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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 : Docket No. 50-352  
Philadelphia Electric Company :  
(Limerick Generating Station, :  
Unit 1) :

PROPOSED CONTENTIONS OF THE GRATERFORD INMATES  
WITH REGARD TO THE EVACUATION PLAN

I. INTRODUCTION

On September 18, 1981, the National Lawyers Guild, through Donald Bronstein, filed a petition to intervene in the above-captioned matter on behalf of certain inmates at Graterford. In response to a Board Order of October 14, 1981, the National Lawyers Guild filed a Supplementary Memorandum in support of its initial petition. On June 1, 1982 the Atomic Safety and Licensing Board admitted the Graterford prisoners as a party to this proceeding. See Philadelphia Electric Company (Limerick Generating Station Units 1 and 2) LBP-82-43A, 15 NRC 1423, 1446 through 1447 (1982). On April 20, 1984, in a special pre-hearing conference order, the Board granted the Graterford Inmates twenty days after receipt of the evacuation plan for Graterford to submit specific contentions. On December 13, 1984, three and a half years after their initial filing, the counsel for the inmates, Angus R. Love, who replaced Donald Bronstein, received from the Commonwealth the sanitized version of the Pennsylvania

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Bureau of Corrections radiological emergency response plan for Graterford. On December 19, 1984, the Graterford inmates moved for an order requiring full disclosure of the Graterford plan to counsel or experts under a protective order or otherwise. They further requested and received an extension of time in which to file their contentions. On January 29, 1985, the Board denied the inmates Motion for Full Disclosure and ordered them to submit within twenty days their contentions based upon the sanitized version of the plan. In response to said order, the inmates hereby submit their proposed contentions with regard to this plan. The inmates, however, reserve the right to file additional contentions if their appeal of the decision denying them and their expert access to the unsanitized plan is successful.

It is the inmates contention that there are no other persons or agencies available to represent their interests in this matter. They further state that input through their counsel and their expert, Major John Case, can contribute to providing a reasonable assurance that the Graterford evacuation plan will work. To date there has been no demonstrative or varifiable evidence from any agency, including PEMA, as to the workability of this plan. The inmates request the right to participate in this proceeding so as to bridge the gap between themselves and their administration and to quell inmate fears regarding their safety in the event of a nuclear emergency.

## II. GENERAL CONTENTIONS

- A. There is no reasonable assurance that the evacuation plan will protect the staff and inmates at the State Correctional Institute at Graterford.
- B. There is no reasonable assurance that the evacuation plan will provide a safe and secure evacuation from the State Correctional Institute at Graterford.
- C. There is no reasonable assurance that the evacuation plan will provide for a safe and secure return to the State Correctional Institute at Graterford.

## III. SPECIFIC BASES FOR CONTENTIONS

### A. Transportation.

1. There is no reasonable assurance that PEMA has made arrangements to provide the sufficient number of buses, vans ambulances and drivers for said vehicles necessary to implement an evacuation from SCIG. On January 2, 1985, Ralph Hibbert of PEMA, testified that PEMA has not been involved in negotiations for buses and drivers for a Limerick evacuation with any bus provider, other than SEPTA (TR. 19609). The negotiations with SEPTA are still ongoing and have not come to any agreement. Furthermore, there has been no information provided to suggest that any arrangements for any vehicles have been made for the Graterford evacuation. Mr. Hibbert testified that "We (PEMA) have not completed all the arrangements for meeting the unmet needs. When we do complete them, we will assure that there is

a driver for each bus. Otherwise, obviously the bus is useless." (TR. 19,566).

