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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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Before the Atomic Safety and Licensing Board

In the Matter of	)		
	)		
Philadelphia Electric Company	)	Docket Nos.	50-352 OL
	)		50-353 OL
(Limerick Generating Station,	)		
Units 1 and 2)	)		

**RESPONSE OF THE COMMONWEALTH OF PENNSYLVANIA  
TO GRATERFORD INMATES DESIGNATION OF JOHN D. CASE  
AS AN EXPERT IN THE FIELD OF CORRECTIONS**

I. INTRODUCTION

Recently, the inmates at the State Correctional Institution at Graterford offered John D. Case as an expert in the field of corrections (Tr. 19,703-04), in an effort to comply with the opinions of both the applicant and the NRC staff that before any additional information was released on the evacuation plan, a qualified expert be obtained by the inmates. Once a qualified expert was obtained, parts of the evacuation plan could be released under a protective order for an expert opinion. For the reasons given below, the Commonwealth of Pennsylvania respectfully requests that this Board find John D. Case not to be an expert in the field of corrections for the purposes of being able to give an expert opinion as to the adequacy of the evacuation plan for the State Correctional Institution at Graterford and to deny the motion of the Graterford inmates for any further disclosure of the Graterford Radiological Emergency Response Plan other than the unclassified or sanitized version already in their possession.

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## II. BACKGROUND

On December 13, 1984, the Commonwealth provided to the inmate's counsel, a copy of the Radiological Emergency Response Plan prepared for the State Correctional Institution at Graterford with certain information deleted for security reasons. The inmates filed a Motion for Full Disclosure of the Evacuation Plan for the State Correctional Institution at Graterford by Motion dated December 20, 1984. On December 31, 1984, the Commonwealth filed a Response to the Motion of the inmates and requested additional time to file a memorandum in support of said response. The Memorandum was filed January 18, 1985. The NRC staff filed an Answer to the Motion of the inmates dated January 2, 1985, which expressed the suggestion that "the inmates should be required to specify the information they need, based on expert opinion, which is beyond that provided in the "sanitized" version. Answer to Motion, Page 6. The applicants also filed a response to the Graterford inmates motion which suggested that obtaining the services of a qualified expert and a protective order were prerequisites to access to the evacuation plan. Applicant's Response, Page 4. The inmates have offered John D. Case as an expert in corrections in an effort to obtain further access to the plan. The Board also directed the inmates to specify the information they need based on their expert's opinion, beyond that provided in the sanitized version (TR 19,704-10).

## III. DISCUSSION

In reviewing the credentials of Mr. Case as to whether or not he is a corrections expert sufficient to give expert commentary on the evacuation plan for the State Correctional Institution at Graterford, the Department of Corrections, Commonwealth of Pennsylvania, as a recognized expert in the field of maximum security corrections,

would suggest that the Nuclear Regulatory Commission, Atomic Safety Licensing Board, use the following criteria:

- A) The types of inmates the alleged expert has supervised.
- B) The number of inmates the alleged expert has supervised.
- C) The experience with movements of inmates.
- D) The experience in developing a radiological evacuation plan.
- E) The experience with our institutions in the state system from an operational point of view.

We have taken the liberty of compiling information on Mr. Case as to his experience, using the above criteria.

A. Types of Inmates

According to the VITA of Mr. Case, (Attached as Exhibit A), he was involved with the Bucks County Prison System and later Director of the Bucks County Prison System from December, 1962 until February, 1977. Attached as Exhibit B is a table showing the statuses of prisoners confined in county prisons and jails on December 31, 1973. Of the individuals confined in the Bucks County Prison as of December 31, 1973, only 20 of those individuals had maximum sentences in excess of two years. Attached as Exhibit C is a distribution of maximum sentences administered to commitments received in county prisons and jails during 1974, which indicates that during that year, Bucks County Prison had only 58 prisoners with maximum sentences of two years to 59.9 months and one inmate with a maximum sentence of 60 months or over.

Attached as Exhibit D is a table indicating the inmates in the Bureau of Correction by minimum sentence on December 31, 1982 and 1983. In 1982, the Bureau of Correction incarcerated 1,141 inmates with a minimum sentence of two to three years, 1,523 inmates with minimum sentences of

three to five years, 1,587 inmates with minimum sentences of five to ten years, 439 inmates with minimums of ten to twenty years, 114 inmates with sentences over twenty years and 1,074 inmates with life sentences. In the year of 1983, the numbers rose even higher as indicated on Exhibit D. Please note that the figures given for the Bucks County Prison with regard to the sentences were the maximum sentences whereas the statistics given with regard to the Bureau of Correction are the minimum sentences.<sup>1</sup>

The legislature and the courts have recognized the substantial difference in the type of inmates housed in a county prison versus a state correctional institution. A case decided during the time Mr. Case was warden is Commonwealth v. Stauffer 251 A.2d 718 (1969). During the 1960's, all persons sentenced to simple imprisonment were to be confined in the county jail rather than a state correctional institution. The court opined:

The policy underlying the requirement that simple imprisonment be served in a county jail is sound. Simple imprisonment is provided for less serious crimes which, in many cases, involve people who are rarely in trouble. It is neither in the best interests of these people nor fair to them to incarcerate them with confirmed, hardened criminals convicted of more serious crimes, who are generally found in state correctional institutions.

The legislature, by distinguishing the place of imprisonment for these lesser crimes, recognized that such people should not be subjected to imprisonment in the same institutions as individuals convicted of serious misdemeanors or felonies. Stauffer at p. 719.

Further in the opinion, the court added that "[a] sentence of simple imprisonment for men results in that man being insulated from the company of hardened criminals". Stauffer at p. 720.

It would be the position of the Department of Corrections that Mr. Case has little, if any, experience with the types of inmates that the Department

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1. Sentences in the Commonwealth of Pennsylvania are generally required to have minimum and maximum periods of incarceration.

of Corrections now houses at the State Correctional institution at Graterford. Our inmates have substantially longer minimum sentences than the maximum sentences of the inmates at the Bucks County Prison during the period of time Mr. Case was warden. Therefore, based on this factor alone, Mr. Case could not be deemed an expert with regard to the review of the evacuation plan for the State Correctional Institution at Graterford.

