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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD - 6 910:20

In the Matter of : Docket Nos. 30-352  
PHILADELPHIA ELECTRIC COMPANY : 50-353  
(Limerick Generating Station, :  
Units 1 and 2) :

SUPPLEMENTAL MOTION OF THE  
INMATES AT SCIG REGARDING FULL DISCLOSURE  
OF THE EVACUATION PLAN FOR SCIG

I. INTRODUCTION

On December 20, 1984, the inmates at the State Correctional Institute at Graterford, Pennsylvania, filed a Motion before the Atomic Safety and Licensing Board requesting full disclosure of the evacuation plan for the State Correctional Institute at Graterford, Pennsylvania. On January 2, 1985, the Nuclear Regulatory Commission staff filed an Answer to said Motion. The applicant and the Pennsylvania Emergency Management Association also filed responses. On January 22, 1985, during a public hearing before the Board, Chairman Hoyt requested counsel for the inmates to respond to the N.R.L. staff request on page 5, which states, "...the inmates should be required to specify the information they need, based on expert opinion, which is beyond that provided in the 'sanitized' version." The purpose of this supplemental motion is to respond to this question.

FOIA-85-304

II. Inmates have retained John Case, Field Director of the Pennsylvania Prison Society as their expert.

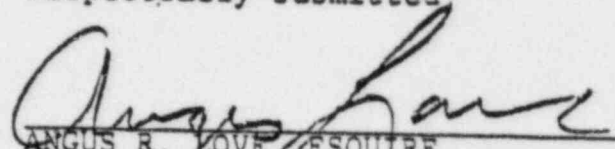
Initially, the inmates would like the record to reflect that they have retained the services of John Case to act as their expert in this matter. Mr. Case is currently the Field Director of the Pennsylvania Prison Society (see Vita attached as Exhibit A).

III. The inmates' expert, John Case, requests that all information contained in the unsanitized version of the evacuation plan is needed in order to ascertain the viability of such.

The inmates' expert, John Case, served twenty-one years in the United States Marine Corps (1942-62). During this period, he obtained a security rating of Top Secret "Q". It is his opinion that all the information contained in the sanitized version is necessary to determine the viability of the plan. He further indicated that said material is secure in his hands due to his prior security clearances in the Marine Corps and his top secret rating. He also indicated that the unsanitized version contains virtually no useful information, therefore further inquiries as to the type of information needed are premature. Accordingly, the inmates request full disclosure of the plan to

their expert and counsel. See Pacific Gas and Electric Company  
(Diablo Canyon Nuclear Power Plant, Units 1 and 2, ALAB-592  
11 N.R.C. (1980).

Respectfully submitted



ANGUS R. LOVE ESQUIRE  
Montgomery County Legal Aid

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I, Angus R. Love, attorney for Inmates, SCIG, hereby certify that a true and accurate copy of the Supplemental Motion of the Inmates at SCIG Regarding Full Disclosure of the Evacuation Plan for SCIG, in reference to the above-captioned matter, was mailed on January 28, 1985 via regular first class mail, postage prepaid, to the following list:

Helen F. Hoyt, Chairperson  
Administrative Judge  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Jerry Harbour  
Administrative Judge  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Frank R. Romano  
Air and Water Pollution Patrol  
61 Forest Avenue  
Ambler, PA 19002

Ms. Phyllis Zitzer, Pres.  
Ms. Maureen Mulligan  
Limerick Ecology Action  
762 Queen Street  
Pottstown, PA 19462

Mr. Edward G. Bauer, Jr.  
V.P. and General Counsel  
Philadelphia Electric Co.  
2301 Market Street  
Philadelphia, P A 19101

Troy B. Conner, Jr., Esq.  
Mark J. Wetterhahn, Esq.  
Conner and Wetterhahn  
1747 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Mr. Marvin I. Lewis  
6504 Bradford Terrace  
Philadelphia, PA 19149

Joseph H. White, III  
15 Ardmore Avenue  
Ardmore, PA 19003

Martha W. Buxh, Esq.  
Kathryn S. Lewis, Esq.  
1500 Municipal Services Bldg.  
15th and JFK Blvd.  
Philadelphia, PA 19107

Thomas Gerusky, Director  
Bureau of Radiation Protection  
Dept. of Environmental Resources  
5th Floor, Fulton Bank Bldg.  
Third and Locust Streets  
Harrisburg, PA 17120

Director  
Pennsylvania Emergency  
Management Agency  
Basement, Transportation &  
Safety Bldg.  
Harrisburg, PA 17120

Robert L. Anthony  
Friends of the Earth of  
the Delaware Valley  
103 Vernon Lane, Box 186  
Moylan, PA 19065

