



AIR and WATER Pollution Patrol

BROAD AXE, PA.

July 26, 1985

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

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES:

Helen F. Hoyte, Chairperson

Dr. Richard F. Cole

Dr. Jerry Harbour

In The Matter Of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352-OL
50-353-OL

ASLPB No. 81-465-07 OL

SERVED AUG 1 1985

NOTICE OF APPEAL BY AIR & WATER POLLUTION PATROL/ROMANO
RE THE "FOURTH PARTIAL INITIAL DECISION (On Offsite Emer-
gency Planning Contentions Relating to Graterford)"

Hearings conducted in a manner, as perceived by the inmates, that could lead to non-co-operation so that time estimates based on prisoners doing what would make them safer cannot be counted upon.

It is unreasonable to assume, and therefore, does not give reasonable assurance (as per 10CFR, §50.47) that the testimony given, namely, that when the sirens scream an accident at Limerick with the resulting panic and hysteria by some of the people surrounding Graterford, or on roads involved with Graterford, that there is a reasonable assurance that the Graterford secret plan will work and not result in escapes and other serious effects that can result with lifers and those condemned to die.

It is unreasonable to assume, and, therefore, does not give reasonable assurance, that if radiological training given to bus drivers who are to evacuate the Graterford prisoners is less than that given to the school bus drivers, or not received by Graterford bus drivers, that they will have the calm and care and freedom from distracting worry to do a job as proper and efficient as school bus drivers, and this could lead to a disorganized, obstructive, and/or accident situation which could prevent a reasonable assurance of the plan working as per time estimates. It is a situation of the chain being only as

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strong as its weakest link.

Even if the bus companies may in fact agree to furnish vehicles, the lack of response re training leaves a reasonable doubt, rather than assurance, that the drivers will be ready and willing and available to drive such vehicles.

Because the six companies did not respond to letters sent regarding the use of their buses (and drivers thereof) there is no reasonable assurance they will, as Mr. Taylor states, namely, ~~that~~ they in fact will agree to furnish vehicles upon request to assist in an evacuation of Graterford, as per ff.TR. 20856, at 2.

While Mr. Taylor has made plans to visit each of the bus companies personally in an undetermined time of "late July or early August" (Tr. 20879-80), is Mr. Taylor's indication that training is necessary, (as against his statement that it really is not needed), or is it that the need to chase after the drivers to offer the training, an indication of reluctance which may end up as "No Show" at time of an accident?

No where in the hearings was there reasonable assurance that bus drivers who did not accept the offer, re radiation, will accept the further responsibility to concern themselves with decontamination monitoring procedures. While Mr. Taylor at Tr. 20861 states the Applicant's Emergency Consultant instructors are qualified to train bus drivers, the fact that the bus companies did not answer letters offering such instruction creates a reasonable doubt as to the feeling of the bus companies and drivers that in the face of lethal radiation all around, there will not be a wall of resistance to co-operating in what they sense as an unworkable dangerous situation for their buses and their drivers. The question of incentives to bus drivers was mentioned, but those incentives did not include possible decontamination of buses and the responsibility of bus companies for exposure to unfound radioactive dust in buses to contaminate future users of the buses.

While Mr. Taylor at ff. Tr, 20856, at 6 says "The only significant difference between this course and the EC program is that the latter

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provides for a "public relations" lesson, which explains how a nuclear generating plant operates and the safety of such a facility", the drivers aren't concerned with how safe the facility is, but how dangerous the facility radioactive releases are in an accident. Mr. Taylor omitted that important part.

Further Mr. Taylor at Tr. 20860, 20868-69 states training in inmate custody and control is unnecessary. Drivers will only be required to drive their buses or ambulances. Mr. Taylor seems to think drivers are mechanical robots whose work will not be affected by fear, apprehension for their families, or what might happen if there is an inmate revolt on the bus.

While Major Case expressed no basis for believing that civilian bus drivers would not accept training (Case, ff, Tr. 20930, at 5; Case, Tr. 20939), Mr. Taylor did not, to any greater extent, assume they would. In such case, it would be better to err on the safe side as Major Case expresses.

While not permitted to attack the NRC regulation which only offers training of drivers and takes delight in jamming such fact into intervenors, page 10 (23) (24); page 11 (24) (contd.), page 11 (26) of Fourth Partial Initial Decision of July 22/85, common sense indicates if training is only offered but not accepted or fulfilled, there is reasonable doubt that the evacuation plan for Graterford will be flawed, thus not fulfilling the "reasonable assurance" requirement.

