



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

LIMERICK ECOLOGY ACTION'S REPLY TO APPLICANT
AND STAFF RESPONSES TO ON-SITE
EMERGENCY PLANNING CONTENTIONS

Prior to replying to responses of the Applicant and Staff related to specific contentions, Limerick Ecology Action (LEA) replies first to preliminary issues raised by the parties in their responses.

Standards For Admissibility of Proposed Contentions

In light of the Commission's recent decision that intervenors should raise issues as early as possible,¹ LEA concurs with the Staff's view that where deficiencies in contentions exist due to lack of information provided by the Applicant, those contentions should be judged on the basis of available information; contentions admissible by that standard can then be modified or dropped as warranted by further information provided at a later time in the proceeding. If this approach is not taken by the Board, either LEA (and other intervenors) will be required to conform to the lengthy procedure of 10 CFR §2.714(a)(1)

1. Duke Power Company, et al., (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, ___NRC___ (July 1, 1983) Slip op. at p. 13

on each of the many occasions when new information becomes available that permits LEA to file a more specific contention on emergency planning, or the Board will have to predetermine deadlines for each information-deficiency-related matter in LEA's emergency planning contentions to avoid having new contentions labelled as "late-filed." LEA believes that neither of these results is desirable or necessary. LEA prefers to spend its time in more productive ways, as undoubtedly does the Board. Thus, those contentions found to be deficient only because of the lack of information available to make them more specific, should be admitted subject to later modification as appropriate.

Alleged Deficiencies Related to Implementing Details

Applicant alleges as a general matter that many of LEA's contentions are deficient because they allege a lack of specific details for implementing the Emergency Plan, details that have not yet been determined and that are not the proper subjects of litigation. LEA acknowledges that there is a distinction between the general standards, application of which are used to predict whether or not there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, and the specific implementing details, which are best left to the NRC Staff for approval.

LEA notes, however, that its contentions are based on are based on the general standards of 10 CFR §50.47 (b),

Appendix E of Part 50, and NUREG-0654/FEMA-REP-1, Rev. 1. The Applicant cannot choose to put basic planning concepts into other documents that it terms "implementing procedures" in order to avoid scrutiny by intervenors. None of LEA's contentions allege deficiencies in the nature of the examples used by the Applicant -- LEA is not in these contentions quibbling about installation of sirens, predistribution of permanent record dosimeters, or lists of hearing impaired individuals. Missing from the on-site plans are fundamental planning concepts that must be addressed by the Applicant and made available to intervenors for review.

Alleged Deficiencies Related to Availability of Medical Services and Facilities For Contaminated Injured Onsite Individuals

Applicant alleges a second deficiency generic to LEA's contentions related to availability of medical services and facilities for contaminated injured on-site individuals.

The Applicant refers to the Commission's specific adoption of the San Onofre Appeal Board's estimate of "from one to perhaps 25 or so" individuals who would be both contaminated and injured in a radiological emergency.² LEA notes that it is not at all clear that the Commission "adopted" the Appeal Board's estimate as a number to be applied generically to all licensing proceedings. It certainly did not do so explicitly.

2. Southern California Edison Company (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-83-10 (April 4, 1983) (slip op at n.11)

In any case, the deficiencies alleged by LEA related to availability of medical services are not rendered moot by an assumption of 25 contaminated injured on-site individuals. Since only one of LEA's contentions is affected by this argument (VIII-12), it will be addressed more specifically as contentions are discussed seriatim below.

Contentions

VIII-1.

It is the position of the Applicant that its Emergency Plan is designed to cover the full spectrum of accidents, even though Table 4-1 contains only design basis accidents. The accidents in Table 4-1 are meant to be "exemplary," and not indicative of all of the accidents considered. LEA is apparently supposed to devine the list of accident scenarios considered but nowhere even mentioned in the Plan.

The Staff, while agreeing with LEA that accidents beyond the design basis are to be considered in emergency planning, believes that all "credible" accidents have been considered in the Applicant's plan, even though none beyond design basis are ever mentioned. The Staff gives no basis for its belief. While LEA agrees with the Staff that it is not feasible to include a listing of all possible accident scenarios, failure to list any beyond the design basis must certainly give rise to the question of whether any were considered. The burden is upon the Applicant to show that it considered the spectrum of accidents required by the Commission's rules and regulations, in the absence of even a hint of same in the Plan.

