundamental deficiency in the contention is intervenor's apparent misunderstanding of the purpose for which a time estimate for evacuation of the EPZ is prepared.

As this Board recently held:

[T]he purpose of an evacuation time estimate study is to indicate the range of times required to evacuate the EPZ under a limited number of commonly occurring events so as to permit decision-makers in an actual emergency to make an informed decision as to the appropriate protective action based upon actual conditions. 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 limited number of commonly occurring events.<sup>29/</sup>

Under this concept, decision-makers would recommend a protective action in a radiological emergency for the populace within the EPZ, depending upon the situation. Time estimates for evacuation are needed to support those recommendations. Accordingly, NUREG-0654, Criterion J.10.1, states that an organization's plans to implement protective measures for the EPZ shall include:

Time estimates for evacuation of various sectors and distances based on a dynamic analysis (time-motion study under various conditions) for the plume

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<sup>29/</sup> Limerick, supra, LBP-84-14, 21 NRC \_\_\_\_ (May 2, 1985) (slip op. at 32).

exposure pathway emergency planning zone  
(See Appendix 4) . . . .30/

Because the purpose of an evacuation time estimate study is to provide decision-makers with useful information in the event of an actual emergency to provide dose-savings to the greatest number of people, evacuation estimates are reasonable and suitable for the purpose for which they were developed if they permit such reasoned determinations.31/ Under the facts of this case, the Graterford prisoners will not begin to evacuate until all or practically all of the EPZ has already been evacuated.32/ Accordingly, intervenor's alleged concerns regarding whether an evacuation

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30/ The regulations require the development of a range of protective actions for the plume exposure pathway EPZ to protect emergency workers and the public. No particular requirements for an evacuation time estimate study are stated. Rather, the regulations simply require that "[g]uidelines for the choice of protective actions during the emergency, consistent with Federal guidance are developed and in place . . . ." 10 C.F.R. §50.47(b)(10).

31/ Intervenor relies upon the statement in NUREG-0654 at page 4-3 that an estimate for evacuating a special facility population "shall usually be done on an institution-by-institution basis." (Emphasis added.) By its own terms, this qualified statement does not require preparation of separate estimates for each special facility population (e.g., schools, nursing homes, hospitals, prisons, day care centers, etc.) within the EPZ.

32/ See Appl. Exh. E-67, Table 6.1. The maximum estimated evacuation time for the entire EPZ, winter weekday, adverse weather, is six hours, 45 minutes.

"can be accomplished in the estimated time frame"<sup>33/</sup> are immaterial because, by the time the inmates would actually be evacuated, there will be no competing traffic. A decision to evacuate or shelter would be made on an entirely ad hoc basis.<sup>34/</sup>

F. Plume monitoring. Pointing to NUREG-0654, Criterion C.1.3, intervenor requests identification of the radiological laboratories which will provide radiological monitoring and analyses services during an emergency. As the Board is aware, the Graterford plan states that a Department of Energy ("DOE") plume monitoring team will be sent to Graterford in the event sheltering is implemented in a radiological emergency. The availability of DOE plume monitoring teams is a basis for emergency planning at every nuclear power plant site in the United States. Nothing is raised by intervenor which would cast any doubt upon the availability of adequate laboratory facilities for plume monitoring. Along with other plume monitoring capacity, this is fully covered in the Commonwealth of Pennsylvania's Disaster Operations Plan - Annex E.<sup>35/</sup> Intervenor has failed to challenge the adequacy of the information

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33/ Proposed Revised Contentions at 13.

34/ Further, inasmuch as the prison is over eight miles from Limerick, it would take only a short time to transport inmates outside the EPZ.

35/ See Annex E, pp. E-36, E-12-10, E-12-16 and E-12-43.

contained in Annex E. The proposed contention therefore lacks basis.

