

329 DOCKETING + SERVICE  
U.S. NUCLEAR REGULATORY COMMISSION ... ATOMIC SAFETY AND LICENSING BOARD  
Re: PHILA.ELEC. CO. Eimerick Nuclear Gen. Sta. DOCKET # 50-352,353  
ADDITIONAL STATEMENT IN OPPOSITION TO PECO's MOTION TO EXEMPT GRATERFORD PRISON  
FROM REQUIREMENTS OF 10CFR 50.47 on EMERGENCY PLANNING, BY R.L. ANTHONY/FOE.  
March 27, 1985

On 3/15/85 Anthony/FOE filed a motion in opposition to PECO's motion of 2/7/85 to exempt the Graterford Prison inmates and staff from the requirements of 10 CFR 50.47 for evacuation and emergency planning for the Limerick plant. We are restating herewith our motion in opposition to granting this exemption with the providing of additional arguments as follows:

1. Until The Graterford Prison Inmates are allowed complete access to the total evacuation and emergency plans prepared for them by PEMA, and have been free to file contentions on these plans and have them accepted and considered in inevidentiary hearings, there can be no assurance that the total plans for the EPZ can be successfully implemented.

2. The NRC Staff presented a number of reservations about PECO's motion in its Response dated 3/18/85, concluding with (p.12.), "...it would be inappropriate at this time for the Licensing Board to consider the Applicant's motion for exemption..."

3. We give due weight, and believe ASLB should also, to the Staff's (NRC Resp.) (p.8.) that FEMA has been assigned "lead responsibility" by Presidential Order, and (p.9.) NRC <sup>must</sup> base its findings on FEMA findings, and FEMA has not reviewed or evaluated the Graterford plans.

4. It seems inconceivable that ASLB would consider circumventing the Presidential Order by cutting FEMA out of the review process by granting PECO's motion.

5. The exemption would discredit the whole process to protect the public via workable emergency plans since the plant could operate up to full power without the Graterford plan, upon which the success of EPZ evacuation depends because of the routing of evacuation traffic east and south and north, <sup>intersecting prison traffic.</sup>

6. Up to now it appears that FEMA has not taken part in any of ASLB's pre-hearings. FEMA was not listed in the Harrisburg conferences of 2/27/85 or 3/22/85. FEMA is not included in ASLB's Protective Order of 3/20/85. This raises a serious question about FEMA's participation and the ability of NRC to make a decision on the workability of the Graterford plan and the whole EPZ plan. Unless FEMA is included, the Graterford plan cannot be valid, nor the public protected.

7. We agree with the Staff that NUREG-0396 takes into account core melt accidents and still requires "offsite plans for protective measures out to about 10 miles" (NRC Resp. p 10). We agree with the Staff that PECO has no basis for arguing that emergency planning for the Inmates is not needed due to low probability (p.10,11,12). We agree that it would be inappropriate "for the Licensing Board to consider the use of the exemption authority under 10 CFR 50.12." (p. 9)

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8. We wish to call the Board's attention to the Commonwealth's rebuttal of PECO's claim that prison evacuation planning is not an "absolute requirement". (Commonwealth Response to Applicant's Motion, 3/15/85 (PEMA Resp.) p. 7.) We agree with PEMA that Waterford, 16 NRC 1550, 1566, cited by PECO, contrary to PECO's position, "expressly conditioned issuance of the operating license on development of prison evacuation plans." (PEMA Resp. p.8.)

9. We agree with PEMA that formulation of workable plans for Graterford and a carrying through of a complete hearing process on Inmate contentions will not result in "significant delay" to the operation of the Limerick plant (PEMA Resp. p. 3.) And we agree that "exigent circumstances" do not exist in this case. (p.2)

10. We endorse PEMA's position that it "does not believe exigent circumstances are present in this case and thus does not support Applicant's Motion for an exemption.." ( p.8.)

11. We call the Board's attention to an application to the Delaware River Basin Commission by PECO dated 3/15/85, forwarded to the members of the Board on 3/19/85 by Mark J. Wetterhahn. We believe this application for supplemental cooling water for the Limerick plant proves that the controlling factor in the rise of power output is not an emergency plan for the Graterford inmates but the availability of cooling water (See letter, E.G. Bauer to Susan Weisman, DRBC 3/15/85, p. 1.) PECO's application to DRBC includes an affidavit by Vincent S. Boyer, 3/15/85. This affidavit invalidates V.S. Boyer's affidavit of 3/14/85 submitted to the Board by M.J. Wetterhahn 3/19/85 as an attachment to "Applicant's Motion for Exemption.." (re. Graterford). In the 3/15 affidavit Mr. Boyer says, "the Plant will be ready to proceed to power levels greater than allowed under our existing license by the end of March, 1985 (para. 2.) and (para. 3.) " In order to proceed with the power ascension program for Unit 1 after the issuance of a full power license by the NRC, it is necessary to have in place a supplemental cooling water supply".