Charles W. Elliott, Esq.  
Brose & Poswistilo  
325 N. 10th Street  
Easton, PA 18042

David Wersan  
Consumer Advocate  
Office of Attorney General  
1425 Strawberry Square  
Harrisburg, PA 17120

Jay Gutierrez  
Regional Counsel  
USNRC, Region 1  
631 Park Avenue  
King of Prussia, PA 19406

Steven P. Hershey, Esq.  
Community Legal Services, Inc.  
5219 Chestnut Street  
Philadelphia, PA 19139

Zori G. Ferkin  
Governor's Energy Council  
P.O. box 8010  
1625 N. Front Street  
Harrisburg, PA 17105

Spence W. Perry, Esq.,  
Associate General Counsel  
Federal Emerg. Managemt Agency  
Room 840, 500 C. Street, S.W.  
Washington, D.C. 20472

Robert J. Sugarman, Esq.  
Sugarman, Denworth & Hellogers  
16th Fl. Center Plaza  
101 N. Broad Street  
Philadelphia, PA 19107

James Wiggins  
Sr. Resident Inspector  
U.S. Nuclear Regulatory Comm.  
P.O. Box 47  
Sanatoga, PA 19464

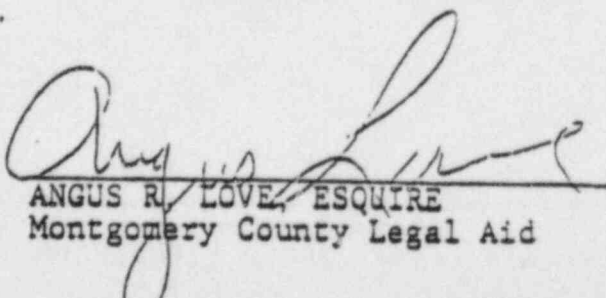
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Comm.  
Washington, D.C. 20555

Gregory Minor  
MHB Technical Associates  
1723 Hamilton Avenue  
San Jose, CA 95126

Timothy R.S. Campbell, Director  
Department of Emerg. Services  
14 East Biddle Street  
West Chester, PA 19380

  
ANGUS R. LOVE, ESQUIRE  
Montgomery County Legal Aid



VITA  
JOHN D. CASE

WORK EXPERIENCE

May 1977 to present

Field Director, The Pennsylvania Prison Society,  
Philadelphia, PA 19107

December 1962 to  
February 1977

Warden, Bucks County Prison, Doylestown, and  
simultaneously from 1969 Director, Bucks County  
Department of Corrections

1969 to 1978

Member, Governor's Justice Commission, Pennsylvania

January 1942 to  
December 1962

Private to Major, United States Marine Corps  
1954 to 1957 Instructor, Marine Corps Command  
Staff School, Quantico, VA  
1948 to 1950 Custody Officer, Naval Prison,  
Portsmouth, N.H.  
1960 to 1962 Brig Officer, Marine Corps Base,  
Camp LeJeune, N.C.

EXPERT WITNESS

June 1970

Nez vs Marila, U.S. District Court of Arizona,  
#70-216

August 13, 1970

Legislative-Executive Task Force on Reorganization  
of Government, Commonwealth of Pennsylvania

May 29, 1971

Committee on the Judiciary, House of Representatives,  
Washington, D.C.

June 22, 1972

Committee on the Judiciary, Senate of the United  
States, Washington, D.C.

July 1977

Sutton vs Washington, Civil Action #77-0279, U.S.  
District Court for District of Columbia

March 1979

Valentine vs Englehardt, Civil Action #78-270, U. S.  
District Court for New Jersey (Passaic County Jail)

September 1979

Ippolito vs Howell, Civil Action #78-0911, U.S.  
District Court for the District of New Jersey  
(Atlantic County Jail) (Consent Decree)

1980

Morrison vs Brennan, Civil Action #77-0765 consoli-  
dated with Civil Action #78-0628, U.S. District  
Court for the District of New Jersey (Burlington  
County Jail), Consent Decree.

October 23, 1980

Lareau vs Manson, Civil Action #H-78-145 and  
H-78-199, U.S. District Court for District of  
Connecticut.

