

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ⁸⁴ MAY -2 A10:24

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

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Docket Nos. 10-352
10-353

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PETITION FOR RECONSIDERATION OF RULING
ON ADMISSIBILITY OF "OFFSITE" EMERGENCY PLANNING
CONTENTIONS FILED BY LIMERICK ECOLOGY ACTION

Limerick Ecology Action (LEA), the lead intervenor on "offsite" emergency planning contentions in this proceeding respectfully requests the Atomic Safety and Licensing Board to reconsider its denial of the following contentions:

LEA-10, LEA-16, and LEA-26

In addition, LEA seeks a clarification of LEA-14, as more fully discussed in this filing. This request is in response to the Special Prehearing conference order served on April 23, 1984.

LEA-10 On page 49 of the Board's ruling, it states, "The Staff, Applicant and the Commonwealth all oppose admission of these two contentions." (LEA-10 and LEA-17) "It was LEA-10 that most inclined us to consider deferring ruling on some of LEA's contentions." The Board's Order further states, "Were we to litigate every item, even every sort of item, listed in the many pages LEA attached to these two contentions, the litigation of the two would know no bounds". The bottom of page 50 states that LEA failed to tell the Board exactly what it wanted to litigate in its supplementary filing of March 14, 1984. Therefore, LEA-10 is denied for lack of basis and specificity.

LEA feels compelled to ask the Board to review the transcript from the March 6, 1984 hearing in Philadelphia and respectfully refers the Board to the following passages:

D503

(TR 7736, lines 21-25 and continuing to TR 7737)

(Zitzler:^{Ms}) "We would seek to be able to litigate our concerns about the particular plans that have been listed here and generally -- well, I would hope that by the time we have litigation, we will have additional revisions of these plans that will provide a lot of this information...."

(TR 7738, line 25 and TR 7739, lines 1-6)

(Ferklin:^{Ms}) "Commonwealth, for the reasons I just stated, would not object to the admissibility of the contention. The kind of detail that LEA provides here does provide the sort of information that could be litigated..."

(TR 7746, lines 24 & 25)

(Zitzler:^{Ms}) "We never intended to litigate everything."

(TR 7747 to 7749 is a discussion of the reasoning for deferral of contentions where information is still being developed)

(Judge Brenner:) "However, there seems to be still areas within the draft plans-- not unexpectedly I suppose -- where there are things to be developed. The significance of those things to be developed is not ascertainable by this Board at this time. And in fact, it is probably not readily ascertainable by any of the parties, I will submit, because it is a function not only of the individual items, but of the cumulative nature of the items...."

(TR 7750 discusses the possibility of negotiations to resolve items currently under development and in LEA's view directly suggests that....(lines 16 & 17) and (lines 23-25 and TR 7751)

"LEA X (LEA-10) would be one example we would put in that category..... On the other hand, perhaps not admitting a contention now, but providing something later for the contention to come back in, such as further development of a plan. But we are concerned that that method has some problems in terms of prejudicing LEA's interest, when they have in fact filed an otherwise admissible contention now. Which contentions contend lack of specificity is due to the lack of development of a plan, and not LEA's own fault in not specifying. So that's the problem."

Page 50 of the Board's Order implies that the Board was expecting LEA to discuss LEA-10 in its Supplementary Filing of March 14, 1984. While LEA was permitted to submit information relating to LEA-17 at that time, LEA was never instructed to provide additional information about LEA-10. Furthermore, at the March 6th hearing in Philadelphia, LEA attempted to elaborate its concerns about the importance of items marked "TBD", particularly with regard to medical facilities, and at that time was asked not to go through all the examples. (TR 7734, line 18).

Based on the discussion of the possibility of deferral of some of LEA's contentions which took place with LEA-10 cited as an example, LEA did not request any additional opportunity to provide supplemental information on LEA-10. LEA expected the ruling on admissibility to be deferred pending respecification, after additional information was available.

LEA hereby respectfully requests the Licensing Board to grant its request for reconsideration of the ruling to deny LEA-10. We do not believe that the record in this proceeding would be burdened by such a decision, and wish to remind the Board of the record of LEA's willingness to withdraw contentions that have been satisfied. LEA firmly believes that unnecessary litigation is not in the best interests of any party to this proceeding; particularly for an all volunteer organization such as LEA. We believe that such a decision would contribute to the development of a thorough record in this proceeding, in the event that any significant items still remained at the time appropriate for litigation.

