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U.S. NUCLEAR REGULATORY COMMISSION . . . . ATOMIC SAFETY AND LICENSING BOARD

Re: PHILA. ELECTRIC CO. Limerick Nuclear Gen. Sta. Units 1 & 2. Docket # 50-352,353

March 2, 1985

ROBERT L. ANTHONY / FOE FINDINGS AND CONCLUSIONS ON OFF-SITE EMERGENCY PLANNING AND COMPLAINT THAT OUR MOTION OF 1/29/85 TO REVISE SCHEDULE WAS DENIED.

LB DENIAL OF OUR INTERVENOR RIGHTS IN EMERGENCY PLANNING HEARINGS

85 MAR -6 110:06

We are filing our findings under protest since the record on emergency off-site planning is incomplete because of the cutting off of our legitimate and essential opportunity to cross-examine witnesses, thereby prejudicing our case and depriving the record of evidence needed by the Board to make a fair and balanced decision on our contention, designated LEA-24/FOE-1.

We asserted to the Board on several occasions that the Board's rulings on denying us cross-examination time subjected us to very curtailed opportunity by assigning LEA the examination function for our contention, under the pretext of "lead" intervenor for LEA, an arrangement set up only as an administrative device during pre-hearing contacts. We never agreed to relinquishing any of our hearing rights as an independent intervenor. We protested during the hearings the Board's arbitrary actions to curtail our participation, which amounted to a conscious move to silence us. (See tr. 14,030 to 14,041 as an example )

Judge Hoyt revealed what appeared to be some of the motivation for this unfair pressure put on us when she said, tr. 14,041, ".all of us are being pushed to get time. We have commitments as to when we have to write decisions .. " Further evidence of Commission pressure comes from the transcript of the NRC meeting in Washington, 1/8/85 in which the time schedule for an operating license for Limerick was under discussion, in the comment of Chairman Palladino (page 30), "...this says four months. I was counting at most three months. "

The details of the prejudice done our intervention in the off-site emergency planning are set forth in our statement to the Board 1/29/85 (Exhibit A.). Because of this prejudice we moved to set aside the findings schedule and recall witnesses, in order to complete the record. Our motion was denied by the Board, 1/29/85. Further details of the Board's arbitrary curbing of our participation are set forth in our appeals to the NRC Appeal Board, dated 12/10/84, and 1/31/85, included as Exhibits B and C. , and Exhibit D, our motion to LB of 12/2/84.

BLOCKING OF EVACUATION ROUTES THROUGH VALLEY FORGE PARK AND KING OF PRUSSIA

PEC's testimony and that of PEMA and FEMA did not substantiate that HMM Assoc's assumption that the evacuations via Rt.252 and Rt.363 would not be impeded by traffic in panic proportions, spontaneously evacuating from King of Prussia and the Rt. 202 corridor. Ranger Fewlass from Valley Forge Park testified that the Park would allow evacuation traffic through the park on Rt.23 although that is not a designated

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evacuation route. This would obviously add to the traffic congestion and blockages. Tr. 14,592.

Mr. Waggenman, township manager of Upper Merion, testified on 1/8/85 as to the critical traffic congestion in the township and the threat of ever growing traffic from the new construction in King of Prussia and the township. He referred to the traffic tie-ups on Rt. 363 and Rt. 202. PECO demonstrated in its exhibit E-92 how the evacuation traffic on Rt. 363 would be narrowed to single file in making two 270 degree turns via clover leaf ramps onto Rt. 202 and from #202 onto the Schuylkill Expressway. <sup>( See Fewlass, tr. 14,688 )</sup> Mr. Waggenman testified further that evacuation traffic would conflict with and have to cross eastbound traffic on # 202 turning right onto the Expressway ramp toward Philadelphia. To sum up the traffic pressures in King of Prussia he gave as an example the two malls each of which has parking for over 100,000 cars, and all these spaces are filled on peak days.

The relation of the evacuation routes to Valley Forge Park and King of Prussia are demonstrated in the accompanying diagram, (Exhibit E) which indicates the conflicting forces: evacuation traffic routes from the EPZ vs. spontaneous, unplanned, panic evacuation from the Park and King of Prussia on the announcement of a nuclear emergency at Limerick. (Fewlass tr. 14,609)

The hearings on Contention LEA-24/ FOE-1 did not produce the "assurance" specified in the contention:

... that plans for evacuation of the ten mile radius will not be impeded by traffic congestion in the vicinity of March Creek State Park Exton area and Valley Forge Park, King of Prussia area.

