

March 15, 1985

DOCKETED

ANTHONY/FOE MOTION IN OPPOSITION TO PECO'S MOTION FOR EXEMPTION FROM 10 CFR 50.47 PROVISIONS FOR EMERGENCY AND EVACUATION PLANNING FOR GRATERFORD PRISONERS AND STAFF.

'85 MAR 18 P4:12

Intervenor Anthony/FOE registers our opposition to granting an exemption to PECO from the requirements of 10 CFR 50.47 and 42 U.S.C 2231 for planning for a radiological emergency at Limerick in relation to the prisoners and staff of the Penna. maximum security prison at Graterford, which is within the EPZ. We move the Board to deny this exemption and to set up a schedule of discovery and hearings to thoroughly explore emergency plans for Graterford and to relate these to the emergency plans for the other entities in the EPZ and adjacent to it.

1. The population concentration at the prison, an estimated average of 2,400, along with the potential threat to the community from accidental release of prisoners and victimizing of local residents makes a complete, workable, safe plan for Graterford one of the key links in protecting the public in the event of a radiological emergency at the Limerick plant.

2. There is such a close interrelation between safe emergency planning for the communities in, and adjacent to the EPZ, and Graterford that no operating license should be granted until both plans are approved and demonstrated as workable. Presently there is no assurance that any plan can be made workable. The Proposed Findings submitted by Ms. Z.G. Perkin on 3/6/85 state (p.2.) "...the Commonwealth does not choose to certify at this time that the plans are adequate and capable of being implemented".

3. Furthermore, the NRC Staff's Proposed Findings, 3/7/85, place a condition on the current plans, that the testimony of FEMA witness, T. Urbanik, be implemented for traffic control points beyond the EPZ so that evacuation traffic can "continue to move". (NRC Findings Para. 6, 16, 37), Urbanik specifies "south and east of EPZ." Graterford evacuation would have to move south and east away from the plant. Safe planning for Graterford cannot be assured without the addition of these controls.

4. We adopt and endorse all the points in Graterford Inmates' Motion in Opposition to Applicant's Motion for Exemption, submitted by their counsel Angus R. Love. We include the Inmates' Motion in its entirety by reference here. We also endorse Major John Case, Field Director of the Pennsylvania Prison Society, as a qualified expert.

5. We add the points that follow as essential considerations which must be explored in discovery and a pre-hearing process, and resolved through testimony and findings in hearings before any operating license can be issued.

6. The timing of a Graterford evacuation is crucial. Would FEMA authorize

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it at an early stage of a Limerick emergency in order to avoid conflict with evacuation traffic from EPZ? How many and what kind of prisoners would be assigned for early evacuation ?

7. The impact of a partial, early evacuation would tie up staff and have the potential to cause a panic among prisoners.

8. A postponement of Graterford evacuation to an advanced stage of a Limerick emergency would pose aggravated problems such as the problematic change of staff shifts with guards having to make plans for their families and homes rather than reporting for work.

9. In addition the level of tension in the prison would rise rapidly with the first radio and TV news of a Limerick emergency and with the pressure on the staff to organize for a possible evacuation.

10. Any release of prisoners from locked cells under such tension could create panic conditions, even with additional personnel. The potential for injuries and deaths would be high, both inmates and guards.

11. Perhaps even more inevitable could be the potential for panic and riot if radiation should be carried by the wind in the direction of the prison and measures undertaken to measure the levels in the prison and to protect and treat the staff on a priority basis.

12. A decision not to evacuate prisoners and to rely on sheltering in the buildings could pose perhaps the greatest threat to the safety of prisoners and staff since the potential for riot and possibly a mass jail break would be high. Such an eventuality would bring great danger to the community.

13. In conclusion we state that the interrelation between emergency plans for the whole EPZ <sup>and Graterford</sup> is so complex that neither can be successful without full consideration of the mutual impacts. The implications for the public must be completely studied and resolved in a complete hearing process. The hazards involved in planning for Graterford must be considered through testimony and public participation. The public must understand the risks, and consent to the safest plan that can be devised.

14. We repeat our motion that the Board deny PECO's motion for an exemption in relation to Graterford prison and its inmates and staff, and that the Board give the required weight to these emergency plans by setting up a full discovery and hearing procedure. We further move that the Board postpone any decision on emergency plans for the whole EPZ until the hearing process on Graterford emergency planning has been completed and the two aspects have been coordinated into a workable whole.

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

Respectfully submitted,  
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