

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE  
ATOMIC SAFETY AND LICENSING BOARD

RELATED CORRESPONDENCE

DOCKETED  
USNRC

'84 DEC 31 10:08

In the Matter of

PHILADELPHIA ELECTRIC COMPANY  
(Limerick Generating Station  
Units 1 and 2)

Docket Nos. 50-352 OL  
50-353 OL

Dec. 28, 1984

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

MOTION ON BEHALF OF LIMERICK ECOLOGY ACTION REQUESTING THE  
ATOMIC SAFETY AND LICENSING BOARD TO ISSUE SUBPOENAS TO  
LIMERICK ECOLOGY ACTION COMMANDING TESTIMONY FROM ANTHONY  
NEWMAN, JIM BROWN, MICHAEL CHURCHILL, AND ALICE SPRAGUE ON  
OFF-SITE EMERGENCY PLANNING MATTERS IN THE ABOVE CAPTIONED  
PROCEEDING AS FURTHER DETAILED BELOW:

Pursuant to 10 CFR §2.720, Limerick Ecology Action hereby  
respectfully requests the Atomic Safety and Licensing Board  
to issue a subpoena commanding testimony from each of the  
following:

Anthony Newman  
Pa. State Education Association  
400 North Third Street  
Harrisburg, Pa. 17105

Michael Churchill  
Emergency Coordinator  
Charlestown Play House, Inc.  
RD#2, Phoenixville  
Pa. 19460

Jim Brown, Chairperson  
Methacton School District  
Emergency Evacuation Committee  
Arrowhead School  
Level Road, RD#1  
Collegeville, Pa. 19426

Alice Sprague, Director  
Little People Day Care  
School of Pottstown, Inc.  
1561 Medical Drive  
Pottstown, Pa. 19464

The above named individuals are requested to appear at the  
Old Federal Building, 9th. and Market Streets in Philadelphia,  
Pennsylvania at 9:00 a.m. on January 4th., 1985 to give testi-  
mony on the subject matters as follows in LEA's offering of  
proof:

ANTHONY NEWMAN

Pre-filed testimony from Mr. Donald Morabito, the Southeastern  
Regional Regional Field Director of the Pa. State Education  
Association contained information from Mr. Anthony Newman, PSEA's  
general counsel, which was stricken from the record. Applicant  
argued that this information was "inadmissible hearsay" and that  
Mr. Newman was not available for cross-examination as to his

interpretation of the various statutes relating to teachers contractual obligations. (TR 15,404) (Board ruling at TR 16,406) LEA's reasons for requesting the opportunity to present Mr. Newman as a witness are a direct result of the Board's ruling at TR 16,406. Mr. Rader indicated that Philadelphia Electric Company was not interested in discussing a proposed stipulation regarding his testimony due to the Board's ruling. Therefore, LEA is left with no alternative but to request the Board to issue a subpoena commanding his testimony relating to the effect that the contractual obligations of school staff and bus drivers can be expected to have on their willingness to carry out the assignments designated to them in the various radiological emergency response plans. LEA would refer the parties to its argument at TR 16,398-400. At TR 16,405 LEA stated that it planned to seek a stipulation regarding Mr. Newman's testimony if the Board granted Applicant's Motion to Strike. Mr. Morabito's Limited Appearance Statement beginning at TR 16,410 also provides the basis for LEA's request for Mr. Newman's subpoena. It is LEA's position that the record in this proceeding will be deficient if it does not contain reliable, probative evidence relating to the contractual obligations of school staff and bus drivers in the event of a radiological emergency at the Limerick Generating Station.

