

Catawba Balancing Test For Late-filed Contentions

In its July 26, 1983 Second Special Prehearing Conference Order, the Board directed Americk 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 have been 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.

Limerick Ecology Action has respecified previously deferred 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 first submitted emergency planning contentions in this proceeding on Nov. 24, 1981, based on all available information 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 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. On April 20, 1984, the Board ruled on the admissibility of LEA's contentions, choosing to admit some of the contentions, and to again defer others.

Discovery on LEA's admitted "off-site" emergency planning contentions lasted from April 20, 1984 to June 25, 1984. On August 15, 1984, the Board issued an Order that established the schedule for respecification of LEA's admitted contentions, which required service on all parties by Sept. 6, 1984 (receive dates).

The Board's August 15, 1984 Order also established a schedule for the respecification of LEA's deferred contentions (LEA-1, LEA-2, LEA-3, LEA-4, LEA-5, LEA-6, LEA-23). This ruling ordered FEMA to provide by expedited means the draft FEMA RAC report on the July 25 Limerick Exercise, estimated to be issued on or about Sept. 1, 1984. Limerick Ecology Action was ordered to file its respecification of deferred contentions by Sept. 25, 1984.

On August 23, 1984, the NRC Staff filed a Motion for Reconsideration of the Board's Aug. 15th. Order to provide the draft FEMA RAC report to the parties in this proceeding. On Sept. 5, 1984 FEMA stated its objections to the Board's Order which required the distribution of the draft FEMA RAC report. On September 6, 1984, the Board invited other parties to file an Answer to the NRC Staff's Motion for Reconsideration based on FEMA's concerns about release of the draft RAC report. On September 11, 1984, Limerick Ecology Action filed its Answer and request for access to the draft RAC report.

A conference call on Sept. 14th. between the parties resulted in an agreement that FEMA's General Counsel would request FEMA to agree to make the factual portions of the RAC report available to LEA and other interested parties as soon as possible. On Sept. 19, LEA received a message from the NRC Staff Counsel Nathene Wright that FEMA had agreed to make portions of the report available at the FEMA Phila. office on the morning of Sept. 21, 1984. Due to the relevance of this material to LEA's deferred contentions, the parties jointly requested an extension of time for the filing of LEA's respecification to allow for an opportunity to obtain, review and discuss the information contained in FEMA's report on the July 25 Exercise. (See discussion in LEA's Sept. 24, 1984 Request for an extension of time for respecification until October 1, 1984; hereby incorporated by reference).

Although FEMA did not release the draft RAC report, the Final FEMA Report was made available to the parties on Sept. 26, 1984. A meeting between Limerick Ecology Action, FEMA, the NRC Staff, and the Applicant and its Counsel took place in Phila. on Sept. 27th. This provided LEA with an opportunity to discuss its proposed respecifications with those present. It was however, unfortunate that FEMA was unable to

participate in the meeting, because so many of LEA's concerns focus on current unmet needs that have been passed on to PEMA from the Counties and the schools, and the related issue of the state's ability to satisfactorially resolve these problems, LEA President, Phyllis Zitzer contacted Zori Ferkin, Counsel for PEMA to discuss LEA's proposed respecification. Ms. Ferkin advised LEA that PEMA would address LEA's concerns in a response filing to the respecified contentions.

Limerick Ecology Action gratefully acknowledges its appreciation to the other parties and the Licensing Board for allowing the parties to have the opportunity to review and discuss the FEMA Report on the July 25 Exercise before the filing of these respecified contentions. The meeting provided an opportunity for the Applicant and LEA to discuss and resolve several of LEA's concerns.

Limerick Ecology Action has good cause for filing these respecified contentions according to the schedule discussed here. These contentions could not have been advanced with any more specificity on an earlier schedule due to the fact that much of the Applicant's consultant's work on the development of off-site emergency response plans is yet to be completed. In this case in particular, it is only recently that unmet needs have actually been identified and passed along to the County and then the state for resolution. In many cases, it is still not known how PEMA will respond to identified unmet needs, or whether the necessary resources and personnel are available. Furthermore LEA received the FEMA Final Report on the Limerick Exercise on Sept. 26, and did not have access to this information previously, as had been anticipated by the Board.

LEA's respecification of deferred contentions has been "tendered with the requisite degree of promptness" since we are following the schedule established by the Board Orders in this proceeding. LEA has no other means to protect its interests relating to "off-site" emergency planning contentions in that no other regulatory or judicial body has jurisdiction to hear LEA's concerns in a timely fashion. It is the NRC's duty, under its licensing authority to review all matters

relevant to the licensing and operation of the Limerick 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.

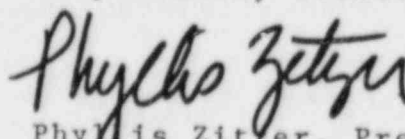
No other intervenor has standing on "off-site" emergency planning issues that can represent LEA's interests. The only individual intervenor that had any contentions admitted on "off-site" emergency planning issues has been consolidated under LEA.

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

The litigation of LEA's contentions is not likely to broaden the issues to be heard in this proceeding by the Board because they were deferred by the Board earlier in the case to allow an opportunity for focusing and narrowing of LEA's concerns. These matters have been raised in a timely manner according to the schedule established by the Board in this proceeding, and were first raised in 1981 when all other contentions were filed.

Overall, for the reasons set forth above, LEA believes that it is appropriate for the Board to accept LEA's narrowing and focusing of these deferred contentions and to admit them for litigation in this proceeding.

Respectfully submitted,



Phyllis Zitzler, President
Limerick Ecology Action

October 1, 1984

The Risk Counties, Municipalities, School Districts, and Institutions haven't promulgated or adopted final radiological emergency response plans, nor have they approved and adopted plans drawn up for them by Energy Consultants, Inc., a Harrisburg firm hired by Philadelphia Electric Company. There is no reasonable assurance that the present state of planning is predictive of final approval, or that the plans are capable of being implemented.

1. Specifically, the Commonwealth system of government in Pennsylvania establishes the township or boro, and not the County, as the basic unit of government, as reflected in State Enabling Legislation and First and Second Class Township Codes.
 - (a) There is no assurance that PEMA can provide 134 buses for unmet needs in Chester County and 12 coach buses for unmet needs in Montgomery County.
 - (b) There is no assurance that PEMA can provide 82 ambulances for unmet needs in Montgomery County and 17 ambulances for unmet needs in Chester County.

The workability of Municipal, County, School District and Institutional RERP's depends on the availability of the above resources. The willingness of elected public officials to accept the responsibility assigned to them by P.L. 1332 and the Draft RERP's cannot be assumed in the absence of assured provision of necessary resources to implement the plans.

2. Municipalities representing approximately 44,500 people living within the Plume EPZ did not participate in the July 25 test drill, and as documented by FEMA in the Final Drill Report did not display their capability to protect their citizens in the event of an accident at Limerick. FEMA considers this a "Class A" deficiency. In addition, the Borough Council of Phoenixville actually voted not to participate in the drill because they did not find the plan acceptable to protect their 14,000 citizens. (See attached LEA-1 Supplemental Basis, Attachments #2 and #3)

Also, it was the position of other Counties and Municipalities that participation in the drill did not predict or necessitate final approval of the draft RERP's. (See LEA-1 Supplemental Basis, Attachments # 1, #7 and #8.)