January 29, 1981

Smith vs Montgomery County and Commissioners, civil  
action #80-4492, U.S. District Court for the Eastern  
District of Pennsylvania

EXPERT WITNESS

March, 1980	Davis vs H.G. Evatt, Sheriff of Hamilton County Tennessee, Civil Action #1-79-100, U.S. District Court for the Eastern District of Tennessee
1980	Tammy Lee, James Earl Morehead, et al vs Bradley County, Tennessee, et al, Civil Action #1-80-38 in the U.S. District Court for the Eastern District of Tennessee, Southern Division (Consent Decree)
April, 1981	Laurie DeMier, et al vs Arlington County, Civil Action #80-1086-A, U.S. District Court, Eastern District of Virginia (Consent Decree)
April 2, 1981	Fisher vs Arlington County, et al, Civil Action #80-1104, U.S. District Court, Eastern District of Virginia
August, 1981	Pontate, et al vs Richard Froy of Jefferson County, Civil Action #C75-0031-L(A), C79-0492-L(A), C79-0570-L(A), U.S. District Court, Western District of Kentucky at Louisville
July 3, 1981	Raymond Lattisaw, et al vs Hughes, et al, Civil Action #K-78-1718, U.S. District Court, District of Maryland (Deposition)
January, 1982	Early vs District of Columbia, Civil Action #1245178 and Civil Action #739579, Superior Court of District of Columbia
January, 1982	Bland, et al vs Norvell, Sheriff of St. Lucie County, Florida, et al, Civil Action #80-8251-CIV-JCP, (80-0016-CIV-MAG-PJK), U.S. District Court for Southern District of Florida, Fort Pierce Division, (Consent Decree)
December, 1981	Billy Curtsinger, et al vs Billy Ray Shephard, et al of Bullitt County, Civil Action, #C80-0048-L(A), U.S. District Court, Western District of Kentucky at Louisville, (Consent Decree)
March 1, 1982	McElvern, et al vs County of Prince William, et al Civil Action #81-1049AM, U.S. District Court of Virginia, Alexandria Division
May, 1982	Gary Hendricks vs Paul Davis, et al, Civil Action #HM-80-2038 in the U.S. District Court for the District of Maryland
February, 1984	Wheeler vs Sullivan, et al, Civil Action #80-177-WRS U.S. District Court of the District of Delaware
December 7, 1984	Michael Wayne Spivey vs Roy Banks, et al, Civil Action #82-1060-CRT, U.S. District Court for Eastern District of North Carolina, Raleigh Division

## AWARDS

- 1968 G. Howland Shaw Award of the National Jail Association, Jailer of the Year, presented at the American Correctional Association Convention, San Francisco
- 1975 Exemplary Project Award for Corrections, presented by the National Association of Counties
- 1976 Ambassador of the Year, presented by the Bucks County Chamber of Commerce
- 1976 Liberty Bell Award, Young Lawyers, Pennsylvania Bar Association
- 1977 Citizen of the Decade, presented by the Bucks County Association for Corrections and Rehabilitation
- 1977 Commendation from the Senate of Pennsylvania for nine years of service as a member of the Governor's Justice Commission

## PUBLISHED ARTICLES

- January-February, 1965 Modern Corrections in Old County Jail, American Journal of Corrections
- 1965 Citizen Participation in the County Jail, American Correctional Association Proceeding
- September, 1966 We Operate a Salvage Business--Not a Junk Yard! Federal Probation Quarterly
- December, 1966 Citizen Participation: An Experiment in Prison-Community Relations, Federal Probation Quarterly
- March, 1967 "Doing Time" in the Community, Federal Probation Quarterly
- Spring-Summer, 1967 Incentives in a County Prison, Prison Journal
- January 8, 1969 Pennsylvania's County Prisons, a presentation to Task Force on Corrections, the Legislature of the Commonwealth of Pennsylvania
- June, 1969 Reintegration of the Offender into the Community
- February 9, 1971 Does Anybody Really Care? Presented at New York University, and published as a chapter in book Social Disabilities.
- June 23, 1971 Testimony, Committee on the Judiciary, United States House of Representatives, Washington, D. C.
- January-February, 1973 Correctional Volunteers in Bucks County, The American Journal of Corrections



## CONSULTANT EXPERIENCE AND STUDIES

1968 to present      Certified Jail Consultant, National Jail Association

1968      Jail Study, Dixon County, Sioux City, Nebraska

1969      Monroe County, Rochester, New York  
Rockland County, New York

1970      Hamilton County, Cincinnati, Ohio

1971      Jefferson County, Louisville, Kentucky

1973      Onondago County, Jamesville, New York

1974-1975      Burlington County, Mount Holly, New Jersey (consulted  
in planning of new minimum security corrections center)

1978      Columbia County, Bloomsburg, PA

1978      Lancaster County, Lancaster, PA

1981-1982      Dauphin, Lycoming, Westmoreland, Lackawanna Counties

## SPECIAL PROJECTS

1964      Planned and opened Bucks County Rehabilitation Center,  
minimum security institution, first such institution  
in any county in the United States.

