

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

JUL 10 11:08

Before the Atomic Safety and Licensing Board

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

APPLICANT'S REPLY FINDINGS OF FACT AND
CONCLUSIONS OF LAW RELATING TO LEA'S ONSITE
EMERGENCY PLANNING CONTENTIONS

Philadelphia Electric Company, Applicant in the captioned proceeding, in accordance with 10 C.F.R. §2.754, hereby submits reply findings on LEA's onsite emergency planning contentions in response to "LEA's Proposed Findings of Fact and Conclusions of Law in the Form of a Partial Initial Decision Relating to LEA's Onsite Emergency Planning Contentions" ("LEA's Proposed Findings"), dated June 21, 1984, and "Commonwealth of Pennsylvania's Proposed Findings of Fact on Onsite Emergency Planning," ("Commonwealth's Proposed Findings").^{*/} The reply findings are presented in the form of insertions to "Applicant's Proposed Findings of Fact and Conclusions of Law in the Form of a Partial Initial Decision Relating to LEA's Onsite Emergency Planning Contentions," dated June 8, 1984 ("Applicant's Proposed Findings").

^{*/} No reply to the NRC Staff's Proposed Findings is deemed necessary. The concerns expressed by the Commonwealth are covered by Applicant's Reply Findings to LEA's Proposed Findings such that no separate reply is deemed necessary.

Many of LEA's Proposed Findings were anticipated in Applicant's Proposed Findings and, as to those findings, no further reply is necessary. It is noted that many of LEA's Proposed Findings are immaterial or otherwise unsupported by the record in this proceeding. Accordingly, the presiding Atomic Safety and Licensing Board ("Licensing Board" or "Board") should adopt Applicant's Proposed Findings, as amended herein, and reject those of LEA and, in part, those of the Commonwealth, as unsupported by the record evidence or as immaterial to its decision.

The following changes and additions are hereby made to Applicant's Proposed Findings:

1. On page 5 of Applicant's Proposed Findings, add Paragraphs 8A and 8B following Paragraph 8:

- 8A. Throughout the proceeding, LEA has evidenced a misconception of the Applicant's Emergency Plan, including the emergency action levels and the various emergency responses which they trigger. LEA incorrectly believes that there must be some specific element of the Plan which relates to a particular kind of accident (LEA's Proposed Findings at 1-3). On the contrary, the record clearly demonstrates that Applicant's Plan and implementing procedures are designed to respond to a variety of initiating events and for a spectrum of sequences which would necessarily result in emergency responses long before the occurrence of serious consequences such as releases resulting in doses exceeding the Protective Action Guides referenced in NUREG-0654 and 10 C.F.R. §50.47(b)(11). Accordingly, the Board finds no basis for LEA's assertion that Applicant's Plan and implementing procedures do not, as a matter of law, address the complete spectrum of credible events for which emergency planning is necessary.

8B. In the same regard, the Board finds no basis for LEA's assertion that Applicant's entire Plan and implementing procedures are deficient simply because the description of example initiating conditions in Table 4-2 of the Plan and EP-101 do not provide complete guidance as to what emergency actions are to be taken in response to those initiating events (LEA's Proposed Findings at 2). Obviously, this is not the purpose of Table 4-2 or EP-101. The Board is fully satisfied that the remainder of the Plan and implementing procedures adequately describe the actions which would be taken by Applicant in response to any of the initiating conditions enumerated in Table 4-2 and EP-101.

2. On page 6 of Applicant's Proposed Findings, add Paragraph 12A following Paragraph 12:

12A. LEA proposed certain findings regarding the adequacy of meteorological monitoring based upon concerns expressed by the NRC Staff in its Safety Evaluation Report ("SER"), issued in August 1983 (LEA's Proposed Findings at 6). This document was not received into evidence, and no Staff witness testified as to the basis for the Staff's concern and the manner in which it was being resolved. Without a Staff witness to sponsor the document, explain the Staff position's and provide an opportunity for cross-examination, the Board is unable to base any finding on matters discussed in the SER as asserted by LEA. The Board is well aware that an SER routinely contains numerous open items which are subsequently resolved and reported in future supplements to the SER. Such matters, however, are not part of the evidentiary record before this Board. In any event, LEA merely wishes the Staff to report on its evaluation of meteorological monitoring and the resolution of its concerns, which, as noted, will be done in any event by SER supplements.