B. Number of Inmates Supervised

Attached as Exhibit E is a table indicating the yearly average daily populations and populations on December 31st in county prisons and jails from 1969 to 1973. The Bucks County Prison population during this entire period did not exceed 209 inmates, and in some years substantially fewer. Attached as Exhibit F is a table indicating the yearly average daily populations in Pennsylvania County Prisons and Jails for 1974 and 1975. During these two years, Bucks County Prison held 206 inmates and 246 inmates respectively.

Attached as Exhibit G is a table indicating the month-end populations in the Bureau of Correction from January, 1981 to December, 1983. The least number of inmates that the Bureau of Correction has housed since 1981 is 8,311 inmates and the most inmates we housed as of December of 1983 was 11,798.

It is clear from these numbers that Mr. Case has no experience in supervising the numbers of inmates that are involved in the state correctional system. The Graterford evacuation plan is based on an inmate population of 2,450 inmates at the State Correctional Institution at Graterford, approximately ten times the number of inmates that Mr. Case has ever supervised.

C. Experience with Transfers of Inmates

Attached as Exhibit H is the Affidavit of Glen R. Jeffes in Support of the Response of the Commonwealth of Pennsylvania to Graterford Inmates Designation of John D. Case as an Expert in the Field of Corrections. According to the affidavit, the only experience Mr. Case has with the movement of inmates was the movement of 39 of the lowest security class inmates in the county system to a rehabilitation center for work-release type inmates in 1963 or 1964. Obviously, the number of inmates involved in this transfer were few and the security level of the inmates was very low since they were being moved to a work-release type center.

In 1982, the Bureau of Correction transferred 6,662 inmates from one institution to another. In 1983, the Bureau of Correction transferred 7,192 inmates. (The specifics are described in Exhibit I, attached hereto.) The type of inmates range from execution cases, requiring the utmost security measures to medium security inmates requiring moderate security measures. Deputy Commissioner Erskind DeRamus is authorized to effect transfers throughout the state correctional system as well as the authority to review transfers to the state system of problem inmates from the county institutions. Attached as Exhibit J is the Affidavit of Erskind DeRamus in Support of the Response of the Commonwealth of Pennsylvania to the Graterford Inmates Designation of John D. Case as an Expert in the Field of Corrections. In the Affidavit of Deputy Commissioner DeRamus at No. 16, his expert opinion is that Mr. Case has no expertise in the movement of medium and maximum security-type inmates or the numbers of inmates that would be required to be moved in the evacuation of the State Correctional Institution at Graterford.

The Commonwealth would suggest that the isolated occurrence that Mr. Case has with regard to the movement of 39 of the lowest-level type inmates

in 1963 or 1964 illustrates very clearly how little expertise he has in the matter of movements of inmates.

D. Radiological Experience

In reviewing the VITA of John D. Case, it is apparent that he has no experience in the radiological field and, therefore, could not give an expert opinion as to the measures planned for the safety of the inmates at the State Correctional Institution at Graterford in the event of a radiological emergency.

The Department of Corrections, with the assistance of PEMA, developed our Radiological Emergency Response Plan. PEMA has extensive experience in the development of radiological response plans for nuclear power plants in Pennsylvania and has indicated that our plan would adequately protect the health and safety of the inmates if a nuclear incident would occur.

The Commonwealth submits that Mr. Case has no experience in this area whereas the Department of Corrections has availed itself of the assistance of PEMA in developing a safe plan in case of a nuclear incident.

E. Experience with the Department of Corrections and our Institutions from an Operational Point of View

In reviewing the VITA of John D. Case, he lists no experience with the Pennsylvania Department of Corrections.

In the Affidavit of Glen R. Jeffes filed with the December 13, 1984 Request for Non-Disclosure, Commissioner Jeffes states "the development of the plan required expertise in corrections, knowledge of the physical plant of SCIG and knowledge of the physical plant of our support institutions. This knowledge and expertise is not available to anyone outside the Pennsylvania Bureau of Correction. Thus, a review of the classified parts of the plan would be futile." Affidavit of Glen R. Jeffes at 22. Page 5.

Our plan utilizes the facilities, manpower and training of the state correctional system. This information is confidential and cannot be disclosed due to the immediate negative effects on the security of not only the State Correctional Institution at Graterford but also our other state institutions. This operational type information would be useful in planning escapes and to disrupt the state system now, not only in the event of a response to a nuclear incident.

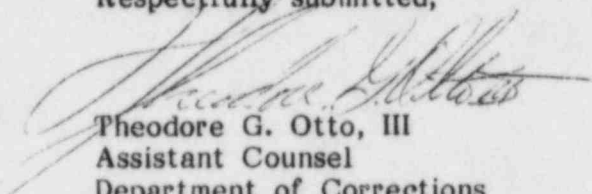
### III. CONCLUSION

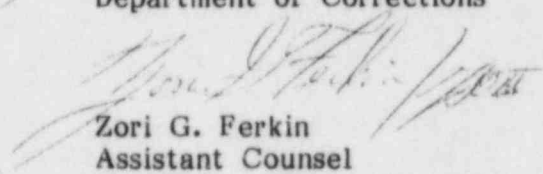
The Department of Correction has indicated the five major criteria that a corrections expert would have to have in order to be able to give an expert opinion as to the adequacy of the Radiological Emergency Response Plan for the State Correctional Institution at Graterford. In all five areas, the credentials of John D. Case are either non-existent or minimal. The Affidavit of Glen R. Jeffes that is attached as Exhibit H specifically states on Page 2, No. 8, that it is his opinion that "Mr. John D. Case does not possess the expertise necessary to effectively comment on the adequacy of the evacuation plan for the State Correctional Institution at Graterford. The Affidavit of Erskind DeRamus, attached hereto as Exhibit J, also expresses a similar opinion as to the lack of expertise of Mr. John D. Case.



