



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

August 20, 1980

The Honorable Edward J. Markey  
United States House of Representatives  
Washington, D.C. 20515

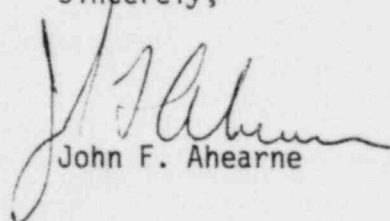
Dear Congressman Markey:

On June 4, 1980, you and Congressman Kostmayer wrote to me expressing concern about oral testimony on emergency planning given on May 27, by Mr. Vincent Boyer, Senior Vice President, Nuclear Power, of the Philadelphia Electric Company, before the Subcommittee on Energy and the Environment of the House Committee on Interior and Insular Affairs. In replying to you on June 30, Mr. William Dircks, Acting Executive Director for Operations of the Nuclear Regulatory Commission, mentioned arrangements for a meeting with Mr. Boyer by Mr. Harold Denton, Director of the NRC Office of Nuclear Reactor Regulation, to discuss this matter in greater detail. That meeting was held on June 30, 1980 and was attended by both Mr. Denton and Mr. Victor Stello, Director of the NRC Office of Inspection and Enforcement.

Based on this meeting, it appears that Mr. Boyer recognizes the importance of emergency planning to public safety and has committed to assuring that all management levels of the Philadelphia Electric Company have a sincere and apparent commitment to effective emergency protective measures. A copy of the July 15, 1980, letter to Mr. Denton from Mr. Boyer is enclosed. In the letter Mr. Boyer states that he has reiterated to the management of the Departments at the Philadelphia Electric Company the importance of emergency planning as a protective measure in maintaining the health and welfare of the general public and that this position has the support and approval of the President of the Company.

We shall continue to monitor the actions taken to make sure that they comply with the requirements of the Nuclear Regulatory Commission.

Sincerely,

  
John F. Ahearne

Enclosure:  
Letter dtd July 15, 1980  
to Mr. Denton from  
Mr. Vincent Boyer

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PHILADELPHIA ELECTRIC COMPANY

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V. S. BOYER  
SR. VICE PRESIDENT  
NUCLEAR POWER

July 15, 1980

Mr. Harold Denton  
Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
7920 Norfolk Avenue  
Bethesda, MD 20555

Dear Mr. Denton:

I was pleased to have the opportunity to meet with you on June 30 to clarify the statements made by me at the hearing held in Newtown, Pennsylvania on the subject of emergency planning for the Limerick Generating Station.

Congressmen Kostmayer/Markey's letter states that "It is our belief that the protection of the public health and safety depends to a great extent on the attitudes and commitment on the part of the managers of the nuclear power industry." In fact, this commitment has been the overriding philosophy of Philadelphia Electric Company since its entrance into the nuclear power field in the late 1950s. Safety has been an overriding concern in all of our activities related to our nuclear facilities.

The Kostmayer/Markey letter excerpted a statement made by me at the hearing which led to a misimpression of my views. More than four pages of my testimony cover the important area of emergency planning and concludes with the statement, "Our goal is to have an emergency plan which is responsive to the most recent NRC criteria, which is fully coordinated with the Pennsylvania Emergency Management Agency and County plans and which utilizes the experience gained at Peach Bottom. Further, while we believe that the conservative design of the plant, its extensive safety features, and the operation of the plant by well-trained personnel will preclude the need to ever fully utilize the plan, we will be ready, with trained personnel, to fully implement the plan for the protection of employees and the public." My complete testimony was delivered to every Company employee during the week following the hearing.

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Mr. Harold Denton

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July 15, 1980

I have reiterated the importance of emergency planning as a protective measure in maintaining the health and welfare of the general public to the management of the Electric Production and Engineering & Research Departments. My message has the support and approval of our Company President, Mr. J. L. Everett, and he has personally reviewed this matter with the Vice Presidents of the departments involved in our nuclear activities.

Sincerely,

*Vincent Boye*

PHS Plus - Limerick

PETER H. KOSTMAYER  
8TH DISTRICT, PENNSYLVANIA

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

June 4, 1980

Dear Mr. Chairman:

On May 27, the Subcommittee on Energy and the Environment held a day-long field hearing in Newton, Pennsylvania to review emergency planning and evacuation procedures in the area of the Limerick nuclear power plant currently under construction by the Philadelphia Electric Company in Limerick Township, Montgomery County, Pennsylvania.

The Subcommittee received testimony from Mr. Harold Denton, head of the NRC's Office of Nuclear Reactor Regulation. Mr. Denton reiterated the basic thrust of the Commission's proposed rule on emergency planning, and stated in part:

Our current approach places significantly increased emphasis on emergency planning as a necessary additional measure required for the protection of public health and safety. . . Probably the most influential development is an explicit consideration of the total spectrum of potential radiological accidents. Formerly the planning process has been based only on a limited portion of the spectrum -- to accidents of severity up to and including the most serious design basis accident. Now, the planning process has been expanded to include core melt accidents.  
(emphasis added).