1966      Assisted in preparation of Chapter 3, Community  
Detention Facility, of 1966 edition of Manual of  
Correctional Standards, American Correctional  
Association.

1970-1971      Member ad hoc committee on work release, American  
Correctional Association

1972      Member of team which conducted seven training seminars  
(three days each) for sheriffs under sponsorship of  
National Sheriffs Association

1973      Member of ad hoc committee of American Correctional  
Association to test accreditation procedures. Included  
visits to several institutions to evaluate all aspects  
for accreditation.

## PROFESSIONAL AFFILIATIONS

National Jail Association - Was Director and past  
President. Now called American Jail Association,  
serving as Parliamentarian.

American Correctional Association - Former Director

Pennsylvania Association on Probation, Parole and  
Corrections

Member, American Correctional Association - Local  
Detention Committee

## TRAINING

January, 1955	Instructor Orientation Course, Marine Corps School, Quantico, VA
February, 1960	Senior Officers Short Course in Military Justice
January, 1962	Correctional Administration Course, Class #1, Fort Gordon, Georgia
April to June, 1962	Correctional Administration, American University, Washington, D. C. (2 months, full-time)
July, 1962	Course in Jail Management, Federal Jail Inspection Service, Bureau of Prisons, Washington, D. C.
November, 1962	Speed Reading Course, Marine Corps Base, Camp LeJeune, N. C.
May, 1964	Counseling of Inmates, Public Service Institute of Pennsylvania
December, 1964	Clinical Criminology I, Public Service Institute, Department of Public Instruction, Harrisburg, PA
May, 1965	Security and Discipline in Prison, Public Service Institute
June, 1965	Group and Case Counseling in Correctional Settings, Public Service Institute
June, 1966	Correctional Counseling, Psychotherapeutic Techniques, Public Service Institute
January, 1967	Prison Staff Development, Public Service Institute
May, 1967	Modern Approach to Administration of Justice, Pennsylvania State University
December, 1967	Advanced Course - Prison Security
January, 1968	The Executive Workshop, Pennsylvania Adult Correctional Training Institute, Pennsylvania State University
August, 1968	Juvenile Behavior and Child Care, Public Service Institute
October, 1968	Jail Management Correspondence Course, Jail Management Institute, Bureau of Prisons
December, 1968	Group Counseling, Public Service Institute

## EDUCATION

1940 to 1942

After high school graduation (valedictorian), I attended Fordham University, Bronx, New York, on a combined athletic (football) and scholastic scholarship (Dean's List). In 1942, I enlisted in the U.S. Marine Corps. During my Marine Corps career, I attended Fordham University and George Washington College part-time, but did not complete the work required for a degree.

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ICES  
**CONNER & WETTERHAHN, P.C.**  
 1747 PENNSYLVANIA AVENUE, N. W.  
 WASHINGTON, D. C. 20006

854428

February 11, 1985

TROY B. CONNER, JR.  
 MARK J. WETTERHAHN  
 ROBERT M. RADER  
 DOUGLAS E. OLSON  
 JESSICA M. LAVENTY  
 NILS N. NICHOLS  
 ARCH A. MOORE, JR.  
 ROBERT M. FURL  
 BERNHARD O. BECHHOEFEN  
 OF COUNSEL  
 \*NOT ADMITTED IN D.C.

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FEB 12 11:04  
 GABRIEL ADDRESS ATOMLAW

Helen F. Hoyt, Esq.  
 Chairperson, Atomic Safety and  
 Licensing Board  
 U.S. Nuclear Regulatory  
 Commission  
 Washington, D.C. 20555

Dr. Richard F. Cole  
 Atomic Safety and  
 Licensing Board  
 U.S. Nuclear Regulatory  
 Commission  
 Washington, D.C. 20555

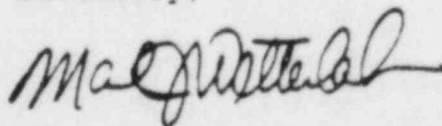
Dr. Jerry Harbour  
 Atomic Safety and Licensing  
 Board  
 U.S. Nuclear Regulatory  
 Commission  
 Washington, D.C. 20555

In the Matter of  
 Philadelphia Electric Company  
 (Limerick Generating Station, Units 1 and 2)  
Docket Nos. 50-352 and 50-353

Dear Madam and Gentlemen:

In "Applicant's Motion for Exemption from the Requirements of 10 C.F.R. §50.47(a) and (b) as They Relate to the Necessity of Atomic Safety and Licensing Board Consideration of Evacuation Provisions of the Emergency Plan for the State Correctional Institution of Graterford" (February 7, 1985) at page 8, line 12, the figure "\$5 million a month" should read "\$15 million a month." The Affidavit of V. S. Boyer at Paragraph 4, upon which the figure is based, is correct.