In fact the opposite finding resulted from the testimony: <sup>Valley</sup> ~~Forge~~ Park and King of Prussia area will be tied up, perhaps almost completely tied up, in the event of an alarm from Limerick.

SETTING OF THE LIMITS FOR THE EXTENT OF THE EPZ.

The other part of the Contention states:

These areas should either be included in the Emergency Planning Zone or adequate plans for traffic control and direction should be made to avoid adverse effects on EPZ evacuation.

PEMA did not submit prefiled testimony on LEA-24/FOE-1. We conclude this to mean that PEMA did not choose to contest this contention, and apparently does not maintain that evacuation traffic will not be impeded in Valley Forge Park and K. of P.

We conclude, also, that PEMA is not opposed to the inclusion of Valley Forge Park in the EPZ. From the record we do not see any proof that traffic control outside the EPZ would assure safe evacuation of the EPZ although we do not disagree with Mr. Urbanik who testified for FEMA on 1/18/85, that there should be a study of this control outside the EPZ. This might be done in addition to including Valley Forge Park in the EPZ, but we believe that the evidence from the hearing is that this Park must be included if the safety of the visitors there is to be provided for, and if their safe evacuation is to be coordinated with other movement out of the EPZ. See Fewlass testimony, tr. 14,642, on park use, " 12,986,258, total figure 1983."

A consideration of the southern boundary of the EPZ came into the hearing before the Hearing Board on 3/5/84. Judge Brenner pointed out that the EPZ was as much as 12 miles in places. tr.7618. Ms. Perkin indicated that the Penna. Turnpike was a most prominent boundary. tr. 7619. Judge Brenner said that traffic evacuation in relation to King of Prussia should be taken into account and demography (i.e. K. of P. and Valley Forge Park.) was one of the factors in 10CFR 50.47 (c) (2), tr.7619 and 7620. The NRC counsel also called attention to EPZ boundaries already beyond 10 miles, tr. 7621,7622,7623.

When the question of Valley Forge Park in the EPZ came up with the FEMA witnesses on 1/25/85, we asked whether the southern edge of the EPZ did not follow the Penna. Turnpike as a boundary for a number of miles and whether Valley Forge Park did not show up as a piece taken out or a dent in the EPZ. Mr. Asher agreed that he saw an irregular line there, tr. 20,239,. Again at ,tr.20,242, Mr. Asher did not know why the Park had been left out of the EPZ nor did he think he was able to testify as to whether it should be included. PEMA raised the point of it being worthwhile to include it in the EPZ, tr. 14,019. Pre-hearing order 4/20/84

In his testimony for FEMA Mr. Urbanik said that there was nothing to preclude Valley Forge Park from being included in the EPZ, tr. 19,264.

PEMA's map, Exhibit E-92 shows three townships in the EPZ, Chester County, extending up to 11 to 12 miles and East Nantmeal, <sup>extends</sup> from 2 to 2½ miles beyond the 10 mile circle. In Montgomery County the map shows Douglas township at about 2½ miles beyond the ten mile circle, Lower Providence about 2 miles and Skippack between 1 and 2 miles. In comparison to these townships the map shows Valley Forge Park with a section in the 9 to 10 mile range, the bulk of the park within 10 to 12 miles and the visitor center at about 11½ miles. We assert that PEMA failed to comply with NUREG -0654, Rev.1. and 10 CFR 50.47 by not affording Valley Forge Park the opportunity to be included in EPZ. Ranger Fewlass testified 12/5 that the Park had never been given this choice or the chance to be included in an emergency evacuation plan, despite the requirement that any governmental <sup>entity</sup> with part of its area within the 10 mile circle should be given the choice to be included. The Park staff knew an area was within 10 miles, tr. 14,649,650,654, and 655. Fewlass met with PEMA 11/7/84 to verify this. tr. 14,666. We moved to include it, tr. 14,633 on 12/5/84

On 12/8/84 we followed up our verbal motion for an order that Valley Forge be included in emergency planning, with a written motion to LB to require PEMA to include Valley Forge Park in the EPZ, and when LB denied this motion, 1/10/85, we filed an appeal with the Appeal Board 1/17/85, ( Exhibits F and G ).

