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RELATED CORRESPONDENCE

# **limerick ecology action**

BOX 761

POTTSTOWN, PA. 19464

(215) 326-9122

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DOCKETING & SERVICE  
BRANCH

Chairperson Helen Hoyt  
Administrative Judge

Dr. Jerry Harbour  
Administrative Judge

November 2, 1984

Dr. Richard Cole  
Administrative Judge

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

RE: LIMERICK NUCLEAR GENERATING STATION  
Docket 50-352, 50-353 *OL*

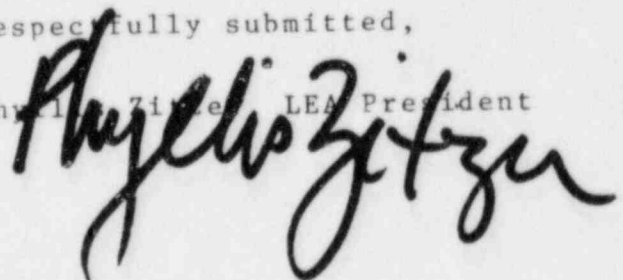
Dear Administrative Judges,

In accordance with the Board's Orders dated August 15 and October 9, 1984, Limerick Ecology Action hereby files its testimony and request for issuance of subpoenas to witnesses having knowledge of particular matters relating to LEA's admitted contentions.

LEA intends to offer as witnesses all persons whose written direct testimony is hereby filed today, and whose testimony has been requested by subpoena forms included in this filing. LEA has made this request with the intention of insuring that a thorough record is developed for these matters which are so vital to the well being of our community with the best interests of all parties in mind.

Respectfully submitted,

Phyllis Zitzer LEA President



RELATIVE 11/2/84  
TESTIMONY SUBMITTED BY LIMERICK ECOLOGY ACTION  
ON OFF-SITE EMERGENCY  
PLANNING CONTENTIONS

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School related contentions:  
(LEA-11, LEA-12, LEA-14, LEA-15)

Testimony of Donald F. Morabito, PSEA/NEA  
Testimony of Kimberton Farms School  
Testimony of Upattinas School Open Community Corp.

Subpoened Statements from:

Moreland Bollinger, President Owen J. Roberts Education Assn.  
Barbara Greaser, President Souderton Area Education Association  
Donald Young, President of Perkiomen Valley Education Association

Subpoenas requested for testimony from the following Risk EPZ Schools:

Dr. Roy C. Claypool, Superintendent, Owen J. Roberts School District  
Dr. Robert B. Murray, Superintendent, Phoenixville Area School District  
Dr. Laird P. Warner, Superintendent, Methacton School District  
Dr. William D. Wescott, Superintendent Perkiomen Valley School District  
Dr. Ray E. Feick, Superintendent Pottstown School District  
Dr. Royden S. Price, Superintendent, Souderton Area School District  
Dr. William A. Welliver, Superintendent, Spring Ford Area School District  
Dr. Thomas E. Persing, Superintendent, Upper Perkiomen School District

Subpoena requested for testimony on LEA-15:

Robert Fetters, Jr. (Robert Fetters, Inc.)

Day Care Contention (LEA-13)

Day Care Association of Montgomery County  
Congregation B'Nai Jacobs  
Helping Hands/Traing and Industrialization Program  
Little People's Preschool of Pughtown Baptist Church (plus attachments)  
Charlestown Play House, Inc.

Contention LEA-27

Camphill Village Kimberton Hills, Inc. (West Vincent Twp., Chester County)  
Camphill Special Schools, Inc. (East Nantmeal Twp., Chester Co.)