Sincerely,



Mark J. Wetterhahn  
 Counsel for Philadelphia  
 Electric Company

MJW:sdd  
 cc: Service List

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FOIA-85-304

A-9

10 II

MONTGOMERY COUNTY LEGAL AID SERVICE

J 1FF  
HARVEY F. STRAUSS  
EXECUTIVE DIRECTOR

854414

MAIN OFFICE

NORRISTOWN OFFICE  
107 E. MAIN STREET  
NORRISTOWN, PENNSYLVANIA 19401  
(215) 275-5400

POTTSTOWN OFFICE  
248 KING STREET  
POTTSTOWN, PENNSYLVANIA 19464  
(215) 326-8280

PLEASE REPLY TO: Norristown

February 15, 1985

Docket and Service Section  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

RE: In the Matter of Philadelphia Electric Company  
(Limerick Generating Station, Unit 1)  
Docket No. 50-352

Dear Sir:

Enclosed please find three (3) copies of the Proposed  
Contentions of the Graterford Inmates with Regard to the  
Evacuation Plan, in reference to the above-referenced matter.

Sincerely,

Angus R. Love, Esquire

ARL/mf  
Encls.

cc: Service List

8502216659(18)

FOIA-85-304

A-11



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of : Docket No. 50-352  
Philadelphia Electric Company :  
(Limerick Generating Station, :  
Unit 1) :

PROPOSED CONTENTIONS OF THE GRATERFORD INMATES  
WITH REGARD TO THE EVACUATION PLAN

I. INTRODUCTION

On September 18, 1981, the National Lawyers Guild, through Donald Bronstein, filed a petition to intervene in the above-captioned matter on behalf of certain inmates at Graterford. In response to a Board Order of October 14, 1981, the National Lawyers Guild filed a Supplementary Memorandum in support of its initial petition. On June 1, 1982 the Atomic Safety and Licensing Board admitted the Graterford prisoners as a party to this proceeding. See Philadelphia Electric Company (Limerick Generating Station Units 1 and 2) LBP-82-43A, 15 NRC 1423, 1446 through 1447 (1982). On April 20, 1984, in a special pre-hearing conference order, the Board granted the Graterford Inmates twenty days after receipt of the evacuation plan for Graterford to submit specific contentions. On December 13, 1984, three and a half years after their initial filing, the counsel for the inmates, Angus R. Love, who replaced Donald Bronstein, received from the Commonwealth the sanitized version of the Pennsylvania

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Bureau of Corrections radiological emergency response plan for Graterford. On December 19, 1984, the Graterford inmates moved for an order requiring full disclosure of the Graterford plan to counsel or experts under a protective order or otherwise. They further requested and received an extension of time in which to file their contentions. On January 29, 1985, the Board denied the inmates Motion for Full Disclosure and ordered them to submit within twenty days their contentions based upon the sanitized version of the plan. In response to said order, the inmates hereby submit their proposed contentions with regard to this plan. The inmates, however, reserve the right to file additional contentions if their appeal of the decision denying them and their expert access to the unsanitized plan is successful.

It is the inmates contention that there are no other persons or agencies available to represent their interests in this matter. They further state that input through their counsel and their expert, Major John Case, can contribute to providing a reasonable assurance that the Graterford evacuation plan will work. To date there has been no demonstrative or varifiable evidence from any agency, including PEMA, as to the workability of this plan. The inmates request the right to participate in this proceeding so as to bridge the gap between themselves and their administration and to quell inmate fears regarding their safety in the event of a nuclear emergency.

## II. GENERAL CONTENTIONS

- A. There is no reasonable assurance that the evacuation plan will protect the staff and inmates at the State Correctional Institute at Graterford.
- B. There is no reasonable assurance that the evacuation plan will provide a safe and secure evacuation from the State Correctional Institute at Graterford.
- C. There is no reasonable assurance that the evacuation plan will provide for a safe and secure return to the State Correctional Institute at Graterford.