VIII-2.

The Staff finds both sections of this contention admissible.

(a) The Applicant alleges that the eleven accidents used as initiating conditions are representative of those analyzed in the FSAR, and puts the burden on LEA to show that that is not the case.

The purpose of initiating conditions is to provide the conditions under which particular accident classifications shall be activated. Plant employees should not be in the position of having to make judgments at the time of an accident as to which accident category a particular accident falls into. The purpose of setting up classifications and initiating conditions in advance is to avoid such subjective decision-making at a critical time. Thus, the fact that the eleven accidents chosen by the applicant to include as initiating conditions are in some way "representative" of the types of accidents that may occur at Limerick, is totally irrelevant. Furthermore, if the Applicant were somehow able to show that its emergency director is capable of quickly and accurately categorizing all accident scenarios in the FSAR, based upon the eleven representative ones already classified, the burden is also on the Applicant to show that the eleven are "representative" in some relevant way. NUREG-0654, Criterion D.2 requires inclusion of all postulated accidents in the FSAR as initiating conditions. The Applicant has not met this requirement.

(b) LEA inadvertently failed to review the Applicant's answer to Staff's Q 810.17 alleging deficiencies in Table 4.2, and thus is dropping portions of this contention, as noted below. LEA apologizes for any inconvenience to the Board or parties.

(b) (1) LEA agrees that condition 3b is addressed, and drops this portion of the contention. LEA disagrees that condition 12 need not be addressed, simply because it involves security. NUREG-0654 requires that security events be included as initiating conditions in the Emergency Plan, and Applicant can do so without compromising security. The emergency director must know immediately how to classify security events, at least in a general way, as could be done using the wording in NUREG-0654 Appendix 1 examples. How security events are handled in the security plan is irrelevant to how they will be classified for emergency planning purposes.

(b) (2) LEA agrees that conditions 4, 8, 9, 12, 14 and 20 are addressed or are not applicable, as asserted by the Applicant.

See (b) (1) above for LEA's response to omission of security-related events (initiating condition 16).

Applicant provides no basis for its statement that none of the events of 17b are plausible, particularly flooding.

Applicant states that conditions 18a, b, c and e are addressed by Xb of Table 4-2. LEA disagrees. NUREG-0654 Appendix 1 requires that the Alert classification be triggered by the events of 18, whether or not damage to plant safety systems occurs. Thus Applicant's classification of such events as a Site Area Emergency, only if there is safety system damage, is inadequate to meet the requirements of NUREG-0654.

Applicant's responses to 17c and d do not address the deficiencies existing in those initiating conditions.

(b) (3) LEA agrees that conditions 1, 2, 10, and 12 are addressed by Table 4-2, as asserted by the Applicant.

Item 1a of Table 4-2, which Applicant asserts covers condition 8, is classified as only an Unusual Event and not a Site Area Emergency as required by NUREG-0654.

Applicant asserts that condition 9 will be addressed in the Transient Response Implementation Procedure. LEA contends that there is no reason for all initiating conditions not to be placed in one, easy-to-read document such as Table 4-2. Failure to place condition 9 and its appropriate emergency classification, shift response, notification procedure, etc. will only cause confusion. There is no reason for this information not to be in both places, if the Applicant feels it necessary to put it in the TRIP.

See (b) (1) above for LEA's response to omission of security-related events (initiating condition 14).

Applicant provides no basis for its statement that flooding is not a plausible event, as justification for omission of condition 15b.

(b) (4) Condition 2 is addressed as an EAL rather than as an initiating condition, which is confusing. (The same holds true for other example initiating conditions from Appendix 1.)

See (b) (1) above for LEA's response to omission of security-related events (initiating condition 3).

Applicant states that condition 4 is covered by item IVd of Table 4-2. LEA's copy of the Table contains no item IVd.

See (b) (3) above for LEA's response to assertion by Applicant that remaining initiating conditions omitted from Table 4.2 will be handled in the Transient Response Implementation Procedure.

VIII-3.

No response by LEA necessary. LEA refers the Board to Staff Q 810.32, which states that the Emergency Plan does not contain enough information to evaluate onsite monitoring systems against criterion H.5 of NUREG-0654, and Applicant's answer.

VIII-4.

