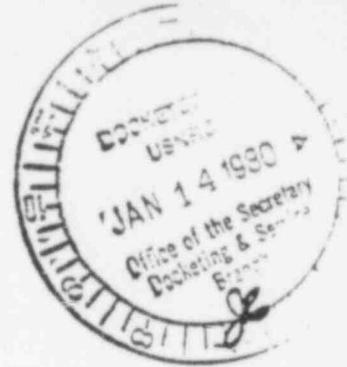


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289
(Restart)

INTERVENOR STEVEN C. SHOLLY
RESPONSE TO LICENSEE OBJECTIONS
TO REVISED EMERGENCY PLANNING
CONTENTION

Steven C. Sholly, Intervenor, filed with the Board on 17 December 1979 his revised Emergency Planning Contention (Contention #8). Licensee filed his response, containing objections to certain subsections of Revised Contention #8, on 2 December 1980. Intervenor herein addresses those objections.

Before responding to each specific objection, Intervenor here restates his position that it is absolutely necessary to have available for review a copy of Licensee's Emergency Plan Implementing Document, availability of which has been denied by Licensee. The EPID contains the specific procedures by which the Emergency Plan is implemented. The plan itself may be satisfactory, but if the Implementing Procedures themselves are faulty, the Emergency Plan is worthless. Licensee would have the Intervenor be satisfied with only a Staff review of the EPID once the Emergency Plan has been found adequate. This is not satisfactory in any way. Licensee has posed no similar objections to the review of numerous

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other operational procedures and there exists no good reason for not including a review of the Emergency Procedures within the framework of this proceeding. Indeed, inadequate operational procedures played a major role in the Unit 2 accident, and a major lesson learned from that accident, which was cited by the LLIF, was that operational procedures required improvement to assure the protection of public health and safety. Once the systems which prevent accidents from occurring in the first place break down and an accident occurs, the only thing protecting the public health and safety is the existence of an effective emergency plan, complete with procedures which assure that the plan is implemented on a timely basis. Availability of the EPID for review and revision of emergency planning contentions is an absolute necessity and this Intervenor continues to insist on this point.

Intervenor now addresses the objections raised to the various subparts of Revised Contention #8:

SUBPART "C"

Licensee mischaracterizes this subpart as an attack on the Commission's Policy Statement which adopted NUREG-0396 as the basis for emergency planning for nuclear power plants. As Licensee points out, the adequacy of the EPZ concept is the subject of an ongoing rulemaking proceeding and that proceeding is

the proper forum in which to pursue changes in Commission policy.

What this subpart addresses is not the adequacy of the EPZ concept but rather the manner in which Licensee has applied the concept in his Emergency Plan. Licensee, in his 01/02/80 filing, quotes two of the major conclusions of the Report of the Task Force on Emergency Planning (NUREG-0396) in support of his position. These two phrases, taken alone, give the appearance that the TFEP supports a rigid application of the EPZ concept in such a manner that all nuclear power plants will have a 10-mile Plume Exposure EPZ and a 50-mile Ingestion Exposure EPZ.

These two conclusions, when examined in the light of what is written in the rest of the report, yield an entirely different interpretation. In examining the contents of NUREG-0396, the following statements are found:

1. "EPZs are designated as the areas for which planning is recommended to assure that prompt and effective actions can be taken to protect the public in the event of an accident." (NUREG-0396 at page 11)
2. "It is expected that the judgment of the planner will be used in determining the precise size and shape of the EPZs considering local conditions such as demography, topography and land use characteristics, access routes, jurisdictional boundaries, and arrangements with the nuclear facility operator for notification and response assistance." (NUREG-0396 at page 14)

3. "Based on the information provided in Appendix I and the applicable PAGs a radius of about 10 miles was selected for the plume exposure pathway and a radius of about 50 miles was selected for the ingestion exposure pathway, as shown in table 1. Although the radius for the EPZ implies a circular area, the actual shape would depend upon the characteristics of a particular site." (NUREG-0396 at page 16)
4. Specifically for the plume exposure pathway, an EPZ radius of about a 10-mile circular radius is given as guidance in Table 1 on page 17. This guidance is asterisked with reference to the bottom of the page to the following statement, "Judgment should be used in adopting this distance based upon considerations of local conditions such as demography, topography, land characteristics, access routes, and local jurisdictional boundaries." (NUREG-0396 at page 17)