2. There is no reasonable assurance that two ambulances will be adequate to transport non-ambulatory and communicable disease patients (See Evacuation Plan page E-1-11, 4(4) ). There is no assurance that two ambulances will be sufficient to transport all the non-ambulatory and communicable disease patients at SCIG. SCIG frequently treats patients with hepatitis, which is a communicable disease and there are a multitude of non-ambulatory persons currently housed in SCIG. There is no basis for assuming that two ambulances will be sufficient to carry out this task. Ralph Hibbert testified on January 22, 1985 that there are currently an unmet need for 134 ambulances for Chester and Montgomery Counties with 40 reserve ambulances be requested by Montgomery County. (See TR 19,578). Thus, the need for two or more ambulances for the Graterford evacuation will further burden this unmet need. Mr. Hibbert further testified that PEEMA is currently negotiating with the Pennsylvania Department of Health in an attempt to meet this unmet need, however, there is no assurance that an agreement has been reached which will provide the necessary ambulances in order to conduct the evacuation of not only the counties but also the State Correctional Institute at Graterford.

3. The inmates cite 10 CFR 50.47 a(1) and 2(b) 1, 2, 8; NUREG 0654, Criteria A.4, C.4, A.2 (a) as the basis for this contention.

B. Preparation for Evacuation.

1. Manpower

(a) There is no reasonable assurance that the manpower needed to conduct the evacuation will be available at the time necessary to implement the evacuation plan. The inmates note that there is a significant disparity between the number of correctional officers on duty during the three shifts at the SCIG. If the evacuation were to occur during the night shift, there is no assurance that there would be adequate personnel to conduct said evacuation.

(b) There is no reasonable assurance that the Pennsylvania National Guard can be mobilized in time to carry out their responsibilities of the evacuation (See Evacuation Plan page E-1-10 (5) ). Ralph Hibbert testified on January 22, 1985 that "It takes awhile to mobilize the National Guard." (TR 19,567) The Montgomery County draft RERP Number 7 states that the average mobilization and deployment time for the National Guard units assigned to Montgomery County is approximately six to eight hours after order by the governor to state active duty. (Annex H, Section IV.A) Furthermore, there has been no assurance as to what battalion of the National Guard will be assigned to the Graterford evacuation. It is already expected that it will take from six to ten hours before the last prisoner is ready to leave SCIG (See Applicant's Motion for Exemption from the Requirements of 10 CFR 50.47 (a) and (b) as they relate to the Necessity of Atomic

Safety and Licensing Board Consideration of Evacuation Provisions of the Emergency Plan for the State Correctional Institute of Graterford. Attached to said Motion Affidavit of Robert Schmidt and Geoffrey Kaiser, page 7, paragraph 13 relating to a private communication between Theodore Otto, III and G. D. Kaiser on 1/31/85. This information further raises the inmates concern regarding the mobilization and evacuation time necessary to complete a safe and secure evacuation of Graterford. There is also no reasonable assurance that the Pennsylvania State Police will be available to conduct their duties as mentioned on page E-1-10 (5) of the Evacuation Plan. The inmates cite as a basis for this contention 10 CFR 50.47(a)1, (b)1, 5, 6, 7 and 15; NUREG 0654; Criteria A.1, A.2, A.3, A.4, C.4, G.1, and M.1.

## 2. Security Equipment

There is no reasonable assurance that there will be a sufficient number of shackles, leg irons, handcuffs and weapons necessary to provide a safe and secure evacuation for inmates and staff alike. There is no reasonable assurance that the current number of shackles currently available at SCIG for day to day operations will be sufficient to conduct an evacuation of 2,500 inmates in the event of a nuclear emergency.

Among the inmate population are 365 individuals serving life sentences, 45 individuals serving sentences of twenty years or more, and 10 individuals who are scheduled for execution. (See Pennsylvania Bureau of Corrections 1983 Annual

Statistical Report.) Inmates cite as a basis for this contention 10 CFR 50.47(a)1, 2, (b)8. .

### 3. Communications Equipment

There is no reasonable assurance that there will be a sufficient number of radios and other communication equipment necessary to conduct a safe and secure evacuation of the SCIG. (See page E-1-8 (m, n, o) ). Inmates cite as a basis for this contention 10 CFR 50.47 (a)1 and 2, 2(b)5, 6.