#### JIM BROWN

Jim Brown is the chairperson of the Methacton School District Emergency Evacuation Committee. Due to extended illness from pink-eye, Mr. Brown was unable to attend the hearings on Dec. 17 or Dec. 18. Dr. Laird Warner, Superintendent of the Methacton School District did testify on Dec. 18; however he was not permitted to discuss any matters relating to the school staff and bus driver survey results reported to him by Mr. Brown, to whom Dr. Warner has delegated RERP responsibilities (TR 15,611). At TR 15,623 Dr. Warner stated that "There is a deficit of 15 drivers". Applicant objected that there was no foundation as to Dr. Warner's knowledge of the survey results. At TR 15,627 Dr. Warner attempted to discuss the manner in which Mr. Brown had reported the survey results to him. At TR 15,629, lines 6 and 7, Judge Hoyt stated..."Now there are other witnesses that can testify on that (survey results) and you must call those witnesses". At TR 15,631 LEA marked a Nov. 16, 1984 letter from Mr. Jim Brown to Mr. A. Lindley Bigelow as LEA Exhibit E-28. At TR 15,632 Applicant objected to discussion of the unmet needs stated in the letter because Mr. Brown was not available at the hearing to authenticate the letter or for cross-examination. At TR 15,632 lines 20 and 21 Judge Hoyt questioned LEA whether or not Mr. Brown was on the witness list. In response to LEA's statement that he was ill, at lines 24 & 25 Judge Hoyt stated, "Then we are going to have to either get a deposition or something or some stipulated testimony." Due to the fact that Mr. Rader has informed LEA that the Applicant is not willing to discuss any proposed stipulation regarding those documents prepared by Mr. Brown marked for identification purposes as LEA Exhibits "E-18" and "E-28", LEA is left with no alternative other than to request the Board to issue a subpoena commanding Mr. Brown to give testimony on Jan. 4, 1985. LEA believes that the record will be deficient if this

request is not granted. LEA is willing to stipulate to the inclusion of LEA exhibits marked for identification purposes as LEA "E-18" and "E-28", and hereby requests the parties, including counsel for the Applicant to consider this alternative.

MICHAEL CHURCHILL

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On Dec. 17, 1984 Mr. Churchill came to the hearing as a designated representative of Mrs. Stonorov, director of the Charlestown Play House, Inc., a day care facility located in Charlestown Twp., Chester County. Mr. Churchill brought with him an affidavit to demonstrate that he was the authorized representative of Mrs. Stonorov and the Charlestown Play House, Inc. At TR 15,470 Mr. Rader objected to the presentation of the witness. LEA reiterated that if the Applicant were willing to stipulate to Mrs. Stonorov's testimony that there would have been no need to take up valuable hearing time with the presentation of Mr. Churchill. LEA again asked Mr. Rader if he was willing to stipulate to Mrs. Stonorov's testimony on Dec. 28, or in the alternative to consider a prepared statement from Mr. Churchill as a proposed stipulation. Mr. Rader indicated that neither of these proposals by LEA would be acceptable to him. At TR 15,471 Judge Hoyt suggested taking direct examination of Mr. Churchill (lines 10 & 11). At TR 15,471 Judge Hoyt stated that LEA could conduct direct examination of Mr. Churchill. At TR 15,475 Mr. Rader requested permission to conduct Voir Dire. At TR 15,482 Judge Hoyt stated that the Board had determined that Mr. Churchill was not competent to testify on the matter. At lines 23-24 Judge Hoyt stated that there was no documentation before the Board to support that Mr. Churchill had been designated by the Board of Directors as their designated emergency coordinator. At TR 15,483 LEA informed the Board and the parties that it would obtain the appropriate authorization from Mrs. Stonorov and the Board of Directors of the Charlestown Play House, Inc. LEA will provide the necessary documentation to the parties no later than Jan. 3, and hereby requests that the Board grant LEA's request for a subpoena to obtain testimony by direct examination on behalf of the Charlestown Play House, Inc. subject to the receipt of the parties of the necessary authorization.

ALICE SPRAGUE

Alice Sprague is the Administrator of the Little People Day Care School of Pottstown, Inc. She responded to the survey questionnaire sent out by Elaine Troisi by writing the enclosed letter and by authorizing Limerick Ecology Action to submit her October 1, 1984 letter to the Atomic Safety and Licensing Board in this proceeding.

LEA anticipated that this letter would become part of the record in this proceeding as an attachment to the testimony of Elaine Troisi. At TR 15,778 the Board denied Applicant's Motion to Strike the survey responses from Mrs. Troisi's testimony; however in doing so adopted the position expressed in the argument presented by Mr. Hassell of the NRC Staff. At TR 15,775, Mr. Hassell stated that the survey forms "should not be admitted for the truth of the matters asserted in the form; however".... they should be admitted "solely for the purpose of showing what the witness relied upon...."

Mrs. Sprague's October 1, 1984 letter states that although her facility "has complied with the requests of the Pennsylvania Department of Education and the Pennsylvania Department of Public Welfare"...."This plan remains hypothetical....."