PEMA AND FEMA MUST ACT TO INCLUDE VALLEY FORGE PARK IN THE EPZ

When Mr. Goodwin, counsel for PEMA on 1/3/85 submitted a corrected map on PEMA's behalf, E-92, to indicate, as Mr. Pewlase had insisted, that part of Valley Forge Park was within the 10 mile circle, he took particular pains to "correct" the boundary of EPZ so that no part of the Park on the Southwest corner should be shown as included in the EPZ. We interpreted this to indicate a sensitivity on the part of PEMA which we had suspected from other evidence. We believe that for a number of reasons the EPZ formation omitted Valley Forge Park as a governmental entity because of its status as a federal jurisdiction and because of the possible complications of integrating it into county and township plans. We believe this was a serious mistake, especially in the light of more than 13 million people who use the park in a year. The Board must find that Valley Forge Park be included in the EPZ and made a part of an emergency evacuation plan.

Valley Forge Park should be included in the EPZ and evacuation plans must be made for the populous and congested King of Prussia area if PEMA and FEMA are to be in compliance with 10 CFR 50.47, especially (c) (2), but not limited to this, and the following sections of NUREG-0654, Rev. 1.: D 2. ( p. 10 & 11 ), D d., TABLE 1. & 2., E. ( p. 19, 20, 21 )

RESPONSIBILITY OF PEMA AND FEMA FOR SAFE EMERGENCY PLANNING

We think LB has a responsibility to review the performance of PEMA and FEMA in the discharging of their mandates under 10/CFR 50.47 and NUREG-0654. It must weigh the possible conflict of interest which we raised in questioning FEMA's witness Urbanik, tr. 19266. The Board must weigh FEMA's apparent sponsorship of a license for Limerick as indicated in the subject of E.L. Jordan, NRC, letter to R.W. Primm, 12/26/84, " FEMA Support for NRC Licensing of Limerick Generating Station". tr. 20, 229. FEMA holds the key as to whether the public will be protected, tr. 20, 228. Both PEMA and FEMA neglected their responsibility by not insisting on Valley Forge Park in the EPZ, tr. 20, 230, 231, 233, 242, 243, . FEMA witnesses indicated inadequate response by the agency to its responsibilities, tr. 20, 234, 238, 242, 243, 244, 245, and an avoidance of its independent judgment and responsibility, 20.246, 247.

We were cut off from completing our examination of PEMA witnesses, tr. 20, 248, but the evidence is conclusive that the Board must find that Valley Forge Park be included in the EPZ and the King of Prussia area be made a part of Limerick off-site emergency planning.

cc: NRC LB Judges, Staff Counsel, Docketing Serv.  
PEMA, PEMA, PECO, LEA. others on Serv. List.

Respectfully submitted,  
*Robert L. Anthony*  
Box 186 Moylan, Pa. 19065

U.S. NUCLEAR REGULATORY COMMISSION ... ATOMIC SAFETY AND LICENSING BOARD

Re: PHILA. ELEC. CO. Limerick Generating Sta. Units 1 & 2 Docket #: 50-352,353

Jan. 29, 1985

STATEMENT BY R.L. ANTHONY/POE Re HEARINGS ON EMERGENCY PLANNING AND MOTION TO  
LB TO RECONSIDER THE FINDINGS SCHEDULE AND MOTION TO RECALL WITNESSES ON WHOM  
CROSS EXAMINATION WE WERE CUT OFF.

STATEMENT. On 1/25/85 our cross examination of FEMA witnesses was cut off  
at one half hour. In order for the record to be complete and for the Board to  
have adequate information on our contention on which to make a decision  
which we could base findings, we needed at least another hour. We informed the  
Board and were overruled. We asked to make a statement and this request was  
denied by the Board.

We now state that the record on our emergency planning contention is  
incomplete because of the arbitrary and unreasonable limitations put on our  
cross examination of witnesses by the Board. This constitutes capricious and  
prejudicial action on the part of the Board. The Board thereby denied us due  
process in this hearing and violated our rights to be heard on the threats to our  
health, safety and interests, guaranteed to citizens under NEPA and the Atomic  
Energy Act.

