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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)
)
(Limerick Generating Station,)
Units 1 and 2))

Docket Nos. 84-50-352
50-353

DOCKETED
USNRC
AIO:26

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

COMMONWEALTH OF PENNSYLVANIA'S RESPONSE TO
LIMERICK ECOLOGY ACTION'S REFILED DEFERRED OFFSITE
EMERGENCY PLANNING CONTENTIONS

In its Special Prehearing Conference Order dated April 20, 1984, the Licensing Board deferred ruling on several offsite emergency planning contentions proposed by intervenor Limerick Ecology Action (LEA). By Order dated August 15, 1984, the Licensing Board established a schedule for LEA to refile its deferred contentions. LEA timely filed its contentions on September 1, 1984. The Commonwealth received LEA's filing October 2. In accordance with the Board's August 15 Order, the Commonwealth hereby responds to LEA's refiled deferred contentions.

Except where specifically stated, the Commonwealth is not taking a position on the admissibility of this group of contentions. Rather, the purpose of the Commonwealth's response is to provide relevant information on selected

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conten~~t~~ions for the benefit of the Board and the parties.

LEA-1

Item #1 under LEA-1 cites a lack of assurance that the Pennsylvania Emergency Management Agency (PEMA) will be ^bable to meet so-called "unmet needs" for busses and ambulances in Chester and Montgomery Counties. Chester County has formally submitted a list of its unmet needs to PEMA and PEMA is actively investigating means for meeting these identified needs. To date PEMA has not been notified officially of Montgomery County's "unmet needs." PEMA is nonetheless aware that Montgomery County is currently short on particular resources and is taking that information into account in its investigative efforts.

Item #2 under LEA-1 concerns the adequacy of the scope of the full-scale exercise held July 25, 1984. A supplemental exercise will be held the evening of November 20, 1984. The supplemental exercise will be coordinated by the three Limerick risk counties (Chester, Montgomery and Berks). Participating in the supplemental exercise will be all the municipalities that did not take part in the July 5 exercise, as well as municipalities who did participate in the July drill but have indicated a need for further testing of their radiological emergency response plans.

The supplemental exercise will be evaluated by the Federal Emergency Management Agency (FEMA). In addition, during the day on November 20, several school districts in the Limerick plume exposure pathway EPZ will be taking part in activities coordinated by their respective risk counties which will test particular aspects of the school radiological emergency response plans. These activities will take place while school is in session.

Item #4 under LEA-1 is apparently concerned that locally-prepared radiological emergency response plans will not meet the planning requirements outlined by the NRC and FEMA in NUREG-0654. The Commonwealth's response to this concern is that Pennsylvania law requires that local government emergency plans be prepared in consonance with the state's emergency plan. See ³⁵Pa.C.S.A. Section 7503 (codifying so-called "P.L. 1332"). See also 35 Pa.C.S.A. Section 7501 ("Each political subdivision of this Commonwealth is directed and authorized to establish a local emergency management organization in accordance with the plan and program of the Pennsylvania Emergency Management Agency."). The state radiological emergency response plan ("Annex E") in turn directly references NUREG-0654 along with other federal emergency planning documents and is reviewed by FEMA. See also 35 Pa.C.S.A. Section 7313 (provisions of state emergency management

plan). State law therefore does not contemplate that radiological emergency response plans prepared by political subdivisions of the Commonwealth will be any less comprehensive than plans prepared at the state level.

The Commonwealth also wishes to update correspondence attached to LEA's filing as part of its Supplemental Basis for LEA-1. LEA's Attachment 5 is a letter dated June 22, 1984 from Alan E. Boroff to the Director, PEMA on behalf of Skippack Township. The PEMA Director responded to Mr. Boroff's letter by letter dated August 16, 1984 (Attachment 1). PEMA's response addresses each of Mr. Boroff's concerns point by point.