But under questioning by us at the same hearing the Philadelphia Electric Company demonstrated considerable antipathy to a number of the NRC's safety policies currently under consideration. According to Vincent Boyer, Senior Vice President of the Company,

Evacuation plans are just the window dressing and the final back-up plan.

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Mr. Boyer further contended that the Low Population Zone (LPZ) for Limerick of 1.7 miles was "more than adequate" for the purposes of evacuation planning, even though the concept of the LPZ has been completely discredited by Congressional and independent studies, and has been replaced by the Emergency Planning Zone (EPZ) by the NRC. For Limerick, the 10 mile EPZ contains almost a quarter of a million people. But Mr. Boyer said, "We don't think the 10 mile region is that populous." Mr. Boyer perhaps best summed up the position of the Philadelphia Electric Company by stating, "Emergencies that will require evacuation will not occur."

We hope he is right. But it is this very attitude which has been abandoned by the NRC and we think it should be abandoned by the industry as well. The fact that Mr. Boyer and his company still hold this view does nothing to reassure us or the almost 4 million people living within 30 miles of the plant.

It is our belief that the protection of the public health and safety depends to a great extent on the attitudes and commitment on the part of the managers of the nuclear power industry. The enormous complexity of nuclear technology and the demands of day-to-day plant operations cannot be assured by a mere regulatory code. Rather, as the President's Commission on the Accident at Three Mile Island concluded:

We have stated that fundamental changes must occur in organizations, procedures, and above all, in the attitudes of people. No amount of technical "fixes" will cure this underlying problem. . . . As long as proposed improvements are carried out in a "business as usual" atmosphere, the fundamental changes necessitated by the accident at Three Mile Island cannot be realized.

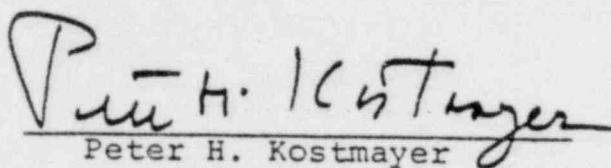
The issue of licensee attitudes was also raised at a second hearing on May 29 of the House Government Operations Subcommittee on the Environment, Energy, and Natural Resources, on the NRC's new Performance Assessment Board (PAB) program. Representative Kostmayer, who chaired the hearing, referred to the Boyer testimony, and asked Mr. Victor Stallo, Director of the NRC's Office of Inspection and Enforcement, whether or not evidence of a utility's attitude obtained

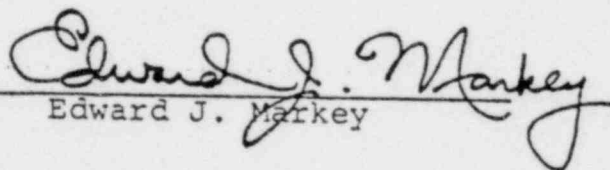
from a Congressional hearing could be included in the NRC's assessment of the utility's ability to comply with NRC's safety regulations. Mr. Stello replied, "It certainly whets my appetite for wanting to know more about it. . . if we had that problem I would want very quickly to have a chat with one of the senior officials of that company. . . probably very quickly."

In view of the fact that the Philadelphia Electric Company is planning to have Limerick Unit 1 on-line by 1985, we share the concerns expressed by Mr. Stello. We therefore request that the NRC seriously consider the attitudes expressed on May 27 by Philadelphia Electric and determine whether or not the Company's permit for the construction of a nuclear power plant at Limerick is consistent with the public health and safety.

We look forward to your reply.

Sincerely,

  
Peter H. Kostmayer

  
Edward J. Markey

Mr. John F. Ahearne  
Chairman  
Nuclear Regulatory Commission  
Washington, D.C. 20555

6/11  
JUN 30 1980

The Honorable Peter H. Kostmayer  
United States House of Representatives  
Washington, D. C. 20510

Dear Congressman Kostmayer:

On June 4, 1980 you and Representative Markey wrote a letter to Chairman Ahearne expressing your concerns with regard to the thrust of the testimony of Mr. Vincent Boyer, Senior Vice President of Philadelphia Electric Company.

Chairman Ahearne has asked me to respond to that letter. This testimony was given on May 27, 1980 before the Subcommittee on Energy and the Environment in a day-long hearing in Newtown, Pennsylvania and focused on emergency planning and evacuation procedures for the Limerick Generating Station.

Mr. Denton, who also testified before your subcommittee that day, was unable to remain after completing his testimony and hence was not present during Mr. Boyer's testimony. However, we share your concerns and agree with the remarks Mr. Stello made on May 29, 1980 before the House Government Operations Subcommittee on the Environment, Energy and Natural Resources.

As a result Mr. Denton has arranged to meet with Mr. Boyer on June 30, 1980 to discuss this matter in greater detail.

We appreciate your remarks and will be happy to discuss this matter in greater detail after meeting with Mr. Boyer, if you so desire.

Sincerely,

(Signed) William J. Dircks

William J. Dircks, Acting Executive  
Director for Operations

cc: The Honorable Edward J. Markey  
United States House of Representatives  
Washington, D. C. 20510

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