As was stated in the previous Affidavit of Commissioner Jeffes (Attached to Request for Non-Disclosure of Confidential Information dated December 13, 1983), if the Graterford evacuation plan becomes compromised in any significant degree, the Department of Corrections will be required to change the plan due to our obligation to protect the public from the criminals over which we must maintain safe and secure custody. Not only will this requirement delay the full operation of the Limerick Plant, but it will also needlessly expend further tax dollars to change this plan. We would respectfully request that the Board not designate John D. Case as an expert and that no further disclosure of this plan, to either the inmates or their counsel, be ordered.

Respectfully submitted,

  
Theodore G. Otto, III  
Assistant Counsel  
Department of Corrections

  
Zori G. Ferkin  
Assistant Counsel  
Governor's Energy Council

January 29, 1985  
Date

VITA  
JOHN D. CASE

WORK EXPERIENCE

May 1977 to present	Field Director, The Pennsylvania Prison Society, Philadelphia, PA 19107
December 1962 to February 1977	Warden, Bucks County Prison, Doylestown, and simultaneously from 1969 Director, Bucks County Department of Corrections
1969 to 1978	Member, Governor's Justice Commission, Pennsylvania
January 1942 to December 1962	Private to Major, United States Marine Corps 1954 to 1957 Instructor, Marine Corps Command Staff School, Quantico, VA 1948 to 1950 Custody Officer, Naval Prison, Portsmouth, N.H. 1960 to 1962 Brig Officer, Marine Corps Base, Camp LeJeune, N.C.

EXPERT WITNESS

June 1970	Nez vs Marila, U.S. District Court of Arizona, #70-216
August 13, 1970	Legislative-Executive Task Force on Reorganization of Government, Commonwealth of Pennsylvania
May 29, 1971	Committee on the Judiciary, House of Representatives, Washington, D.C.
June 22, 1972	Committee on the Judiciary, Senate of the United States, Washington, D.C.
July 1977	Sutton vs Washington, Civil Action #77-0279, U.S. District Court for District of Columbia
March 1979	Valentine vs Englehardt, Civil Action #78-270, U. S. District Court for New Jersey (Passaic County Jail)
September 1979	Ippolito vs Howell, Civil Action #78-0911, U.S. District Court for the District of New Jersey (Atlantic County Jail) (Consent Decree)
1980	Morrison vs Brennan, Civil Action #77-0765 consolidated with Civil Action #78-0628, U.S. District Court for the District of New Jersey (Burlington County Jail), Consent Decree.
October 23, 1980	Lareau vs Manson, Civil Action #H-78-145 and H-78-199, U.S. District Court for District of Connecticut.
January 28, 1981	Smith vs Montgomery County and Commissioners, civil action #80-4492, U.S. District Court for the Eastern District of Pennsylvania

EXPERT WITNESS

March, 1980	Davis vs H.G. Evatt, Sheriff of Hamilton County Tennessee, Civil Action #1-79-100, U.S. District Court for the Eastern District of Tennessee
1980	Tammy Lee, James Earl Morehead, et al vs Bradley County, Tennessee, et al, Civil Action #1-80-38 in the U.S. District Court for the Eastern District of Tennessee, Southern Division (Consent Decree)
April, 1981	Laurie DeMier, et al vs Arlington County, Civil Action #80-1086-A, U.S. District Court, Eastern District of Virginia (Consent Decree)
April 2, 1981	Fisher vs Arlington County, et al, Civil Action #80-1104, U.S. District Court, Eastern District of Virginia
August, 1981	Pontate, et al vs Richard Frey of Jefferson County, Civil Action #C75-0031-L(A), C79-0492-L(A), C79-0570-L(A) U.S. District Court, Western District of Kentucky at Louisville
July 3, 1981	Raymond Lattisaw, et al vs Hughes, et'al, Civil Action #K-78-1718, U.S. District Court, District of Maryland (Deposition)
January, 1982	Early vs District of Columbia, Civil Action #1245178 and Civil Action #739579, Superior Court of District of Columbia
January, 1982	Bland, et al vs Norvell, Sheriff of St. Lucie County, Florida, et al, Civil Action #80-8251-CIV-JCP, (80-0016-CIV-MAG-PJK), U.S. District Court for Southern District of Florida, Fort Pierce Division, (Consent Decree)
December, 1981	Billy Curtsinger, et al vs Billy Ray Shephard, et al of Bullitt County, Civil Action, #C80-0048-L(A), U.S. District Court, Western District of Kentucky at Louisville, (Consent Decree)
March 1, 1982	McElvern, et al vs County of Prince William, et al Civil Action #81-1049AM, U.S. District Court of Virginia, Alexandria Division
May, 1982	Gary Hendricks vs Paul Davis, et al, Civil Action #HM-80-2038 in the U.S. District Court for the District of Maryland
February, 1984	Wheeler vs Sullivan, et al, Civil Action #80-177-WRS U.S. District Court of the District of Delaware
December 7, 1984	Michael Wayne Spivey vs Roy Banks, et al, Civil Action #82-1060-CRT, U.S. District Court for Eastern District of North Carolina, Raleigh Division

AWARDS

- 1968 G. Howland Shaw Award of the National Jail Association, Jailer of the Year, presented at the American Correctional Association Convention, San Francisco
- 1975 Exemplary Project Award for Corrections, presented by the National Association of Counties
- 1976 Ambassador of the Year, presented by the Bucks County Chamber of Commerce
- 1976 Liberty Bell Award, Young Lawyers, Pennsylvania Bar Association
- 1977 Citizen of the Decade, presented by the Bucks County Association for Corrections and Rehabilitation
- 1977 Commendation from the Senate of Pennsylvania for nine years of service as a member of the Governor's Justice Commission