3. As of October 1, 1984, no municipal plans have been signed and most public officials have stated publicly that they want to reserve the right to still decide whether these plans are workable or not. With the exception of Perkiomen Valley and Downingtown School Districts, no Risk Institutional, School District, or County RERP have been approved.

4. Alternative planning approaches are being considered by many jurisdictions simultaneously with consideration of the ECI proposed approach (Owen J Roberts District, Phoenixville School District, L. Providence, Schuylkill, Warwick etc) Reliance on alternative plans which would meet the broad requirements of PL 1332 State Law would not automatically provide reasonable assurance as per NuReg 0654 without a thorough reworking of coordination and procedures at many levels. Participation in planning different than the draft RERP's would require some review by the relevant agencies.

Furthermore, the actions of local planners who under Pa. PL1332 take a "something is better than nothing" approach to emergency planning and who, without close supervision by municipal officials, may be doing whatever they can to obtain much needed equipment paid for by the Utility in order to improve their facilities, are not a basis which can predict that local government will accept the much more rigorous assignment of responsibilities and duties as proposed in the RERP's. Without such specific assignment of responsibilities there is no reasonable assurance under 10 CFR 50.47(b)(1).

BASIS: 10 CFR § 50.47 (b)(1), NUREG 0654, Criteria A(1),
NUERG 0654, Criteria A(2,a)

See also attached LEA Supplemental Basis, documenting the concerns of local officials.

LEA-1
SUPPLEMENTAL BASIS

East Pikeland Twp.: Letter to PEMA from Twp. Secretary John Doyle stating that the Township's participation in the July 25 test drill "does not in any way constitute approval of the plan nor does it bind the township to further participation in the program". (7/18/84) (Submitted as a limited appearance statement in this proceeding -- a copy is attached with this filing for the convenience of the parties)

Att #1

Boro of Phoenixville: Letter of July 25, 1984 stating that the Boro Council was opposed to participation in the July 25 test drill, (served on parties to this proceeding as a limited appearance statement -- a copy has been attached to this filing for the convenience of the parties)

Att #2-3

Schuylkill Township: EMC Norman Vutz stated at a township supervisors meeting on Wed. Aug. 1, 1984 stated that he and other volunteers "went through the motions" on July 25, but he felt that there were "too many holes" in the plan which he termed "not complete". (Evening Phoenix, 8/2/84) (1)

also: general comments stated in letter from Schuylkill Township Supervisors to Mr. David Dunn, Energy Consultants (7/14/83) (1)

South Coventry Twp.: Twp. Supervisor Richard Whitlock has indicated that the township will not approve any plan until someone other than the township pays for a survey of municipal emergency resources. "We're not going along with any plans until PE shows us who is going to pay for it"....."There are too many gaps in the forms and a lot of unanswered questions", according to Mr. Whitlock. (Pottstown Mercury, 8/4/83) (1)

Warwick Twp.: After Warwick Township officials notified the Chester County Dept. of Emergency Services that the township would not be participating in the drill, their decision was reversed when a Philadelphia Electric employee, threatened legal action if he was not allowed to participate in the drill. According to township resident, Tom Bissinger who was informed by Municipal EMC Fred Hurlock, the Supervisors chose not to participate due to their belief that the plan was unworkable. Mr. Hurlock has expressed concerns about the evacuation of a nearby trailer court and the fact that several municipalities must share Elverson Fire Company's equipment.

Green Lane Boro:

"The plan leaves a lot to be desired -- I'm not terribly enthused about the traffic plan", stated Marlborough Twp. Police Chief William Rupp. Council member Barbara Brey stated that she was disturbed that the plan did not take pay attention to human needs in the event of an evacuation. Green Lane Mayor John Balmer wanted to know how elderly residents, who may not have their own cars, would be transported from the borough if it were necessary to evacuate the borough..... "What if we have to evacuate people in a blizzard?" Council member Lillian Hess questioned the idea that the plan puts so much responsibility on borough residents to evacuate residents. (Town and Country, 5/16/84) (1)

Lower Providence Twp:

att #4

The Board of Supervisors wrote a letter to Philadelphia Electric Company stating that the Township did not participate in the July 25 test drill because of a lack of trained staff, the failure of PECO to provide equipment and training personnel for the drill, and other reasons stated by John Mikowychok on July 13, 1984. (see attachments to this filing)

Perkiomen Township:

Concerns about insurance liabilities for township volunteers, as stated by the Perkiomen Township Supervisors at their August 1984 meeting (see article from Schwenksville Item, 8/9/84)(2)

At their April 1984 Township meeting, the Perkiomen Twp. Board of Supervisors refused to consider adoption of the latest draft radiological emergency plans due to particular concerns about the adequacy of plans for Graterford Prison, and because of concerns expressed by Supervisor Claire Olson about the municipal responsibilities contained in the plans. "I find these tasks impossible", stated Mrs. Olson. (Times Herald 4/4/84) (1)

Skipack Township:

att #5+6

Letter from Alan Boroff, Township Solicitor, to PEMA dated 6/22/84 outlining the reasons that Skipack Twp. has not adopted its RERP. (submitted as Attachment #5, in LEA's Answers to PECO Interrogatories on July 16, 1984 -- Attached again with this filing for the convenience of the parties) Skipack Township has expressed serious concerns about the workability of the municipal plan in the absence assurance from PEMA that the State can provide the necessary resources to evacuate Graterford Prison. This lack of confidence in the municipal RERP is demonstrated by the unwillingness of the Skipack Twp. Volunteer Fire Dept. to participate in or to accept the responsibility in the RERP. (Collegeville Independent, 2/28/84 -- attached with this filing) (1)

Schwenksville Boro:

In November 1983, former EMC Bernard McCollum stated "We're working on a shoestring"... "The people are in a state of bewilderment." McCollum stated that the Borough has no money for radio-contact equipment, emergency street lighting, buses or ambulances. (Times Herald 11/23/83) (1)

Upper Providence Twp.:

George Waterman, Township Manager cited several areas of concern about the RERP at the May 1984 Supervisors meeting, stating that they had a long way to go before he could recommend that the RERP should be considered for adoption. He said that agreements were needed with towing services to keep the roads clear, and that more equipment was needed to set up the municipal EOC. He also raised concerns about the township's liability insurance. (Evening Phoenix, 5/8/84) (1) In that same article, Chairman Templeton questioned whether or not the National Guard would be available to assist the township in case of a nuclear emergency.

Upper Salford Twp.:

EMC Kenneth Hagy stated at the July 1984 Upper Salford Twp. Supervisors meeting that "Philadelphia Electric Co. and the township have a long way to go" before their Limerick RERP is completed. He stated that the township had not yet organized all the workers and equipment it would need in a nuclear emergency. "PECO has just begun to scratch the surface of meeting the needs of our community to effectuate this plan", said Hagy..... "I will not support the adoption of any plan until all possible needs have been met, and that those needs are not met at the expense of the taxpayers of Upper Salford Twp., but rather the stockholders of PECO". (Pottstown Mercury, 7/4/84)(1)

West Pottsgrove Twp.:

Supervisor Chairman Richard Bacchi stated at the August Supervisors meeting that West Pottsgrove Twp. did not participate in the July 25 test drill due to a lack of volunteers, the recent resignation of municipal EMC Earl Keck, lack of proper equipment, lack of proper preparation, and unacceptable evacuation plans for the handicapped residents of the township. (Pottstown Mercury, 8/2/84)(2)

Montgomery County:

Letter from County EMC Lin Bigelow to John Patten, Director of PEMA stating his concerns about the lack of preparedness of many of the Montg. Co. municipalities with regard to participation in the July 25 test drill. The letter expresses the 2 purposes of the drill from the perspective of Montg. Co.:

- Att #7
- 1) demonstration of ability to implement plans
 - 2) an opportunity for evaluation by participants of their plans, as developed thus far, in order to identify and make changes as applicable.

