

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	:	
PHILADELPHIA ELECTRIC COMPANY	:	
(Limerick Generating Station,	:	DOCKET NOS. 50-352
Units 1 and 2)	:	50-353

MEMORANDUM IN SUPPORT OF MOTION

On October 23, 1979, the Nuclear Regulatory Commission published its Policy Statement on the Planning Basis for Emergency Responses to Nuclear Power Reactor Accidents (44 Fed.Reg. 61123). The Commission stated that it "concurs in and endorses for use the guidance contained in the NRC-EPA task force report," (Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants (NUREG-0396, EPA 520/1-78-016, December 1978), NUREG-0396 -- in particular, that two Emergency Planning Zones (EPZs) should be established around light water nuclear power plants. The EPZ for airborne exposure has a radius of about 10 miles; the EPZ for contaminated food has a radius of about 50 miles. Predetermined protective action plans are needed for the EPZs. The exact size and shape of each EPZ will be decided by emergency planning officials after they consider the

specific conditions at each site. These distances are considered large enough to provide a response base which would support activity outside the planning zone should this ever be needed. The Commission further stated that, following its Proposed Rulemaking concerning additional regulations on emergency planning, it would provide additional guidance which would:

consider how local conditions such as demography, land use, and meteorology can influence the size and shape of the EPZs and ... address other issues, such as evacuation planning.

As a result of that Proposed Rulemaking, the Commission promulgated the current final rule on emergency planning. (45 Fed. Reg. 55402 (August 19, 1980), effective November 3, 1980.) The Commission cited with approval in Appendix E, the use, inter alia, of NUREG-0654 (Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants for Interim Use and Comment, January 1980) now revised as NUREG-0654, FEMA-REP-1, Rev.1) to provide guidance in developing plans for coping with emergencies and NUREG-0396 for establishing emergency planning zones (EPZs). As far as EPZs are concerned, the Commission's final rule provides:

Generally, the plume exposure pathway EPZ for nuclear power plants shall consist of an area about 10 miles (16 km) in radius and the ingestion pathway EPZ shall consist of an area about 50 miles (80 km) in radius. The exact size and configuration of the EPZs surrounding a particular nuclear power reactor shall be determined in relation to

local emergency response needs and capabilities as they are affected by such conditions as demography, topography, land characteristics, access routes, and jurisdictional boundaries. 10 C.F.R. §50.47(c)(2).

The State Correctional Institute at Graterford is located 8.3 miles from the Limerick facility (see Emergency Plan filed March 17, 1981 App. H §4.1, also attached as Exhibit "B"). Thus, it is the responsibility of the Pennsylvania Emergency Management Agency to coordinate the development of an evacuation plan for this facility. On December 13, 1984 inmates' counsel received an unclassified plan in which "certain information has been deleted from this copy of the Graterford plan for security reasons." Accompanying the plan were two affidavits, one by Ralph J. Hippert, Deputy Director of PEMA, and one by Glen Jeffes, Commissioner of the Pennsylvania Bureau of Corrections and a Request for Non-Disclosure of Confidential Information executed by Zori Feskin of the Governor's Energy Council (see attached Exhibits "C", "D" and "E").

The inmates at the State Correctional Institute at Graterford, through their attorney, take exception to this request. In particular, we object to the analogy to site security plans. 10 C.F.R. 2.790(d) specifically relates to site security, national security data and other sensitive data concerning the nuclear power plant. The inmates fail to see the relevance of

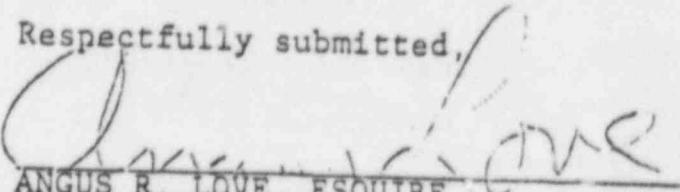
this section to the Graterford plan. Thus, it should not be used as a basis for the confidentiality request.

The request for confidentiality also cites a case in support of their request, In the Matter of Pacific Gas and Electric Company, 5 NRC 1398 (1973). This case involves the disclosure of a site security plan. The Atomic Safety and Licensing Commission allowed intervenors' counsel and experts to review the site security plan under a protective order. Inmates contend that the S.C.I.G. plan is less sensitive than the security plans for the site itself, and should not be held to a higher standard of confidentiality.

Furthermore, the inmates object to the overly broad interpretations of confidential information. On page E-1-7, the capacity of the prison infirmary has been censored. Inmates believe that such information is already in the public domain and should not be subject to confidentiality.

Finally, the inmates are unable to adequately develop their contentions due to the confusion created by the prior evacuation plan and the subsequent unclassified plan. The initial plan indicates when evacuation will occur. The second plan discusses the possibility of sheltering or evacuating, but does not provide any details regarding when each method would be utilized. Therefore, the inmates respectfully request additional access before being required to submit their contentions.

Respectfully submitted,


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Montgomery County Legal Aid