PUBLISHED ARTICLES

- January-February, 1965 Modern Corrections in Old County Jail, American Journal of Corrections
- 1965 Citizen Participation in the County Jail, American Correctional Association Proceeding
- September, 1966 We Operate a Salvage Business--Not a Junk Yard! Federal Probation Quarterly
- December, 1966 Citizen Participation: An Experiment in Prison-Community Relations, Federal Probation Quarterly
- March, 1967 "Doing Time" in the Community, Federal Probation Quarterly
- Spring-Summer, 1967 Incentives in a County Prison, Prison Journal
- January 8, 1969 Pennsylvania's County Prisons, a presentation to Task Force on Corrections, the Legislature of the Commonwealth of Pennsylvania
- June, 1969 Reintegration of the Offender into the Community
- February 9, 1971 Does Anybody Really Care? Presented at New York University, and published as a chapter in book Social Disabilities.
- June 23, 1971 Testimony, Committee on the Judiciary, United States House of Representatives, Washington, D. C.
- January-February, 1973 Correctional Volunteers in Bucks County, The American Journal of Corrections

CONSULTANT EXPERIENCE AND STUDIES

1968 to present Certified Jail Consultant, National Jail Association  
1968 Jail Study, Dixon County, Sioux City, Nebraska  
1969 Monroe County, Rochester, New York  
Rockland County, New York  
1970 Hamilton County, Cincinnati, Ohio  
1971 Jefferson County, Louisville, Kentucky  
1973 Onondago County, Jamesville, New York  
1974-1975 Burlington County, Mount Holly, New Jersey (consulted  
in planning of new minimum security corrections center)  
1978 Columbia County, Bloomsburg, PA  
1978 Lancaster County, Lancaster, PA  
1981-1982 Dauphin, Lycoming, Westmoreland, Lackawanna Counties

SPECIAL PROJECTS

1964 Planned and opened Bucks County Rehabilitation Center,  
minimum security institution, first such institution  
in any county in the United States.  
1966 Assisted in preparation of Chapter 3, Community  
Detention Facility, of 1966 edition of Manual of  
Correctional Standards, American Correctional  
Association.  
1970-1971 Member ad hoc committee on work release, American  
Correctional Association  
1972 Member of team which conducted seven training seminars  
(three days each) for sheriffs under sponsorship of  
National Sheriffs Association  
1973 Member of ad hoc committee of American Correctional  
Association to test accreditation procedures. Included  
visits to several institutions to evaluate all aspects  
for accreditation.

PROFESSIONAL AFFILIATIONS

National Jail Association - Was Director and past  
President. Now called American Jail Association,  
serving as Parliamentarian.

American Correctional Association - Former Director

Pennsylvania Association on Probation, Parole and  
Corrections

Member, American Correctional Association - Local  
Detention Committee

TRAINING

January 1955	Instructor Orientation Course, Marine Corps School, Quantico, VA
February, 1960	Senior Officers Short Course in Military Justice
January, 1962	Correctional Administration Course, Class #1, Fort Gordon, Georgia
April to June, 1962	Correctional Administration, American University, Washington, D. C. (2 months, full-time)
July, 1962	Course in Jail Management, Federal Jail Inspection Service, Bureau of Prisons, Washington, D. C.
November, 1962	Speed Reading Course, Marine Corps Base, Camp LeJeune, N. C.
May, 1964	Counseling of Inmates, Public Service Institute of Pennsylvania
December, 1964	Clinical Criminology I, Public Service Institute, Department of Public Instruction, Harrisburg, PA
May, 1965	Security and Discipline in Prison, Public Service Institute
June, 1965	Group and Case Counseling in Correctional Settings, Public Service Institute
June, 1966	Correctional Counseling, Psychotherapeutic Techniques, Public Service Institute
January, 1967	Prison Staff Development, Public Service Institute
May, 1967	Modern Approach to Administration of Justice, Pennsylvania State University
December, 1967	Advanced Course - Prison Security
January, 1968	The Executive Workshop, Pennsylvania Adult Correctional Training Institute, Pennsylvania State University
August, 1968	Juvenile Behavior and Child Care, Public Service Institute
October, 1968	Jail Management Correspondence Course, Jail Management Institute, Bureau of Prisons
December, 1968	Group Counseling, Public Service Institute

EDUCATION

1940 to 1942

After high school graduation (valedictorian), I attended Fordham University, Bronx, New York, on a combined athletic (football) and scholastic scholarship (Dean's List). In 1942, I enlisted in the U.S. Marine Corps. During my Marine Corps career, I attended Fordham University and George Washington College part-time, but did not complete the work required for a degree.

TABLE 7: STATUSES OF PRISONERS CONFINED IN COUNTY PRISONS AND JAILS ON DECEMBER 31, 1973

County prisons and jails	Total prisoners	Flat and maximum sentences				Juvenile court cases	Adult detentions
		3 months and under	4 to 11½ months	12 to 23½ months	24 months and over		
Total.....	5,209	188	183	834	306	110	3,588
Percent of total	100.0	3.6	3.5	16.0	5.9	2.1	68.9
Adams.....	18	2	4	2	0	0	10
Allegheny.....	339	18	10	2	0	2	307
Armstrong.....	16	0	3	0	0	0	13
Beaver.....	45	1	9	2	0	0	33
Bedford.....	3	0	0	1	0	0	2
Berks.....	209	3	1	20	85	5	95
Blair.....	29	0	0	4	1	0	24
Bradford.....	9	0	2	1	0	0	6
Bucks.....	171	16	9	47	20	3	76
Butler.....	21	0	4	0	0	1	16
Cambria.....	36	1	0	5	8	0	22
Cameron.....	3	0	0	0	0	0	3
Carbon.....	1	0	0	0	0	0	1
Centre.....	24	0	0	1	3	0	20
Chester.....	147	6	2	18	11	3	107
Clarion.....	1	2	2	0	0	0	9
Clearfield.....	14	1	0	3	0	0	10
Clinton.....	8	0	0	2	0	1	5
Columbia.....	16	2	0	2	0	1	11
Crawford.....	25	0	4	8	0	2	11
Cumberland.....	43	0	5	15	0	0	23
Dauphin.....	126	6	19	11	1	3	86
Delaware.....	224	8	8	22	39	0	147
Elk.....	1	0	0	0	0	0	1
Erie.....	98	4	0	28	0	0	66

