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limerick ecology action

RELATED CORRESPONDENCE

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In the Matter of Philadelphia Electric Co.
Docket #50-352, Limerick

Aug. 6, 1984
DOCKETED
USNRC

Re: LEA's Responses to PECO Discovery Request
(on admitted off-site emergency planning contentions)

'84 AGO -8 A10:21

Dear Mr. Rader,

I believe your letter of August 1, 1984 mischaracterizes our telephone conversation of July 27, 1984.

When we spoke on the 24th., I asked you to identify your specific concerns so that I could carefully review LEA's answers and provide any further clarification or information that you deemed necessary. You did not provide me with the detailed information you were seeking until our telephone conversation on July 27th. At that time, I stated that I would provide any answers that I could, but that I would need an opportunity to look things over again. I did not refuse to attempt to provide any of the information requested. I stated that I would get back to you.

On August 1, we all met in Philadelphia to discuss a joint schedule proposal. At the end of the meeting, you handed me your August 1 letter, as we were getting ready to leave.

At that time, I provided you with some of the information you requested (see attachment #1), although we did not discuss any details. I told you that I would call you on August 6th. to discuss the rest.

Although I will be calling you about this today, I am also sending a written copy to all parties to this proceeding, with attachments.

I look forward to discussing this matter with you to resolve our mutual concerns.

Sincerely,

Maureen Mulligan
Maureen Mulligan
LEA Vice President

cc: Service list attached

8408090258 840806
PDR ADCK 05000352
PDR

DS03

In the matter of Philadelphia Electric Co.
Docket #50-352, Limerick

In Re: LEA's Responses to PWCC Discovery
(on admitted off-site emergency planning
contentions)

August 6, 1984

BOCKETED
USNRC

Dear Mr. Rader,

LEA hereby provides supplemental information to Philadelphia
Electric Company as requested by your phone call of July 27th. and
your letter of Aug. 1, 1984.

'84 AGO -8 AIN:21

General Interrogatories:

#1 and #2: LEA has not yet lined up specific witnesses on its conten-
tions, but would expect to present expert and factual
testimony from applicable school personnel and those invol-
ved in and affected by the subject matter contained in
LEA's admitted contentions (see April 20, 1984 order)

Please note: Your Answer to a similar question from LEA was that
names, qualifications, subject matter, substance, and
grounds of testimony would be provided at a later date.

In order to provide you with all information presently known by LEA,
I present the following:

LEA-11, 12, 15: At the present time, I consider it very likely that
we would present school officials as witnesses from Owen
J. Roberts, Phoenixville, Spring-Ford, and Methacton School
Districts. Pottstown, Pottsgrove, Souderton, and Boyertown
School Districts are also a possibility. It is presently
unknown by LEA whether or not the private schools that
are located within these school districts are satisfied
with their plans. If there are significant problems that
are not otherwise resolved by the time that litigation
takes place, it is possible that these school officials
might also appear as witnesses as well.

Whether or not any of the above would appear as witnesses
on behalf of LEA will depend on whether or not they are
satisfied with their plans at the time litigation takes
place.

LEA-12, 15: It is possible that individual teachers, bus drivers, or
union representatives would be presented as witnesses. No
arrangements have been made yet by LEA. (We have felt that
it was necessary to be sure that "training" took place
first in the hopes that people would better understand the
role they are being asked to play in emergency response
planning for a radiological emergency.)

LEA-13: It is likely that we would present witnesses who are in charge of day care/ pre-school centers and summer camps, unless they are satisfied with planning for the children they are responsible for. If this planning is neglected, additional testimony may be contemplated to emphasize the importance for pre-planned responses for dealing with small children in pre-school /day care centers and summer camps in the event of a radiological emergency. (We have had difficulty contacting some of these people by telephone over the summer.)

LEA-27: It is possible that LEA would present school officials from Camp Hill Village School (West Vincent Twp.) and/or Camp Hill Special School (East Nantmeal Twp.) if they are not satisfied with plans for their schools.

LEA-24/FOE-1: Mr. Anthony has indicated that he may present witnesses as discussed in his amended answers of July 23, 1984.

(See attachment #2 at the bottom) He has been away for the past week or so, making it impossible to discuss this matter with him in greater detail. He is expected back this week.

LEA has not yet determined whether or not it will present witnesses, but is considering requesting park officials at Valley Forge and Marsh Creek State Park to testify. In addition, local police and others familiar with local traffic flow may be presented.