There is evidence to show that this prejudice to our rights imposed by  
the Board could have been motivated by pressure to speed up the hearing and to  
arrive at a favorable, early decision to enable PECO to operate LimeWick as soon  
as low power testing is completed. We quote the Board's statement as evidence  
of pressure for a speed up (tr. 14,041, 16-22), " ..all of us are being pushed  
to get time. We have commitments as to when we have to write decisions. " Further  
indication of NRC pressure to speed up the license process comes from the trans-  
cript of the Commission's meeting 1/8/85. On page 29 Chairman Palladino, in a  
discussion of the Limerick schedule, says, " Maybe you could enlighten me as to  
why it takes so long and then, presumably, the Commission would have another 30  
days for its effectiveness decision. " On page 30 (1) he comments further... --  
" this says four months. I was counting at most three months. " These remarks  
hint at the pressure under which the Board has been operating, from the top down.

We claim that this pressure and the pressure that the Board created for itself  
resulted in curtailed cross examination time, dictated by the Board, and this  
deprived us of our rights as a citizen intervener to question the witnesses and  
thereby build a complete record on our contention. This is a denial of due process  
and our rights to be heard under NEPA and AEA. We claim that the Board subverted  
the judicial process and caused prejudice against our case. We, therefore, now  
petition the Board to review its prejudiced rulings and make restitution to us  
as specified below.

EXHIBIT A

MOTION 1. We move that the Board recall witnesses whose cross examination was cut off in an unreasonable, arbitrary and prejudicial manner by the Board with the result that the record is incomplete and injustice was done to the intervenors' presentation of contentions. Specifically we move the Board to recall witnesses Klimm, Fewless, Wagemann, Urbanik, PEMA and FEMA witnesses, and the witnesses from Montgomery County whom we did not examine at all, and to provide us time to adequately cross examine these witnesses.

MOTION 2. We move that the Board set aside the findings schedule which it set up and to re-schedule new findings dates following the the additional testimony of the recalled witnesses.

cc: NRC LB Judges, Counsel, Docketing Serv.  
PECO, PEMA, FEMA, LEA, PHILA., others on  
Serv. List.

Respectfully submitted,  
*Robert L. Anthony*  
Box 186, Moylan, Pa. 19065

(1.) Excerpt from NRC January 8, 1985 Commission Meeting transcript, provided by the Secretary 1/25/85.

30

1 period.

2 CHAIRMAN PALLADINO: Well, I guess I was thinking  
3 30 days for the first step, 60 days -- this says four months.  
4 I was counting at most three months.

5 MR. CHRISTENBURY: Well, in the normal course, two  
6 months for findings and two months for a decision. But here  
7 in terms of alerting the Commission to potential problems,  
8 here there are a number of circumstances where the emergency  
9 plans for the different counties and municipalities have not  
10 been approved, adopted, by the counties yet.

11 FEMA, I understand, has not completed their review  
12 until such time as the counties have adopted theirs. So,  
13 the testimony that FEMA is going to be operating will be  
14 somewhat dependent on that.

15 So, there are a number of potentials for delay in

U.S. NUCLEAR REGULATORY COMMISSION...ATOMIC SAFETY & LICENSING APPEAL BOARD

RE: PHILA.ELECTRIC CO. Limerick Gen. Sta., Units 1 & 2 DOCKET No.: 50-352,353

Dec. 10, 1984

APPEAL BY R.L. ANTHONY/FOE FROM THE ORAL RULING OF THE LICENSING BOARD ON 12/3/84  
DENYING OUR MOTION OF 12/2/84 ON OUR EXAMINATION RIGHTS, AND RECALL OF WITNESS KLIMM.

85 MAR -6 11:07

Anthony/FOE seeks relief from the Appeal Board from prejudicial and capricious suppression of our rights as an independent intervenor <sup>OFFICE OF SECRETARY OF ENERGY</sup> witnesses testifying on our accepted contentions, by the Licensing Board <sup>ON</sup> 12/2/84 we filed a motion with LB as a result of unfair and arbitrary rulings, especially on 11/30/84, by LB, rulings which prevented our cross examination of witnesses testifying on our emergency planning contentions. A copy of the motion is enclosed. We assert the rulings of LB were prejudicial and improper in the following respects.