LEA had no notice prior to Dec. 19, 1984 that Mrs. Sprague's letter would not be accepted "for the truth of the matters discussed therein". Here again, Mr. Rader has indicated that Applicant is not willing to discuss any proposed stipulation regarding Mrs. Sprague's October 1, 1984 letter. LEA is left with no alternative but to request that the Board grant a subpoena commanding testimony from Alice Sprague to authenticate the matters discussed in her October 1, 1984 letter, and that she be ordered to appear to give testimony on Friday, January 4, 1985 at 9:00 a.m. LEA believes that the record on LEA-13 will be

sufficient if the matters contained in Mrs. Sprague's letter are not considered by this Board, particularly relating to the sufficiency of staff and transportation resources required in the event that an evacuation is called for as a protective measure.

IN THE EVENT THAT THE BOARD DETERMINES THAT THE INFORMATION CONTAINED HEREIN IS NOT SUFFICIENT TO GRANT THE REQUESTED SUBPOENAS, LEA HEREBY REQUESTS AN OPPORTUNITY FOR ORAL ARGUMENT PRIOR TO THE BOARD'S RULING ON THIS MOTION.

Respectfully submitted,

*Phyllis Zitzer*  
Phyllis Zitzer, President LEA

cc: Entire service list  
Enclosures as follows:  
Subpoena forms submitted to Judge Hoyt only

LEA Exhibit "E-18" previously distributed to parties  
(not enclosed)

LEA Exhibit "E-28" enclosed

Alice Sprague letter of 10/1/84 enclosed



MSD

(215) 489-5000

LEA EXHIBIT "E-28"

METHACTON SCHOOL DISTRICT

DR. LAIRD P. WARNER  
Superintendent

November 16, 1984

Fairview Village, PA 19403

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Mr. A. Lindley Bigelow, Coordinator  
Montgomery County Office  
Emergency Preparedness  
100 Wilson Boulevard  
Norristown PA 19403

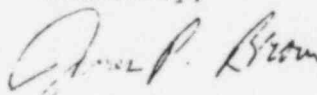
Dear Mr. Bigelow:

As a follow-up to the information from the Methacton School District's Emergency Evacuation Planning which you recently received, I wish to reiterate the two major unmet needs for preparation of Methacton School District's plan at this point.

First of all, as a result of a bus driver survey, we need 15 additional buses/drivers for evacuation of our students from our three elementary buildings and the Arcola intermediate school. We also will be in need of 50 adults to supervise students, as a result of a survey of all other staff members in our district. The additional adults would allow for a student to adult supervision ratio of 1:23.

Please contact me if you have any specific questions or concerns about the two aforementioned unmet needs.

Sincerely,



James P. Brown, Chairman  
Methacton Emergency Planning Committee  
Principal, Arrowhead Elementary School

JPB:peh

cc: J. Cunningham, Energy Consultants  
Dr. L. Warner, Superintendent  
T. Derr, Asst. Superintendent

# Little People

1561 MEDICAL DRIVE, POTTSTOWN, PA 19464 • 215/326-0554

October 1, 1984

Dear Sir:

Little People Day Care School of Pottstown, Inc. has complied with the requests of the Pennsylvania Department of Education and the Pennsylvania Department of Public Welfare by preparing a Radiological Emergency Response Plan. This plan remains hypothetical, however, inasmuch as planned responses to a nuclear incident are untested.

We wish to express serious concern about our ability to safely evacuate and properly care for our students in the event of a radiological emergency for these reasons:

- To date we have neither been contacted by nor received assistance from any official emergency preparedness organization, public agency, governmental body or Philadelphia Electric.

- The ability of large numbers of people to negotiate local highways during a full-scale evacuation remains in question.

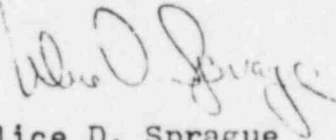
- Reliability of transportation is uncertain due to travel limitations and a potential shortage of drivers.

- The reaction of large numbers of pre-schoolers to an un-rehearsed, crisis situation is uncertain, but experience dictates that the stress resulting from an evacuation could render us unable to properly care for our children.

- The availability of adequate telephone lines or other means of communicating with parents remains in serious question.

We would welcome any assistance to review our plans and to assure that the resources needed to effect a safe, orderly evacuation will in fact, be available. We remain convinced, however, that only a full-scale drill, including major evacuation, will adequately test the emergency preparedness of our community and insure the safety of our citizens.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Alice D. Sprague".

Alice D. Sprague  
Administrator