3. On page 7 of Applicant's Proposed Findings, add Paragraph 15A following Paragraph 15:

15A. Although LEA noted that Applicant had taken an exception to one of the guidelines of Regulatory Guide 1.97 regarding the location of the reference leg of the transmitter for the wide-range water level transmitter, there was no showing by LEA that the instrumentation as installed by Applicant would be unable to perform its function with regard to the declaration of an emergency (LEA's Proposed Findings at 7). Here again, LEA simply notes that the Staff is evaluating this instrumentation in its review of open items in its SER. The mere fact that further Staff analysis or submissions by the Applicant is forthcoming fails to add anything to the evidentiary record before this Board nor does it prevent this Board from deciding the issues before it.

4. On page 7 of Applicant's Proposed Findings, add Paragraphs 16A and 16B to Paragraph 16:

16A. As LEA acknowledges, there is no requirement under NUREG-0654, Criterion H.5, for an applicant to conduct "chemical release monitoring" (LEA's Proposed Findings at 4). The Board permitted LEA to pursue this area of inquiry only because Applicant's implementing procedure in EP-101 indicates that fixed monitoring for toxic releases affecting the Control Room would be a basis for the declaration of an emergency classification. In this regard, LEA mistakenly assumes that such declaration would necessarily depend upon information from monitoring instrumentation of the kind which would monitor for toxic chemicals most likely to affect the plant site as described in FSAR Section 2.2.3.

16B. For other toxic chemicals which are much less likely to affect the site, Applicant's implementing procedures in EP-101 expressly

provide for the declaration of an unusual event on the basis of human sensory perceptions.

5. On page 8 of Applicant's Proposed Findings, add Paragraphs 17A and 17B following Paragraph 17:

17A. LEA now attempts to expand its contention to encompass the arrival of ambulances at the site in order to transport patients to a nearby hospital (LEA's Proposed Findings at 10). Inasmuch as Applicant does not maintain medical facilities onsite (certainly no facility for which ambulance transportation is necessary), a response by an ambulance company does not "augment" Applicant's onsite emergency actions. Accordingly, the Board finds LEA's proposed findings regarding ambulances to be beyond the scope of this contention. As a practical matter, however, the Board has taken these proposed findings into consideration with regard to Contention VIII-12(b), which directly concerns transportation for contaminated, injured individuals to hospitals. The Board finds that LEA's concerns in this area do not relate to "mutually agreeable bases for notification" as such, but rather to the availability of sufficient ambulances.

17B. Similarly, with regard to notification of fire companies, LEA's Proposed Findings do not relate to "mutually agreeable bases for notification," but rather merely speculate regarding the availability of fire companies in the event of a general emergency (LEA's Proposed Findings at 12). With respect to the role of fire companies in performing route alerting of residents in the event of a general emergency requiring evacuation of the plume exposure pathway EPZ, the record merely reflects that the Linfield and Limerick Fire Companies may be required for such activities. The equipment and manpower resources

required for route alerting, the time necessary to perform this activity and the understanding which would exist with regard to route alerting as a priority measure for the protection of the public health and safety are all matters which were unexplored by LEA on the record. In general, the Board is extremely reluctant to draw any conclusions with regard to the effectiveness of Applicant's onsite Plan based upon the provisions of draft emergency plans being prepared by local governments within the EPZ. In the highly improbable circumstances hypothesized by LEA, e.g., the necessity for offsite fire companies at Limerick, the declaration of a general emergency and failure of the siren system, the Board believes that responsible actions would be taken to assure evacuation of residents from the EPZ.

6. On page 9 of Applicant's Proposed Findings, add the following sentences to the end of Paragraph 20:

Accordingly, there is no basis for LEA's assertion that classification of symptoms involving the unavailability of the Standby Liquid Control System would take as long as 20 minutes (LEA's Proposed Findings at 15), inasmuch as an alert would be declared well before initiation of the Standby Liquid Control System becomes necessary.