Montgomery County: The Montgomery County Commissioners have repeatedly expressed doubts about the workability of the County RERP for Limerick. (see attached newsclippings)

Att #8

NOTE:

FEMA made the following comment about the July 25 Exercise:

"The County Commissioners should take a more direct interest in future exercises"(page 21)

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- (1) Items supplied by LEA in response to PECO Interrogatories submitted by LEA in 8/13/84 Supplemental Response
 - (2) Items supplied by LEA in response to PECO Interrogatories submitted by LEA in ~~8/31/84~~ Supplemental Response
-

EAST PIKELAND TOWNSHIP

BOARD OF SUPERVISORS

JOHN F. YEAGER, CHAIRMAN
 THOMAS B. BENDER, VICE CHAIRMAN Michael Gaydos
 JOHN D. DOYLE, SECY., TREAS.



MUNICIPAL BUILDING
 RAPPS DAM ROAD
 AT THE COVERED BRIDGE

Pennsylvania Emergency Management Agency
 P.O. Box 3321
 Harrisburg, PA. 17105

July 18, 1984

Re: Radiological Emergency Response Plan Exercise - July 25, 1984

Dear Sir:

This is to notify you that East Pikeland Township, Chester County will participate in the Limerick radiological emergency response plan exercise scheduled for Wednesday, July 25, 1984 with the following reservations.

A select committee of township residents has conducted a detailed study of the proposed radiological emergency response plan submitted by Energy Consultants, of Harrisburg, PA., consultants to the Philadelphia Electric Company. In view of the significant concerns (attached) of the committee (concerns shared by the Planning Commission and Board of Supervisors) regarding the provisions of the proposed plan (Draft #5 dated April 1984), East Pikeland Township will not approve/adopt the plan in its present form.

Thus we wish to note for the record that the township's participation in the July 25th exercise does not in any way constitute approval of the plan nor does it bind the township to future participation in the program.

Sincerely,

John D. Doyle
 John D. Doyle, Sec'y

/jdd

cc: Chester County Dept. of Emergency Services

Federal Emergency Management Agency

Division of Emergency Preparedness & Emergency Response

Office of Inspection & Enforcement

Nuclear Regulatory Commission

Mr. George Hughes, EPT Emergency Management Coordinator

EPT Planning Commission

July 6, 1984

To the East Pikeland Township Planning Commission:

The undersigned, representing a committee investigating the Evacuation Plan for East Pikeland, recommend that Draft #5 of the Radiological Emergency Response Plan (RERP) not be approved as it exists and not be submitted for review by the Chester County Department of Emergency Services (CCDES), the Pennsylvania Emergency Management Agency (PEMA), the Federal Emergency Management Agency (FEMA), and the Nuclear Regulatory Commission (NRC) until the following areas of concern be resolved.

This recommendation arises from the identification of a large number of serious deficiencies and uncertainties in our study of the RERP (Drafts #4 and #5) for East Pikeland, associated materials, and discussion with various parties.

Foremost among these concerns are:

- 1) TIME FRAMEWORK FOR PUBLIC RESPONSE TO A RANGE OF POSSIBLE EVACUATION EVENTS: the plan does not precisely relate effective times for evacuation to the imaginable range of radiological events.
- 2) INADEQUATE ROAD SYSTEM: need to realistically review the NRC required evacuation time study recently released by PECO and prepared by HMM Associates of Concord, MA. This computer based study indicates a total evacuation time of 6 hours and 15 minutes for the 74,498 residents of Chester County during the worst of possible conditions, i.e., "a snowy winter weekday" (The Mercury, Pottstown, 6/22/84). Township records indicate a total of 8-12 hours to plow out East Pikeland.
- 3) CO-ORDINATION WITH NEIGHBOURING MUNICIPALITIES: determine the relationship and impact of the plans (particularly the evacuation routes, joint use of services - ambulances, fire company, buses, tow trucks, etc.) of surrounding municipalities and school district on the East Pikeland Evacuation Plan. This is one of the objectives cited in Draft #5, "Ensure that planned actions are current and in consonance with those of surrounding jurisdictions, as well as with the Chester County RERP".
- 4) INADEQUATE EVACUATION MANAGEMENT AND CONTROL MECHANISMS: need for verified availability of equipment and services (ambulances, tow trucks, snow plows, etc.), realistic assessment of available volunteers, realistic assessment of amount of volunteers needed in time to fill one job, training program for volunteers and public, information availability and maintenance, etc.
- 5) COST: undefined liability of costs to the Township and public for implementation and perpetual maintenance of Plan.

- 6) **LIABILITY:** undefined liabilities of Township, County, State, Federal Government, Philadelphia Electric and individuals, such as volunteers, against damage to person and property in the Township. Energy Consultants, Inc(the consulting firm hired by PECO to prepare the RERP) suggested that we ask our solicitor to look at Pamphlet Law #1332, "Emergency Services Code".
- 7) **SHELTERING:** when will we be asked to shelter, is it safe, for how long, and how is it accomplished?
- 8) **DRILL TEST:** the superficiality of the proposed test of the RERP planned for July 25, 1984, as a measure of Plan feasibility. FEMA will be holding hearings on the Drill two days following the test. (July 27 in Pottstown)

These points are proposed as sufficient to support the recommendation. Many other concerns and deficiencies can be elaborated. It is suggested that full resolution of the listed points be demanded by the Township before the committee should undertake study of the plan in more detail.

The committee is, of course, ready to extend or deepen it's study as available information may permit.

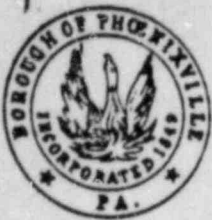
The committee has chosen not to express opinion of the overall feasibility or practicality of the idea of an Evacuation Plan for a Limerick Radiological Emergency. It should not be interpreted, moreover, that in recommending resolution of the listed concerns the committee is endorsing the concept of the Plan.

Sincerely,

J. Edward Matthews

J. Edward Matthews

David K. Adams *Lindsay Brinton* *David Churbock* *Ann Raymond*
 David K. Adams Lindsay Brinton David Churbock Ann Raymond



The Borough of Phoenixville

CHESTER COUNTY, PENNSYLVANIA
Borough Hall, 140 Church Street, Phoenixville, Pa. 19460

MAYOR

Robert M. Gray

BOROUGH COUNCIL

Bonnie K. August
President

Heien M. Rambo
Vice President

Michael J. Basca
Assistant Secretary

Theodore X. Beluch

Joseph A. Fabian

John Fedora

Robert J. Gray

Loren B. Griffith

John P. Horenci

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Owen J. Scanlin

OFFICERS

William P. Herman
Borough Manager

Patricia M. Garrison
Borough Secretary

James Dunworth
Borough Solicitor

SECRET NUMBER
FACED. & UTIL. FID.