1. We were ordered to channel our examination through a "lead" intervenor in spite of our status as an accepted intervenor with a contention, FOE 1. , which was accepted in a LB order in July 1984 and combined without our choice, for LB convenience, as LEA 24-FOE 1.

2. LB refused to permit us to cross examine witnesses on our contention with equal time and equal status with LEA. This stifled our opportunities to be included in the record and thereby created a curtailed and unfair record.

3. LB defied and compromised proper judicial procedure by suggesting and further pressuring us, a citizen, pro se intervenor to yield time to the Commonwealth attorney, tr. 14,030, 14,031. We were cut off in our examination and were not allowed to return to the witness despite our legitimate plea to be heard. Furthermore this LB action put the Commonwealth attorney in a position which is impermissible for a judicial board.

4. LB's position stated by the chairperson, tr. 14,041, appears to be a direct denial of proper and fair administrative court procedure (lines 16-22) "All of us are being pushed to get time. We have commitments as to when we have to write decisions." It appears from this statement that the time limit for the hearing on emergency evacuation planning for Limerick has been established and the LB is pressuring the intervenors to curtail their examinations to fit within these limits. This indicates a position contrary to Constitutional guarantees of due process and a fair hearing for citizen representatives, and perhaps for all the parties in these proceedings.

We move the Board order LB to remove any deadline limit, guarantee Anthony/FOE's participation as an independent intervenor, and allow recall of witnesses in whose examination Anthony/FOE was cut off. Respectfully submitted,  
cc: NRC Counsel, Docketing, PEMA, PEMA, LB Judges Phila. Elec. *Robert L. Anthony*  
LEA, City. EXHIBIT B

Jan. 31, 1985

APPEAL FROM R.L.ANTHONY/FOE TO THE APPEAL BOARD FROM THE ORAL DENIAL OF OUR MOTIONS OF 1/29/85 to SET ASIDE THE FINDING SCHEDULE & RECALL WITNESSES.

85 MAR -6 110:07  
OFFICE OF BOARD APPLICANTS  
& SECT. 10

BACKGROUND. During the hearings in Philadelphia on off-site emergency planning for a radiological emergency at the Limerick plant the Hearing Board applied prejudicial and arbitrary time restraints and other biased pressure on citizen intervenors who were thereby prevented from carrying out an orderly cross examination of witnesses. Time was restricted in a dictatorial manner with the result that our cross examination was cut off and the record is accordingly incomplete and faulty. The Board and the Parties will be denied many crucial items which were excluded because of the Board cutting off cross examination.

There is evidence in the hearing record of the Board's stated pressure to meet a deadline on submitting its decision. To thus circumvent due process and fair judicial procedure amounts to subversion of the judicial process. In addition there is a hint as to the source of some of the pressure in the transcript of a recent Commission meeting in which the time needed to complete the process of licensing Limerick was discussed with the implied goal of speeding up the outcome ( See transcript,NRC 1/8/85 pp. 28 to 37,served on us 1/25/85 )

RELIEF. On 1/29/85 Anthony/FOE submitted motions to LB to request that LB correct some of the prejudice and injustice done our contentions by the denial of due process and a fair hearing guaranteed to citizens under NEPA and AEA. Our motions to set aside the findings schedule and to recall witnesses where our cross examination had been cut off were summarily denied in an oral ruling by LB on 1/29/85.

We hereby petition the Appeal Board to reassert our rights to a fair hearing and to reverse the decision of the Licensing Board and order the findings schedule be set aside and <sup>that</sup> we be afforded the opportunity to have the LB recall witnesses where our examination was cut off, to complete our cross examination.

cc: NRC LB Judges, Counsel,Docketing Serv. Respectfully submitted,  
PECO, PEMA,PEMA, LEA and others on Serv.List. Robert L. Anthony  
Box 186 Moylan ,Pa. 19065

P.S. Attention of Ms. C.J. Shoemaker,Sec. AB. :

In response to the AB order of 1/16/85, we inform you that R.L.Anthony will present argumant at the hearing on 3/4/85 for Anthony/FOE.

Robert L. Anthony

EXHIBIT C



LEA

RE: PHILA BLEC. CO. Limerick Generating Sta. Units 1 & 2 DOCKET # 50-352,353

Dec. 2, 1984

R.L. ANTHONY/FOE MOTION TO PRESERVE INTERVENOR'S CROSS EXAMINATION RIGHTS AND  
MOTION TO RECALL PECO'S WITNESS KLIMM FOR FURTHER QUESTIONING BY INTERVENOR.