7. On page 11 of Applicant's Proposed Findings, add the following sentences to the end of Paragraph 25:

Accordingly, there is no problem in the Emergency Director's completion of the procedures under EP-305 for site evacuation prior to notification of offsite authorities as required by EP-103 (LEA's Proposed Findings at 20). EP-305 merely requires that he "[d]irect the evacuation of affected areas as necessary." (Emphasis added). The

Emergency Director need not personally supervise each of the steps necessary for site evacuation.

8. On Page 11 of Applicant's Proposed Findings, add Paragraph 25A and 25B following Paragraph 25:

25A. LEA referred to the sequence of steps required to be taken by the Emergency Director after classification of an alert under EP-103 in an attempt to show that completion of these steps would delay notification of offsite authorities (LEA's Proposed Findings at 15, 16 and 17). On their face, these steps involve only brief communication with other members of Applicant's emergency response organization in order to initiate all elements of the applicable emergency response. Nothing in the procedure demonstrates that any kind of lengthy analysis or evaluation would be required which would delay notification of offsite authorities. Further, as LEA acknowledges (LEA's Proposed Findings at 17), Applicant's witness testified that notification to offsite authorities could take place immediately after classification of the emergency and need not be taken as the last step in sequence to the other steps under EP-103. Ullrich, Tr. 10110, 10124.

25B. LEA asserts that Applicant's implementing procedures are inadequate if they permit judgment as to the omission of certain steps or taking steps out of sequence (LEA's Proposed Findings at 17). LEA cites no basis, and the Board finds none, to support its assertion that the procedures authorize the omission of any steps. There is no evidence in the record that the effectiveness of Applicant's implementing procedures or the capability to implement such procedures is dependent upon the execution of steps within a procedure in any particular sequence. Obviously, the procedures must be written in some numerical

sequence as a matter of reference. There is, however, no evidence that the Emergency Director would lack the necessary judgment to implement the procedures effectively. Indeed, LEA withdrew Contention VIII-7(e), relating to the non-delegable duties of the Emergency Director, prior to the hearing. Although the Board is satisfied on the record that its findings independently support its conclusions, LEA's withdrawal of this particular contention adds weight to the Board's conclusion that the Emergency Director will be sufficiently trained and drilled to implement Applicant's procedures effectively.

9. On page 10 of Applicant's Proposed Findings, add Paragraph 22A following Paragraph 22:

22A. There is no basis for LEA's assertion that verification of an offsite toxic chemical release would require up to one hour. Applicant's witness stated that Applicant would assume that a train crash offsite involved a toxic release and would take appropriate emergency action while determining the nature of the accident. Notification of Conrail would not be necessary for declaration of an emergency action level or verification since the train crash would be visible before Conrail could verify it. Ullrich, Tr. 10099-101.

10. On page 15 of Applicant's Proposed Findings, add Paragraph 34A following Paragraph 34:

34A. LEA did not propose any contrary findings with respect to this issue, but merely noted that the Staff has not yet fully completed its review to determine whether Applicant has met the guidelines of Regulatory Guide 1.97 (LEA's Proposed Findings at 22). Here again, LEA has confused the matters necessary for completion of the Staff's review with those findings to be made by the Licensing Board on the basis of

the evidentiary record before it. Although LEA has, as a practical matter, abandoned this contention, the Board has made findings to demonstrate its satisfaction that Applicant's Plan reflects the adequacy of emergency facilities, equipment and supplies.

11. On page 16 of Applicant's Proposed Findings, add Paragraph 38A following Paragraph 38:

38A. LEA does not disagree that Applicant's procedures provide for these controls over the activities of offsite organizations who may report to Limerick in response to a request. LEA insists, however, that these details must be reduced to writing in the agreement between Limerick and each ambulance service and fire company with an onsite response (LEA's Proposed Findings at 25). The Board finds this requirement to be unnecessary. We are unaware of any reason why, given the training which will be afforded those organizations (see the discussion, infra, regarding Contention VIII-18), they would have any reason to question the direction and supervision given by the responsible onsite response personnel. For example, there is no purpose in speculating that ambulance drivers would wander into undirected areas or that firefighters would remain onsite if otherwise instructed (LEA's Proposed Findings at 24-25). The Board sees no reason to assume such a lack of cooperation between Applicant and offsite organizations which have agreed to provide onsite responses as requested.