50-352/3530C

July 25, 1984

axx #2

'84 100-3 F12:12

Nuclear Regulatory Commission
c/o Honorable Judge Brenner
Docket #50-352
Washington, DC 20555

SERVED AUG 3 1984

Dear Judge Brenner,

I am writing this letter in reference to the recent emergency evacuation drill held in Phoenixville on Wednesday, July 25th. The Borough Council of Phoenixville went on record opposing their participation in this drill. At this time, I would like to go on record stating that Phoenixville did participate in this drill as a result of the Mayor's recommendation. I strongly feel this was not a sanctioned drill from the Borough Council of Phoenixville, and would not want to be evaluated as per draft #5 of the emergency evacuation plans.

Should you have any questions, please do not hesitate to write or call.

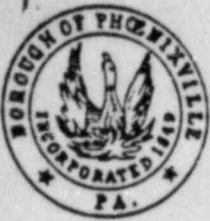
Very truly yours,

BOROUGH OF PHOENIXVILLE

Bonnie K. August

Bonnie K. August
President of Borough Council

BKA:pmg



The Borough of Phoenixville

CHESTER COUNTY, PENNSYLVANIA
Borough Hall, 140 Church Street, Phoenixville, Pa. 19460

MAYOR

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50-352/3530C

July 25, 1984

84 100-3 112:12

att #2

Nuclear Regulatory Commission
c/o Honorable Judge Brenner
Docket #50-352
Washington, DC 20555

SERVED AUG 3 1984

Dear Judge Brenner,

I am writing this letter in reference to the recent emergency evacuation drill held in Phoenixville on Wednesday, July 25th. The Borough Council of Phoenixville went on record opposing their participation in this drill. At this time, I would like to go on record stating that Phoenixville did participate in this drill as a result of the Mayor's recommendation. I strongly feel this was not a sanctioned drill from the Borough Council of Phoenixville, and would not want to be evaluated as per draft #5 of the emergency evacuation plans.

Should you have any questions, please do not hesitate to write or call.

Very truly yours,

BOROUGH OF PHOENIXVILLE

Bonnie K. August

Bonnie K. August
President of Borough Council

BKA:pmg

Phoenixville's "State of Emergency" A Sham

by Bonnie August,
President,
Phoenixville City Council

The Phoenixville Borough Council, at their July 12 monthly meeting, went on record, voting seven to four, *not* to participate in the July 25th Emergency Evacuation Drill. Several days after the meeting, on July 17, a Philadelphia Electric Company representative attended a special Parks, Property and Public Safety Committee meeting of Phoenixville Borough Council.

The PECO representative spoke so persuasively at this meeting that he convinced the mayor to declare a "state of emergency" for the drill. This was done so that the borough would participate in the drill. According to the Pennsylvania State Borough Code, a mayor can only declare a state of emergency when one actually exists and it must be done in writing and advertised in a local newspaper. This was not done.

I consulted with Phoenixville Borough Solicitor James Dunworth concerning the mayor's actions. Mr. Dunworth's opinion was that the mayor did not have the jurisdiction to declare a state of emergency under the existing circumstances as no emergency existed and no advertisement of intention was done. My only recourse, on behalf of the borough citizens, would have been to seek a court injunction to prevent the borough from participating in the July 25th drill. After much consideration, I decided against the injunction because of the cost.



Instead, I sent a letter to Judge Lawrence Brenner at the Nuclear Regulatory Commission explaining, in detail, Council's reasons for not participating in the drill and the mayor's action. I explained that I felt the borough entered into the drill illegally and noted my contention that we, as a borough, should not be graded by either the Federal or Pennsylvania Emergency Management Agencies. I still believe that the borough participated in the drill illegally.

Continued on page 4

As an observer of the drill, I must admit that the emergency coordinator, his assistant and all the volunteers seemed to be doing an excellent job. But, I had considered this a "paper" or "table top" drill all along and maintained that the staff would do an above-average job. All of the people involved are dedicated to their jobs and performed them well. However, since it was only a "paper" drill, I cannot say that it was an *evacuation* drill.

I objected to participating in the drill at the July 12th and 17th Council meetings and I still believe that the officials and volunteers were not involved in a

full evacuation drill. The Phoenixville Borough Council has not yet reviewed Plan Five of the evacuation plans. Most people do not find this plan acceptable and neither do I. As borough officials, we are obliged to ensure the safety and welfare of all borough residents, among other responsibilities.

The borough of Phoenixville draws its water supply from the Schuylkill River. In the event of a nuclear accident at Limerick, this water source would be contaminated for an indefinite period of time. The borough has inquired into alternate water sources and found that Suburban Water Company, which gets water from Pickering Creek, would be too costly for an emergency hook-up.

I strongly feel that PECO should address the many problems that would result from a nuclear accident at Limerick — problems such as alternate water sources, inadequate road systems in the event of mass evacuation, and the dense population of Phoenixville and other towns in and adjacent to the Emergency Planning Zone. Hopefully, a public meeting will be held this fall to address these and any other related problems.

In closing, I feel I must note that many of the people who supported the July 25th emergency evacuation drill were not present to observe it! As a public official, I believe I was elected to serve the needs of the people — not my own wants. Perhaps some officials are out of touch with this reality.

att #3



RECEIVED

JUL 18 1984

R. A. KANKUS

LOWER PROVIDENCE TOWNSHIP

100 Parklane Drive
Eagleville, PA 19403

Telephone: (215) 539-8020

July 13, 1984

Mr. C. Gregory Whitman
Philadelphia Electric Company
680 Ridge Pike
Plymouth Meeting, PA 19462

Dear Greg:

Please be advised that the Board of Supervisors at their public meeting of July 9, 1984 agreed not to participate in the July 25 Emergency Evacuation Drill as planned by PECO.

The Board's reasons for not participating include the lack of trained staff within the township at present, the failure of PECO to provide us with equipment and training personnel in time for adequate preparation for the drill, and the fact that our emergency coordination volunteer committee is just assembling and will have their first meeting on July 19.

If you have any further questions, please contact me at your earliest convenience. I would appreciate your contacting me as to the probability of a future drill later this summer.

Sincerely,

John P. Mikowychok
Acting Township Manager

JPM:VRM

cc: Timothy Hasson, Montgomery County Emergency Preparedness Office
Paul B. Bartle, Commissioner, Montgomery County
Thomas Rogers, Emergency Coordinator
Bill Adam, Evacuation Committee
Board of Supervisors

LAW OFFICES

BOROFF, HARRIS & HELLER
PROFESSIONAL CORPORATION

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MICHAEL R. HARRIS **
ALAN E. BOROFF
ANDREW F. MALONE
HARRY T. MONDOIL

* PA. AND MASS. BAR
** PA. AND FLA. BAR

650 BLUE BELL WEST - SUITE 320
SKIPPACK PIKE
BLUE BELL, PENNSYLVANIA 19422
(215) 628-9800

June 22, 1984

Pennsylvania Emergency Management Agency
P. O. Box 3321
Harrisburg PA 17105

Re: Skippack Township, Montgomery County - Proposed Radiological Emergency
Response Plan for Incidents at the Limerick Generating Station

Dear Sir:

This letter is being written to the Pennsylvania Emergency Management Agency at the request of the Board of Supervisors of Skippack Township.

The undersigned is solicitor for the Skippack Township Board of Supervisors.

The Board of Supervisors has made a preliminary study of the proposed radiological emergency response plan submitted to Skippack Township by Energy Consultants, of Harrisburg, Pennsylvania, consultants to the Philadelphia Electric Company.

Skippack Township has not adopted the proposed radiological emergency response plan in view of the significant concerns of the Board of Supervisors concerning the provisions of the proposed plan, being Draft No. 5 dated April, 1984.