85 MAR 26 1985  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

1. At the hearing on 11/30/84 Intervenor Anthony/FOE was pressured by the Board to cut short his cross examination of Mr. Klimm with the suggestion from the Board that he yield his time to the Commonwealth attorney.

We assert that this suggestion from the Board, and its urging was entirely inappropriate and not in keeping with proper judicial practice. In addition we call the Board's attention to guarantees of citizen participation as a fundamental principle of both NEPA and AEA. The Board's suggestion that a lay, citizen intervenor yield his cross examination time to the professional attorney of a state agency applies a dampening, unfair pressure against such a volunteer intervenor. It is also an impermissible suggestion to submit to an attorney.

2. As a result of this Board pressure on the intervenor and the Board's order terminating his cross examination of Mr. Klimm, the intervenor was not able to complete his cross examination as he stated on the record. He was also prevented from making a cross examination of the witness when the Board directed the representative of LEA to serve as the exclusive examiner on re-cross.

Anthony/FOE's contention on emergency planning in relation to Valley Forge Park and King of Prussia was accepted by the Licensing Board in the first authorizing of Limerick contentions and was combined with LEA contentions only at the Board's order on some administrative basis and without our choice. There is no authority whatever to merge the two intervenors and we insist on our separate rights to cross examine witnesses whose testimony bears on our contention. Any channeling of our examination through a "lead" intervenor is not legitimate and is unacceptable. We move that the Board respect and guarantee our rights as an intervenor.

3. Since we were prevented by the Board from completing our cross examination of Mr. Klimm we move that the Board recall Mr. Klimm for our further examination. It is apparent that several avenues that are of considerable weight for a complete record were left up in the air. The question of existing traffic (flow) on evacuation routes was left unfinished. Judge Cole, for instance, asked whether it was reasonable to assume zero flow on Route 202, and the answer was incomplete. We have further questions on flow and peak re-flow into EPZ after an alert. Another item, among others, that was not covered was Exhibit E 68 which we reserved the right to get more detail at the time it was introduced. We, therefore, move that the Board recall Mr. Klimm and afford us the opportunity to complete our examination.