Contention LEA-24

Testimony of John Lukacs

Subpoenas requested for testimony from:

Norman Vutz, Emergency Management Coordinator and Supervisor, Schuylkill Twp.  
Chief Ranger Thomas J. Fewlass, Valley Forge National Historical Park  
Robert Fetters, Jr.  
John Waters, Emergency Manager and Fire Marshall Lower Merion Twnship

EXHIBITS

RELAYED BY TELEPHONE  
PENNSYLVANIA STATE EDUCATION ASSOCIATION  
15 West Brinton's Bridge Road, West Chester, Pennsylvania 19380

psea  
phone: 215/399-6922  
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Nancy M. Noonan, president  
John M. Yarnovic, vice president  
James Stevens, treasurer  
K. Eugene Preston, executive director

'84 NOV -6 A11:43

November 1, 1984

CHAIRPERSON HELEN HOYT  
ATOMIC SAFETY AND LICENSING BOARD  
USNRC  
WASHINGTON D.C. 20555

Dear Ms. Hoyt:

My name is Donald Morabito.

I am the Regional Field Director for the Southeastern Region of PSEA/NEA. The Southeastern Region includes all of the Delaware and Chester Counties.

First of all, let me make it clear that PSEA/NEA is the legally certified bargaining representative for all teachers and other professional bargaining unit employees in the majority of the school districts surrounding the Limerick Generating Station. As the certified bargaining representative, PSEA is bound by the Public Employee Relations Act to represent our members in all matters concerning their "wages, hours, terms and conditions of employment."

The following is in response to questions regarding the position of PSEA on the school district evacuation plans proposed by PECO for the Limerick Generating Station.

After examining several of the proposed evacuation plans (which were almost identical), I contacted our legal division for their opinions on the issue. Mr. Anthony Newman, PSEA's general counsel, has advised us that any unilateral acceptance of these evacuation plans (which clearly impact on teachers' wages, hours and terms and conditions of employment) without bargaining the impact of such plans with the certified bargaining agent is an unfair labor practice in violation of Section '201, (a) (5) of the Public Employee Relations Act.

Mr. Newman also sees a clear conflict between the evacuation plans and virtually all of the collective bargaining agreements currently in place in the school districts. Those agreements outline working hours and responsibilities not addressed in the evacuation plans.

Thirdly, Mr. Newman is of the opinion that the evacuation plans assume an extension of the doctrine of "In Loco Parentis" that is untenable. This doctrine, which provides that teachers operate in place of the parents or legal guardian of a child, extends only to discipline and control, and does not include out of school custody in an emergency or crisis. That responsibility rests solely with the parents.

Finally, Mr. Newman makes the point that the evacuation plans do not take into account teachers' own family and personal obligations in the event of a nuclear emergency.

In addition, the National Education Association, our national affiliate, has adopted a resolution (A-25, 1982) regarding Nuclear Accident Emergency Plans. That resolution states in pertinent part that:

teachers and other school personnel must be involved in the development of emergency plans in case of accidents involving nuclear reactors and/or radioactive materials. All teachers must receive copies of these plans as they would pertain to their schools.

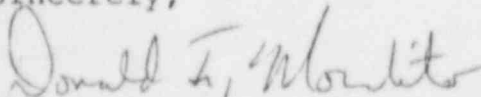
A reading of the proposed plans does not indicate the inclusion of teachers in the development of the evacuation procedures.

NEA's resolution also calls for training for all involved school personnel. As of this date, no teachers have received any actual training in the duties which would be required of them under the evacuation plans.

The Resolutions Committee of the State Association has been alerted to the issue of teacher involvement in Nuclear Accident Emergency Plans and is considering the presentation of a resolution on this issue to this representative assembly.

If there are any further questions on this issue, please do not hesitate to contact us.

Sincerely,



Donald F. Morabito  
Regional Field Director, SER

dss

cc. James Helm

## NEA Resolutions 1984

### Resolutions

and encourages new energy sources and efficient design in the renovation and construction of schools.

The Association encourages locals to support efforts to develop conservation awareness and school building energy audit programs. It also urges the support of programs to investigate current energy efficiency recommendations, research, and public health and safety programs for all educational levels in the schools.