12. On page 18 of Applicant's Proposed Findings, add Paragraph 45A following Paragraph 45:

45A. The only basis cited by LEA for its assertion that competing demands for fire company resources is "a significant problem," is its assumption that "a fire so severe as to require a general emergency

class declaration, and fire company response to the site necessarily presupposes the failure of Applicant's 'self-sufficient' fire protection capabilities" (LEA's Proposed Findings at 27) (emphasis in original). To the contrary, the record is clear for the reasons discussed in Board Finding 41 that Applicant's fire detection and suppression capabilities are adequate to provide for a safe shutdown capability in the event of the maximum credible fire at Limerick, even assuming that the fire is allowed to burn out. There is simply no evidence to support LEA's theory that a request for offsite support presupposes the existence of a fire which has exceeded Applicant's self-sufficient capabilities, or that any such fire necessarily involves events which require evacuation of the 10-mile EPZ. In short, there is nothing in the record to support LEA's hypothesis that agreements with additional fire companies would provide any greater increment of protection.

13. On page 22 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 54:

Contrary to LEA's assertion (LEA's Proposed Findings at 34), the testimony of Applicant's medical expert was not premised upon the need to treat only one or two patients at the hospital at any one time, but rather upon his conclusion, based upon years of experience, that only one incident per plant every five, six, or seven years could reasonably be anticipated. Linnemann, Tr. 9806, 9915-16.

14. On page 25 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 63:

Contrary to LEA's assertion (LEA's Proposed Findings at 36), the Board finds no ambiguity in the RMC contract with HUP which would preclude treatment of any "radiation injury" as stated in the agreement

and explained by Applicant's medical expert. As indicated by his further testimony, the annual training and drill sessions for the HUP staff includes both the care of radioactively contaminated patients and the evaluation of overexposure to radiation. Linnemann, Tr. 9804-05.

15. On page 27 of Applicant's Proposed Findings, add Paragraph 70A following Paragraph 70:

70A. LEA argues that Applicant's potential need for offsite medical services for contaminated injured victims will be greatest in the event of a severe accident with releases resulting in offsite doses exceeding Protective Action Guides (LEA's Proposed Findings at 37). LEA mistakenly assumes some cause-and-effect relationship between the severity of an accident and the likelihood that persons will be contaminated and/or injured. No such relationship has been demonstrated on this record. Here again, LEA is attempting to bring offsite emergency planning considerations into the consideration of onsite planning without any justification.

16. On page 27 of Applicant's Proposed Findings, add Paragraph 71A following Paragraph 71:

71A. Attempting to show that other hospitals would be unprepared to accept contaminated, injured patients if Pottstown Memorial were unavailable, LEA cites the testimony of Applicant's medical expert that final arrangements with Pottstown Memorial have not yet been made under its agreement to treat contaminated, injured persons from Limerick (LEA's Proposed Findings at 34). The Board rejects LEA's assertion that other nearby hospitals are unprepared to accept contaminated, injured patients simply because arrangements similar to those made with Pottstown Memorial have not been made with them. The Board is well

aware that, for emergency planning purposes, there are different levels of preparedness, particularly for backup services which are very unlikely to be called upon in an actual emergency. The Board finds that the basic requirements necessary for accreditation by the Joint Committee on Hospital Accreditation for handling contaminated and injured patients are sufficient to provide reasonable assurance that other hospitals can provide this treatment on an ad hoc basis if Pottstown Memorial were unavailable.

17. On page 28 of Applicant's Proposed Findings, add Paragraphs 73A and 73B following Paragraph 73:

73A. It is unclear what position LEA takes on the location of the backup hospital: it apparently rejects backups within the EPZ because of the possibility they would be evacuated and also rejects HUP, which is beyond the EPZ, because it is claimed to be too distant (LEA's Proposed Findings at 33, 36-37). The Board finds no basis under NUREG-0654 or NRC regulations for such an inherently inconsistent position. Thus, while Applicant's medical expert testified that the primary medical concern is the serious traumatic injury, not contamination of the victim, and that the patient should be transported to a nearby hospital rather than one farther away, Linnemann, Tr. 9906, HUP could also function as a backup to Pottstown Memorial in the event that it were evacuated during an emergency because it is likely that all other hospitals within the EPZ would similarly be evacuated. Boyer, et al., ff. Tr. 9772, at 14; Linnemann, Tr. 9801.