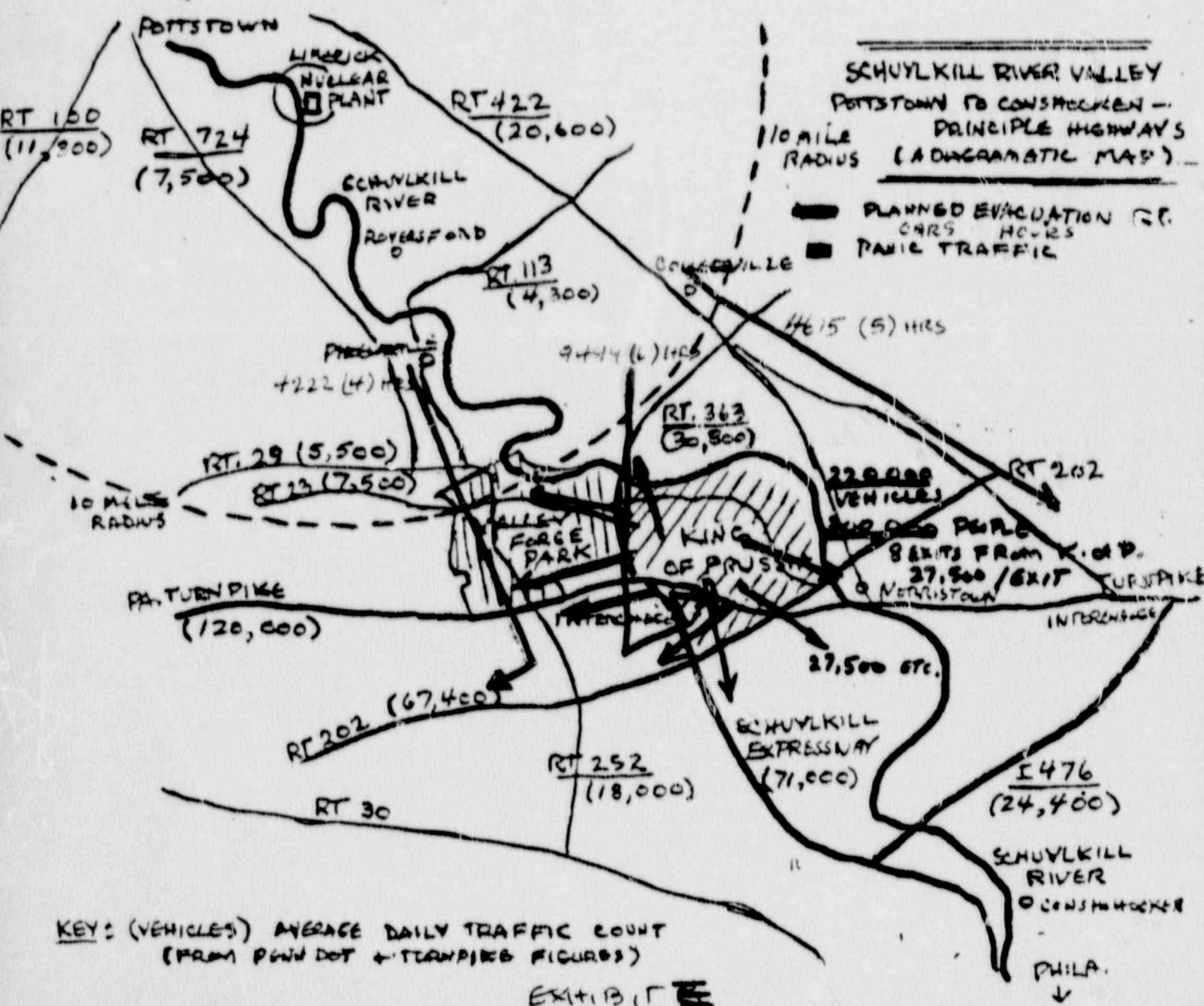
cc: NRC Counsel, Docketing Serv.  
PEMA FEMMA Conser & Wetterhahn, LEA  
Commonwealth, City

Respectfully submitted,  
*Robert L. Anthony*  
Box 186 Moylan, Pa. 19065

EXHIBIT D

EVALUATION PLAN - To get an impression of the size of this responsibility, ROUTES the traffic and use figures for Valley Forge Park are included, PANIC TRAFFIC and the means of emergency exit are related to the use and

peak congestion on the expressways and major highways adjacent to the park. The park records show the total use of the park by 11 1/2 million individuals in a year, including visitors, commuters, groups, and recreational users. Complete emergency plans must be in order, to protect these people. This fact has not been addressed by PECO, nor has the impact of Limerick on the park as a national historic monument. (see contention V-1.)



U.S. NUCLEAR REGULATORY COMMISSION.. ATOMIC SAFETY AND LICENSING BOARD

RE: PHILA.ELEC. CO. Limerick Gen. Sta. Units 1 & 2. DOCKET No. 50-352,353

Dec. 8, 1984

R.L. ANTHONY/ FOR MOTION TO INCLUDE VALLEY FORGE NATIONAL PARK IN EMERGENCY EVACUATION PLANNING FOR LIMERICK, SUPPLEMENTING VERBAL MOTION OF 12/5/84 (Tr. 14,633)

Mr. T.J. Fewlass, chief ranger for Valley Forge Nat. Park, in his testimony before LB on 12/5/84 said that he forwarded a map to PEMA in February 1984 the Park which had a 10 mile arc showing parts of the Park in the northeast section within EPZ. (Tr. 14,655). He also said that he met with PEMA officials on 11/7/84 to discuss this matter. (Tr. 14,666) He showed a version of PEMA Emerg. Evac. Map dated 7/84 which he pointed out, showed a part of Valley Forge Park in the N.E. within the 10 mile arc, contrary to the PEMA 6/83 which places all of the Park outside the arc. (tr. 14,655) Mr. Fewlass further testified that he received a telephone call from John Cunningham, a PECE consultant who also worked with PEMA, on 2/10/84. Mr. Cunningham informed him that all of Lower Providence Township was within the EPZ and all of the Park on the east side of the Schuylkill River is in that township (tr. 14,695). Mr. Fewlass testified that Park plans for that section in Lower Providence "include some major developments in the way of recreation". Tr. 14,696. Mr. Fewlass said that Mr. Cunningham inquired about the type of development in that part of the Park and the number of potential shelters.