The Association further urges its affiliates to support March 21 as "National Energy Education Day" and to encourage energy education programs in public schools at all grade levels. (77, 81)

#### A-24. Hazardous Materials

The National Education Association believes that students and staff must be protected from the hazards of dangerous chemicals and other materials, such as asbestos, used in construction and maintenance of educational facilities and in classroom teaching. The Association urges that standards and safeguards be established and programs for the prevention and elimination of health hazards be enacted by the appropriate school governing body after input from the local association. It further urges its affiliates to support state and federal legislation that would set health and safety standards, provide for required inspections to ensure that standards are met, and prescribe penalties for noncompliance by school governing bodies. The Association further believes that school employees should be assisted in the identification, proper storage, and safe disposal of hazardous materials. (76, 84)

#### A-25. Radiation and Chemical Pollution

The National Education Association urges the establishment and vigorous enforce-

ment of stringent standards and safeguards against radiation and chemical pollution. All such standards must include provisions for strict monitoring in the proximity of school facilities.

The Association supports programs that would educate the public to the dangers and benefits of nuclear power and the problems of nuclear waste disposal.

The Association further urges the development and utilization of new technologies that may provide for the safe transport and disposal of nuclear and chemical wastes.

The Association further believes that the people of a state should make the final determination as to whether or not nuclear waste shall be buried within their state boundaries. (79, 82)

#### A-26. Nuclear Accident Emergency Plans

The National Education Association believes that teachers and other school personnel must be involved in the development of emergency plans in case of accidents involving nuclear reactors and/or radioactive materials. All school personnel must receive copies of these plans as they would pertain to their schools. The Association urges its affiliates to work for cooperation and planning among neighboring school districts, communities, and states.

Emergency plans must include, but not be limited to, comprehensive alerting and communications systems, predetermined escape routes and alternatives, training for all involved school personnel, and regularly scheduled practice drills. (82, 84)

#### A-27. Organizations of Other Nations

The National Education Association believes that a strong international community of educators is necessary to promote international understanding and to defend the interests of the teaching profession in all





## Kimberton Farms School, Inc.

WEST SEVEN STARS ROAD KIMBERTON PA 19442 (215) 933-3635

### TESTIMONY OF Andrew Dill

On Behalf of Kimberton Farms School

A Radiological Emergency Response Plan (RERP) has been submitted to the Chester County Department of Emergency Services (Chester County DES) by Energy Consultants, Inc. in the name of Kimberton Farms School. This document erroneously lists Kimberton Farms School as the preparer of the plan. In addition, it enumerates emergency procedures which are, in the view of the School Board, faculty and administration, neither adequate nor feasible in a worst case accident at the Limerick Generating Station. This plan was, in fact, not prepared by and cannot be agreed to by Kimberton Farms School. It was prepared from data supplied by the School to Energy Consultants, Inc.

#### Evacuation

The plan submitted by Energy Consultants gives specific requirements and guidelines for the evacuation by bus and private car of the School community in the event of an accident at the Limerick Generating Station. Not only are these specific needs unmet (as outlined below), but the overall feasibility of such evacuation has not been addressed. Some of the questions which remain unanswered are:

1. How long will a ground evacuation take under various traffic and weather conditions: rush hour, automobile accidents, fog, snow, sleet, etc.?
2. How will bus drivers and teachers/supervisors react in a real emergency when they have their own and their families' safety to consider?
3. Will there be a full scale drill of evacuation procedures during the school year to evaluate the effectiveness of the plans before they are approved? Otherwise, how can they be judged effective?
4. Who will bear the cost of such a drill?
5. Who is liable for the effectiveness of the evacuation plans?

#### A. Vehicles

Kimberton Farms School has a student enrollment of 165. The School owns three vehicles which would be available for use during an evacuation - two vans and one small bus. They have a total capacity of sixty-six (66) students. We would need, in addition, three (3), seventy-two passenger school buses to accommodate the entire school population. To date, no vehicles have been assigned to the school or designated for its use in a radiological emergency.

#### B. Bus Drivers

The School has no designated bus drivers either for its own vehicles

on the additional vehicles needed in the case of a radiological emergency. Six (6) emergency bus drivers would therefore be needed for evacuation.

