

463

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES

'84 JUN -4 P2:57

Lawrence Brenner, Chairman
Dr. Richard F. Cole
Dr. Peter A. Morris

In the Matter of:

PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 & 2)

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

RESTATED ISSUES OF CONCERN
OF THE CITY OF PHILADELPHIA
IN THE AREA OF EMERGENCY PLANNING

CITY - 1 A. The State Plan is inadequate in that it fails to contain, provide and specify sufficient and adequate protective measures for protecting the public from consumption of contaminated foods and agricultural products and specifically fails to identify procedures, methods and means for detecting contamination and for imposing protection procedures such as prevention of distribution, product diversion, sampling, testing, reporting, impoundment, destruction, decontamination and preservation.

B. The State Plan is inadequate in that it improperly delegates to and/or relies upon Counties in the Plume EPZ, as support organizations, to perform the planning, implementing, funding, manning and enforcing of State responsibilities with respect to the prevention of distribution, product diversion, sampling, testing, reporting, impoundment, destruction, decontamination, preservation, and prevention of consumption by the public in the City of Philadelphia Ingestion EPZ of contaminated foods and agricultural products.

C. The State Plan is inadequate in that it delegates and/or relies upon Counties in the Plume EPZ for the above-mentioned functions without specifically

8406050342 840531
PDR ADOCK 05000352
PDR

DS03

establishing and notifying the Counties involved of the emergency responsibilities of said Counties, and without the knowledge of said Counties, and without assurances and written agreements that said Counties are willing to perform, and will perform, and have the staff, resources and training to perform said functions and to augment their initial responses on a continuing basis.

BASES: 10 CFR § 50.47 (a)(1), (2); (b)(1), (3), (4), (8), (9), (10), (13), (14), (15), (16); (c)(2)

NUREG-0654 § II. A. pp. 31 et seq.

NUREG-0654 § J. 11 (p. 64)

NUREG-0654 § J. 9 (p. 61)

NUREG-0654, pp. 40-41

NUREG-0654, § II., O.

Manual of Protective Action Guides and
Protective Actions for Nuclear Incidents,
T. D. -12, September 1981 (PAGs or PAG Manual)
pp. 1.30, 1.46, 1.49, 1.50 ..

CITY - 3 The State Plan is inadequate in that it fails to provide for and/or contain adequate and sufficient procedures, (a) for monitoring, sampling, testing and reporting concerning water supply and water system contamination; (b) for preventing and protecting existing water supplies and water system from contamination; (c) for decontamination (See City - 7); and (d) for alternative sources of water for the City of Philadelphia.

More specifically, the State Plan is inadequate because:

- (1). It does not contain a proper and adequate water transport model;
- (2). It calls for the commencement of monitoring, sampling, testing, measurement and reporting of Schuylkill River Water at too late a stage;
- (3). It improperly defines an "abnormal discharge" into the Schuylkill River so as to cause prejudicial and harmful delay in water monitoring, sampling, testing and reporting;
- (4). It does not contain and provide sufficient guidelines for the

choice of protective actions during an emergency which are in place and which are appropriate to the locale of the City of Philadelphia;

- (5). It does not contain and provide sufficient and adequate procedures for detecting contamination, and for imposing protection procedures such as impoundment, decontamination, processing, product diversion and preservation;
- (6). It does not contain and provide sufficient and adequate guidelines, procedures and methods for identification of major exposure pathways from water, and the associated control and interdiction points and methods;
- (7). It does not consider the Protective Action Guides (PAGs) recommendations concerning substitution of other drinking water sources, demineralization, decontamination, condemnation of water, provision for alternate sources, rationing, substitution of other beverages, importation of water from uncontaminated sources, designation of critical users;
- (8). It fails to consider the availability of resources and the sources thereof, in order to provide an alternate water supply and a water decontamination capability.

BASES:

10 CFR § 50.47 (a), (b) and (c)(2)

NUREG-0654, § I. D., Planning Basis, b,
Ingestion Exposure Pathway (p. 10)

NUREG-0654, § II. J. (p. 59)

NUREG-0654, § II. J. 11. (p. 64)

NUREG-0654, § II. J. 9. (p. 61)

NUREG-0654 - Page 6, Footnote 3

Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, T. D. -12, September 1981 (PAGs or PAG Manual), p. 1.30, 1.47, 1.48.

Safe Drinking Water Act, 42 U.S.C. § 300 f, et seq.

CITY - 7 The State Plan is inadequate in that it fails to provide sufficient and adequate guidance or information concerning water supply and water system decontamination, and does not provide for or contain planning or provisions for decontamination and processing of the City's water supply and water distribution

system. In addition, the State Plan gives no consideration to the costs of treatment and the availability of resources and funds for same.