Applicant has misinterpreted this contention. LEA was concerned that direct protective action recommendations to off-site authorities, as opposed to the more normal recommendations via BRP and PEMA, will apparently take place under certain circumstances not defined in the Plan (the Plan states only that such direct recommendation will occur when "warranted").

Applicant's answer to Staff Q810.6 indicates that such direct recommendation will occur when a General Emergency is declared. LEA assumes that the Applicant will amend its Plan to reflect this important decision, so that the contention can be dropped.

VIII-5.

The Staff regards this contention as admissible, subject to further specification, except that it notes that Criterion J.10.m does not call for "specific guidelines." LEA's use of the term "specific guidelines" is not meant to denote anything beyond the requirement for laying out the bases for choice of recommended protective actions.

The Applicant states that either certain information is found in other documents and merely referenced in the Plan, or the information will be part of implementing procedures and is irrelevant to the adequacy of the Plan. Criterion J.10.m requires that bases for choice of protective actions be provided in the Plan, and until the Applicant does so, it has not met the regulatory requirement.

VIII-6.

(a) No further response necessary.

(b) LEA fails to understand why the fact that the Applicant maintains an open line to off-site authorities means that no followup messages to these authorities are necessary, as required by NUREG-0654.

(c) LEA maintains that the Applicant's intention to notify off-site authorities of an event within 15 minutes of classification of an event does not meet the regulations and leaves room for failure to notify promptly with the hope that the emergency will "go away." Furthermore, Applicant has not addressed the requirement for notification in less than 15 minutes for more serious events, either in the Plan or in its response to contentions.

VIII-7.

(a) LEA does not view the designation of a single alternate as fulfilling the requirement for a line of succession for emergency coordinator in Criterion B.3. LEA presumes that had the intention behind this requirement been the designation of a single alternate, the Criterion itself would have reflected that intention. It is conceivable, even likely, that the emergency coordinator and his designated alternate would at times be on site but unavailable for quickly carrying out their emergency-related tasks.

(b) This subpart will be dropped or modified as appropriate upon receipt of the Applicant's planned amendment.

(c) (1) LEA assumes that the inconsistency between Figure 5.5 and Table I-1 of the Plan will be corrected to reflect the use of 2 control room operators and 2 assistants.

(c) (2) Applicant's response to (d) clarifies that there are to be two HP technicians on shift (it appears, due to the typographical error that is to be corrected in Table I-1, that there

are none). Table 5.5 is unclear in this regard.

(c) (3) According to Table I-1, the Applicant intends no 30-minute augmentations for either off-site survey or on-site, out-of-plant HP technicians, as required by Table B-1 of NUREG-0654. It plans no 60-minute augmentations for these positions either (Fig. 5.2, referenced in Table I-1, gives no information as to timely augmentation). No 60-minute augmentation of the in-plant survey HP technician staff is planned, according to Table I-1.

(d) According to the Applicant, this deficiency is in fact a typographical error. The contention will be dropped when the Plan is amended.

(e) According to the Applicant, off-site notification responsibilities of the emergency coordinator (interim emergency director) are nondelegable, and all other duties, including critical decision-making authority, is delegable. LEA finds this totally unacceptable and is most anxious to know to whom the duties of section 5.2.1.1 will be delegated.

VIII-8.

(a) The Plan fails to detail what records are supplied to or accessible to the Technical Support Center. Applicant's response indicates that "other records" are stored at the administration building, adjacent to the TSC. What other records? Are they in quickly useable form?

(b) Applicant's description of the EOF, TSC and OSC are so brief as to be meaningless. Further partial descriptions,

which should be a part of the Plan, are provided in the Applicant's response to Q810.13 and in other correspondence referred to in that response. Further additional information will be provided later, according to the Applicant. A comprehensive description of these facilities should be provided in one place -- the Emergency Plan.

(c) Exercises and drills, referred to by the Applicant in its response, have nothing to do with the maintenance requirements of 10 CFR §50.47(b)(8). Equipment should be inspected and inventoried regularly.

VIII-9.

(a) Table 7.2, referred to by the Applicant, does provide for a variety of communication systems. However, should the dedicated emergency notification circuit go dead for some reason, the Applicant will have no backup radio communications available to either Berks or Chester Counties (backup radio communication is provided to Montgomery County).