Among the significant concerns of the Board of Supervisors of Skippack Township are the following:

1. Lack of adequate personnel available to Skippack Township to provide a 24 hour emergency response. Skippack Township does not have a police force. The Skippack Fire Co., a volunteer group, has indicated their unwillingness to participate in a radiological emergency response plan in the event of a site emergency or a general emergency.
2. Inability of the Township to provide adequate means to provide notice and transportation to transit dependent individuals.

att #5

3. The proposed plan is incomplete with reference to evacuation routes through Skippack Township and its relationship to other municipalities which would evacuate through Skippack Township as well as evacuation of the State Correctional Institution - Graterford located in Skippack Township. The Skippack Township Board of Supervisors are concerned with the coordination of Skippack and adjoining municipalities and the State Correctional Institution with reference to potential evacuation.
4. Skippack Township does not believe it has the means necessary to obtain the equipment and dosimetry called for under the proposed plan, even taking into account the proposed equipment funding offer made by Philadelphia Electric Co.
5. The need for coordination among the various municipalities as well as the county and state officials with reference to evacuation and other matters, which would include proposed evacuation routes and their capacity.
6. The need for an ongoing training program. Township participants in the radiological emergency response plan should be able to receive ongoing training through either a county or area organization as each individual township is unable to provide this.

The Board of Supervisors believe it appropriate it to submit these concerns to you, at this time. They will continue with their evaluation of the proposed radiological emergency response plan and will conduct public hearings thereon in the near future.

Very truly yours,

Alan E. Boroff

AEB/bjk

cc: George Hugenin, Skippack Township Emergency Management Coordinator

Edward L. Jordan, Director, Division of Emergency Preparedness and Emergency Response, Office of Inspection and Enforcement, United Nuclear Regulatory Commission, Washington, D.C.

Federal Emergency Management Agency, Washington, D.C. 20472

Montgomery County Emergency Management Office

Mrs. Mary Wills, Skippack Township Secretary

2/28/84

THE INDEPENDENT & MONTGOMERY TRANSCRIPT

PAGE THIRTEEN

Skippack Fire Co. Votes Unanimously Not To Risk Radiation Exposure In Case Of Emergency At Limerick Power Plant

Skippack vol. chief, Alfred S. Risell, advised the township supervisors at the regular twp. meeting Mar. 22, that the members of the fire co. would not participate in or accept the responsibilities for those parts of the Radiological Emergency Response Plan that would involve the risk of radiation exposure to firemen in case of an emergency at the limerick nuclear plant.

The vote was taken at the regular fire co. meeting held

Feb. 13 with 33 members unanimously voting not to participate in the plan.

Fire Chief Risell said a plan needs to be adopted to provide adequate fire-rescue, but not one that would risk exposure of radiation to vol. firemen. "It is not a question of lack of courage, but a question of common sense," he said, chief Risell specifically objected to the assumption exposure. The equipment has not been tested and the consultants do not

know how safe it is.

A public meeting on Mar. 5 at 7:30 p.m. with the twp. supervisors and PE officials is scheduled to discuss Draft 4 of the Emergency Response plan.

In other business, twp. engineer, Robert Showalter, was asked to make a \$700 study on the drainage problems on Cresman Rd. across from the Skippack Recreation Club, where icy conditions have been a problem this winter. The study must be started immediately to avoid the same problem next year advised supervisor Sarah Unruh.

Also, the board passed a resolution to appoint Robert Unruh, zoning officer and John Siegrist, constable as police officers to enforce the Pa. Dog Act which prohibits dogs from running loose. Dogs already captured by residents will be picked up and taken to the SPCA in Perkiomenville. Owners must pay costs to get their dogs back.

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057#6



OFFICE OF EMERGENCY PREPAREDNESS
100 WILSON BOULEVARD
EAGLEVILLE, PENNSYLVANIA 19403
(215) 631-5100
A. LINDLEY BIGELOW, COORDINATOR

COUNTY OF MONTGOMERY

COMMISSIONERS
PAUL BAKER BARTLE
ALLAN C. MYERS
KITA C. BANNING
DEPARTMENT OF PUBLIC WORKS
A. W. MARTIN, P.E., DIRECTOR
DIVISION OF PUBLIC SAFETY
JOSEPH D. HAMILTON, DIRECTOR

July 10, 1984

att #7

Mr. John L. Patten, Director
Pennsylvania Emergency Management
Agency
P.O. Box 3321
Harrisburg, PA 17105

Dear John:

With the exercise of the Limerick RERP scheduled for July 25, 1984, only two weeks away, I have advised the County Commissioners of the status of our plan and my estimation of our ability to adequately implement it. In short, there is insufficient time remaining for many municipalities to receive the additional training needed to properly demonstrate implementation of the RERP.

Several local Emergency Management Coordinators are "going it alone"; they lack an EOC Staff of any kind. In other municipalities only minimal staff is on hand and a lack of alternates or depth at key positions is evident.

Locally, more training is still needed for Radiological Monitoring/Decontamination teams, Police Departments, Fire Companies, Ambulance Squads, and municipal EOC Staff.

In the area of facilities and equipment, there is still much to be done; ie., telephone equipment, signs, dosimetry, etc. I have concerns that the municipalities could demonstrate that these plans can be implemented, without having the physical resources in place and operable.

As I understand it, this exercise has a two-fold purpose: 1) to demonstrate an ability to implement emergency plans effectively to Federal authorities, and 2) to provide the participants with an opportunity to evaluate their emergency plans as they have been developed so far, in order to identify and make changes as applicable.

At this writing, I believe only five municipalities will be sufficiently staffed and trained to merit an evaluation by Federal observers. Perhaps another ten will be minimally staffed and would be willing to participate, but not to be graded.



The County will be able to demonstrate one (1) Reception Center, one (1) Mass Care Center, one (1) Emergency Worker Relocation Station, one (1) School District, one (1) Nursing Home, and one (1) Hospital. I expect the County EOC to be fully staffed at each position, however, additional training will be needed subsequent to the drill.

Montgomery County is willing to participate in the exercise but wishes to advise you of the limitations outlined above. Your early response will be greatly appreciated.

Very truly yours,

A. Lindley Bigelow
Coordinator

ALB/kac

Times Herald

Montgomery County's Great Home Newspaper

THE NORRISTOWN TIMES

NORRISTOWN, PA., THURSDAY, JULY 19, 1984

The Evacuation:

By TAD BROOKS
Of The Times Herald

(Last of four parts)

The Montgomery County commissioners agree that emergency plans may not provide for the safe evacuation of area residents in the event of a nuclear disaster at the Limerick power plant.

Commissioner Chairman Paul B. Bartle said he would "have little faith in an evacuation plan if there is a major disaster at the plant."

"However if there is a minor accident, then I feel there can be a safe movement of people with a minimum amount of panic," he said during an interview yesterday.

Commissioner Allan C. Myers holds a similar view.

"I think in a total disaster probably there isn't any plan that can work," he said.

Democratic Commissioner Rita C. Banning said she is not sure any plan will work if an accident were to occur at Limerick.

"I think it is questionable that you can come up with an evacuation plan just because this area is so densely populated," she said.

The commissioners also agree that the county must obey state and federal laws by coordinating emergency plans for townships as a precaution against natural and man-made disasters.

However, the consensus of the board vanishes, seemingly along party lines, when it comes to the subject of next Wednesday's test of the plans for

evacuating some 220,000 residents living within 10-miles of the Limerick plant. No residents will actually be evacuated.