## III. SPECIFIC BASES FOR CONTENTIONS

### A. Transportation.

1. There is no reasonable assurance that PEMA has made arrangements to provide the sufficient number of buses, vans ambulances and drivers for said vehicles necessary to implement an evacuation from SCIG. On January 2, 1985, Ralph Hibbert of PEMA, testified that PEMA has not been involved in negotiations for buses and drivers for a Limerick evacuation with any bus provider, other than SEPTA (TR. 19609). The negotiations with SEPTA are still ongoing and have not come to any agreement. Furthermore, there has been no information provided to suggest that any arrangements for any vehicles have been made for the Graterford evacuation. Mr. Hibbert testified that "We (PEMA) have not completed all the arrangements for meeting the unmet needs. When we do complete them, we will assure that there is

a driver for each bus. Otherwise, obviously the bus is useless." (TR. 19,566).

2. There is no reasonable assurance that two ambulances will be adequate to transport non-ambulatory and communicable disease patients (See Evacuation Plan page E-1-11, 4(4) ). There is no assurance that two ambulances will be sufficient to transport all the non-ambulatory and communicable disease patients at SCIG. SCIG frequently treats patients with hepatitis, which is a communicable disease and there are a multitude of non-ambulatory persons currently housed in SCIG. There is no basis for assuming that two ambulances will be sufficient to carry out this task. Ralph Hibbert testified on January 22, 1985 that there are currently an unmet need for 134 ambulances for Chester and Montgomery Counties with 40 reserve ambulances be requested by Montgomery County. (See TR 19,578). Thus, the need for two or more ambulances for the Graterford evacuation will further burden this unmet need. Mr. Hibbert further testified that PEEMA is currently negotiating with the Pennsylvania Department of Health in an attempt to meet this unmet need, however, there is no assurance that an agreement has been reached which will provide the necessary ambulances in order to conduct the evacuation of not only the counties but also the State Correctional Institute at Graterford.

3. The inmates cite 10 CFR 50.47 a(1) and 2(b) 1, 2, 8; NUREG 0654, Criteria A.4, C.4, A.2 (a) as the basis for this contention.

B. Preparation for Evacuation.

1. Manpower

(a) There is no reasonable assurance that the manpower needed to conduct the evacuation will be available at the time necessary to implement the evacuation plan. The inmates note that there is a significant disparity between the number of correctional officers on duty during the three shifts at the SCIG. If the evacuation were to occur during the night shift, there is no assurance that there would be adequate personnel to conduct said evacuation.

(b) There is no reasonable assurance that the Pennsylvania National Guard can be mobilized in time to carry out their responsibilities of the evacuation (See Evacuation Plan page E-1-10 (5) ). Ralph Hibbert testified on January 22, 1985 that "It takes awhile to mobilize the National Guard." (TR 19,567) The Montgomery County draft RERP Number 7 states that the average mobilization and deployment time for the National Guard units assigned to Montgomery County is approximately six to eight hours after order by the governor to state active duty. (Annex H, Section IV.A) Furthermore, there has been no assurance as to what battalion of the National Guard will be assigned to the Graterford evacuation. It is already expected that it will take from six to ten hours before the last prisoner is ready to leave SCIG (See Applicant's Motion for Exemption from the Requirements of 10 CFR 50.47 (a) and (b) as they relate to the Necessity of Atomic



Safety and Licensing Board Consideration of Evacuation Provisions of the Emergency Plan for the State Correctional Institute of Graterford. Attached to said Motion Affidavit of Robert Schmidt and Geoffrey Kaiser, page 7, paragraph 13 relating to a private communication between Theodore Otto, III and G. D. Kaiser on 1/31/85. This information further raises the inmates concern regarding the mobilization and evacuation time necessary to complete a safe and secure evacuation of Graterford. There is also no reasonable assurance that the Pennsylvania State Police will be available to conduct their duties as mentioned on page E-1-10 (5) of the Evacuation Plan. The inmates cite as a basis for this contention 10 CFR 50.47(a)1, (b)1, 5, 6, 7 and 15; NUREG 0654; Criteria A.1, A.2, A.3, A.4, C.4, G.1, and M.1.

## 2. Security Equipment

There is no reasonable assurance that there will be a sufficient number of shackles, leg irons, handcuffs and weapons necessary to provide a safe and secure evacuation for inmates and staff alike. There is no reasonable assurance that the current number of shackles currently available at SCIG for day to day operations will be sufficient to conduct an evacuation of 2,500 inmates in the event of a nuclear emergency.

Among the inmate population are 365 individuals serving life sentences, 45 individuals serving sentences of twenty years or more, and 10 individuals who are scheduled for execution. (See Pennsylvania Bureau of Corrections 1983 Annual

Statistical Report.) Inmates cite as a basis for this contention 10 CFR 50.47(a)1, 2, (b)8. .