BASES: 10 CFR § 50.47 (a)(1)(2); (b)(9), (10), (13)

NUREG-0654, Section II. M. (p. 70)

NUREG-0654, Section II. J. 11 (p. 64)

NUREG-0654, (p. 25)

Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, T. D. - 12, September 1981, 1.30, Section 1.6.3.9.c, pp. 1.48, 1.49, 1.50

CITY - 9 The State Plan is inadequate in that it fails to contain written agreements as required by NUREG-0654, § II. A. 3 (p. 32) referring to the concept of operations developed and identifying the emergency measures to be provided and the mutually acceptable criteria for their implementation, and specifying the arrangements for exchange of information. Thus, there is no assurance that emergency plans can and will be implemented as required by 10 CFR 50.47 (a) and (b)(3).

BASES: 10 CFR § 50.47 (a) and (b)(3)

NUREG-0654, § II. A. 3. (p. 32)

See also, NUREG-0654 § II. B. 9 (p. 39)
and § II. L. 1. (p. 69)

Respectfully submitted,

BARBARA W. MATHER
City Solicitor

MARTHA W. BUSH
Deputy City Solicitor

HERBERT SMOLEN
Deputy City Solicitor

BY: 

HERBERT SMOLEN

Attorneys for the City of Philadelphia

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD
BEFORE THE ADMINISTRATIVE JUDGES

DOCKETED
USNRC

'84 JUN -4 P2:57

Lawrence Brenner, Chairman
Dr. Richard F. Cole
Dr. Peter A. Morris

DOCKETING & SERVICE
BRANCH

In the Matter of:

PHILADELPHIA ELECTRIC COMPANY

: DOCKET NOS. 50-352-OL
50-353-OL

(Limerick Generating Station,
Units 1 & 2)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Restated Issues of Concern of the City of Philadelphia in the Area of Emergency Planning in the above-captioned proceeding have been served on the following persons named on the attached service list by hand delivery or by Federal Express Mail, or by causing the same to be deposited in envelopes addressed to said persons, first class, postage prepaid, and deposited with the United States Postal Service at Philadelphia, Pennsylvania.



HERBERT SMOLEN
Deputy City Solicitor

Dated: 5-31-84

SERVICE LIST

Honorable Lawrence Brenner (FE)
Administrative Law Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Honorable Richard F. Cole (FE)
Administrative Law Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Honorable Peter A. Morris (FE)
Administrative Law Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

Benjamin H. Vogler, Esquire (FE)
O.E.L.D.
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555.

Mark Wetterhahn, Esquire (FE)
Troy B. Conner, Jr., Esquire
Nils N. Nicholas, Esquire
Conner & Wetterhahn
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Robert L. Anthony
103 Vernon Lane
Moyland, Pennsylvania 19065

Phyllis Zitzer
Limerick Ecology Action
Post Office Box 761
Pottstown, Pennsylvania 19464

Zori G. Ferkin (FE)
Assistant Counsel
Governor's Energy Council
1625 North Front Street
P.O. Box 8010
Harrisburg, Pennsylvania 17125

Mr. Frank R. Romano
61 Forest Avenue
Ambler, Pennsylvania 19002

Mr. Gregory Minor
MHB Technical Associates
1723 Hamilton Avenue
San Jose, California 95125

Eugene J. Bradley
Philadelphia Electric Company
Associate General Counsel
2301 Market Street
Philadelphia, Pennsylvania 19101

Edward G. Bauer, Jr.
Vice-President & General Counsel
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19101

Mr. Vincent Boyer
Senior Vice President
Nuclear Operations
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19101

Mr. J. T. Robb, N2-1
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19101

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

Frank Hippart, Director
Pennsylvania Emergency
Management Agency B-151
Transportation and Safety Building
Harrisburg, Pennsylvania 17120

Roger B. Reynold, Jr., Esquire
324 Swede Street
Norristown, Pennsylvania 19401

Timothy R. S. Campbell
Department of Emergency Services
14 East Biddle Street
West Chester, Pennsylvania 19380

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

Frederic M. Wentz
County Solicitor
County of Montgomery
Courthouse
Norristown, Pennsylvania 19404

Angus Love, Esquire
101 East Main Street
Norristown, Pennsylvania 19401

Mr. Joseph H. White, III
8 North Warner Avenue
Bryn Mawr, Pennsylvania 19010

Robert L. Sugarman, Esquire
Sugarman, Denworth & Hellegers
16th Floor, Center Plaza
101 North Broad Street
Philadelphia, Pennsylvania 19107

Charles W. Elliott, Esquire
1101 Building
Easton, Pennsylvania 18042

Spence W. Perry, Esquire
Associate General Counsel
Federal Emergency Management Agency
Room 840
500 C. Street, S. W.
Washington, D.C. 20472

U. S. N. R. C. Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Thomas Gerusky, Director
Bureau of Radiation Protection
Dept. of Environmental Resources
5th Floor, Fulton Bank Building
Third & Locust Streets
Harrisburg, Pennsylvania 17120

Atomic Safety & Licensing
Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555