LEA's Attachment 7 is a letter dated July 10, 1984 from the Montgomery County Acting Emergency Preparedness Coordinator to the Director, PEMA. PEMA responded to this letter on July 19, 1984 (Attachment 2).

LEA-2

LEA-2 is concerned with the sufficiency of staffing for various municipal emergency response organizations. The Commonwealth agrees that the designated positions must be filled, and PEMA so recommended in its fall 1983 review of municipal radiological emergency response plans prior to

submitting these plans to FEMA for informal review under 44 C.F.R. Part 350. The staffing deficiencies LEA cites are positions that for the most part must be filled in any emergency, radiological or otherwise. This responsibility is first and foremost that of the respective municipality.

Subpart D under LEA-2 asserts that the Chester and Montgomery County emergency plans fail to provide reasonable assurance that the Pennsylvania State Police have sufficient staff to man traffic (TCP) and access (ACP) control points. It is PEMA's understanding that the State Police and Chester County have agreed that the State Police will staff particular ACPs and TCPs for the county. Thus it is the Commonwealth's view that the ACP and TCP staffing requirements assigned to the State Police in Chester County will be met. With regard to Montgomery County, it is PEMA's understanding that to date the State Police and the County have not reached agreement with regard to TCP and ACP staffing assignments. The Commonwealth agrees that these assignments must be made.


LEA-3

LEA-3 concerns the willingness of Bucks County to serve as a support county in a radiological emergency at

Limerick. Recently the Chairman of the Bucks County Commissioners advised the Director of PEMA that Bucks County intends "to continue the participation of the County in the evacuation planning process for the Limerick Nuclear Generating Station" (See Attachment 3).

The Commonwealth has no comment regarding LEA's other refiled deferred contentions.

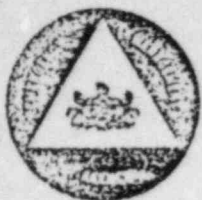
Respectfully submitted,


Zori G. Ferkin
Assistant Counsel
Governor's Energy Council

Attachments

Dated: October 9, 1984

Attachment 1



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

P.O. BOX 3321
HARRISBURG, PENNSYLVANIA 17105



DOCKETED
August 16, 1984

'84 OCT 12 A10:26

Mr. Alan E. Boroff
Boroff, Harris & Heller
650 Blue Bell West - Suite 320
Blue Bell, Pennsylvania 19422

OFFICE OF SECRETARY
DOCKETING & SERVICES
BRANCH

Dear Mr. Boroff:

In response to your June 22, 1984 letter regarding the proposed radiological emergency response plan submitted to Skippack Township by Energy Consultants, I first wish to assure you that the delay in acknowledging the letter has not been due to a lack of concern for the issues that have been raised.

The concerns you have expressed on behalf of the Board of Supervisors about Draft 5 of the proposed plan are certainly real and indeed should be resolved before the plan is adopted by Skippack Township. The real issue, however, is how this can best be accomplished. It obviously will require coordination between the Township and Montgomery County, as well as with the Commonwealth. Perhaps the following discussion of the specific concerns will be helpful.

1. Personnel staffing to provide a 24-hour response is a problem that every municipality must face at the local level if it is to meet any emergency that might arise, and not only in the event of an accident at the Limerick Generating Station. Few, if any, municipalities have a paid staff large enough to provide such personnel and they must rely upon volunteers for augmentation. A determination needs to be made by the Township as to how many individuals are really needed to man an emergency operations center for a municipality the size of Skippack. Using 12 rather than 8-hour shifts can often ease the problem. The fact that Skippack does not have a police force is indeed a problem but can it perhaps be solved by an agreement with whomever is charged with providing such service under normal conditions? If this is not possible, is it feasible to utilize some type of auxiliary police? The unwillingness of the volunteer Skippack Fire Company to participate in the event of a radiological emergency is unusual and a position not previously encountered as plans were developed by municipalities around the other four nuclear power plants within the Commonwealth. Aside from their normal functions, the additional task usually assigned to a fire company during a radiological emergency is to

provide route alerting in the event the sirens should fail, or in areas where they cannot be heard. If the fire company is adamant in its refusal to participate perhaps an agreement could be reached with a neighboring company. What has been presented here are but possibilities or suggestions since the concerns expressed regarding the availability of personnel can only be solved at the local level in consultation with the county emergency management agency.