We also wish to point out that the schedule for delivery of the supplemental filing to Washington D.C. on March 14th. did not allow for significant discussion of LEA-17 with other parties. This was because LEA had to spend 3 days (one included a snow storm which resulted in the closing of all state offices) trying to compile a list of day care and pre-school centers within the EPZ, as had been requested by the Board. This effort required trips to libraries in 3 counties at the same time that LEA was having discussions with FEMA on other contentions as well, most of which had to take place over the weekend of March 12th. LEA is not trying to make excuses for the fact that LEA-17 was not respecified further, but feels obligated to establish that every possible effort was made to carry out the Board's request.

LEA-14 LEA is stated to have withdrawn portions of this contention, according to page 63 of the Board's Order. The portion that was intended to be referred to by LEA has to deal with whether or not there is a need to have a training 'criteria' and 'accountability' program in the actual plans; and not the issue of whether or not the training itself is adequate. New information relating to the concerns of school district officials about the adequacy of training has recently become available. (See attached article containing statements from Upper Perkiomen School District officials) The adequacy of training remains a concern to LEA.

LEA-16 LEA is equally concerned that the inadequacies becoming apparent in the training programs for public schools will also apply to the private schools, a concern that may be appropriately covered by LEA-14, which has been admitted. LEA wishes to point out that there is a factual dispute about the 'authorship' of the private school plans that have been drawn up. LEA has attached a list of the school plans that have the words "prepared by" written on the cover. LEA disagrees with the characterization made by the Applicant and referred to by the Board on the bottom of page 67. "We note that many private schools....have drawn up their own plans." LEA's concerns about this issue are discussed in LEA-1, a matter which we are hope that all parties are aware of. (i.e. plans have been developed by Energy Consultants, Inc.)

RADIOLOGICAL EMERGENCY RESPONSE PLANS (RERP'S) FOR SCHOOLS THAT HAVE
THE WORDS "PREPARED BY" LISTED ON THE COVER:

(LEA-16)

Downingtown Area School District
Great Valley School District
Owen J. Roberts School District (Chesco)
Phoenixville Area School District
Northern Chester Co. Technical School
Holy Trinity School
Saint Ann School
St. Basil the Great School
St. Joseph Kindergarten
St. Mary of the Assumption
Kimberton Farm School
Liberty Forge School
Upattinas Open Community School
Valley Forge Christian Academy
Valley Forge Christian College
St. Gabriel's Hall
Methacton School District
Perkiomen Valley School District
Pottsgrove School District
Pottstown School District
Souderton Area School District
Spring-Ford Area School District
Upper Perkiomen School District
Western Montgomery County Area Vocational Technical School
Sacred Heart School
St. Aloysius School
St. Eleanor School
St. Gabriel School
St. Mary's School
St. Peter's School
St. Pius X High School
Bright Spot Kindergarten
Chapel Christian Academy
Collegeville Montessori Academy
Greater Pottstown Christian Academy
The Hill School
New Life and Family Services, Inc.
Twin Acres Country Day School
West-Mont Christian Academy
Wyndcroft School
Boyertown Area School District
Daniel Boone Area School District
Lincoln School
Montessori Academy of Pennsylvania
Pine Forge Academy
Pine Forge S.D.A. Elementary School
Wayside Christian School, Inc.

Town and Country

A Gannett Newspaper

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No. 32

2 Sections, 16 Pages

Serving The Upper Perkiomen Valley Since 1899

Wednesday, March 21, 1984

School officials claim no training given for nuclear evacuation

By VIC ATTARDO
Staff Writer

Upper Perkiomen school officials are disputing a statement issued by the Montgomery County Office of Emergency Preparedness (EOP) that school personnel have been trained for an emergency in the event of a nuclear accident at the Limerick power plant.

The statement, issued in a press release by EOP coordinator A. Lindley Bigelow, claims that "training has been completed for school administrators, teachers, school bus drivers and other school staff personnel from throughout the county."

But three Upper Perk administrators — Dr. George Bonekemper, assistant superintendent, Fred O. Dietzel, high school principal, and Anthony Fry, coordinator of nuclear emergency plans and assistant high school principal — say there has been no such training.

All three school officials disputed the EOP statement saying it was "erroneous" (Fry); "not correct" (Bonekemper); "not correct as far as I'm concerned" (Dietzel).

At issue in the dispute is whether Upper Perkiomen school officials, teachers and staff consider themselves to be trained well enough to handle problems that might arise during a nuclear accident. In addition,

Bigelow's statement comes on the heels of two other problems which the school district has faced regarding the emergency evacuation plans.