C. Teachers/Supervisors

We estimate the need in an evacuation situation for 16 teachers/supervisors to supervise the students. At present, it is not known whether any of the School faculty or staff would be available during a radiological emergency. We would all be forced, in that situation, to weigh our own and our families' needs with those of the School. Therefore, the School may need as many as 16 adult supervisory personnel.

D. Host Facility

As of this date, no host facility has been assigned or agreed to house our students in the case of evacuation.

E. Alternate Administrative Office

As of this date, no alternate administrative office outside the EPZ as outlined in the plan submitted by Energy Consultants, has been designated for use by the School.

### Liability

In addition to the specific and general concerns with regard to the effectiveness of the proposed evacuation plan questions of financial responsibility must be resolved. Who will assume the financial liability for personal injury and property damage in the case of a nuclear accident? The liability of the owners and operators of the plant is limited to a small fraction of the estimated damages in a worst case accident by the Price Anderson Act of 1957. The School's insurance carriers will not cover such liability, as radiological damage caused by nuclear plant accidents is excluded from available policies. The School cannot and will not bear this burden. Who, then, will accept financial responsibility in the event of a nuclear accident?

### Conclusion

Our concern is for the safety and welfare of the School and its students. The plan submitted by Energy Consultants for Wimberton Farms School is grossly inadequate; it does not insure the welfare of the School and the students, nor does it clearly delineate financial responsibility in the case of an accident. It will not be approved by the Board of Directors, faculty, or administration of the School as long as the above questions and inadequacies remain unresolved. Until that time, the operating license for the Wimerick Generating Station will not be granted.

Sincerely,

*Andrew Dill*

Andrew Dill  
Safety Chairman

*Nicholas Stanton*

Nicholas Stanton  
President, Board of Directors  
Wimberton Farms School



## *Kimberton Farms School, Inc.*

WEST SEVEN STARS ROAD KIMBERTON, PA 19442 (215) 933-3635

Andrew Dill is Faculty Chairman, and as such is in contact with all aspects of school life and administration. He also teaches English, Latin and Biology in the high school and has taught seventh and eighth grades.

Mr. Dill is a member of the Board of Directors of Kimberton Farms School, he is in charge of the Development Office and is a member of the Long Range Planning Committee, giving him a comprehensive connection with all facets of the school and its policies.



Upattinas School Open Community Corp.  
Rt 1 Box 378 Glenmoore Pa. 19343 215-458-5138

October 31, 1984

Helen Hoyt, Chairperson  
Atomic Safety & Licensing Board  
USNRC  
Washington, D.C. 20555

Dear Ms. Hoyt,

My name is Sandra M. Hurst and I am the director of the above named school. As such, it is my duty to look after the health and safety of the fifty to sixty students, aged 3 - 19, who are in my care each day. Because of my position, I am the designated person to plan for the shelter and/or evacuation of the school's population in the event of an emergency at the Limerick Atomic Power Plant.

It is increasingly worrisome to me that there is not yet any assurance of transportation availability for our students. Even if such transportation becomes available, I continue to have doubts as to the possibility of evacuating us from our remote corner of the area within a reasonable period of time. I also feel that the assurances given us by PEO as to traffic control and other human needs do not reflect a clear assessment of the needs of the larger community.

Another area of concern for me is that of requiring my school staff to stay with the school in the event of an emergency. Remembrances of my own feelings at the time of 9/11, when I was separated from part of my family, lead me to believe that it would be impossible to prevent staff members from leaving school to join their families. Because of this, I do not feel that I have assurance of proper supervision for all of the children.

In view of these two major concerns, I would like to make it clear that our school has not had adequate assurances in the areas of transportation and human services to allow us to believe that current plans will suit our needs. Until these assurances are given, I cannot, in good conscience, approve any evacuation plan, and, therefore, my licensing of the Limerick Atomic Plant.

Yours truly,

*Sandra M. Hurst*

Sandra M. Hurst  
Director