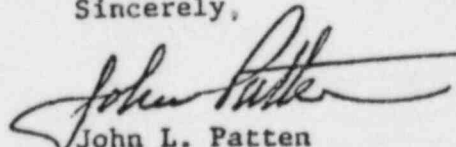
2. Transit-dependent individuals would be alerted and notified through sounding of the sirens and county announcements over the Emergency Broadcast System. Since the Township does not have the transportation assets needed for evacuation of these individuals, Montgomery County should be advised in writing of the number of buses, and ambulances if necessary, that would be required. If the County cannot arrange for the needed transportation then the shortages are reported by the County to the Pennsylvania Emergency Management Agency (PEMA) and arrangements would be made with the Pennsylvania Department of Transportation to obtain the buses.
3. The exact nature of the concern regarding evacuation routes through Skippack and the relationship of the Township to other municipalities that would be evacuating through Skippack is not clear. The concern as to the impact the evacuation of the State Correctional Institution Graterford would have on Skippack is certainly valid. We are still working on resolution of the problem and expect to be able to provide definitive information to the Skippack Board of Supervisors the first part of September. As I am sure you will understand, identification of the evacuation routes for Graterford is a sensitive subject and not one that can, or should be, discussed in open forum.
4. Some of the dosimetry required by Skippack has already been issued from PEMA's stock to Montgomery County. PEMA has recently signed an agreement with Philadelphia Electric Company whereby the latter will fund our purchase of additional dosimetry for county and municipal emergency workers that would be involved in the event of an accident at the plant. The dosimetry will be ordered as soon as the required legal and bidding procedures have been completed. It is difficult to respond to the Township's lack of means to obtain other equipment without knowing specifically what is involved. As mentioned previously, essential equipment shortfalls should be reported in writing to Montgomery

County. If the County cannot fill the requirements then they are reported as unmet needs to PEMA and we will take whatever action is necessary. Neither Montgomery County nor PEMA can do anything without a specific list of essential equipment needed to respond effectively to an accident.

5. Here again it is difficult to determine what matters the Skippack Board of Supervisors believe need more coordination. The capacity of roads in the area was determined by traffic engineers from the Pennsylvania Department of Transportation and from this the main evacuation routes were determined in consultation with the counties. Since the counties and municipalities are more keenly aware of their own circumstances, designation of secondary routes leading to the main evacuation routes was left to them. PEMA stands ready to provide specific coordination whenever it is needed and requested. To be effective, however, it should progress from Skippack Township to Montgomery County and then to the Commonwealth, if necessary.
6. While an ongoing training program is indeed essential, the framework for one is already in existence and needs only to be utilized. Energy Consultants, under contract with Philadelphia Electric Company, has developed training courses covering the various types of offsite response that would be required should an accident occur at the power plant. The municipalities need only request this training through their county emergency management agency. All training for municipal emergency personnel is to be coordinated through the county. If there is a void somewhere in the training, please let the Montgomery County Emergency Management Coordinator know and he in turn will discuss it with us.

I hope that with this rather lengthy letter I have been able to clarify some of the concerns that have rightfully been troubling the Skippack Board of Supervisors. If not, perhaps you would like to arrange a meeting through Montgomery County to discuss the matter further with the Skippack Board of Supervisors.