It is obvious from quotes 2, 3, and 4 above that the TFEP did not envision a rigid application of the 10- and 50-mile EPZs for all nuclear power plants, but rather that each site be examined within the context of the NUREG-0396 guidelines and such local considerations as demography, topography, land use, access routes, and local jurisdictional boundaries, to determine if the simplest application of the EPZs (i.e., a circular radius of 10 miles for plume exposure and a circular radius of 50 miles for ingestion exposure) is sufficient to assure that prompt and effective actions can be taken to protect the public in the event of an accident. It is the application of these principles in the Licensee's Emergency Plan which is at issue in Subpart C, not the adequacy of the EPZ concept itself as the Licensee misinterprets this

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subpart to mean.

SUBPART "D"

Licensee states in his filing of 01/02/80 that is is previously stated that the proposed 10-mile EPZ is based in part on less severe core melt accidents. Nowhere within the Licensee's Emergency Plan has this Intervenor been able to locate any evidence that any core melt accident or any other Class 9 accident has been taken into consideration in determining the EPZs for plume and ingestion exposure pathways. If such discussion is in the Emergency Plan, Intervenor would appreciate being directed thereto. Inasmuch as considerations of Class 9 accidents are required by the implementation of the planning concepts in NUREG-0396, this subpart is contended. Intervenor does not seek to require consideration of "more severe Class 9 accidents" as is implied by the Licensee at page 13 of his 01/02/80 filing. This subpart seeks evidence that the required Class 9 considerations have indeed been incorporated into the EPZs proposed by the Licensee. This subpart is not an attack on the Plume Exposure Pathway EPZ as implied by the Licensee. Again, Licensee has grossly mischaracterized this Intervenor's contention in such a manner as to induce the Board to reject portions of this contention.

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Intervenor urges that the Board examine Subpart D before adopting the Licensee's obvious misinterpretation thereof.

SUBPART "Q"

This subpart is a nearly identical restatement of an NRC criticism of the Licensee's Emergency Plan. Licensee's Emergency Plan attempts to address this issue in Section 8 , pages 8-1 through 8-10 of Amendment 6 to the "Restart Report." Intervenor's contention is that this discussion is insufficient to assure the effectiveness of the emergency plan throughout the operational lifetime of Unit 1. The Licensee's Section 8 of the Emergency Plan itself is vague, contains insufficient detail, and lacks the specificity necessary to determine that Licensee has adequately planned for changes to the Emergency Plan which will be necessitated by changing local conditions such as demography and access routes.

SUBPART "S"

This subpart is very specific as to the manner in which the letters of agreement and understanding are inadequate. To clear up any confusion on the part of the Licensee as to which letters are referred

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to in this subpart, none of the letters of agreement and understanding sufficiently reflect the concerns addressed in this subpart (i.e., specificity of assistance to be provided and mutually acceptable criteria for the implementation of such assistance).

SUBPART "I"

This subpart is somewhat vague. NUREG-0396 addresses the thrust of this subpart in two statements:

1. "The key to effective planning is good communication to authorities who know what they are going to do under pre-determined conditions." (at page 13)
2. "The time available for action is strongly related to the time consumed in notification that conditions exist that could cause a major release or that a major release is occurring." (at page 19)

It is in this light that this subpart is advanced. Licensee's Emergency Plan fails to acknowledge these conditions and the conditions addressed in this subpart of Contention #8. These issues are the crux of the situation which occurred in the Unit 2 accident with respect to the ability of the Licensee to recognize the existence of conditions which could lead to major releases of radiation into the environment, the time consumed by the Licensee from the initiation of obviously severe conditions to the notification of off-site authorities, and the conflicting information provided to those authorities on which to base their

response to the conditions at the plant.