73B. LEA also asserts that logistical difficulties in transporting patients to hospitals other than Pottstown Memorial would arise because RMC is responsible for making transportation arrangements to HUP (LEA's

Proposed Findings at 39-40). LEA misunderstands the evidence. RMC is only responsible for coordinating the transportation of stabilized patients to HUP. Linnemann, Tr. 9870-72; 9958-59. Although hospitals routinely transfer patients to other hospitals as part of their normal operating procedures, RMC would be available to assist in transporting patients to hospitals other than HUP if needed. Linnemann, Kankus, Tr. 9959-61.

18. On page 30 of Applicant's Proposed Findings, add Paragraph 79A following Paragraph 79:

79A. LEA attempted to prove that there would be insufficient ambulances to respond to a request at Limerick in the event of a general emergency requiring evacuation of the 10-mile EPZ (LEA's Proposed Findings at 29-30). LEA offered, but the Board did not accept into evidence, a portion of a draft emergency plan being prepared for one of the local governments within the EPZ (LEA Ex. 1), which discussed the areas to be served by Goodwill in the event of an evacuation. The Board has already indicated its reluctance to rely upon draft documents or procedures which are still being developed at this time for the purpose of offsite emergency planning. In subsequent hearings, of course, the Board will make the necessary predictive findings as to the adequacy of those plans. The Board cannot, on the basis LEA suggests, make any reliable determination that the necessity for ambulances in the event of an emergency requiring evacuation would preclude the availability of ambulances at Limerick as requested under the existing agreement with Goodwill.

19. On page 30 of Applicant's Proposed Findings, add the following sentence to the beginning of Paragraph 80:

Even taking judicial notice that Goodwill's ambulances would be utilized, if needed, to assist in an evacuation of the EPZ, the Board finds that adequate procedures exist to obtain ambulances from other sources as needed.

20. On page 30 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 81:

Although LEA criticizes Applicant's plan for lacking "direct alternative arrangements" in addition to Goodwill, nothing in NUREG-0654 requires such arrangements (LEA's Proposed Findings at 30). NUREG-0654, Criterion L.4, provides that each organization "shall arrange for transporting victims of radiological accidents to medical support facilities." As discussed below, we find these arrangements, in addition to Goodwill ambulances, to be sufficient to meet this requirement.

21. On page 31 of Applicant's Proposed Findings, add the following sentences after the third sentence of Paragraph 83:

Keystone would cooperate in an emergency, as it would with any other customer. Obviously, RMC can contract for additional aircraft on an ad hoc basis because Keystone would have no reason to withhold aircraft it could lease to RMC.

22. On page 31 of Applicant's Proposed Findings, add Paragraph 84A and 84B following Paragraph 84:

84A. LEA discounted the availability of the Keystone helicopter to transport patients to a hospital (LEA's Proposed Findings at 37) because Applicant's medical expert testified that the helicopter would basically be utilized to transport patients who are stabilized. Linnemann, Tr. 9855. LEA erroneously assumes, however, that a patient could not be stabilized at the Limerick site prior to transportation

offsite either by means of Applicant's first-aid assistance or medical treatment by doctors under agreement to report onsite if needed. Boyer, Tr. 9927; Dubiel, Tr. 9940.

84B. Also, LEA cites the testimony of Applicant's medical expert that he could not imagine a situation where the Keystone helicopter would be utilized to transport a patient offsite (LEA's Proposed Findings at 31-32). It is clear from the context of his testimony, however, that the witness was simply refusing to accept LEA's hypothesis that ambulances would be unavailable to provide such transportation. Linnemann, Tr. 9860.

23. On page 36 of Applicant's Proposed Findings, add Paragraph 95A following Paragraph 95:

95A. Regulatory Guide 4.8 does not require the placement of TLD's beyond 5.5 miles (LEA's Proposed Findings at 42). The areas of higher concentration closer to the Limerick plant will be adequately monitored, and the dispersion of radionuclides beyond these areas will obviously result in lesser concentrations.

24. On page 37 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 97:

Thus, although LEA would have the Board find that Applicant's TLD monitoring system may "underestimate the radiation dose," TLD's record, rather than "estimate," population dose (LEA's Proposed Findings at 42). In other words, offsite TLD's will confirm, but not predict, such doses.