Sincerely,


John L. Patten
Director

JLP/RJH:jmb (Tel: 717-783-8150)

cc: George Hugenin, Skippack Township Emergency Management Coordinator
Edward L. Jordan, Nuclear Regulatory Commission
Federal Emergency Management Agency, Region III
A. Lindley Bigelow, Montgomery County Office of Emergency Preparedness
Mrs. Mary Wills, Skippack Township Secretary

LAW OFFICES

BOROFF, HARRIS & HELLER
PROFESSIONAL CORPORATION

Z. EDWARD HELLER *
MICHAEL R. HARRIS **
ALAN E. BOROFF
ANDREW F. MALONE
HARRY T. MONDOIL

* PA. AND MASS. BAR
** PA. AND FLA. BAR

June 22, 1984

JK

DOCKETED
USNRC

'84 OCT 12 A10:26
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SKIPPACK PIKE
BLUE BELL, PENNSYLVANIA 19422
(215) 628-9800

OFFICE OF SECRETARY
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BRANCH

Pennsylvania Emergency Management Agency
P. O. Box 3321
Harrisburg PA 17105

Re: Skippack Township, Montgomery County - Proposed Radiological Emergency
Response Plan for Incidents at the Limerick Generating Station

Dear Sir:

This letter is being written to the Pennsylvania Emergency Management Agency at the request of the Board of Supervisors of Skippack Township.

The undersigned is solicitor for the Skippack Township Board of Supervisors.

The Board of Supervisors has made a preliminary study of the proposed radiological emergency response plan submitted to Skippack Township by Energy Consultants, of Harrisburg, Pennsylvania, consultants to the Philadelphia Electric Company.

Skippack Township has not adopted the proposed radiological emergency response plan in view of the significant concerns of the Board of Supervisors concerning the provisions of the proposed plan, being Draft No. 5 dated April, 1984.

Among the significant concerns of the Board of Supervisors of Skippack Township are the following:

1. Lack of adequate personnel available to Skippack Township to provide a 24 hour emergency response. Skippack Township does not have a police force. The Skippack Fire Co., a volunteer group, has indicated their unwillingness to participate in a radiological emergency response plan in the event of a site emergency or a general emergency.
2. Inability of the Township to provide adequate means to provide notice and transportation to transit dependent individuals.

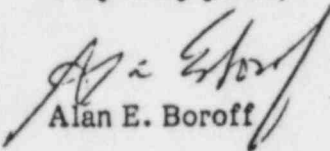
June 22, 1984

Page Two

3. The proposed plan is incomplete with reference to evacuation routes through Skippack Township and its relationship to other municipalities which would evacuate through Skippack Township as well as evacuation of the State Correctional Institution - Graterford located in Skippack Township. The Skippack Township Board of Supervisors are concerned with the coordination of Skippack and adjoining municipalities and the State Correctional Institution with reference to potential evacuation.
4. Skippack Township does not believe it has the means necessary to obtain the equipment and dosimetry called for under the proposed plan, even taking into account the proposed equipment funding offer made by Philadelphia Electric Co.
5. The need for coordination among the various municipalities as well as the county and state officials with reference to evacuation and other matters, which would include proposed evacuation routes and their capacity.
6. The need for an ongoing training program. Township participants in the radiological emergency response plan should be able to receive ongoing training through either a county or area organization as each individual township is unable to provide this.

The Board of Supervisors believe it appropriate it to submit these concerns to you, at this time. They will continue with their evaluation of the proposed radiological emergency response plan and will conduct public hearings thereon in the near future.

Very truly yours,



Alan E. Boroff

AEB/bjk

cc: George Hugenin, Skippack Township Emergency Management Coordinator

Edward L. Jordan, Director, Division of Emergency Preparedness and Emergency Response, Office of Inspection and Enforcement, United Nuclear Regulatory Commission, Washington, D.C.

Federal Emergency Management Agency, Washington, D.C. 20472

Montgomery County Emergency Management Office

Mrs. Mary Wills, Skippack Township Secretary

Attachment 2



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

P.O. BOX 3321
HARRISBURG, PENNSYLVANIA 17105
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July 19, 1984

'84 OCT 12 10:26

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

A. Lindley Bigelow
Acting Coordinator
Montgomery County Office
of Emergency Preparedness
100 Wilson Boulevard
Eagleville, Pennsylvania 19403

Dear Lin:

Your letter of July 10 was received in our office on the 16th.

