

limerick ecology action

BOX 761

POTTSTOWN, PA. 19464

(215) 326-9122

February 5, 1984

'84 FEB -9 P2:59

Lawrence Brenner, Chair
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20055

DOCKETING & SERVICE
BRANCH

Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory Commission

Dr. Peter A. Morris
Administrative Judge
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Limerick Generating Station, Units 1 and 2
Philadelphia Electric Company
Docket Nos. 50-352-353

Re: OFFSITE EMERGENCY PLANNING CONTENTIONS FILED 1/31/84

Gentlemen:

Enclosed please find:

- 1) LEA's proposed numerical designation for off-site emergency planning contentions filed 1/31/84 -- (VIII-21 to VIII-54) -- hereby submitted to avoid any possible confusion with previously admitted "on-site" emergency planning contentions (VIII-1 to VIII-20)
- 2) Supplementary basis information for contentions VIII-29 (LEA-9) and VIII-42 (LEA-21) based on new information received from Applicant on Feb. 1, 1984.
- 3) Discussion of Catawba Balancing Test requirements for late-filed contentions.

LEA respectfully submits this filing as a supplement to its submission of Jan. 31, 1984 and regrets any inconvenience this may cause the Board, the Applicant, or any other parties to this proceeding.

Sincerely,

Phyllis Zitzer
Phyllis Zitzer
President LEA

cc: Service list (attached)
Express Mail recipients
designated (*)

8402100029 840205
PDR ADOCK 05000352
G PDR

a member of the environmental coalition on nuclear power

D503

NUMERICAL DESIGNATION FOR OFF-SITE EMERGENCY PLANNING CONTENTIONS

filed by Limerick Ecology Action 1/31/84

umber and page from
Jan. 31 filing)

DESIGNATION (VIII-)

(LEA-1)	p.3	VIII-21
(LEA-2)	p.4	VIII-22
(LEA-3)	p.8	VIII-23
(LEA-4)	p.8	VIII-24
(LEA-5)	p.11	VIII-25
(LEA-6)	p.11	VIII-26
(LEA-7)	p.12	VIII-27
(LEA-8)	p.13	VIII-28
(LEA-9)	p.15	VIII-29
(LEA-10)	p.15	VIII-30
(LEA-11)	p.26	VIII-31
(LEA-12)	p.29	VIII-32
(LEA-13)	p.29	VIII-33
(LEA-14)	p.30	VIII-34
(LEA-15)	p.31	VIII-35
(LEA-16)	p.32	VIII-36
(LEA-17)	p.32	VIII-37
(DRILLS)	p.42(top)	VIII-38
(LEA-18)	p.42(bottom)	VIII-39
(LEA-19)	p.43	VIII-40
(LEA-20)	p.43	VIII-41
(LEA-21)	p.44	VIII-42
(LEA-22)	p.44	VIII-43
(LEA-23)	p.45	VIII-44
(LEA-24)	p.46	VIII-45
(LEA-25)	p.46	VIII-46
(LEA-26)	p.51	VIII-47
(LEA-27)	p.52	VIII-48
(LEWIS-1)	p.53	VIII-49
(LEWIS-2)	p.53	VIII-50
(WHITE-1)	p.54	VIII-51
(ANTHONY -1)	p.55	VIII-52
(LEA-28)	p.59	VIII-53
(LEA-29)	p.61	VIII-54

PHILADELPHIA ELECTRIC COMPANY

2301 MARKET STREET

P.O. BOX 8699

PHILADELPHIA, PA. 19101

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AND GENERAL COUNSEL

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January 31, 1984

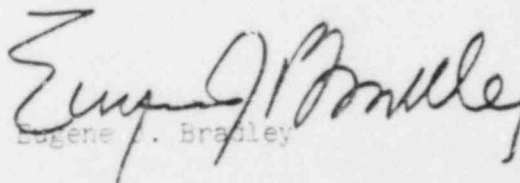
Ms. Phyllis Zitzer
Limerick Ecology Action
762 Queen Street
Pottstown, Pa. 19464

Re: Limerick Generating Station, Units 1 and 2
Docket Nos. 50-352 & 50-353

Dear Ms. Zitzer:

In accordance with the Board's Order of June 1, 1982 I am forwarding to you copies of correspondence and documents regarding emergency planning among Applicant, NRC Staff, the Commonwealth of Pennsylvania and other responsible governmental agencies. These documents supplement the material which was forwarded by my earlier letters and cover the period of December 23, 1983 through January 6, 1984.