25. On page 41 of Applicant's Proposed Findings, add Paragraphs 106A, 106B and 106C following Paragraph 106:

106A. LEA is unjustifiably concerned that individuals reporting to the reassembly area will not be monitored if not previously checked upon

departing the plant site. LEA asserts that EP-254 only instructs Applicant's health physics technicians to check vehicles and passengers for contamination, but does not require that each person assembled be individually monitored if need be (LEA's Proposed Findings at 44-45). The Board sees no problem in carrying out this assignment. All individuals utilized by Applicant in its onsite emergency response, including health physics personnel, will go through a Station qualification program for the types of functions performed. The qualification will include functions as applied to normal operation as well as emergency situations. This includes a series of classroom training sessions, examinations to demonstrate an understanding of the material presented and a practical demonstration of the individual's capabilities in both small drills and exercises. This training and background is sufficient to qualify the individuals to carry out emergency procedures without the necessity of reducing each detail to written procedures. Dubiel, Tr. 10263-64.

106B. LEA attempted to show potential logistical problems with monitoring plant evacuees at the reassembly area. Essentially, LEA asserts the possibility of a large number of evacuees, i.e., as many as 3,000, and too few health physics technicians to perform the monitoring, requiring 50-100 hours before all persons are monitored and released (LEA's Proposed Findings at 46). The Board regards these numbers as fanciful. First, since construction site personnel would be evacuated at the alert stage and would experience only short-lived noble gas exposure (see Board Findings 108 and 109, infra), there would ordinarily be no reason for such employees to report to the reassembly area. Second, Applicant's survey of plant personnel demonstrates that more

than 30 health physics personnel would be available within an hour of notification in the event of an emergency. These numbers provide Applicant with reasonable assurance that it will be able to carry out each of the required health physics functions. See Board Finding 28, supra. Applicant's Senior Health Physicist stated that he did not envision the deployment of up to 30 health physics personnel to the reassembly area, Dubiel, Tr. 10261, but the Board is satisfied that a sufficient number of such personnel would be deployed to the reassembly area for personnel monitoring to avoid a lengthy detention of site evacuees.

106C. In any event, LEA failed to demonstrate any problem with the retention of site evacuees at the reassembly area for longer periods than anticipated. Applicant would select a reassembly area which was not in the downwind direction and plant evacuees could therefore remain safely at the reassembly area until monitored. See Board Finding 107, infra.

26. On page 44 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 114:

The Board rejects LEA's assertion that the plans are inadequate unless provisions are made for plant evacuees to shower or bathe (LEA's Proposed Findings at 48). The Board's findings above amply demonstrate that no specialized facilities are necessary for decontamination. Water available from sinks, hoses, etc. at either reassembly area will be sufficient. Also, RMC will be available to provide qualified medical assistance for decontamination. See Board Finding 112, supra.

27. On page 46 of Applicant's Proposed Findings, add Paragraph 122A following Paragraph 122:

122A. LEA asserts that Applicant's procedures for personnel accountability are inadequate because EP-110 does not apply to Unit 2 construction personnel (LEA's Proposed Findings at 49-50). The Board rejects this assertion because the requirements for personnel accountability only apply upon "the start of an emergency." NUREG-0654, Criterion J.5. As noted, construction site personnel would be evacuated at the alert stage, prior to the declaration of a site emergency. See Board Finding 106, supra. Moreover, the Board is satisfied, that the requirements for specialized procedures for personnel accountability under NUREG-0654 apply only for where emergency response personnel must remain at the site. All construction personnel, on the other hand, would evacuate at an earlier stage.

28. On page 46 of Applicant's Proposed Findings, add Paragraph 119A, 119B, 119C, and 119D following Paragraph 119:

119A. LEA asserts that this procedure is inadequate to meet the 30-minute criterion under NUREG-0654, Criterion J.5, because accountability must occur within 30 minutes of "the start of an emergency" and the Security Team can wait up to 30 minutes to contact an emergency assembly area that has not yet reported (LEA's Proposed Findings at 50). LEA infers that, in order for Applicant to meet the 30-minute criterion, the assembly announcement would have to occur simultaneously with the "start of an emergency." LEA also notes that the assembly announcement is made following verification of the emergency classification, which it asserts would add further delay. As discussed below, the Board finds both assertions to be without merit.