12. It is apparent from Mr. Boyer's 3/15/85 affidavit that the restriction on operating the reactor is not <sup>the absence of</sup> a Graterford plan but the lack of cooling water.

13. The application to DRBC for cooling water from the Schuylkill River is a PECO move which prompts the question: why was the elaborate and costly plan to pump water from Pt. Pleasant ever undertaken by PECO and approved by DRBC? We are certain that DRBC will not back down from its protective restriction on the use of Schuylkill water for supplemental cooling, even temporarily. The process involved with the application will take weeks and probably months. In that time there will be ample opportunity to arrive at emergency plans for Graterford. Hence no exemption should be granted by ASLB.

14. PECO's proposal to substitute monitoring of dissolved oxygen levels in place of the 59°F temperature constraint in the Schuylkill River (3/15/85 PECO application to DRBC) is environmentally unsound; will bring controversy and almost certain denial. The process could be protracted. This will hold up power ascension. (Attachment 1. Anthony/Foe letter to DRBC)

A further restriction on Schuylkill water could come from the current rain shortage.

cc: NRC Staff, Docketing Serv. PECO, PEMA, FEMA,  
A. Love, others on Serv. List.

Respectfully submitted,  
Robert L. Anthony May 1986 Box 186

Ms. Susan Weisman, Secretary  
Delaware River Basin Commission  
Box 7360 West Trenton, N.J. 08628

ATTACHMENT 1 Box 186 Moylan, Pa. 19065  
March 28, 1985

Dear Ms. Weisman,

As an intervenor in the NRC licensing proceedings for Philadelphia Electric Company's Limerick Nuclear plant, we have been representing citizen health and safety interests under the name of Robert L. Anthony/ Friends of the Earth in the Delaware Valley. We recently were provided with a copy of PECO's application, dated 3/15/85, seeking DRBC's authorization to change the standards for the Schuylkill River and to provide cooling water by releases from the Blue Marsh reservoir. We wish to inform DRBC of our vital interest in this application and to request that we be admitted as parties and included in written presentations and afforded the opportunity to testify before the Commission.

We ask that DRBC provide us time to make a thorough study of the impacts of the authorizations requested by PECO and to submit our evidence against any change in the present regulations governing the Schuylkill River before any final consideration by the Commission.

At the moment we summarize our opposition to PECO's application under the following headings:

1. DRBC set its standards for the Schuylkill after careful study and these should not be changed, even temporarily, without a new environmental impact study.
2. A temporary permit could certainly lead to a longer term one, since there is uncertainty over the status of the Pt. Pleasant diversion and continuing litigation.
3. The City of Phila. has offered to sell water to PECO. The possibility of accelerating this connection could provide a temporary, and a permanent, solution of the supplemental water supply.
4. If DRBC decided that using its water reserves for Limerick cooling was a proper use of area water, it only arrived at this conclusion on the basis of combining water from the Delaware with the Schuylkill. Providing water from the Schuylkill alone, the Commission wisely never authorized and this decision should not be modified in any way.
5. PECO has not demonstrated that it has explored alternatives, such as water from the City of Phila. (See PECO Attachment 2.)
6. Other users will be endangered as PECO intimates in Attach. 2 (1) in stating that consumptive use will make the Schuylkill "largely unavailable for such (PECO) withdrawals during the period June to October, 1985." DRBC made the water unavailable to protect water resources on a sound basis.
7. Nothing has changed to modify DER Secretary R.A. Luksa's position quoted in Attach. 2 (3), "Green Lane is not large enough to meet the combined needs of PSW Co. and Limerick."
8. Measuring dissolved oxygen levels is not a substitute for the 59° temperature constraint. Higher temperatures impact the biological life of the river.
9. A dissolved oxygen restraint should be added to the Schuylkill standards, not substituted for the 59° limitation.
10. The current rainfall shortage could progress into a drought. This reinforces the need to conserve water resources and not to modify the present restrictions.
11. We oppose PECO's application as it would degrade the Schuylkill and imperil essential water reserves.

Cc: NRC- ASLB Judges, Staff, Docketing -  
PECO, PEMA, FEMA, Angus Love, Others on Limerick Serv.

Respectfully submitted,

*Robert L. Anthony*