Exhibit B



TABLE 1: DISTRIBUTION OF MAXIMUM SENTENCES ADMINISTERED TO COMMITMENTS RECEIVED IN COUNTY PRISONS AND JAILS DURING 1974

County by region	Total received	Distribution of maximum sentence <sup>1</sup>							Average maximum sentence (days)
		1 to 30 days	31 to 60 days	61 to 90 days	Over 90 to 11.9 months	12 to 23.9 months	24 to 59.9 months	60 months and over	
<b>Total.....</b>	<b>12,368</b>	<b>4,227</b>	<b>3,291</b>	<b>3,111</b>	<b>1,228</b>	<b>2,728</b>	<b>148</b>	<b>17</b>	<b>331.7</b>
<b>Southeast region, total.....</b>	<b>1,209</b>	<b>374</b>	<b>291</b>	<b>277</b>	<b>97</b>	<b>477</b>	<b>107</b>	<b>1</b>	<b>410.8</b>
Bucks.....	172	89	77	73	47	117	17	1	414.4
Chester.....	216	88	14	12	21	40	32	1	305.9
Delaware.....	272	153	21	17	19	97	54	-	404.6
Montgomery.....	367	77	12	13	11	296	16	2	446.8
<b>Philadelphia region, total<sup>2</sup>.....</b>	<b>1,717</b>	<b>261</b>	<b>84</b>	<b>84</b>	<b>123</b>	<b>1,137</b>	<b>8</b>	<b>1</b>	<b>454.9</b>
<b>Northeast region, total.....</b>	<b>1,320</b>	<b>309</b>	<b>63</b>	<b>62</b>	<b>115</b>	<b>497</b>	<b>280</b>	<b>2</b>	<b>478.6</b>
Berks.....	27	73	10	12	5	95	130	1	736.5
Bradford.....	10	9	7	1	14	27	1	-	284.3
Carbon.....	16	3	1	1	1	10	-	-	291.3
Lackawanna.....	147	65	7	4	6	87	8	-	274.1
Lehigh.....	227	52	11	17	16	100	31	-	416.5
Luzerne.....	164	42	19	7	10	39	46	-	504.9
Monroe.....	54	3	-	1	13	27	-	-	473.1
Northampton.....	175	60	9	7	21	37	91	-	431.0
Pike.....	17	-	-	-	6	3	-	-	319.9
Schuylkill.....	129	44	5	7	12	46	12	1	335.2
Sullivan.....	1	-	-	-	-	1	-	-	699.0
Susquehanna.....	40	8	1	2	6	23	-	-	316.1
Tioga.....	17	8	-	-	3	5	1	-	366.9
Wayne.....	12	2	1	-	1	8	-	-	467.0
Wyoming.....	22	11	-	1	1	9	-	-	238.4
<b>Southcentral region, total.....</b>	<b>1,853</b>	<b>463</b>	<b>96</b>	<b>116</b>	<b>764</b>	<b>196</b>	<b>28</b>	<b>-</b>	<b>274.9</b>
Adams.....	13	8	4	3	13	24	-	-	131.4
Cumberland.....	142	36	10	6	26	62	-	-	306.2
Dauphin.....	461	161	13	11	117	178	6	-	283.4
Franklin.....	202	122	12	15	46	15	2	-	193.6
Lancaster.....	279	48	9	42	69	115	3	-	302.0
Lebanon.....	164	44	8	8	19	79	16	-	440.1
Perry.....	11	-	-	-	4	2	-	-	310.1
York.....	261	44	42	25	75	63	1	-	204.5
<b>Central region, total.....</b>	<b>874</b>	<b>507</b>	<b>41</b>	<b>8</b>	<b>76</b>	<b>179</b>	<b>67</b>	<b>7</b>	<b>335.5</b>
Bedford.....	71	19	3	1	9	37	-	-	181.1
Blair.....	164	47	3	1	13	71	13	5	414.0
Cambria.....	94	13	4	1	8	41	27	7	466.2
Centre.....	71	19	4	1	9	25	8	-	404.6
Clinton.....	11	1	1	1	1	1	1	-	382.6
Columbia.....	91	27	3	1	9	31	-	-	239.5
Pulton.....	11	6	4	1	4	4	-	-	237.1
Huntingdon.....	41	8	4	1	9	19	-	-	336.1
Junata.....	12	-	-	-	-	4	-	-	395.2
Lycoming.....	177	81	6	1	7	71	6	-	386.1
Mifflin.....	77	22	-	-	1	22	-	-	287.2
Montour.....	1	-	-	-	1	-	-	-	359.2
Northumberland.....	91	17	4	1	1	37	-	-	273.2
Snyder.....	1	1	1	-	-	-	-	-	211.8
Somerset.....	19	7	4	-	-	1	-	-	185.9
Union.....	41	14	4	1	-	2	-	-	81.7
<b>Southwest region, total.....</b>	<b>752</b>	<b>726</b>	<b>71</b>	<b>44</b>	<b>107</b>	<b>117</b>	<b>1</b>	<b>-</b>	<b>186.1</b>
Armstrong.....	7	7	-	-	11	-	-	-	61.6
Beaver.....	7	36	4	4	1	19	-	-	137.8
Butler.....	21	11	1	1	15	-	-	-	106.7
Fayette.....	7	17	1	1	5	-	-	-	36.1
Greene.....	4	41	1	-	23	-	-	-	16.1
Indiana.....	4	36	1	1	-	-	-	-	103.8
Washington.....	376	186	14	16	49	111	1	-	160.8
<b>Allegheny region, total.....</b>	<b>1,223</b>	<b>1,058</b>	<b>77</b>	<b>61</b>	<b>40</b>	<b>11</b>	<b>1</b>	<b>-</b>	<b>29.1</b>
<b>Northwest region, total.....</b>	<b>1,461</b>	<b>717</b>	<b>61</b>	<b>60</b>	<b>87</b>	<b>466</b>	<b>6</b>	<b>-</b>	<b>330.4</b>
Cameron.....	3	-	-	-	2	1	-	-	351.7
Clarion.....	21	2	1	1	15	-	-	-	256.6
Clearfield.....	35	7	1	4	6	16	-	-	356.1
Crawford.....	152	7	9	12	14	40	1	-	186.5
Elk.....	24	20	1	-	1	-	-	-	23.6
Erie.....	735	351	16	19	24	374	1	-	275.1
Forest.....	9	-	-	-	-	-	-	-	-
Jefferson.....	36	21	1	1	1	8	-	-	143.6
Lawrence.....	24	17	4	7	5	31	-	-	300.5
McKean.....	6	31	1	1	9	-	-	-	111.5
Harcser.....	11	52	1	7	17	42	-	-	214.4
Porter.....	7	6	1	-	-	-	-	-	22.7
Venango.....	92	79	6	3	2	13	1	-	179.4
Warren.....	114	63	6	9	9	19	1	-	81.2