LEA-28: LEA may present witnesses from various gas station and towing service owners along evacuation routes, as well as those responsible for snow removal at the municipal level. The need and availability of these or any other witnesses has not yet been determined.

LEA will provide other information that becomes available to the applicant as requested by Aug. 31.

General Interrogatory #3: The "RERP related documents and correspondence" which LEA has relied upon has been provided to LEA by Philadelphia Electric Company. The Applicant is fully aware of the contents of this correspondence; therefore, LEA does not believe that it is obligated to provide a listing of this material to Philadelphia Electric. Any of this correspondence may be used by LEA to document the current status of planning, depending on the subject matter ultimately litigated. Furthermore, it would be burdensome for LEA to provide such a list at this time. A similar request made by LEA

LEA has generally relied upon newsclippings as well to keep informed about discussions at School Board, County and municipal meetings. As stated previously by LEA in Attachment #1, we would not rely upon such information as formal evidence in this proceeding without consulting directly with those involved. It is for this reason that LEA did not previously provide Applicant with newsclippings from such meetings.

We are conducting a thorough search to provide Applicant with all available information relating to LEA's admitted contentions. We will mail everything we have on Aug. 13th. and provide any supplemental information that may be found through additional searching by the end of the month, as requested.

In addition, we did send out a very preliminary survey last June (1983) to determine who was responsible for working on the development of municipal and school emergency response plans (for radiological emergencies), and to determine if public input was being incorporated in the planning process. This material is not anything that we intended to rely upon as evidence at this point, therefore it was not presented earlier. However, in view of the nature of Philadelphia Electric's concerns about the basis for LEA's school contentions we will provide copies of all responses received in our filing on August 13th. (Attachment #3 provides a response from Spring-Ford School District as an example) Furthermore, LEA is conducting a thorough search of all materials that Mr. Elliott, Ms. Zitzer, or other LEA members have knowledge of in order to provide a supplemental response if any such information exists. We will do so as quickly as possible, and will file all available material by no later than Aug. 31, as requested. (sooner, if we can)

Additional information that has been made available to LEA since these answers were filed is provided as Attachment #4. We will provide any other materials or documents that we receive in relation to LEA's admitted contentions.

SPECIFIC INTERROGATORIES:

- 1(g): LEA will try to provide a more specific response as requested by Aug. 31, 1984.
- 4, 5, 21: I will check with members and others we can reach to provide a list by Aug. 31, as requested.
- 6: At the present time, you correctly state that we do not have any other figures than those of Dr. Claypool.
- 8: The Owen J. Roberts School District surveys of school staff and bus drivers were taken anonymously (no names were required to be signed to questionnaires), hence LEA's need to try to survey individual teachers and bus drivers. We will try to provide a list of names by Aug. 31, as requested, and will try to obtain all relevant information from the Owen J. Roberts Emergency Coordinator (Joe Clark). In reference to the above, those involved have requested an opportunity to consult with their unions about the terms of their employment contract before authorizing LEA to submit their names to you.

- 9,17,25,27,39,45: LEA will try to provide specifics as soon as possible, and as requested will do so no later than Aug. 31.
- 14: LEA does not challenge the acceptability of the dosimetry which PEMA contemplates for use.
- 15: I will review the plans and provide an answer to your concerns about predistribution as soon as possible. (by the filing we make on the 13th.)
- 16: I will specify our concerns about "training" as soon as possible; certainly no later than the Aug. 31 filing.
- 18: (Same as #16 above)
- 20: We will provide any information by Aug. 31, and sooner if possible.
- 22: LEA believes that each bus needs a driver and that a timely response is critical to the safety of children. The time factor to find a replacement driver and/or bus and driver could vary depending on how far away the bus is coming from. In addition, prompt, efficient communications with the county would impact upon the response time. LEA is concerned that some buses and drivers may be coming from as far as 20 miles (or more) away, and needs an opportunity to what options are available as back-up in order to provide a more specific response to this interrogatory. We will try to provide an answer regarding the level of non-performance by Aug. 31, as requested.
- 23: We have agreed to inform you of any other information. At the present time, we would have to say that \$25. is the figure used by Owen J. Roberts. We don't know yet of the position taken by other schools, which might influence our answer otherwise.
- 28: Mr. Anthony has been out of state for a week or so, and I have not been able to reach him by telephone. However, he has provided some additional information, which is attached at Attachment #2.
- 28, 29, 30: I was unable to meet with Mr. Sholly this weekend as planned in order to prepare this response to your concerns. I plan to meet with him on Aug. 12, and will inform you as quickly as possible thereafter of our answers to these questions. We will have all of his work completed by Aug. 31.
- 31-33: I stated that LEA has requested PEMA to provide the Penn-DOT traffic analysis (LEA's second Set of Interrogatories to PEMA, #1, #3, #5) and am uncertain at this time when we will have this information. We would expect PEMA to provide this info to the Applicant and all parties (if Applicant doesn't have some of this material already).
- 34: The telephone inquiries referred to were received by LEA before I was working on this issue and were mentioned to me by Phyllis Zitzer, LEA's former representative in this proceeding. She has been contacted to provide the details of these general responses and