As it relates to Appendix 4, NUREG-0654 it does not intend evacuation time estimates for special facilities to include analysis of worst case scenarios (Urbanik, Tr. 20976, 20979-80). It is only for evacuation time estimates to present representative evacuation times for fair and adverse weather conditions which can be used by decision-makers (Urbanick, Tr, 20976-77, 20979-80). AWPP states that Urbanik's "adverse weather" did not include the Limerick area where in the 1985 winter there were blizzard blocked roads which would prevent the Graterford evacuation plan so that the NUREG-0654 estimates are neither representative nor reasonable and do not provide the protective action

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in such conditions that existed in the winter of 1985 in the Graterford area.

This, of course, was not considered as per statements of Zimmerman ff.Tr. 20763 at 1-2,8; Tr.20768-9 which depends on fully passable roads, co-operation by prisoners who might bolt at any time, and which ignore panic and road blockage and that sheltering might in fact be used--at which point there could be a prison revolt with escapes and death outside the prison.

Niether is this an attack on the NRC regulations which we are not permitted to do, but it is the very fact of the NRC regulations as exemplified by NUREG-0655 which gives no reasonable assurance at all as it does not attempt to predict exact conditions during an evacuation or effectuating evacuations within a given time. Rather, it attempts only to indicate the sensitivity of the analysis to a number of commonly occurring events, thus being a sterile maneuver that does not concern itself with lives of people.

Page 16 of the July 22 Fourth Patrial Initial Decision at 35, discusses the willingness of prisoners to co-operate in fire drills (Zimmerman ff, Tr. 20765 at 3). Mr. Zimmerman does not state which of the different types of prisoners readily co-operate. This point must be verified as it relates to "death-row" and "lifers" by independent penal psychologists before biased statements can be accdpted to meet the "reasonable assurance" criteria regarding the Graterford plan.

At page 17 item 37, Zimmerman states time estimates of off-duty personnel coming to an emergency is based on the SCIG's experience over the past several years involving emergency situations where they have had to call in off-duty personnel (Id.) however, it has never been based on a nuclear accident which is a terror situation enough to cause panic by the public in which case roads would be blocked. Further, the call of off-duty personnel has been by telephone. The resent Burce Springsteen rock concert in Washington tied up telephone lines for over two hours, so that in a nuclear accident the time estimate for call-up

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with telephone lines tied up by frantic people the time estimates could be much over two hours more for call-up. The Board and witnesses assume the prisoners will be calm and co-operative, but they must consider the public will be in terror and in panic. The Graterford plan has not considered this life and death fact.

As it relates to Prisoner Assembly and Vehicle Loading, page 17 at 38 and 39, there is likewise a biased, unrealistic version of how prisoners will calmly co-operate. To have reasonable assurance, before a license is given, the public must know that steps have been taken to assure such assembly for loading does not, indeed become an assembly for riot and escape.

At page 20, item 41 corroborates that co-operation may not in fact be total, and the fact that Zimmerman admits a cell block can "refuse to lockdown or in some other way try to impede the evacuation of the institution", may in itself, cause other cell blocks to refuse in a sudden gesture of commraderee with equally suffering inmates, thus destroying all the parts needed for the evacuation plan to work.

The absurdity of the thought process upon which Mr. Zimmerman's entire case is based is evident at Tr. 20803-05, 20815-16, 20844-45 (along with PEMA) that the simultaneous "ongoing evacuation of the general populace from the EPZ would not delay the arrival of buses and ambulances at Graterford, and that routes were selected such that evacuating traffic of the general public would not interfere with vehicles travelling to Graterford. For the Board to attach substance to such an absurdity is to totally ignore human and animal behavior in a terror situation.


As per facts present in the forgoing, AWPP disagrees with the Board's finding that there is nothing in the Commission's emergency planning requirements or guidance that requires the estimated time for evacuating a special facility, such as the SCIG to be included in the radiological emergency response plan for that special facility as per 10CFR § 50.47; Appendix E, 10 CFR Part 50; NUREG-0654/FEMA-REP-1 Rev.1 (Nov. 1980).

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Further AWPP states that the revised ETE for the SCIG has not adequately identified the various sequential events necessary to accomplish an evacuation of Graterford. AWPP also states that the Board incorrectly finds the revised ETE of eight-to-ten hours is consistent with the Commission's guidance established in NURG-0654, Appendix 4.

For all these reasons AWPP/Romano, as per 10CFR § 2.762, appeals the decision of the Board.

Respectfully submitted,
AIR & WATER POLLUTION PATROL


Frank R. Romano, Chairman
61 Forest Ave.
Ambler, Pa. 19002

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