Republicans Bartle and Myers said the full-scale exercise should proceed as scheduled.

"If this thing (Limerick) goes on line, I think we should be prepared," Bartle said. "PECO (Philadelphia Electric Co., owner of the plant) wants this thing to go."

Myers agreed, saying: "I think we should have an evaluation on the drill participation. I'm not sure we have enough trained people at this point but we have the potential. I think you have to start somewhere."

But Mrs. Banning said the drill should be delayed until later in the

year to allow those townships who aren't prepared more time to finalize their emergency plans.

"We aren't ready to do it on the 25th," she said.

Mrs. Banning, referred to a letter dated July 10 from county emergency management coordinator A. Lindley Bigelow to John L. Patten, director of the state agency which will observe the performance of township emergency personnel during the drill.

According to the letter, only five municipalities will be sufficiently staffed to warrant federal evaluation during the exercise, another 10 townships will participate in the drill, but are not to be graded. The letter also stated that there is not enough time for many

Continued on Page 7

Montco: Plans May Not Work

Continued from Page 1

municipalities to be trained to demonstrate proper implementation of the plans.

"That's probably the most accurate thing that's come out of this whole business," Mrs. Banning said of the letter. "We recognize that this performance on the 25th is not adequate on the face of it to qualify for a full-scale exercise."

The U.S. Nuclear Regulatory Commission (NRC), as part of its licensing procedure, requires the nuclear power plant owners to develop workable plans for evacuating residents within 10 miles of Limerick in case there is an accident at the plant.

To get NRC permission to operate Limerick at full power, PECO must demonstrate next Wednesday that power plant employees and community emergency planners can respond to an accident at the plant requiring the evacuation of residents.

Mrs. Banning said since Bigelow has recommended that only five townships in the county would be evaluated during the exercise, the drill should not be counted as part of the licensing requirement.

"My concern is PECO is going to try to use this for something it



Rita C. Banning



Paul B. Bartle

isn't. It would be a total farce and complete deception for them to do that," she said.

When asked if he thought federal observers should evaluate the county based on Bigelow's assessment, Bartle replied: "We are responsible in Montgomery County for the coordination of the movement of people in case of a disaster."

"It is our responsibility to be prepared to assist municipalities in the movement of people," he said.

Myers said he thinks the 21 townships in the county within 10 miles of Limerick are "making a sincere effort in trying to develop a workable plan."

"It's ultimately really a municipal responsibility - the county's responsibility is to coordinate the municipal efforts," he said.

"Perhaps the July 25 drill will be at least a start. I hope we can build it from there to be something that can be a useful vehicle to the people."

Mrs. Banning said that since no residents will be evacuated, the exercise may not accurately reflect implementation of the plan under real emergency conditions.

"How you can say it's a full-scale exercise when not one bus hits the road is absurd," she said.

"It looks to me like it's completely a paper test. I don't know what it's supposed to prove at all."

"Is PECO going to be able to use this as an exercise saying, 'This is going to be a full-scale exercise and we get our license'?"

The unadpoted RERP's fail to provide reasonable assurance that each principal response organization has sufficient staff to respond to and to augment its initial response on a 24 hour continual basis, or that the assigned staff can respond in a prompt manner in case of a radiological emergency at Limerick.

A survey of volunteer personnel assigned to emergency response roles inside the Plume Exposure EPZ should be made to determine:

- 1- the availability of such personnel by time of day;
- 2- the existence of family commitments of such personnel, which could interfere with their ability or willingness to respond in a radiological emergency;
- 3- the willingness of such personnel to respond in a radiological emergency within the Plume EPZ.

Specifically,

The Draft #5 of the Municipal RERP's, dated April 1984 indicate the following staffing needs have not been met, therefore the current plans fail to provide reasonable assurance that the municipal emergency operations centers can be activated and staffed in a timely fashon, and that 24 hour per day response capabilities have been provided.

A. In Montgomery County, the following municipalities are deficient:

Collegeville Boro must provide a Deputy EMC
 (Attachments I and O) a Transportation Officer
 a Deputy Transportation Officer
 and 2 Commur'cations personnel

Douglass Twp. must provide 2 RACES personnel (Attachment O)

Green Lane Boro must provide a Deputy EMC
 (Attachments I and O) a Police Services Officer
 a Deputy Police Services Officer
 a Fire/Rescue Officer
 a Deputy Fire/Rescue Officer
 a Transportation Officer
 a Deputy Transportation Officer
 and 2 Communications personnel

Lower Salford Twp. must provide a Deputy EMC
 (Attachments I and O) and 2 RACES personnel

Limerick Township must provide a Deputy EMC
 (Attachments I and O) a Police Services Officer
 a Deputy Police Services Officer
 a Fire/Rescue Officer
 a Deputy Fire/Rescue Officer
 a Transportation Officer
 a Deputy Transportation Officer
 and 2 RACES personnel

A. (continued)

Lower Frederick Twp. must provide a Deputy EMC
a Deputy Fire/Rescue Officer
(Attachments I and O) a Deputy Medical Officer
2 RACES personnel
and 4 TCP personnel

Lower Pottsgrove Twp. must provide a Deputy EMC
a Deputy Communications Officer
a Deputy Public Works Officer
and 2 RACES personnel

Marlborough Twp. needs a Deputy EMC
a Police Services Officer
(Attachments I and O) a Deputy Police Services Officer
a Fire/Rescue Officer
a Deputy Fire/Rescue Officer
a Transportation Officer
a Deputy Transportation Officer
and 2 communications personnel

Perkiomen Twp. needs a Deputy EMC
a Fire/Rescue Officer
(Attachments I and O) a Deputy Fire/Rescue Officer
a Transportation Officer
a Deputy Transportation Officer
and 2 communications personnel

New Hanover Twp. needs a Deputy EMC
(Attachments I and O) a Fire/Rescue Officer
a Deputy Fire/Rescue Officer
a Transportation Officer
a Deputy Transportation Officer
and 2 RACES personnel

Schwenksville Boro needs a Deputy EMC
(Attachments I and O) a Deputy Fire/Rescue Officer
a Deputy Transportation Officer
2 Communications personnel

West Pottsgrove Twp. needs 2 communications personnel
(Attachment O)

Upper Salford Twp. needs a Deputy EMC
a Fire Rescue Officer
a Deputy Fire Rescue Officer
(Attachments I and O) a Transportation Officer
a Deputy Transportation Officer
2 Communications personnel

Upper Providence Twp. needs a Deputy Police Services Officer
a Medical Services Officer
a Deputy Medical Services Officer
(Attachments I and O) a Transportation Officer
a Deputy Transportation Officer
a Communications Officer
a Deputy Communications Officer
a Deputy Public Works Officer
2 Communications personnel

A. (continued)

Upper Pottsgrove Twp. needs a Deputy EMC
a Police Services Officer
a Deputy Police Services Officer
(Attachments I and O) a Fire/Rescue Officer
a Deputy Fire/Rescue Officer
a Transportation Officer
a Deputy Transportation Officer
2 Communications Personnel

Upper Frederick Twp. needs a Deputy EMC
a Fire/Rescue Officer
(Attachments I and O) a Deputy Fire/Rescue Officer
a Transportation Officer
a Deputy Transportation Officer
2 Communications Personnel

Trappe Boro needs a Transportation Officer
a Deputy Transportation Officer
(Attachments I and O) a Deputy Transportation Officer
2 Communications Personnel