TABLE 10

Inmates in the Bureau of Correction by Minimum Sentence  
on December 31, 1982 and 1983

Minimum Sentence*	December 31, 1982		December 31, 1983	
	Number	Percent of Total	Number	Percent of Total
1 year and under **	1,286	14.80	1,251	12.91
Over 1 to 2 years	1,536	17.68	1,737	17.92
Over 2 to 3 years	1,141	13.13	1,347	13.90
Over 3 to 5 years	1,523	17.52	1,802	18.60
Over 5 to 10 years	1,587	18.26	1,719	17.74
Over 10 to 20 years	429	4.94	510	5.26
Over 20 years	114	1.31	130	1.34
Life	1,074	12.36	1,195	12.33
Total	8,690	100.00	9,691	100.00

\* Based on predominate sentence and excludes all classes of inmates without a minimum sentence, including parole violators.

\*\* Includes inmates in state regional correctional facilities as follows: 537 on 12/31/82 and 576 on 12/31/83.

TABLE 6: YEARLY AVERAGE DAILY POPULATIONS AND POPULATIONS ON DECEMBER 31 IN COUNTY PRISONS AND JAILS, 1969 TO 1973

County prisons and jails	Yearly average daily populations					December 31st				
	1969	1970	1971	1972	1973	1969	1970	1971	1972	1973
Total.....	6,205	6,141	5,998	5,996	5,899	5,686	5,351	5,579	5,527	5,209
Adams.....	20	20	18	17	16	19	18	12	12	18
Allegheny.....	428	455	412	403	368	385	395	365	358	339
Armstrong.....	8	9	8	10	15	3	4	4	6	16
Beaver.....	42	50	56	43	46	39	47	36	46	45
Bedford.....	7	10	7	7	9	7	8	6	6	3
Berks.....	190	197	198	190	206	197	181	178	178	209
Blair.....	44	59	70	54	43	44	53	56	44	29
Bradford.....	9	11	14	12	11	5	2	12	7	9
Bucks.....	156	171	205	191	209	130	164	180	177	171
Butler.....	18	23	26	27	33	23	31	23	22	21
Cambria.....	40	40	33	39	41	45	31	37	43	36
Cameron.....	1	1	3	1	1	0	1	5	0	3
Carbon.....	13	10	9	7	7	9	7	10	4	1
Centre.....	15	19	17	17	20	13	18	17	13	24
Chester.....	123	133	155	138	153	116	145	118	135	147
Clarion.....	9	9	15	12	14	7	10	6	15	13
Clearfield.....	32	27	29	36	23	25	26	25	19	14
Clinton.....	12	17	13	12	14	11	22	10	8	8
Columbia.....	14	16	15	16	21	11	17	11	19	16
Crawford.....	24	27	30	29	29	17	20	34	19	25
Cumberland.....	47	49	51	63	54	45	35	66	57	43
Dauphin.....	145	150	137	163	176	112	129	148	127	126
Delaware.....	269	267	235	255	277	274	219	227	253	224
Elk.....	4	4	5	4	2	5	2	4	1	1
Erie.....	85	98	102	102	106	71	80	76	100	98

TABLE 1: YEARLY AVERAGE DAILY POPULATIONS IN PENNSYLVANIA COUNTY PRISONS AND JAILS, 1974 AND 1975

County by region and class of county	1974	1975	Percent of Change
			1974 to 1975
<b>Total</b> .....	<b>5,745</b>	<b>6,481</b>	<b>12.8</b>
<b>Southeast region, total</b> .....	<b>823</b>	<b>984</b>	<b>19.6</b>
Bucks(3).....	206	246	19.4
Chester(3).....	160	192	20.0
Delaware(2A).....	242	307	26.9
Montgomery(2A).....	215	239	11.2
<b>Philadelphia(1) region, total</b> .....	<b>2,240</b>	<b>2,326</b>	<b>3.8</b>
<b>Northeast region, total</b> .....	<b>786</b>	<b>930</b>	<b>18.3</b>
Berks(3).....	242	248	2.5
Bradford(6).....	15	19	(a)
Carbon(6).....	8	10	(a)
Lackawanna(4).....	55	58	5.5
Lehigh(3).....	141	191	35.5
Luzerne(3).....	95	132	38.9
Monroe(6).....	15	17	(a)
Northampton(4).....	130	151	16.2
Pike(8).....	3	3	(a)
Schuylkill(4).....	50	66	32.0
Sullivan(8).....	1	(b)	(a)
Susquehanna(7).....	10	7	(a)
Tioga(7).....	9	11	(a)
Wayne(7).....	7	11	(a)
Wyoming(8).....	5	6	(a)
<b>Southcentral region, total</b> .....	<b>701</b>	<b>822</b>	<b>17.3</b>
Adams(6).....	23	24	(a)
Cumberland(4).....	61	75	23.0
Dauphin(4).....	168	173	3.0
Franklin(5).....	81	109	34.6
Lancaster(3).....	177	209	18.1
Lebanon(5).....	68	72	5.9
Perry(7).....	6	5 <sup>c</sup>	(a)
York(3).....	117	155	32.5
<b>Central region, total</b> .....	<b>298</b>	<b>378</b>	<b>26.8</b>
Bedford(7).....	6	12	(a)
Blair(5).....	42	64	52.4
Cambria(4).....	44	52	18.2
Centre(5).....	23	21	(a)
Clinton(7).....	18	18	(a)
Columbia(6).....	23	30	(a)
Fulton(8).....	3	6	(a)
Huntingdon(7).....	9	13	(a)
Juniata(8).....	4	5	(a)
Lycoming(5).....	54	65	20.4
Mifflin(6).....	17	23	(a)
Montour(8).....	3	3 <sup>d</sup>	(a)
Northumberland(5).....	33	40	21.2
Snyder(7).....	1 <sup>e</sup>	4	(a)
Somerset(6).....	6	9	(a)
Union(7).....	12	13	(a)
<b>Southwest region, total</b> .....	<b>232</b>	<b>281</b>	<b>21.1</b>
Armstrong(6).....	13	11	(a)
Beaver(4).....	42	69	64.3
Butler(5).....	33	32	-3.0
Fayette(4).....	50	49	-2.0
Greene(7).....	8	9	(a)
Indiana(6).....	10	15	(a)
Washington(4).....	76	96	26.3
<b>Allegheny(2) region, total</b> .....	<b>378</b>	<b>413</b>	<b>9.3</b>
<b>Northwest region, total</b> .....	<b>287</b>	<b>347</b>	<b>20.9</b>
Cameron(8).....	1	1	(a)
Clarion(7).....	12	17	(a)
Clearfield(6).....	21	34	(a)
Crawford(6).....	38	42	10.5
Elk(7).....	2	4	(a)
Erie(3).....	117	138	17.9
Forest(8).....	(f)	(f)	(a)
Jefferson(6).....	7	10	(a)
Lawrence(5).....	27	30	11.1
McKean(6).....	10	8	(a)
Mercer(5).....	25	29	16.0
Potter(6).....	2	3	(a)
Venango(6).....	8	9	(a)
Warren(6).....	17	22	(a)