Last month superintendent Dr. Thomas E. Persing questioned the wording of a draft evacuation plan for the Upper Perk schools. On the cover of a plan was the claim: "Prepared by: Upper Perkiomen School District." When the wording was questioned, that the plan was "prepared by" the school district when in fact the district had had little to do with the draft document, it was generally agreed by the Upper Perkiomen school board that the plan should read, "prepared for." Persing contacted the authors of the draft plan, Energy Consultant Inc. of Harrisburg, who agreed to change the wording on future drafts.

The second problem arose with the correction of a map on which the draft plans were based. Until a few weeks ago, the so-called "circle of evacuation" did not include Upper Hanover Township. But an error of a quarter of a mile was found on the maps and suddenly a larger area of Upper Hanover Township was included in the emergency zone. The Upper Perkiomen High School is located in the borough of Red Hill, but a small area of the school district's land lies in adjacent Upper Hanover Township.

Rumor spread that the Upper Perkiomen High School would now be included in the list of schools to be evacuated in the event of a nuclear

While this contingency is not the case at the present time, there was confusion regarding the rumor. A Marlborough Township official went so far as to say at a public meeting that the high school was now included in the evacuation contingency.

The EOP press release published in Town and Country on March 7 stated that "training, based on emergency plans being prepared by county and local governmental units, consists of information relating to the effects and measurement of radiation as well as training in specific actions that might have to be undertaken."

According to the three district officials, school personnel were given a "presentation" on the plans and, in the words of Dr. Bonekemper, "we don't consider that training."

Bonekemper first commented about the EOP press release on Monday.

"Some of our people took some exception to that," he said. "They didn't think they were trained."

Bonekemper said that Emergency Consultant Inc. put on a program for the teaching staff during a February in-service day. Bonekemper said that the staff did not consider the program to be "a training session" adding, "How could we be trained when the final plan hasn't been accepted yet and we are still in a state of flux. Training is more than just giving information."

Dietzel said the Emergency Consultant program was a "presentation."

nuclear evacuation

"I would not say that was training. I don't consider myself trained. 'Training' is not correct as far as I'm concerned."

Fry agreed with Bonekemper's and Dietzel's assertion. "That's erroneous," said Fry. "That's not true. They gave us some information."

At the Montgomery County EOP Bigelow and a assistant on a joint telephone hookup characterized the school program as an "overview of the evacuation plans ... as to what has to be planned for, who are the participants."

The EOP says it has begun radiological emergency response training to assist emergency organizations should an accident occur at the Limerick plant. Organizations scheduled to receive training include fire, police, rescue, emergency medical, public works personnel, county and municipal officials and staff, employees of health-care facilities, communication dispatches and those associated in the

(Continued on page 5)

School has 'no training'

(Continued from page 1)

field of agriculture.

Bigelow and his assistant said that training differed with each group. They repeated that Upper Perk "has been trained."

"I can't say if they weren't in attendance," he added.

Beside the issue of what constitutes adequate training for a nuclear emergency, high school principal Fred Dietzel said the draft plan he heard reviewed during the presentation was "impossible."

"The plan did not make sense," he said. "It was so complicated I can't remember it. I told them it was impossible."

Dietzel said the plan called for someone to announce, through the high school intercom, that Limerick was having an emergency.

"Can you imagine the panic," he said. "If you have to think in a crisis situation it is not going to work."

Dietzel criticized the draft saying a more "practical" plan was needed. Liking the situation to a fire drill, Dietzel said school evacuations work because they are simple, practiced and an automatic response.

"They (the planners) have to develop a plan where you deal with people who might get emotional. The procedure they were outlining to me was completely impossible," he said.

Each school official interviewed emphasized that the plans are only in draft form and that no action can be taken until they are approved by the Upper Perkiomen School Board after a public meeting.

But many of basic possibilities that might occur in the event of a wide spread nuclear evacuation have not been agreed upon though the plan is in its third draft.

While it is generally agreed (at this time) that the Upper Perkiomen High School would not be evacuated in event of an emergency, there are still questions regarding Green Lane Elementary School and the use of the high school as a relocation center.

Bigelow said it is up to the school district to decide whether or not to evacuate Green Lane Elementary. He also said that there is a proposal for the high school to become a relocation center for emergency services.

Fry said the high school could be used as a host school for students from the Montgomery County Vo-Tech in Limerick. But legal agreements for the host school plan and a proposed mass care center have not been signed by the school district making neither final, Fry emphasized.