Please be reminded that the July 25 exercise, as is the case with all exercises, is fundamentally a training activity. It is indeed unfortunate that some municipalities in Montgomery County may fail to take advantage of this opportunity to learn their strengths as well as their weaknesses. I urge you to continue your efforts to enroll all risk municipalities in Montgomery County to participate in this exercise.

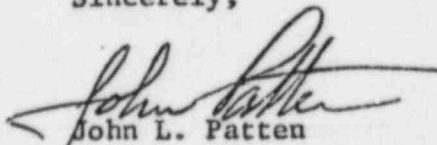
You are also reminded that FEMA has clearly stated that those municipalities that are not observed are considered to be non-participants.

I know that you and members of your staff have devoted much of your energy, time, and expertise in preparing for this exercise. I commend you for your dedication to the people of Montgomery County.

We look forward to your participation in the July 25 exercise to the maximum extent possible. Good luck and best wishes.

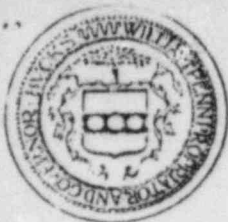
With kind regards, I am

Sincerely,


John L. Patten
Director

JLP:tjl (Tel: 717-783-8150)

cc: John L. Shannon



COUNTY OF BUCKS
OFFICE OF THE COMMISSIONERS

Administration Building, Doylestown, Pa. 18901

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USNR

215-348-2911

215-752-0281

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County Commissioners
CARL F. FONASH, Chairman
LUCILLE M. TRENCH, Vice-Chairman
ANDREW L. WARREN

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

WILLIAM H. RIESER
County Administrator
JAMES M. McNAMARA
County Solicitor

September 5, 1984

*Ph sent to
Ralph Huggins*

Mr. John L. Patton, Director
Pennsylvania Emergency Management Agency
P. O. Box 3321
Harrisburg, PA 17105

Dear Mr. Patton:

My attention has been directed to the passage of Senate Bill 987 on July 10, 1984 requiring Counties to participate in emergency evacuation planning.

While having serious reservations relative to the basic premise upon which the Limerick evacuation plan was developed, it is the intent of the Commissioners to comply with the law. Therefore, I have instructed Mr. McGill to continue the participation of the County in the evacuation planning process for the Limerick Nuclear Generating Station.

While the Commissioners are opposed to the plans to draw water from the Delaware River, we have not opposed the efforts of PECO to develop nuclear power.

Sincerely,

Carl F. Fonash, Chairman
Bucks County Commissioners

CFF/jtb

cc: Charles McGill

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

'84 OCT 12 A10:2

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

Docket Nos. 50-35204
50-353 02

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "Commonwealth of Pennsylvania's Response to Limerick Ecology Action's Refiled Deferred Offsite Emergency Planning Contentions" 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 Commonwealth of Pennsylvania's internal mail system, or, as indicated by a double asterisk, by U.S. Postal Service Express Mail, this 9th day of October 1984:

** Helen F. Hoyt (2)
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

** Troy B. Conner, Esq.
Conner and Wetterhahn, P.C.
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**Dr. Jerry Harbour
Administrative Judge
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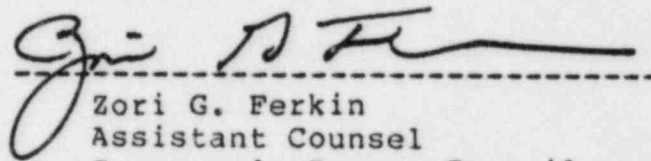
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Timothy R.S. Campbell
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Dept. of Emergency Services
14 East Biddle Street
West Chester, PA 19380



Zori G. Ferkin
Assistant Counsel
Governor's Energy Council

Date: October 9, 1984