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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)	)	

ANSWER OF NRC STAFF TO CITY OF PHILADELPHIA'S REVISED  
ISSUES OF CONCERN IN THE AREA OF OFFSITE EMERGENCY PLANNING

I. INTRODUCTION

On May 18, 1984, the City of Philadelphia (City) filed its Revised Issues of Concern with regard to offsite emergency planning in this matter. Pursuant to the direction of the Atomic Safety and Licensing Board (Licensing Board or Board), counsel for the NRC staff (Staff) hereby responds.<sup>1/</sup>

II. BACKGROUND

On January 20, 1984, the City of Philadelphia filed its "Issues of Concern" regarding offsite emergency planning. During the week of March 5, 1984, a prehearing conference was held regarding the admissibility of offsite emergency planning contentions. At the prehearing conference, on March 7, 1984, counsel for the City of Philadelphia advised the Licensing

1/ Tr. 11,093, May 22, 1984.

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Board that the City had been engaged in negotiations with Commonwealth of Pennsylvania with regard to its offsite emergency planning contentions.<sup>2/</sup> The City stated that it was hopeful that most of its contentions could be resolved through these negotiations.<sup>3/</sup> Therefore, the City requested permission to defer discussion of ten of its offsite emergency planning contentions<sup>4/</sup> so that it could continue its negotiations with the Commonwealth. The Board agreed to defer ruling on these ten City contentions until after the parties had a reasonable opportunity to negotiate their differences.<sup>5/</sup> On May 18, 1984, the City filed its Revised Issues of Concern setting forth those contentions that had not been resolved through the negotiation process. The Staff addresses the admissibility of each of these revised contentions below.

### III. DISCUSSION

#### Revised City-1

This revised contention relates to the sampling, prevention and control of the distribution of contaminated foods, foodstuffs and agricultural products moving into the City of Philadelphia. The City alleges that the

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<sup>2/</sup> Tr. 7971-72.

<sup>3/</sup> Id., see also, Tr. 7979.

<sup>4/</sup> Id.

<sup>5/</sup> Tr. 7978-79; See also, Limerick, LBP-84-18, Slip op. at 24-25.

State Plan in its present form fails to specify Access Control Points where foods, foodstuffs and agricultural products moving from and through the Plume EPZ toward and into the City of Philadelphia will be stopped, sampled, tested and if necessary impounded and destroyed. City maintains the State intends to rely on the Plume Counties to designate those Access points sometime in the future. As to personnel at these points, City alleges the State will only have personnel at the main evacuation routes and will rely on the Plume Counties for providing personnel at the non-evacuation routes. The City maintains this is totally inadequate because there is no assurance that the Access Control Points will ever be designated or that the Plume Counties will have the resources to provide personnel at the non-evacuation routes and perform the required functions. The City cites, inter alia, NUREG-0654, § 2.J.11, p. 64 as its basis for this contention.

#### Staff Response

The Staff notes that the State plan presently calls for the State Police to provide personnel at the main evacuation routes and the County and local police to provide personnel for the remainder of the routes. The information is set forth in Annex E of the Commonwealth's Emergency Plan. In Staff's view, the Commonwealth's Plan adequately describes and sets forth the emergency plan for designating Access Control Points and for interdicting food supplies and agricultural products moving into the City of Philadelphia. The premise of the City's Concern is that it wants more assurance that the plan will be followed, but the City offers no basis for suggesting that it

will not. This contention is without basis and the Staff objects to its admission.

Revised City-3

City maintains that although the State Plan provides for sampling and notifications in connection with water contamination it does not provide sufficient and adequate guidance for:

- a) protecting existing supplies from contamination;
- b) preventing the use of contaminated water; and
- c) alternative sources of water for the City of Philadelphia.

In addition, City complains that the State Plan does not contain an adequate water transport model and that the State's Plan contemplates the measurement of Schuylkill River water at too late a stage to be effective.

Staff Response

It is the Staff's view that with respect to that part of the contention dealing with the need to provide a water transport model the Commonwealth is not required, under the Commission's Rules, to provide such a model and therefore, objects to this aspect of Revised City-3. Although City asserts that such a model is needed in order to satisfy the applicable requirements, it offers no basis to support such an assertion. Accordingly, this aspect of the contention should not be admitted. The Staff does not object to the admission of the remainder of this revised contention.

Revised City-7

This contention also involves the City's drinking water supplies. In Revised City-7, it is alleged that the State Plan does not provide adequate guidance for recovery activities. Specifically, the City maintains that the State Plan does not adequately provide for decontamination of water supplies. The City alleges that NUREG-0654, II.M, which requires that planning for recovery be developed, has not been satisfied. The City also relies on NUREG-0654, II, J.11 and the Protective Action Guide (PAG) Manual as bases for this contention.

Staff Response

The Staff objects to the admission of this contention because the City has failed to provide any basis for this allegation. NUREG-0654, II.M does not provide any guidance concerning the decontamination of water supplies. Further, the PAG Manual is not an authoritative basis for such a contention.

Revised City-9

In this contention the City maintains that there exists no agreement between the Applicant and the Commonwealth of Pennsylvania for the exchange of information in the event of an emergency as required by Section II.A.3 at p. 32 of NUREG-0654.

Staff Response

The Staff has been advised by counsel for the Commonwealth that an exchange of information agreement of the type described of by the City

has very recently been executed and will be incorporated in the Limerick Generating Station Emergency Plan. Therefore, it is expected that this contention will be withdrawn. We suggest the Board reserve judgement on this contention to permit the City to reconsider it in light of this information.

IV. CONCLUSION

For the reasons set forth above, Staff submits that the above revised contentions should be admitted or rejected as indicated.

Respectfully submitted,

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Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 4th day of June, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER OF NRC STAFF TO CITY OF PHILADELPHIA'S REVISED ISSUES OF CONCERN IN THE AREA OF OFFSITE EMERGENCY PLANNING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by a double asterisk by hand-delivery, this 4th day of June, 1984:

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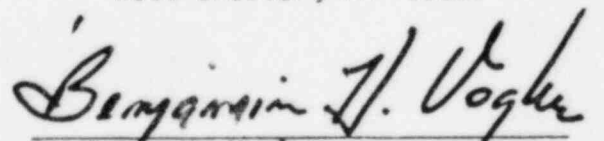
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