Fry said he will participate in the decision on whether or not Green Lane Elementary is to be evacuated in the event of a nuclear accident. Fry said his recommendation would be based on a decision by Marlborough Township officials whether or not the township will participate in drafting emergency plans. (Green Lane Elementary is located Marlborough.)

"The way they go would determine what we do," he said.

Fry said Limerick's evacuation plans are a long way from completion.

"We're dealing with a very complex problem. These are drafts and there will be mistakes made along the way," he said. "It's like war you have to adjust to the situation."

LEA-26 LEA requests reconsideration of the Board's decision to deny parts of this contention. While the Board finds that there is no litigable issue or deficiency cited by LEA about the proposed siren system, LEA disagrees and attempted to bring these concerns to the Board's attention during the March 7th. hearing. LEA's concern's about "coverage" of the EPZ cannot be made more specific until additional information is made available. (TR 8119, lines 14 to 19) We have no way to know if there are any 'gaps' in the siren coverage until we are provided with information showing where sirens are to be installed. (TR 8117, lines 10-15). Local zoning disputes remain unsettled, to the best of our knowledge.

LEA-26 questions the effectiveness of 'route-alerting' as a method of prompt notification in the event of a known siren system failure. No party to this proceeding has disputed LEA's concern about the inoperability of the siren system resulting from a loss of AC power. (TR 8123, 8124) Applicant states that route alerting is to be used as a backup measure in the event that the sirens are inoperable. (TR 8120).

It is likely that a large number of the sirens would be inoperable at once, due to a loss of AC power. Events that cause the failure of electrical power to the plant (thus causing or contributing to an accident) will also cause the failure of the siren system. It is therefore important that the effectiveness of 'route alerting' be evaluated as not only a 'supplementary' notification system, but as the primary prompt notification method in the event of a loss of AC power, or in the alternative, that some other supplementary notification method be available. Based on the Limerick SARA, it is estimated that accident sequences involving a loss of offsite power contribute to 25% (or one in four) accidents leading to core melt. Of the 17 "dominant" accident sequences, 3 of the top 6 and 4 of the top 9 sequences are caused by or involve a loss of offsite power. A significant fraction of such accidents (about 40%) involve earthquakes in which the recovery of offsite power in time to prevent an accident is unlikely; moreover, such events would have a significant chance of causing accidents in both Limerick reactors. (Source: LGS-SARA, pages 12-23 thru 12-25)

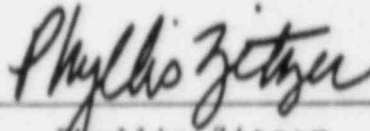
The contention also states that, "there is no demonstrated adequate means to provide (early notification and) clear instructions to the populace within the Plume Exposure EPZ". While this subject would also fall under the list of items "to be developed", LEA discussed this concern briefly at the hearing on March 7th. (TR 8118, lines 9 to 13) At that time, we believed that this would be contained in one of the contentions that would be admitted or deferred. However, since LEA-10 was not admitted, this subject is no longer covered by any of LEA's admitted (or deferred) contentions. Without this information, the general public will lack any understanding of the meaning of the activation of the siren system, and will not know that they are supposed to turn on an EBS radio station. These instructions must be understood by the general public in order for protective measures to be implementable.

Docket No. 50-352
50-353

Certificate of Service

I hereby certify that Limerick Ecology Action's Petition for Reconsideration of the Atomic Safety and Licensing Board's Ruling on the admissibility of offsite emergency planning contentions and a Notice of Withdrawal of Appearance from Phyllis Zitzer, on behalf of Limerick Ecology Action, have been served upon all parties to this proceeding on April 28th., 1984 by deposit in the United States mail. (first class, postage prepaid)

Respectfully submitted,



Phyllis Zitzer

April 28, 1984

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
MAY 2 1984

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD ⁸⁴ MAY -2 AIO:24

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WITHDRAWAL OF APPEARANCE

Notice is hereby given that the undersigned withdraws her appearance in the above captioned matter. Limerick Ecology Action will designate an appropriate replacement as soon as possible. Service of all information presently being sent to Limerick Ecology Action at the address below should continue. This refers in particular to all emergency planning related information.

Respectfully submitted,

Phyllis Zitzer

Phyllis Zitzer

Limerick Ecology Action
P.O. Box 761
Pottstown, Pa. 19464

(762 Queen Street)

215-326-9122

April 26, 1984

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