(b) LEA assumes that the Plan will be amended to reflect this new information, so that the contention can be dropped. A decision regarding this matter will be made at the time of the amendment.

(c) Applicant's response briefly indicates the nature of communication links with fixed and mobile medical support facilities. On the other hand, Applicant's answer to Q810.24

indicates that arrangements for the facilities have not been finalized, and therefore the communications links have not yet been developed. In any case, the Plan should be amended to provide for such links.

(d) LEA again replies that details provided in the Applicant's response should be provided in the Plan, and are not.

VIII-10.

(a) LEA points the Board to the extremely brief agreement letters of Appendix A of the Plan, particularly exhibits A-8, 10, 11, 12 and 13. LEA's contention does indicate the deficiencies, based on the requirements of Criterion B.9.

(b) The Staff states that a letter agreement with the Radiation Medical Center of the Hospital of the University of Pennsylvania has been provided as Exhibit A-9, of Appendix A. The Staff mistook that agreement letter with Radiation Management Corporation to be an agreement with the Radiation Medical Center, presumably because the initials of both are RMC. The Applicant indicates that the agreement will be provided later, although the Plan does not so indicate, as with other agreement letters not yet provided.

VIII-11.

No response by LEA necessary. The Applicant intends to revise its Plan to provide for additional backups.

VIII-12.

(a) Since Pottstown Memorial Hospital and the Hospital of the University of Pennsylvania are the only two hospitals listed in the Plan as available for medical services to on-site contaminated injured victims, an assumed 25-person limit on the number of individuals who may have to be treated at medical facilities (as asserted in Applicant's generic argument) does not moot this contention. At this point in time, the Applicant has available to it no medical services off-site for the treatment of on-site contaminated injured individuals, since Pottstown is two miles from the plant and will have to be evacuated in the event of an emergency, and there is no agreement with the Hospital of the University of Pennsylvania to provide services at this time.

(b) Again, an assumed limit of 25 persons needing transportation does not moot this contention, since the only ambulance unit with which the Applicant has an agreement for services will be required to evacuate non-ambulatory patients requiring critical care from Pottstown Memorial Hospital.

VIII-13.

No response by LEA necessary; see Staff response.

VIII-14.

No response necessary, except to reiterate that Applicant should not be permitted to omit basic planning concepts from its Emergency Plan and instead put them into implementing procedures,

thereby avoiding scrutiny by intervenors. LEA agrees with both the Staff and the Applicant that Criterion I.11 of NUREG-0654 assigns responsibility for tracking airborne radioactive plumes to the State, and thus LEA drops subpart (b) of this contention.

VIII-15.

LEA reiterates its views on the need to amend the Plan to reflect new material provided in Applicant's response, and its views regarding the contents of implementing procedures.

VIII-16.

See VIII-15, above.

VIII-17.

See-VIII-15, above.

VIII-18.

See VIII-15, above.

VIII-19.

(a) Contrary to the position of the Staff, LEA does not view the personnel listed in Table 8-1, paragraphs 1 and 2 of the Plan as planners in the sense intended by 10 CFR §50.47(b)(16). Those personnel will implement the Plan; there is no indication by the Applicant that they have designed it. Applicant states that training of planners will be reflected in the Plan at a later date.

(b) See VIII-15, above.

VIII-20.

(a) Applicant indicates in its Plan (as pointed out by the Staff) that FEMA is deleting this requirement. Once LEA has received documentation to this effect, this contention can be dropped.

(b) No comment by LEA necessary. See Staff response.

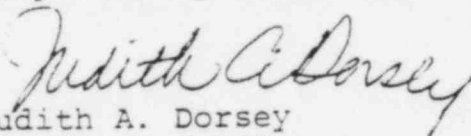
(c), (d), (f)-(h). See VIII-15, above.

(e) Staff maintains that the requirement of Criterion N.2(e)2 is contrary to prudent plant operation and in violation of 10 CFR §20.1(c). While it is not up to LEA to resolve any regulatory inconsistencies, an attempt will be made to determine whether in fact an inconsistency does exist, and if so, how the Staff intends to resolve it.

Conclusion

For the reasons stated, LEA believes its on-site emergency planning contentions to be admissible and respectfully requests the Board to admit them, with the exceptions stated.

Respectfully submitted,


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July 21, 1983