Skippack Twp. needs a Deputy EMC
a Fire/Rescue Officer
a Deputy Fire/Rescue Officer
2 Communications Personnel
4 TCP Personnel

Lower Frederick Twp. needs a Deputy EMC
a Deputy Fire/Rescue Officer
a Deputy Medical Officer
2 RACES Personnel
4 TCP Personnel

B. In Berks County, the following municipalities are deficient:

Amity Twp. needs a Deputy EMC
a Communication Officer Deputy
a Public Works Officer Deputy
(Attachment I) a Radiological Officer Deputy

Colebrookdale Twp. needs a Deputy EMC
a Police Service Officer & Deputy
a Fire/Rescue Officer & Deputy
(Attachment I) a Transportation Officer & Deputy

Douglass Twp. needs a Police Service Deputy
a Fire/Rescue Deputy
(Attachments I a Transportation Officer Deputy
& 0) and 2 RACES and 3 TCP personnel

Washington Twp. needs 2 RACES (Attachment 0)

Union Twp. needs a Deputy EMC
Fire/Rescue Deputy
a Transportation Officer & Deputy
(Attachment a Communication Officer & Deputy
I & 0) a Radiological Officer & Deputy
and 2 RACES and 1 TCP personnel

Earl Twp. needs Fire/Rescue Deputy
a Transportation Deputy
(Attachment I a Communication Officer Deputy
& 0) a Public Works Deputy
and 2 RACES

C. In Chester County, the following municipalities are deficient:

Charlestown Twp. needs a Deputy EMC
a Fire/Rescue Officer & Deputy
(Attachment I & 0) a Transportation Deputy
and 2 ARES

East Coventry Twp. needs a Deputy EMC
a Fire/Rescue Deputy
(Attachment I & 0) a Transportation Officer & Deputy
and 2 Communications personnel

East Nantmeal Twp. needs a Communications Officer Deputy
a Public Works Deputy
(Attachment I 2 ARES and 2 ACP personnel
& 0)

C. (continued)

East Vincent Twp. needs a Deputy EMC
a Police Services Officer Deputy
(Attachment I & O) a Fire/Rescue Officer & Deputy
a Transportation Officer & Deputy
and 2 ARES and 1 TCP personnel

North Coventry Twp. needs a Deputy EMC
a Police Services Officer Deputy
(Attachment I & O) a Fire/Rescue Deputy
a Radiological Deputy
and 2 Communications personnel

Schuylkill Twp. needs a Police Services Deputy
a Fire/Rescue Services Deputy
(Attachment I & O) a Transportations Officer & Deputy
and 2 ARES

South Coventry Twp. needs Police Services Deputy
and all other staff
(Attachment I & O) 3 TCP personnel and 2 Communications
personnel

Spring City needs a EMC & Deputy
and all other personnel including 2 ARES
(Attachment I & O)

Uwchlan and Upper Uwchlan Twps. needs a Fire/Rescue Deputy
a Medical Officer & Deputy
(Attachment I & O) a Transportation Deputy
and 2 Communications personnel

Warwick Twp. needs a Fire/Rescue Deputy
a Transportation Officer & Deputy
(Attachment I and 2 Communications personnel
& O)

West Pikeland Twp. needs a Police Services Officer & Deputy
a Fire/Rescue Deputy
(Attachment I & O) and 2 ARES

West Vincent Twp. needs 2 ARES (Attachment I)

- D.** The Chester and Montgomery County RERP's fail to provide reasonable assurance that the Pa. State Police have sufficient staff to carry out the responsibilities outlined in Annex F of the respective County RERP's.

- (1) Specifically, the Chester County RERP fails to provide reasonable assurance that Troop J in Lancaster County can carry out the functions outlined on page F-1 of the County RERP in a prompt manner.

Also:

Chester County RERP, Draft #8, June 1984

Annex F, Chester County Access and Traffic Control Points
F-4-1 and 2: 22 State Policemen required for ACP's
F-5-1 and 2: 42 State Policemen required for TCP's

- (2) Specifically, the Montgomery County RERP fails to provide reasonable assurance that Troop K in Limerick can carry out the functions listed on page F-1 of the County RERP in a prompt manner. (F-1 II. Responsibilities)

Also:

Montgomery County RERP, Draft #6, April 1984

Annex K, Montgomery County Access and Traffic Control Points
K-4-1: shows 7 ACP's with staffing needs TBD
K-4-2 to 4 show that 20 ACP's have not yet had staff assigned to man them

BASIS: 10 CFR §50.47 (b)(1); NUREG 0654 Criteria A.4, Criteria C.4, Criteria A.2a, FEMA Report on the July 25 Limerick Exercise (pages xvi-xvii discussing non-participating jurisdictions, page 135; Class "A" deficiency #1, page 136, Class "A" deficiency #2, and page 137, Class "A" deficiency #5)

LEA-3

The Montgomery County RERP fails to provide reasonable assurance that the public will be adequately protected in that the Bucks County Support Plan, which is essential to the workability of the MontCo RERP, may not be approved. The present Board of Commissioners have little knowledge of the contents and implications of the Bucks County Support Plan. There is no assurance that the County will assume the responsibilities assigned to it in the Support Plan, rather than use County resources to help Bucks County people first. The Montgomery County Plan relies on the Support Plan in at least these ways:

1. facilities for relocation and mass care of evacuees
2. augmentation of emergency workers, including use of county resources, on a continuous 24 hour basis
3. See attachment "Excerpts and comments on the Bucks County Draft Evacuation Plan" for additional areas of support and interface. (Exhibit #1)

It is contended that without the approval of Bucks County Support Plan, the MontCo RERP is unworkable as it now stands.

Furthermore, on July 17, 1984, the Bucks County Commissioners wrote to PEMA Director, John Patten advising him that Bucks County was concerned about the potential conflict between their role as a "Support" County to the Montgomery Co. RERP and their concerns about the need to fulfill their legal responsibilities to protect the people of Bucks County, during a radiological emergency at Limerick. Given the stated concerns of the Bucks County Commissioners, (see attached letter), it cannot be assumed that Bucks will assume and carry out its support role to Montgomery County.

BASIS:

10 CFR 50.47 (b)(1), NUREG 0654, Criteria A.3, Criteria C.4 ,
Criteria A.4

Bucks County Commissioners letter to John Patten 7/19/84

The ASLB 4/20/84 stated that on March 14, LEA filed papers which show to their satisfaction that Berks and Montgomery Counties would rely a great deal on Buck and Lehigh in an emergency. (Page 31 ASLB Order.)



COUNTY OF BUCKS

OFFICE OF THE COMMISSIONERS

Administration Building, Doylestown, Pa. 18901

215-348-2911

215-752-0281

County Commissioners

CARL F. FONASH, *Chairman*
LUCILLE M. TRENCH, *Vice-Chairman*
ANDREW L. WARREN

WILLIAM H. RIESER
County Administrator
JAMES M. McNAMARA
County Solicitor

July 17, 1984

Mr. John Patton, Director
Pennsylvania Emergency Management Agency
P. O. Box 3321
Harrisburg, PA 17120

Dear Mr. Patton:

The undersigned Bucks County Commissioners have been advised that your counsel, Mrs. Zori Ferkin, has indicated to the Nuclear Regulatory Commission that Bucks County has no reason not to approve the plan for evacuation relative to the Limerick Nuclear Generating Station. This assumption is erroneous. While we were willing to consider a neighborly undertaking with Montgomery County, we presumed that no inferences would be drawn relative to this consideration of the plan.