Very truly yours,


Eugene J. Bradley

EJB/pkc

encs.

cc: See Attached Service List

TRANSMITTAL LETTER ACCOMPANYING
CHESTER COUNTY LETTER (CAMPBELL)
TO PECO (MCCORMACK) DATED 9/22/83
RECEIVED BY LEA ON FEB. 1, 1984

COUNTY OF CHESTER

COMMISSIONERS

Robert J. Thompson, Chairman

Earl M. Baker

Patrick G. O'Donnell

DEPARTMENT OF EMERGENCY SERVICES

14 East Biddle Street, West Chester, PA 19380 (215) 431-6160

Timothy R. S. Campbell
Director

RECEIVED

SEP 27 1983

W. J. MCCORMICK

September 22, 1983

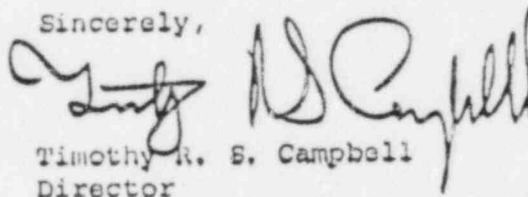
Mr. William McCormack
Division Manager
Phila. Electric Company
Box 71
Coatesville, PA 19320

Dear Bill,

Here is the rough list of items and concerns that the Chester County Department of Emergency Services has on the Limerick plant and preparations for emergencies there. To reiterate one point: through August 1 the County of Chester has spent \$30,000 in staff time and expenses for this plant and the Peach Bottom facility. This amount of effort is a concern because other needs are not being met.

The estimates of needs for the Chester County E.O.C. and staff are based on our experience in disasters and one full scale and one small scale exercise with Peach Bottom. They would provide the best possible command and control system for the County Commissioners to handle a possible situation at Limerick.

Sincerely,


Timothy R. S. Campbell
Director

TRSC/mla

Enclosure

cc: Robert J. Thompson
Commissioner

SUPPLEMENTARY BASIS FOR

LEA CONTENTIONS VIII-29 (LEA-9)
AND VIII-42 (LEA-21)



Founded 1682



LIMERICK

CHESTER COUNTY E.O.C. NEEDS

- 1) Additional telephones for E.O.C. staff - 25
- 2) Message posting boards
- 3) I.D. tags
- 4) Filing cabinets - 2 (Limerick files)
- 5) Book case - 1 (Plans and annexes)
- 6) Paging system for local directors (15 pagers and an encoder)
- 7) Computer (*plans my data, assignment of resources, and situation analysis*)
- 8) Weather stations - 3
- 9) N.O.A.A. Weather Alert Radio - 2
- 10) Decontamination stations - 6
- 11) Air condition County E.O.C.
- 12) Desks for E.O.C. - 2
- 13) Tables for E.O.C. - 8
- 14) E.B.S. Radio Link - 5 (WCOB, WYIS, WCHE, KYW, & WIP)
- 15) E.B.S. monitor - 1
- 16) PEMARS radios - 9
- 17) Protective suits - 6
- 18) Turn-out gear - 6
- 19) Jump suits - 84
- 20) Air-ground control radio - 1
- 21) Command post mobile lighting unit - 1
- 22) Closed circuit video loop from E.O.C. to media center - 1
- 23) Video link from forward C.P. to E.O.C. - 1
- 24) Hot line to each local E.O.C. - 15
- 25) Hot line to plant - 1
- 26) Hot line to PEMA - 1
- 27) Back up power for E.O.C.
- 28) 14 days food, water and supplies for E.O.C.