The testimony outlined above shows conclusively that PEMA knew at least by February 1984 that part of Valley Forge Park was within the EPZ and issued a revised map in July 1984 showing part of the Park inside the EPZ. In light of these facts we assert that PEMA withheld from NRC and all the parties and agencies involved this information and has not yet issued to us a revised version of its evacuation map. We assert that PEMA in this manner was a party to misinformation which could be interpreted as deception. We are not suggesting at this time that this was deliberate deception, but we do assert that the prejudice to the preparation of our contention on the safety of visitors in the Park in the event of a radiological emergency was equally damaging.

We also call to the Board's attention that NRC regulations provide a choice for jurisdictions which have part of their area within the 10 mile circle, to elect to be included in emergency evacuation planning. There is no evidence to show that Valley Forge Park, a U.S. entity, was offered the choice to be included in emergency planning. Mr. Fewlass testified that no emergency planning representative had been designated for the Park and there is no emergency plan for a Limerick radiological emergency. Tr. 14,607. He also testified that a study of the effect of spontaneous evacuation from King of Prussia on the safety of Park visitors in the event of a Limerick emergency "would be worthwhile". Tr. 14,609. He was asked about the effect of spontaneous evacuation from the Rt. 202 and 252 corridors on Park safety. He thought a study "would be advantageous. The dimensions of the evacuation problem for the Park is highlighted by Mr. Fewlass' testimony that in 1983 the total visitors added up to 12,986,258. Tr. 14,642.

We assert that PEMA evacuation plans are not in accordance with NRC regulations in that Valley Forge Park, which has part of its area within the 10 mile circle is not included in the EPZ and in emergency evacuation planning. We move that the Board require PEMA to include Valley Forge Park in the EPZ and formulate an emergency evacuation plan for the Park.

cc. NRC Staff, Docketing Serv. PEMA, PEMA, EXHIBIT F  
Conner and Wetterhahn, LEA, Phila. T.J. Fewlass

Respectfully yours,  
Robert L. Anthony

U.S.NUCLEAR REGULATORY COMMISSION...ATOMIC SAFETY & LICENSING APPEAL BOARD

Re: PHILA. ELEC. CO. Limerick Gen.Sta. Units 1 & 2.

Docket no. 50-352,353

Jan. 17, 1985

APPEAL BY R.L.ANTHONY/FOE FROM THE ORAL RULING BY LB ON 1/10/85, DENYING OUR MOTION OF 12/8/84 TO INCLUDE VALLEY FORGE PARK IN EMERGENCY EVACUATION PLANNING.

On 12/8/84 R.L.Anthony/FOE submitted a motion to LB to include Valley Forge National Park in the Limerick EPZ and emergency evacuation planning as a consequence of new information supplied by Chief Ranger T.J.Fewlass in testimony before LB on 12/5/84. LB denied our motion @ Tr. 17,506 23-25.

Mr. Fewlass testified that part of the Park is within the 10 mile radius and that he <sup>had</sup> supplied maps to PERMA to prove this and that PERMA had revised its maps but had not notified the Parties. We asseft that this prejudiced our preparation of our contention on the safety of visitors in the Park and all the Parties' consideration of the adequacy of emergency planning in case of a nuclear emergency at Limerick.

We assert that Valley Forge National Park as a governmental entity with the responsibility for the safety of thousands of visitors, with part of its area within the 10 mile zone, should have been given the choice to be included in emergency planning in accordance with NRC regulations. Mr.Fewlass testified that this choice was never offered.

We move that the Appeal Board reverse LB's decision and order Valley Forge Park be given the opportunity to be included in the EPZ and emergency evacuation planning. We petition the Board to order LB to hold a hearing on including the Park in EPZ, should the Board not decide to order Valley Forge Park included, on the basis of our motion and the record of the LB hearing in Philadelphia in December 1984.

cc: NRC Staff, Docketing Serv. LB Judges  
PERMA, FEMA, Conner & Wetterhahn, LEA,  
Others on service list.

Respectfully submitted,

*Robert L. Anthony*

Box 186 Moylan, Pa. 19065

EXHIBIT G