TABLE 7

Month-End Populations in the Bureau of Correction  
January, 1981 to December, 1983

Month	1981	1982	1983
January 31	8,311	9,518	10,646
February 28	8,386	9,642	10,786
March 31	8,418	9,776	10,905
April 30	8,645	9,922	10,984
May 31	8,760	10,011	11,056
June 30	8,859	10,161	11,146
July 31	8,959	10,251	11,273
August 31	8,986	10,247	11,352
September 30	9,074	10,336	11,480
October 31	9,246	10,443	11,636
November 30	9,343	10,540	11,698
December 31	9,420	10,572	11,798

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

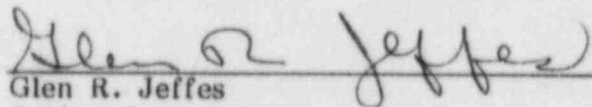
In the Matter of	)	
	)	
Philadelphia Electric Company	)	Docket Nos. 50-352
	)	50-353
(Limerick Generating Station,	)	
Units 1 and 2)	)	

AFFIDAVIT OF GLEN R. JEFFES IN SUPPORT OF THE  
RESPONSE OF THE COMMONWEALTH OF PENNSYLVANIA  
TO GRATERFORD INMATES DESIGNATION OF  
JOHN D. CASE AS AN EXPERT IN THE FIELD OF CORRECTIONS

I, Glen R. Jeffes, being duly sworn according to law, hereby depose and state the following:

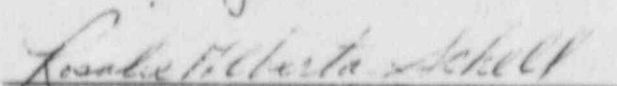
1. My qualifications have not changed since my previous affidavit attached to The Commonwealth Request for Non-Disclosure dated December 13, 1984.
2. I know John D. Case professionally, personally and have also reviewed his VITA.
3. During the time Mr. Case was a warden, county jails including the Bucks County Prison were used to house criminals who were unconvicted, unsentenced and sentenced to substantially less serious crimes than state institutions.
4. During his time as warden, the Bucks County Prison housed criminals sentenced to "simple imprisonment" which was the punishment for the least serious crimes.
5. That at all times Mr. Case was Warden of Bucks County Prison, if Bucks County Prison had an inmate that they were unable to maintain care, custody or control over, the Bucks County Prison could request that the State Correctional System take care, custody and control over the problem inmate in one of the more secure state correctional institutions.

6. To the best of my knowledge, the largest mass movement of inmates that Mr. Case has ever been involved with was the transfer of approximately thirty-nine (39) inmates of the lowest security class at the county level to a rehabilitation center for work-release type inmates in 1963 or 1964.
7. In the past few years, the inmates that we have received in the state system are younger, more aggressive, more assaultive and more impetuous than inmates received before this time. Therefore, it is my opinion that individuals who have not had care, custody or control over inmates in the last few years are unable to fully appreciate the requirements for security regarding these inmates.
8. As Acting Commissioner of the Department of Corrections, with over twenty (20) years of correctional experience, with essentially all of this experience dealing with maximum security inmates, with twelve (12) years in the Pennsylvania State Correctional System, eleven (11) of which as a superintendent of maximum security institutions, including the State Correctional Institution at Graterford, it is my opinion that Mr. John D. Case does not possess the expertise necessary to effectively comment on the adequacy of the evacuation plan for the State Correctional Institution at Graterford.

  
Glen R. Jeffes  
Acting Commissioner

Sworn and Subscribed Before

Me This 24<sup>th</sup> Day  
of JANUARY, 1985.

  
Notary Public

My Commission Expires April 27, 1985  
Harrisburg, Pa. Dauphin Co.