This subpart addresses one of the so-called "mind-set" issues, specifically the unfounded confidence that all conditions which can lead to off-site releases will be recognized by plant operators in a timely manner and that notification of off-site authorities of such conditions will be accomplished in sufficient time to permit the implementation and completion of appropriate emergency responses. This is a philosophical issue which involves no specific portion of the Emergency Plan but rather the entirety thereof. Evidence presented on this issue during litigation will inevitably involve a judgment by the Board as to whether this issue has been adequately addressed by Licensee. Intervenor feels that this is an important issue within the context and deserving of pursuit in the proceedings. If more detail and specificity are required, Intervenor will provide such at the direction of the Board.

SUBPART "Z"

This subpart again, in spite of Licensee's protestations to the contrary, does not attack a Commission regulation. Licensee has no reliable means by which to control access to the Susquehanna River within the exclusion area. If Licensee is depending upon the Coast Guard for such access control, the letter of agreement

with the Coast Guard, on page 2 of Appendix C to the Emergency Plan, clearly undercuts the sufficiency of this approach wherein it is stated:

"It should be understood that most of our facilities are located at some distance away and are primarily oriented toward response in coastal and maritime areas. Due to involvement in primary mission areas such as search and rescue, maritime pollution and fisheries law enforcement, a further delay may be encountered due to the time that would be involved in recalling and redirecting Coast Guard resources, if warranted, to your area."

It should be further noted that this letter is signed by the Chief of the Operations Division of the Third Coast Guard District in New York, NY.

If Licensee is depending upon State Police or local police to provide access control, none of the letters of agreement contained within the Emergency Plan so indicate.

If it will assist in avoiding confusion for this subpart, Intervenor consents, at the Board's discretion, to the deletion of the word "legal" from this subpart (last sentence of Subpart Z, page 6 of Intervenor's submittal of 12/17/79).

SUBPART "EE"

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Intervenor hereby withdraws Subpart EE of Contention #8 and redesignates Subpart FF as Subpart EE and redesignates Subpart GG as Subpart FF to provide continuity within the alphabetical scheme used

in this Contention.

Respectfully submitted,



Steven C. Sholly
304 South Market St.
Mechanicsburg, PA 17055
(717) 766-1857
566-3237
566-3238

DATED: 7 January 1980

CERTIFICATE OF SERVICE

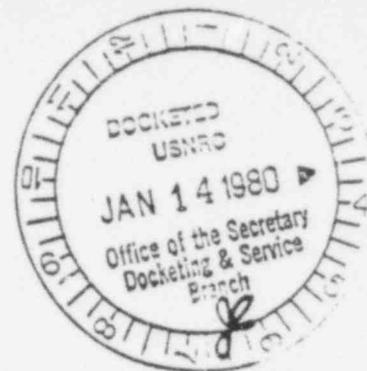
I, Steven C. Sholly, hereby certify that a single copy of INTERVENOR STEVEN C. SHOLLY RESPONSE TO LICENSEE OBJECTIONS TO REVISED EMERGENCY PLANNING CONTENTION was filed by hand delivery to the TMI Observation Center, addressed to the Attention Of Mr. John Wilson, as per the requirements for service to other parties in this proceeding by the Licensee.



Steven C. Sholly

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

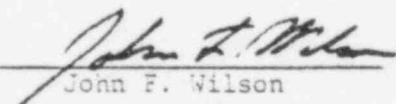


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Station, Unit No. 1))

Docket No. 50-289
(Restart)

CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenor Steven C. Sholly Response To Licensee Objections To Revised Emergency Planning Contention dated January 7, 1980, which was hand delivered to Licensee at Three Mile Island Observation Center, Middletown, Pennsylvania, on January 8, 1980 were served upon those persons on the attached Service List by deposit in the United States mail, postage paid, this 9th day of January, 1980.


John F. Wilson

Dated: January 8, 1980

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY) Locket No. 50-289
) (Restart)
(Three Mile Island Nuclear)
Station, Unit No. 1)

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*Person on whose behalf service is being made. Only Certificate of Service is enclosed.

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