119B. The Board has previously found that, even in a fast developing emergency scenario, initiating conditions could be verified quickly.

See Board Findings 20 and 21, supra. In the event of a site evacuation, security personnel would require less than five minutes to be in place and, in a fast-developing scenario, the direction to give priority to evacuating site personnel would take only a few seconds. See Board Finding 23, supra. Thus, the Board believes that verification of the emergency classification would be virtually instantaneous.

119C. Moreover, the Board believes that, as a practical matter, the "start of an emergency" in the context of NUREG-0654, Criterion J.5, means at the time an assembly announcement is made. Obviously, there is no reason to account for personnel until an announcement has been made for them to assemble or evacuate.

119D. LEA also asserts that site evacuation under EP-305 will be delayed because of the number of steps involved prior to announcement of site evacuation (LEA's Proposed Findings at 50-53). The Board has already rejected this assertion in examining LEA's contention that offsite authorities will not be notified promptly. See Board Findings 24 and 25. There is no requirement that the steps under EP-305 be performed sequentially or by the Emergency Director personally. Rather, the Emergency Director simply directs that certain actions be taken. See EP-305.

29. On page 46 of Applicant's Proposed Findings, add Paragraphs 120A and 120B following following Paragraph 120:

120A. Although LEA is concerned that the compilation of a list of badge numbers of evacuees would cause delay if the computer were inoperable (LEA's Proposed Findings at 52), the Board has no reason to believe that Applicant would wait until site evacuation has been completed prior to checking names off the list. Obviously, there is no reason under

these procedures to wait until badges have accumulated. As regards the list of postulated missing construction personnel at Unit 2, the Security Team would obviously receive a list which has been already compiled by the constructor.

120B. Nor would personnel monitoring of evacuees cause any delay in personnel accountability (LEA's Proposed Findings at 53). The Board has already found that Applicant's procedures require site evacuation as a priority concern. See Board Finding 105, supra. Evacuating personnel would therefore simply leave their badges at the gate, which would be checked under the procedures discussed in Board Finding 120, supra.

30. On page 46 of Applicant's Proposed Findings, add the following sentence to Paragraph 121:

LEA apparently confuses the requirement that an accountability report be made within 30 minutes with the final determination of each individual's exact location (LEA's Proposed Findings at 49). Under Applicant's procedures, the initial report may simply indicate that the location of certain personnel has not yet been determined.

31. At page 48 of Applicant's Proposed Findings, add Paragraph 124A following Paragraph 124:

124A. In proposing findings on this contention, LEA claims that it did not abandon the contention. Its proposed findings, however, relate to personnel of offsite support organizations who may be called upon to assist onsite in an emergency, a separate matter which the Board takes up in Contention VIII-18, infra (LEA Proposed Findings at 54-55). The Board's reading of the instant contention in the context of the other subparts of this contention, the arguments of counsel for its admission and the bases cited in support of its admission, however, leave no doubt

that this contention refers to Applicant's emergency workers, not personnel of offsite organizations. Accordingly, the Board finds that LEA has not, in fact, pursued this contention. Nonetheless, the Board has considered LEA's Proposed Findings insofar as they are applicable to Contention VIII-18.

32. On page 52 of Applicant's Proposed Findings, add the following sentences to the beginning of Paragraph 136:

Information as to radiation risks is provided to individuals who may come onsite to support the Limerick emergency response. This training is consistent with the degree to which such individuals are likely to be exposed to radiation. Dubiel, Tr. 10017.

33. On page 52 of Applicant's Proposed Findings, add the following sentence to the end of Paragraph 136:

Under the circumstances, it is wholly unnecessary for offsite personnel to be familiar with the protective action guidelines for emergency workers performing life-saving functions.

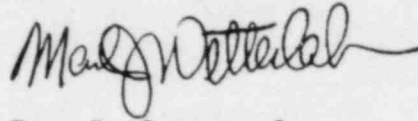
34. On page 51 of Applicant's Proposed Findings, add the following sentences to the end of Paragraph 132:

Information required by Regulatory Guide 8.13, along with other information helpful to offsite personnel in understanding radiation risks, is contained in a specific outline provided to instructors. Each

instructor has discretion in his presentation only for areas not required by the outline. Dubiel, Tr. 10035-36.