LIMERICK

CHESTER COUNTY ESTIMATE FO LOCAL E.O.C. NEEDS

- 1) Telephones - 3
- 2) Office equipment
- 3) Food and water
- 4) Message/status board
- 5) scanner
- 6) EBS Monitor
- 7) Weather Station
- 8) Radiation monitoring gear
- 9) Personnel protection gear
- 10) Hot line to County
- 11) Office supplies
- 12) Amateur radio antennas
- 13) two way radios
- 14) N.O.P.A. Weather Alert radio
- 15) Back up generator

SUPPLEMENTARY BASIS FOR
LEA CONTENTION VIII-42 (LEA-21)

LIMERICK

County Police, Fire, Ambulance, Medic Unit, and Route Alerting Team Needs Estimate

- 1) Radiation monitoring equipment (1 per vehicle)
- 2) Protection suits (4 per station)
- 3) Self contained breathing apparatus (4 per station)
- 4) P.A. system
- 5) Vehicle sirens

COUNTY OF CHESTER

COMMISSIONERS

Robert J. Thompson, Chairman

Earl M. Baker

Patrick C. O'Donnell

OFFICE OF THE COMMISSIONERS

Courthouse, High & Market Sts., West Chester, PA 19380 (215) 431-6100

July 25, 1983

RECEIVED

AUG 5 1983

W. J. McCORMICK

BU *etc*

9/14

Mr. W. A. Boyer
Sr. Vice President, Nuclear Power
Philadelphia Electric Company
2301 Market Street P.O. Box 8699
Philadelphia, PA 19101

Dear Mr. Boyer:

As you know, Chester County is involved in the planning process for emergencies which may arise at the Limerick Nuclear Generating Station. This effort requires a substantial commitment by the County of the staff and resources of our Emergency Services Department. Much of this effort must be taken from preparing for other already existent problems within the County.

Unlike Montgomery County where the facility is located, Chester County receives no tax benefit from the Limerick Nuclear Generating Station and yet it has expenses. During 1981 and 1982, Chester County expended in excess of \$37,000 in staff time and expenses for planning and exercise efforts for the Peach Bottom Nuclear Power Station, and will incur further costs in 1983 which may range up to \$6,000.

By the time the first Limerick drill occurs, we estimate County expenses to be approximately \$25,000. Yearly expenses thereafter are estimated at \$7,500 if the N.R.C. relaxes the drill requirements.

Thus, Philadelphia Electric is costing the taxpayers of Chester County \$112,000 in planning and exercise costs and imposing a continuing burden at \$13,500 per year for a project which provides no tax benefit to Chester County. There are other expenses which may occur that are unable to be quantified at this time.

The Chester County Department of Emergency Services has attempted contact with P.E.C.O. to discuss the use of P.E.C.O. sites for our tele-communications systems. To date, there has



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Catawba Balancing Test For Late-filed Contentions

In its July 26, 1983 Second Special Prehearing Conference Order, the Board directed Limerick Ecology Action (LEA) to address the factors set forth in the Catawba decisions,¹ which factors the Board will then balance in determining whether or not so-called "late-filed" contentions are admissible. The five factors of 10 CFR §2.714(a)(1) are as follows:

- (i) good cause, if any, for failure to file on time;
- (ii) the availability of other means whereby the petitioner's interest will be protected;
- (iii) the extent to which the petitioner's participation may reasonably be expected to assist in development of a sound record;
- (iv) the extent to which the petitioner's interest will be represented by existing parties;
- (v) the extent to which the petitioner's participation will broaden the issues or delay the proceeding.

The three-part test overlayed by the Appeal Board in Catawba (and affirmed by the Commission as appropriate in an admissibility determination) is that the contention:

- (a) is wholly dependent upon the content of a particular

1. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-687, 16 NRC 460, 469-70 (1982); Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 18 NRC ____, ____, slip op. at 5-6 (July 1, 1983).

document;

- (b) could therefore not be advanced with any degree of specificity (if at all) in advance of the public availability of the document; and
- (c) is tendered with the requisite degree of promptness once the document comes into existence and is accessible for public examination.