TABLE 25

Internal Population Movements (Outgoing) in the Bureau of Correction  
1982 and 1983

Releases	State Correctional Institutions		State Regional Correctional Facilities		Total	
	1982	1983	1982	1983	1982	1983
Authorized temporary absences	6,909	6,768	605	609	7,514	7,377
Bail	32	24	5	5	37	29
Deaths						
Assault	1	1	0	0	1	1
Natural	19	22	0	0	19	22
Suicide	1	5	0	0	1	5
Detained by other authorities	98	77	0	1	98	78
Escapes	108	107	1	5	109	112
Furloughs	2,321	2,509	322	509	2,643	3,018
Local hospitals	730	485	31	19	761	504
Transfers:						
Bureau Transfers						
Permanent	5,998	6,626	315	256	6,313	6,882
Temporary	664	566	17	6	681	572
Intersystem Transfers						
To county prisons						
Sentenced	7	6	6	11	13	17
Detentioners	138	138	3	0	141	138
To Yarview State Hospital	202	233	0	0	202	233
To other mental hospitals	27	52	9	9	36	61
Interstate compact	6	4	0	0	6	4
Weekends	0	0	42	78	42	78
Miscellaneous	129	135	0	3	129	138
Total	17,390	17,758	1,356	1,511	18,746	19,269



**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)	)	

AFFIDAVIT OF ERSKIND DERAMUS IN SUPPORT OF THE  
RESPONSE OF THE COMMONWEALTH OF PENNSYLVANIA  
TO GRATERFORD INMATES DESIGNATION OF  
JOHN D. CASE AS AN EXPERT IN THE FIELD OF CORRECTIONS


I, Erskind DeRamus, being duly sworn according to law, hereby depose and state the following:

1. I am the Deputy Commissioner of Corrections of the Commonwealth of Pennsylvania.
2. I had had extensive training and experience in the field of corrections and particularly in the transferring of inmates between institutions.
3. I received a Bachelor of Science Degree in Secondary Education from Alabama A & M College in 1953.  
I graduated with majors in Social Studies and Mechanical Arts; I had minors in English and Science.
4. I completed advanced graduate work at Temple University, majoring in Education. I have also received various teaching and management certificates.
5. I have held various positions in the Pennsylvania Bureau of Corrections for eighteen years.

6. I have been a member of a number of professional associations including the following:
  - a. American Correctional Association
  - b. Pennsylvania Prison Wardens Association
  - c. National Association of Blacks in Criminal Justice, Treasurer, Pennsylvania Chapter
  - d. Pennsylvania Association on Probation, Parole and Corrections
  - e. Correctional Industries Association
7. From 1966 to 1967, I was an Institution Secondary teacher with the Philadelphia Correctional Institution, teaching general academic subjects under the supervision of the Director of Education.
8. From 1967 to 1970, I served as the principal of the same Institutional School, planning the educational objectives and curriculum and directly supervising the teachers.
9. In 1970, I was appointed Deputy Corrections Superintendent at SCI-Graterford in which position I directed and coordinated the treatment and remedial services programs in a state correctional institution. Prior to appointment to this post, I served in the positions of Classifications and Treatment Supervisor I and II; in these positions, I planned, organized and directed a classification and treatment program for medium and maximum security inmates.
10. On November 18, 1971, I advanced to the position of Corrections Superintendent at SCI-Huntingdon. In this capacity, I was responsible for carrying out a coordinated correctional program for a state penal institution housing medium and maximum security inmates.

11. From October 1, 1973, to the present, I have served as Deputy Commissioner of Corrections of the Commonwealth of Pennsylvania. In this capacity, among other duties, I have been the individual primarily responsible for the transfer of inmates between penal institutions.
12. Pursuant to 61 P.S. § 72, it is the Deputy Commissioner's statutory responsibility to authorize and coordinate all inmate transfers in the state corrections system. In accordance with this statute, I have, for the last 11 years, supervised all transfers in the Pennsylvania Correctional System. There are approximately 60-75 transfers per week. I am involved with all aspects of the transfer process and thoroughly understand the various problems and security requirements of transferring medium to high security inmates.
13. I know Mr. John D. Case in a professional capacity and have examined his VITA.
14. In my opinion, as warden of Bucks County Prison, Mr. Case had no opportunity to supervise transfers of medium or maximum security prisoners. County prisons only are permitted to house convicted criminals serving sentences of less than five (5) years. The county can also request the State Correctional System to transfer and take custody of any unruly or dangerous criminals the county prison was not equipped to handle.
15. To the best of my knowledge, the largest mass movement of inmates that Mr. Case has ever been involved with was the transfer of approximately thirty-nine (39) inmates of the lowest security class at the county level to a rehabilitation center for work-release type inmates in 1963 or 1964.

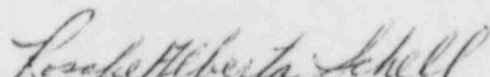
16. It is my opinion, after working for 18 years in medium and maximum security prisons, and as the person primarily responsible for prisoner transfers in the state prison system for the past 11 years, that Mr. John Case has no experience in transferring inmates in medium or maximum security prisons that would allow him to have an expert opinion in such matters.

  
\_\_\_\_\_  
Erskind DeRamus  
Deputy Commissioner

Sworn and subscribed

before me this 28<sup>th</sup> day

of JANUARY, 1985

  
\_\_\_\_\_  
Rosalberta Schell  
Notary Public

NOTARY PUBLIC  
My Commission Expires April 17, 1985  
Harrisburg, Pa. Dauphin Co.

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) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Response of the Commonwealth of Pennsylvania to Graterford Inmates Designation of John D. Case as an Expert in the Field of Corrections" were served on the following by United States first class mail on the 31st day of January 1985:

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

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Washington, DC 20555

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Philadelphia Electric Company  
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Angus Love, Esq.  
101 East Main Street  
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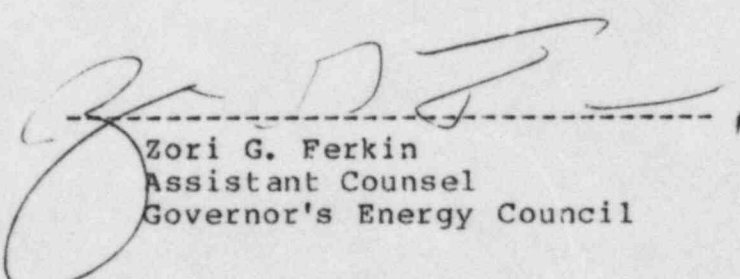
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Zori G. Ferkin  
Assistant Counsel  
Governor's Energy Council

Date: January 31, 1985