Respectfully submitted,

CONNER & WETTERHAHN, P.C.

A handwritten signature in dark ink, appearing to read "Troy B. Conner, Jr.", with a stylized, cursive script.

Troy B. Conner, Jr.
Robert M. Rader

Counsel for the Applicant

July 9, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Reply Findings of Fact and Conclusions of Law Relating to LEA's Onsite Emergency Planning Contentions" and "Applicant's Reply Findings of Fact and Conclusions of Law Relating to Contention I-42," dated July 9, 1984 in the captioned matter have been served upon the following by deposit in the United States mail this 9th day of July, 1984:

- | | |
|------------------------------|-------------------------------|
| * Lawrence Brenner, Esq. (2) | Atomic Safety and Licensing |
| Atomic Safety and Licensing | Appeal Panel |
| Board | U.S. Nuclear Regulatory |
| U.S. Nuclear Regulatory | Commission |
| Commission | Washington, D.C. 20555 |
| Washington, D.C. 20555 | |
| * Dr. Richard F. Cole | Docketing and Service Section |
| Atomic Safety and | Office of the Secretary |
| Licensing Board | U.S. Nuclear Regulatory |
| U.S. Nuclear Regulatory | Commission |
| Commission | Washington, D.C. 20555 |
| Washington, D.C. 20555 | |
| * Dr. Peter A. Morris | Ann P. Hodgdon, Esq. |
| Atomic Safety and | Counsel for NRC Staff Office |
| Licensing Board | of the Executive |
| U.S. Nuclear Regulatory | Legal Director |
| Commission | U.S. Nuclear Regulatory |
| Washington, D.C. 20555 | Commission |
| | Washington, D.C. 20555 |

* Hand Delivery

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

Philadelphia Electric Company
ATTN: Edward G. Bauer, Jr.
Vice President &
General Counsel
2301 Market Street
Philadelphia, PA 19101

Mr. Frank R. Romano
61 Forest Avenue
Ambler, Pennsylvania 19002

Mr. Robert L. Anthony
Friends of the Earth of
the Delaware Valley
106 Vernon Lane, Box 186
Moylan, Pennsylvania 19065

Charles W. Elliott, Esq.
Brose and Postwistilo
1101 Building
11th & Northampton Streets
Easton, PA 18042

Ms. Maureen Mulligan
Lirerick Ecology Action
P.O. Box 761
762 Queen Street
Pottstown, PA 19464

Zori G. Ferkin, Esq.
Assistant Counsel
Commonwealth of Pennsylvania
Governor's Energy Council
1625 N. Front Street
Harrisburg, PA 17102

Jay M. Gutierrez, Esq.
U.S. Nuclear Regulatory
Commission
631 Park Avenue
King of Prussia, PA 19406

Angus Love, Esq.
107 East Main Street
Norristown, PA 19401

Robert J. Sugarman, Esq.
Sugarman, Denworth &
Hellegers
16th Floor, Center Plaza
101 North Broad Street
Philadelphia, PA 19107

Director, Pennsylvania
Emergency Management Agency
Basement, Transportation
and Safety Building
Harrisburg, PA 17120

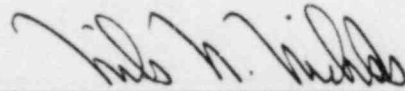
Martha W. Bush, Esq.
Kathryn S. Lewis, Esq.
City of Philadelphia
Municipal Services Bldg.
15th and JFK Blvd.
Philadelphia, PA 19107

Spence W. Perry, Esq.
Associate General Counsel
Federal Emergency
Management Agency
500 C Street, S.W., Rm. 840
Washington, DC 20472

Thomas Gerusky, Director
Bureau of Radiation
Protection
Department of Environmental
Resources
5th Floor, Fulton Bank Bldg.
Third and Locust Streets
Harrisburg, PA 17120

James Wiggins
Senior Resident Inspector
U.S. Nuclear Regulatory
Commission
P.O. Box 47
Sanatoga, PA 19464

Timothy R.S. Campbell
Director
Department of Emergency
Services
14 East Biddle Street
West Chester, PA 19380



Nils N. Nichols