### 3. Communications Equipment

There is no reasonable assurance that there will be a sufficient number of radios and other communication equipment necessary to conduct a safe and secure evacuation of the SCIG. (See page E-1-8 (m, n, o) ). Inmates cite as a basis for this contention 10 CFR 50.47 (a)1 and 2, 2(b)5, 6.

### 4. Radiological Equipment

There is no reasonable assurance that there will be sufficient amount of radiological equipment, such as KI and dosimeters available to safeguard the inmate and staff population during an nuclear emergency, where the potential for prolonged exposure to radio activity exists. (See page E-1-8 (m, n, o).) Given the wide range of scenarios that could exist in the event of a nuclear emergency, and there being no reasonable assurance that there will, in fact, be an evacuation of the prisoners at this time, the inmates request that there be sufficient supplies KI, dosimeters and any other necessary radiological equipment for the entire 2,500 inmate population. Plaintiffs cite as a basis for this contention 10 CFR 50.47 (a)1 and 2, and (b)8, 11.

### C. Notification to the Public.

There is no reasonable assurance that the inmate population at SCIG will be notified in the event of an incident at the Limerick Generating Station. In light of this, the

inmates request that the use of sirens or radiological monitoring devices be installed at SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (a)1, 2 (b)5, 6, 7.

#### D. Medical Services

There is no reasonable assurance that medical services will be provided to individuals contaminated by radiation. Inmates cite as a basis for this 10 CFR 50.47 (b)12.

#### E. Monitoring

There is no reasonable assurance that monitoring at SCIG will occur in the event of an accident at the Limerick Generating Station. (See page E-1-10 of the Evacuation Plan.) Inmates cite as a basis for this contention 10 CFR 50.47 (b)9, 11.

#### F. Simulated Evacuation Plan Exercise

There is no reasonable assurance that the proposed tabletop exercise of the evacuation plan without any input or movement from the inmates, their counsel or their expert is adequate to meet the standards of 10 CFR 50.47 (b)14.

#### G. Training

There is no reasonable assurance that SCIG personnel, drivers (once identified), and the Pennsylvania State Police will receive any training in preparedness for a nuclear emergency at SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (b)15.

#### H. Recovery and Reentry

There is no reasonable assurance that there is any plans for a safe and secure recovery and reentry to SCIG. Inmates incorporate by reference all contentions regarding the evacuation to a reentry. Furthermore, there is no provisions for testing at the site in order to assure that it is safe for the inmate population to return to SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (b)13.

#### I. Sheltering

There is no reasonable assurance that there will be an evacuation of inmates in the event of an incident at the Limerick Generating Station (See page E-1-4, (3) of Evacuation Plan.) The inmates are concerned as to what criteria will be used in the decision on whether to evacuate or shelter and at this time has no reasonable assurance as to what those criteria may be. Furthermore, the description of a monitoring of the "institutional climate" (See E-1-10 (8)) is too subjective and open-ended to be a rational basis for which to determine whether to shelter or evacuate.

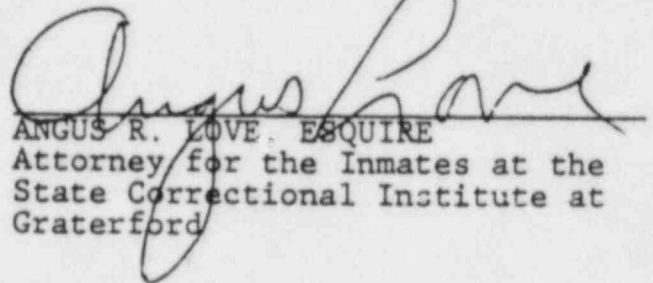
#### J. General Concept of Evacuation

There is no reasonable assurance that the general concept of evacuation as outlined in Attachment A page E-1-A-1 will provide for the safety and security of inmates and SCIG personnel during said evacuation.

IV. CONCLUSION

For the reasons discussed above, the inmates respectfully request that their proposed contentions be admitted by the Licensing Board and they request the right to oral argument on this issue if the Board deems it necessary.

Respectfully Submitted,



ANGUS R. LOVE, ESQUIRE  
Attorney for the Inmates at the  
State Correctional Institute at  
Graterford




UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the ATomic Safety and Licensing Board

In the Matter of : Docket No. 50-352  
Philadelphia Electric Company :  
(Limerick Generating Station, :  
Unit 1) :

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Proposed Contentions of the Graterford Inmates with Regard to the Evacuation Plan was sent to the Service List, with three (3) copies to the Docket and Service Section, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, first class, postage-prepaid on February 15, 1985.