inquiries that took place in Feb. 1984. A supplemental answer will be provided by her to clarify the meaning of the comment, that these responses "were used to help LEA determine the extent of the Firemen's involvement in the development of the RERP's, as well as their familiarity with the fact that they were listed in the RERP's". (bottom of page containing response to question #34).

#35: In our filing on Aug. 13th., we will provide the other responses and all available notes. These were the papers that I said I would have to check to be sure that I still had them. They will all be provided.

#36: I will provide a specific response as requested by Aug. 31.

#38: (Same as #36.)

#42: I will inform you of any information that is available in addition to my previous written response by Aug. 31, as requested.

Note: At the bottom of page 6, you ask us to supplement our answers based on LEA's observations of the July 25th. drill. At the present time, we would like to state for the record that we would not expect this to impact contentions relating to schools, because they were not involved in the drill.

Furthermore, while we are preparing the surveys we have indicated that we plan to send out, LEA is uncertain of the number of responses that will be received during August, while so many people are on vacation.

DOCUMENT PRODUCTION: To the best of my knowledge, no "documents" or drafts of any information relating to LEA's emergency planning contentions has been discarded or destroyed. I did state that I would have to check to be sure that I could provide all of my notes when we discussed this matter on July 27th, and will be able to do so this week. I will include this in our July 13 filing.

Furthermore, LEA understood this request to apply only to "documents" relating to "admitted contentions"; specifically LEA-11, LEA-12, LEA-13, LEA-14, LEA-15, LEA-22, LEA-24/FOE-1, LEA-26, LEA-27, LEA-28)

As requested, an additional search is being conducted to determine if there is any additional information that has not yet been provided to you. LEA is perfectly willing to file the requested affidavits to verify that a good faith effort has been made to provide all available materials to Philadelphia Electric (and to verify that no documents have been withheld or destroyed)

Aug. 1, 1984

(General)

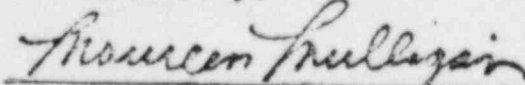
- #3 In addition to the documents and correspondence provided to LEA by the Applicant, LEA has extensive newsclippings, covering the monthly meetings of school boards, municipal and county meetings. This sort of thing would not be used by LEA as evidence without more details from those elected officials/volunteers who would be involved in carrying out or approving any emergency response plan, hence LEA did not believe that it was necessary to provide this press coverage (newsclippings) in response to this interrogatory. LEA could provide copies of this info in 2 weeks (sooner if possible).

(Specific Interrogatories)

- #1 LEA will review the "school" section of the Risk County RERP's and will provide additional comments if necessary. (We just received Chester County Draft 8 last week). We will inform you on Aug. 6 when this additional info can be provided.
- #19 LEA will obtain a copy of all information relating to Owen J. Roberts School District survey as soon as possible and will provide as soon as possible. The same is true for any other schools that have conducted their own surveys. The difficulty we face is the fact that many of the people involved will be away on vacation part of the month of August.
- #28-#33 LEA will provide this information by the end of August -- sooner if possible. We will be meeting with Mr. Sholly this weekend to determine these answers and to discuss his review of the HMM study.
- #34 Resources needed for route alerting will be revised due to the results of the drill. LEA will attempt to determine this in the next few weeks -- otherwise, the HMM report on the drill should provide more insight to the status of meeting these needs.
- #35 Calls were also made to municipalities in Chester and Berks Co. -- but again, this info has changed drastically since the drill. LEA will probably survey the Fire Chiefs involved to obtain the most accurate info available. Examples given were merely examples as of the date interrogatory answers were due.

LEA will inform Applicant on Aug. 6 of the dates and answers it can provide to Applicant's follow-up questions on interrogatories.

Sincerely,


Maureen Mulligan
LEA Vice President