LEA has submitted off-site emergency planning contentions, pursuant to the Board's Orders, and hereby addresses the five 2.714(a)(1) factors as overlaid by the three part test.

LEA submitted emergency planning contentions on Nov. 24, 1981, based on all information available at that time. The Board's June 1, 1982 Special Prehearing Conference Order stated that the "Board finds that emergency planning contentions should be deferred until the emergency plans are available" (p.156). The schedule for filing "off-site" emergency planning contentions was established by the Board's Order of May 16, 1983 (Second Prehearing Conference Order). Page 5 states, "The triggering event for submission of these contentions will be the receipt by the intervenors and the City of Philadelphia of the emergency plans as they are being submitted to FEMA following PEMA's review of them." The Applicant served these documents on Dec. 9, 1983. The Board's Order of Jan. 20, 1984 established a filing deadline of Jan. 31, 1984 for the receipt of all "off-site" emergency planning contentions.

LEA has good cause for filing these contentions according to the schedule discussed above, due to the fact that draft radiological emergency response plans for Limerick have only recently been developed. These contentions could not have been advanced with any more specifi-

city than when originally filed, until the draft emergency response plans were made available to LEA. LEA's contentions have been "tendered with the requisite degree of promptness", since they were submitted according to the Board's Orders of May 16, 1983 and Jan. 20, 1984. LEA has no other means to protect its interests related to "off-site" emergency planning contentions in that no other regulatory or judicial body has jurisdiction to hear these matters. It is the NRC's duty, under its licensing authority to review all relevant matters pertaining to the licensing and operation of the facility, and that authority cannot be usurped by any other body. Furthermore, considering the potential political and other interests that influence their decision making, participating governmental entities cannot be expected to adequately represent LEA's interests.

No other intervenor with standing on "off-site" emergency planning issues can represent LEA's interests. The individual intervenors who have sponsored contentions on this subject have very limited and narrow concerns and are not represented or assisted by counsel.

LEA's participation in this matter can be expected to assist in developing a sound record, in that LEA has obtained expert assistance for pursuing many of its contentions, which, while not required for licensing proceedings, is an aid to the Board as well as to LEA.

Admission of LEA's contentions will not broaden the issues or delay the proceeding, since these concerns were generally raised in a timely manner in 1981 when other contentions were filed.

For the reasons set forth, LEA believes that it is appropriate for the Board to admit its "off-site" emergency planning contentions, as filed on Jan. 31, 1984.

Respectfully submitted,

Phyllis Zitzler

Phyllis Zitzler, LEA President

CERTIFICATE OF SERVICE

DOCKETED

I hereby certify that (1) LEA's proposed numerical designation for off-site emergency planning contentions filed 1/31/84, (2) supplementary basis information for contentions VIII-29 and VIII-42, and (3) discussion of Catawba Balancing Test requirements for late filed contentions have been served upon the following by first class mail, postage prepaid on Feb. 6, 1984. Those marked (*) were served by Express Mail on Feb. 6, 1984.

Lawrence Brenner, Chairman (2)
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Dr. Richard F. Cole
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Dr. Peter A. Morris
Administrative Judge
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Atomic Safety and
Licensing Board Panel
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory
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Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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(*) Troy B. Conner, Jr., Esq.
Conner and Wetterhahn
1747 Pennsylvania Ave., NW
Washington, DC 20006

Philadelphia Electric Company
Attn: Edward G. Bauer, Jr.
VP and General Counsel
2301 Market St.
Phila., PA 19101

Thomas Gerusky, Director
Bureau of Radiation Protection, DER
5th fl, Fulton Bank Bldg.
Third and Locust Sts.
Harrisburg, PA 17120

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Associate General Counsel
FEMA
Room 840
500 C St., SW
Washington, DC 20472

Zori Ferkin, Esq.
Governor's Energy Council
P.O. Box 8010
1625 Front St.
Harrisburg, PA 17105

(1) L
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Gregory C. Minor
 MHB Technical Associates
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 San Jose, CA. 95125

February 5, 1984

Phyllis Zitzer
 PHYLLIS ZITZER