  
ANGUS R. LOVE, ESQUIRE  
Attorney for Inmates, State  
Correctional Institute at  
Graterford

## MONTGOMERY COUNTY LEGAL AID SERVICE

HARVEY F. STRAUSS  
EXECUTIVE DIRECTOR

854461

## MAIN OFFICE

NORRISTOWN OFFICE  
107 E. MAIN STREET  
NORRISTOWN, PENNSYLVANIA 19401  
(215) 275-5400POTTSTOWN OFFICE  
248 KING STREET  
POTTSTOWN, PENNSYLVANIA 19464  
(215) 326-8280

PLEASE REPLY TO: Norristown

February 15, 1985

Atomic Safety and Licensing  
Board  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555RE: In the Matter of Philadelphia Electric Company  
Limerick Generating Stations Units 1 and 2  
Docket Nos. 50-352 and 50-353  
ASLBP No. 81-465-07To: Administrative Judge Helen F. Hoyt, chairperson  
Administrative Judge Richard F. Cole  
Administrative Judge Jerry Harbour

Dear Judges:

I am writing to you in reference to an Order issued on February 8, 1985 entitled Order Setting Reply Date to Applicant's Motion for Exemption from the Requirements of 10 CFR 50-47(a) and (b) as they Relate to the Necessity of Atomic Safety and Licensing Board Consideration of Evacuation Procedures Provisions of the Emergency Plan for the State Correctional Institute at Graterford. As the counsel for the inmates at Graterford, in the above-captioned matter, I would like to request an extension of time in which to answer the Applicant's Motion for an exemption from the requirements of 10 CFR 50-47(a) and (b) as they relate to the necessity of the Atomic Safety and Licensing Board consideration of evacuation provisions of the emergency plan of the State Correctional Institute of Graterford. I have received this motion in my office on February 8, 1985. I am currently attempting to meet two additional deadlines regarding the same matter. First is the filing of contentions on behalf of my clients which must be done no later than February 25, 1985. I am further appealing an Order issued by the Atomic Safety and Licensing Board on February 12, 1985 regarding my request to review the unsanitized evacuation plan compiled by the Pennsylvania Bureau of Corrections.

In light of these two matters I would request that the ten

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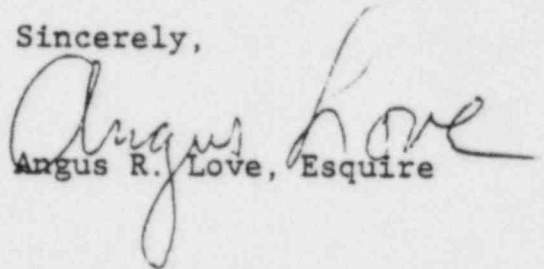
Atomic Safety and Licensing Board  
Page 2

February 15, 1985

day requirement under 10 CFR 2.730(b) be extended an additional twenty days in order for me to respond to the applicant's Motion in full.

Thank you for your time and consideration in this matter.

Sincerely,

  
Angus R. Love, Esquire

ARL/mf

cc: Service List

15

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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BEFORE ADMINISTRATIVE JUDGES:  
Helen F. Hoyt, Chairperson  
Dr. Richard F. Cole  
Jerry Harbour

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED FEB 20 1985

In the Matter of  
  
PHILADELPHIA ELECTRIC COMPANY  
  
(Limerick Generating Station,  
Units 1 and 2)

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

ASLBP No. 81-465-07 OL

February 19, 1985

MEMORANDUM AND ORDER  
(Conference on Full Disclosure of Evacuation Plan  
for the Graterford Maximum Security Facility)

The Memorandum and Order of the Atomic Safety and Licensing Appeal Board dated February 12, 1985, encouraged the parties to this proceeding (Inmates of the Pennsylvania State Correctional Institute at Graterford and the Commonwealth of Pennsylvania Department of Corrections) "...to attempt to find some middle ground that would accommodate the obvious competing interests at stake here." In order to provide a forum for the parties to accommodate the Appeal Board's suggested course, this Board will convene an in camera conference on February 27, 1985, at 9:00 a.m., Harrisburg II, 333 Market Street, 4th Floor Conference Room, Harrisburg, PA 17108.

Because of the probability that the sensitive nature of the issues under discussion could restrict a full, frank and open discussion, the Board will limit attendance at this closed conference to the


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following named parties: Applicant counsel, NRC Staff counsel, FEMA counsel, Commonwealth of Pennsylvania counsel (with representative officials of PEMA and Department of Corrections), and counsel for the Graterford prisoners and their designated expert witness, John D. Case. This closed conference will be transcribed verbatim. However, the transcript will be sealed unless after completion of the conference and upon a good cause showing by a participating party the transcript could be opened.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD



Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 19th day of February, 1985.