### 4. Radiological Equipment

There is no reasonable assurance that there will be sufficient amount of radiological equipment, such as KI and dosimeters available to safeguard the inmate and staff population during an nuclear emergency, where the potential for prolonged exposure to radio activity exists. (See page E-1-8 (m, n, o).) Given the wide range of scenarios that could exist in the event of a nuclear emergency, and there being no reasonable assurance that there will, in fact, be an evacuation of the prisoners at this time, the inmates request that there be sufficient supplies KI, dosimeters and any other necessary radiological equipment for the entire 2,500 inmate population. Plaintiffs cite as a basis for this contention 10 CFR 50.47 (a)1 and 2, and (b)8, 11.

### C. Notification to the Public.

There is no reasonable assurance that the inmate population at SCIG will be notified in the event of an incident at the Limerick Generating Station. In light of this, the

inmates request that the use of sirens or radiological monitoring devices be installed at SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (a)1, 2 (b)5, 6, 7.

D. Medical Services

There is no reasonable assurance that medical services will be provided to individuals contaminated by radiation. Inmates cite as a basis for this 10 CFR 50.47 (b)12.

E. Monitoring

There is no reasonable assurance that monitoring at SCIG will occur in the event of an accident at the Limerick Generating Station. (See page E-1-10 of the Evacuation Plan.) Inmates cite as a basis for this contention 10 CFR 50.47 (b)9, 11.

F. Simulated Evacuation Plan Exercise

There is no reasonable assurance that the proposed tabletop exercise of the evacuation plan without any input or movement from the inmates, their counsel or their expert is adequate to meet the standards of 10 CFR 50.47 (b)14.

G. Training

There is no reasonable assurance that SCIG personnel, drivers (once identified), and the Pennsylvania State Police will receive any training in preparedness for a nuclear emergency at SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (b)15.



#### H. Recovery and Reentry

There is no reasonable assurance that there is any plans for a safe and secure recovery and reentry to SCIG. Inmates incorporate by reference all contentions regarding the evacuation to a reentry. Furthermore, there is no provisions for testing at the site in order to assure that it is safe for the inmate population to return to SCIG. Inmates cite as a basis for this contention 10 CFR 50.47 (b)13.

#### I. Sheltering

There is no reasonable assurance that there will be an evacuation of inmates in the event of an incident at the Limerick Generating Station (See page E-1-4, (3) of Evacuation Plan.) The inmates are concerned as to what criteria will be used in the decision on whether to evacuate or shelter and at this time has no reasonable assurance as to what those criteria may be. Furthermore, the description of a monitoring of the "institutional climate" (See E-1-10 (8)) is too subjective and open-ended to be a rational basis for which to determine whether to shelter or evacuate.

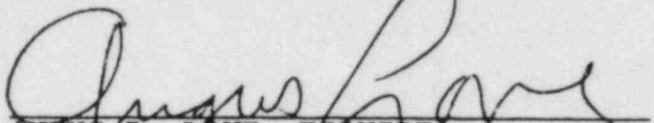
#### J. General Concept of Evacuation

There is no reasonable assurance that the general concept of evacuation as outlined in Attachment A page E-1-A-1 will provide for the safety and security of inmates and SCIG personnel during said evacuation.

IV. CONCLUSION

For the reasons discussed above, the inmates respectfully request that their proposed contentions be admitted by the Licensing Board and they request the right to oral argument on this issue if the Board deems it necessary.

Respectfully Submitted,



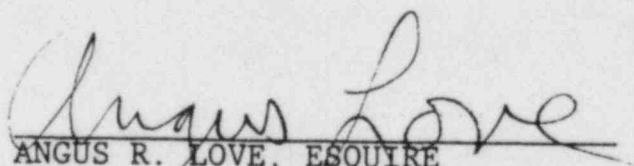
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State Correctional Institute at  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Proposed Contentions of the Graterford Inmates with Regard to the Evacuation Plan was sent to the Service List, with three (3) copies to the Docket and Service Section, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, first class, postage-prepaid on February 15, 1985.

  
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