G. Adequacy of tabletop exercise. Intervenor questions the adequacy of the emergency planning exercise at Graterford on March 7, 1985 because it allegedly did not include the activities suggested by NUREG-0654, Criterion N.3., which states in relevant part:

Pending the development of exercise scenarios and exercise evaluation guidance by NRC and FEMA the scenarios for use in exercises and drills shall include but not be limited to, the following:

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e. A narrative summary describing the conduct of the exercises or drills to include such things as simulated casualties, offsite fire department assistance, rescue of personnel, use of protective clothing, deployment of radiological monitoring teams, and public information activities

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As is readily apparent, some of the suggested activities are applicable principally if not exclusively to an onsite emergency exercise. Except for deployment of radiological monitoring teams, which would be applicable to the entire plume exposure pathway and ingestion pathway EPZ's, none of the suggested activities would be applicable to Graterford at all. Hence, no basis exists for the

contention that they should have been included.<sup>36/</sup> Moreover, as the regulations contemplate, FEMA reviewed the exercise scenario and found it satisfactory. No basis exists to litigate this contention.<sup>37/</sup>

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36/ Moreover, as NUREG-0654 clearly states, exercise scenarios are to be developed by the NRC and FEMA. FEMA observed and graded the exercise, finding that "the Graterford authorities adequately demonstrated an understanding of the emergency response procedures in the ability to adequately implement them," thereby eliminating the previous Category A deficiency in FEMA's interim findings. See Memorandum from Richard W. Krimm, Assistant Associate Director, Office of Natural and Technological Hazards Programs, FEMA, to Edward L. Jordan, Director, Division of Emergency Preparedness and Engineering Response, Office of Inspection and Enforcement, NRC (March 27, 1985).

37/ Intervenor's allegation that the exercise "failed to consider the various possible scenarios which may exist during an emergency at LGS" (Proposed Revised Contentions at 15) also lacks basis. An exercise of offsite capabilities need not consider every possible onsite scenario, but must only "simulate an emergency that results in offsite radiological releases which would require response by offsite authorities." NUREG-0654, Criterion N.1.a. As stated in the regulations, exercises are required "to evaluate major portions of emergency response capabilities." 10 C.F.R. §50.47(b)(14). See also 10 C.F.R. Part 50, Appendix E.IV.f.

Intervenor's final claim, that the exercise report "fails to indicate the appropriate staff at SCIG who would in fact be involved in the decision making process" (Proposed Revised Contentions at 15), also lacks basis. FEMA's report states at page 1: "The Commissioner, Department of Corrections, coordinated the overall response while the Deputy Warden at Graterford was responsible for his institution." In any event, the requirement is that the response capability be tested, not that any particular individual be identified.

H. Alleged Spontaneous Evacuation by Guards or Inmates. The final contention raised by intervenor is that there is no reasonable assurance that the Graterford plan "will prevent a spontaneous evacuation on either the guards or inmates part [sic], i.e., panic."<sup>38/</sup> This necessarily involves highly speculative and problematical concerns. As a regulatory agency, neither the NRC nor a licensing board is institutionally equipped to resolve any hypothetical concern regarding the possibility of "panic" at Graterford which would lead to the outbreak of a disturbance.

As a practical matter, this Board could not determine whether the security provisions already in place to deal with such disruptions would be adequate to handle any postulated "panic" in the event of a radiological emergency at Limerick. The Board's previous determination on this very point is the law of the case and requires denial of this contention as wholly lacking in any basis.<sup>39/</sup>

#### Conclusion

For the reasons stated more fully above, intervenor has failed to state any litigable issue with specificity and

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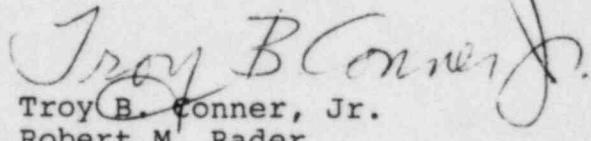
38/ Proposed Revised Contentions at 16.

39/ Limerick, supra, "Memorandum and Order on Graterford Prisoners Proposed Contentions" (April 12, 1985) (slip op. at 14).

basis. Its contentions should therefore be denied and it should be dismissed from the proceeding.

Respectfully submitted,

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May 22, 1985