After initial review of the draft plan, the Commissioners are concerned about the lack of consideration for the residents of our county. In case of an accident at Limerick, there is considerable risk to Bucks County also and the obstacles to be overcome would be insurmountable.

Although we are very concerned for anyone who might be affected by an accident at Limerick, the Commissioners' responsibility under PL 1332 is to care for our own citizens who may seek to evacuate in large numbers. This would place a substantial burden on County resources. We cannot unknowingly assume responsibility for citizens of other counties and at the same time caring for our own citizens. In view of its statutory responsibility, as well as its common law fiduciary responsibility, Bucks County must deploy its resources to handle the evacuation of its own citizens.

We are requesting our Emergency Planning Director and PECO's employed consultant to determine the extent of potential evacuation from Bucks County, as well as those in transit through the County, and establish the direction of each evacuation, routes to be used, shelter requirements, and personnel and equipment required for management. With the results of such a study, Bucks County will be in a position to determine its ability to assist residents of other counties.

Page Two
July 17, 1984

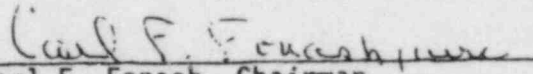
We are also concerned about evacuees from Philadelphia compounding the burden we are being requested to assume from Montgomery County. We are apprehensive that our support system and highway sytem would be overwhelmed by an exodus from the Philadelphia area.

We anticipate substantial adverse public reaction to the plan which has been drafted because of the significant burden it would place on our residents. Under emergency conditions, this would not prevent the Commissioners from fulfilling our public responsibility. However, we believe the apparent obstacles would impede or deny opportunity to achieve reasonable success in the fulfillment of our responsibilities.

As a result of the foregoing concerns, the Bucks County Commissioners find it necessary to inform all agencies that Bucks County is not prepared at this time to participate further in the limited planning and testing process including the planned drill on July 25, 1984.

You are requested to acknowledge receipt of this letter, advise all concerned agencies of the contents hereof, and to advise Bucks County if there are any additional steps it needs to take in order to make its position clear.

Sincerely,


Carl F. Fonash, Chairman
Bucks County Commissioners


Lucille M. Trench, Vice Chairman
Bucks County Commissioners

CFF:LMT:jtb

cc: Federal Emergency Management Agency
Nuclear Regulatory Commission
Montgomery County Commissioners

LEA-4 "Withdrawn"

LEA-5:

The Emergency Response Organizations (including federal, state, and local governments and support organizations) have failed to fully document the existence of appropriate letters of agreement with support organizations and agencies. Thus, there is no reasonable assurance that the emergency plans can be implemented.

The mere listing of employees contained in the the unapproved County and Municipal RERP's is completely insufficient to assure adequate staffing for the hundreds of emergency workers needed during a radiological emergency. There must be staff commitments from all of the principal and supporting response organizations, including police, fire personnel, medical workers, bus drivers, teachers, school officials, auxillary traffic controllers, communications workers, and all other essential emergency workers, which indicate not only generalized good intentions, but specific agreements to perform emergency work under the conditions of a radiological emergency.

Specifically, the Risk County RERP's are deficient because they lack necessary required Letters of Agreement for the following support organizations and agencies:

- (a) all transportation providers, especially buses and ambulances
- (b) RACES and ARES Communications Personnel
- (c) Finalized arrangements for 24 hour EBS coverage
- (d) Towing and Snow Removal services (for both the County and Municipal RERP's)
- (e) Host School Agreements for School District RERP's
- (f) Decontamination Centers and Mass Care Centers

BASIS

10 CFR 50.47(b)(1), NUREG 0654, Criteria C.4, (Risk) County RERP's Annex T,
Municipal RERP's, Attachment C. NUREG 0654; Criteria A.3.

LEA-6; "Withdrawn"

LEA-23 The draft county plans are deficient because they do not contain reliable evacuation time estimates.

1. There is no basis for the assumption in the Applicant's HMM Evacuation Time Estimate Study that "up to one hour may be required to assemble buses, transport vehicles and to load students onto buses". (page 5-5)

On June 8th, 1984, Dr. Claypool announced an early dismissal of the Owen J. Roberts School District, which indicated that unless bus drivers were notified while they were physically in their buses, that at least a 2 hour delay should be anticipated before Owen J. Roberts School District would have enough buses for an early dismissal.

(See Attachment #1 of LEA's 7/16/84 Response to Philadelphia Electric Company Interrogatory Responses ---- Memo from Dr. Claypool, District Superintendent, dated 6/12/84)

2. NUREG-0654, Rev. 1, Appendix 4, requires as follows (NUREG-0654, Rev. 1, page 4-2):

"A description of the methodology of analyzing the evacuation times shall be provided. If computer models are used, a general description of the algorithm shall be provided along with a source for obtaining further information or documentation."

It is not clear that the ETes meet this criterion.

3. The evacuation time estimates do not include an estimate of evacuation times for earthquake conditions. According to NUREG-0654, Rev. 1, Appendix 4, these evacuation time estimates (ETes) will be used by those emergency response personnel charged with recommending and deciding on protective actions during an emergency (NUREG-0654, Rev. 1, page 4-1). According to the SARA, earthquakes contribute about 13% of overall core melt frequency -- total core melt frequency is 4.4×10^{-5} and seismic core melt frequency is 5.7×10^{-6} (SARA, Vol. 1, page 12-22, Table 12-1). Moreover, seismically-initiated accident sequences rank 6, 8, 9, and 13 of the top thirteen accident sequences contributing to core melt frequency (SARA, Vol. 1, pages 12-23 through 12-24, Table 12-3). Thus, it would seem possible to argue, both quantitatively and on a policy basis, that ETes should include estimates for seismic cases, taking into account both the lack of the siren warning system and subsidiary damage to the evacuation network caused by the seismic event.
4. The study assumes that sudden rainstorms reduce effective roadway capacity by 20% and that snowstorms reduce effective roadway capacity by 30% (HMM, page 2-3). How realistic are these reduction factors for actual local conditions in the Limerick vicinity? Will not these reduction factors vary according to the size of the roadway and the amount of traffic attempting to use each road in a given period of time?

(LEA-23)

5. No calculations of time estimates for situations involving route alerting has been made. 45 minutes is allowed for route alerting according to regulations vs. 15 minutes for siren notification. Since a high percentage(43%) of the serious accident possibilities involve blackout conditions and there is no back-up siren power such route alerting situations represent a significant factor.

pg 5-2 HMM Time Estimate Study

6. The survey performed for ECI through the Counties and upon which the number(3,039 HMM pg3-2) used by HMM to estimate evacuation times for transit dependent populations varies considerably from the U.S. Census figures used in earlier draft plans. The larger Census figures, arguably more accurate due to large non-response to the survey or its non-receipt by many, would affect evacuation time estimates for particularly urban areas, making them more realistic.

BASIS: NUREG 0654, Appendix 4, 10 CFR 50.47 (2)

CERTIFICATE OF SERVICE

I hereby certify that Limerick Ecology Action's Respecification of "Deferred" Off-site Emergency Planning Contentions were hand delivered to the following parties to this proceeding below marked (*) and were served on all other parties by deposit in the U.S. mail, first class postage prepaid on this 1st. day of October 1984.. Those marked (**) were served by Express Mail.

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