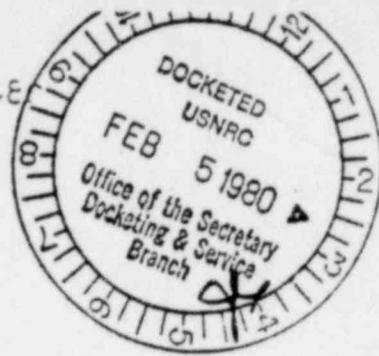


January 31, 1980



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 Aamodt's Response to Licensee's Objections to Emergency
Planning Contentions

Licensee in Response dated January 25, 1980 states on p. 8 that Aamodt provided no adequate explanation for delay in revising Emergency Planning contentions. Intervenor apologizes to licensee in that a direct explanation and request for extension was not made to the licensee as well as to the Board. No slight was intended the licensee, nor disregard for licensee's schedules. As explained in a letter to the Board dated January 15, 1980 and enclosed with revision of emergency planning contentions mailed to Service List, including Washington, D. C. offices of licensee's attorney, Intervenor was not present at the prehearing conference in Harrisburg when the date for response to the Emergency Plan was set. Intervenor was ill and her husband substituted for her as his business schedule allowed. Intervenor was not aware of the necessity to respond until after the deadline of December 19 had passed, therefore an extension of deadline could not be properly requested. Intervenor does not have the services of an attorney, nor secretarial services, so that the burden of the volume of mailings before and after the Christmas holidays was too great to adequately address the missed deadline. Intervenor lives on a farm with animals to be attended, and the many demands of family prevented timely response. The reproduction and mailing services of licensee cannot be availed by

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Intervenor due to special delivery requirements and location of Intervenor's residence. Intervenor has requested leniency in meeting deadlines where the forward going process of the hearing is not impeded. It is apparent from receipt of recent mailings that the discussion of revised Emergency Planning contentions is ongoing.

In the spirit of reducing further delay, and in no way to usurp the Board's final authority in admission or denial, Intervenor puts forth a response to licensee's objections and confusions regarding Emergency Planning contentions 3,4,5 and 6.

Contention 4. (Revised) It is contended that licensee has not made provision for timely dissemination of information in the event of accidental release of airborne radioactive gasses or particulates. It is contended that licensee must make information available to the public which will allow appropriate action to be taken to protect persons, livestock, foodstuff and feed in the event of a discharge of significant proportions. All data and plant operating personnel observations relative to all radioactive releases must be transmitted immediately and simultaneously to the NRC, Pennsylvania Department of Environmental Resources, the commissioners of Dauphin, York and Lancaster Counties and the licensee's management. It is further contended that licensee must provide this capability before restart of TMI-1.

Intervenor contends that "all data and plant operating personnel observations relative to all radioactive releases must be transmitted immediately and simultaneously to the NRC, DER, commissioners of Dauphin, York and Lancaster Counties and licensee's management." Intervenor does not limit this information flow to "during an accident" as licensee stated. Intervenor judges this modification to your suggested Emergency Plan implementation procedure critical to the health and safety of the potentially-affected population for the following reasons:

1. Initial classification of emergency status and subsequent required notifications result from the judgement of the "shift Supervisor or Emergency Director. As stated on p. 56 Section 5. "judgement of Emergency Director is extremely important." Clearly this judgement

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could be in error.

2. Effective public protective action is time dependent. Proposed information flow, with required management approval in case of Alert, Site Emergency or General Emergency could cause serious delays.

3. As demonstrated during the Unit 2 accident, Licensee might be expected to place consideration of its public image before the health and safety of the public, and therefore, given time, "launder" data to the public detriment.

4. Considerable controversy exists relative to the hazard of various dose rates. Concerned individuals should have the ability to protect themselves, their families and their livestock.

5. Direct notification to the commissioners would insure information flow to local media, the only viable source of wide scale notification of impending danger.

6. Direct notification to the commissioners of all radioactive releases will provide a data base to aid the local communities in assessing the real cost-benefits of nearby nuclear generating stations, particularly in light of the realistic cost of emergency preparedness.

Intervenor submits that the unique inappropriateness of Licensee's comments concerning revised Contention 4 provides substantiated support for its validity. Intervenor does not contend for a potential information flow deficiency "during an accident." Intervenor contends in the much more crucial area of "accident" definition. Stated in most simple terms, Intervenor contends that licensee is biased in its perception of its responsibility toward the public, and, as a result, might be expected to "launder" data which would signal an impending accident. Intervenor, therefore, contends that an appropriate mechanism be developed to keep Licensee honest. That mechanism would be direct communication of all radioactive release data directly to all interested evaluatory bodies simultaneously.

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Licensee is assuming that local officials are not interested in assessing information and acting upon their own cognizance. Recent actions of the commissioners of Lancaster County in signing a contract to purchase monitoring equipment indicate that there was considerable body of public support for local day to day measurement of radioactivity. (This vote was reversed by incoming commissioners, however it does not alter the reasoning put forth.) By bringing this information to the local level, the public has the opportunity to respond as individuals who are being affected. Although releases may not be judged by "top" officials to be of such proportion to initiate emergency procedures, there may be segments of the population who may wish to protect themselves or should be informed to do so. Farmers may wish to protect their livestock and foodstuffs; parents may wish to protect children; outdoors people may wish to curtail elective activities which would increase exposure. Unless radiation data is measured and released directly at a local level, there may be little timeliness in the sense of real protection of the health and safety of the public.

The Department of Environmental Resources, although tied into the Control Room under emergency conditions, states in Section 4, Appendix D, DER Response, IX-4: "disturbing statements are in the Intro. 'Protocol for implementation of any protective action involving dairy products or any agricultural product will require the evaluation of the circumstances with the appropriate agency of the Pennsylvania Department of Agriculture."

Underlining of "evaluation" is supplied as Intervenor believes that it is a key word that would allow "laundering" of data, and would not protect the safety and health of the public. This is cited as a single example.

Licensee admits to distortion of information as a function of the number of steps between the source and target. However, even

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under emergency conditions, Licensee proposes to remove the public at least four steps from the primary source of information. Contention 4 (Section 4. Restart Plan, Appendix B, page 24-29)

In addition, Licensee employs the phrase "approved bulletin", page 24, and states "The Media Center also receives its information from OESC, but does not release it until personnel (CRC, PEMA and OESC) are notified."

From page 29, Licensee states in item 4:

"It shall be the responsibility of the Public Affairs Assistant to notify the Pennsylvania Emergency Management Agency and the Nuclear Regulatory Commission prior to public dissemination of statements and bulletins when time permits."

From page 35, last paragraph:

"When the Command Center is fully established, it will receive from the OESC, prior to release to the media, company statements and periodic bulletins for dissemination."

From above on page 35:

"Outside working hours some time will elapse before the Command Center is established."

From page 36, under President's (utility) primary responsibility:

"personal media acquaintances and media representatives of national stature" can be contacted by this office, but local press are designated to work with Offices in York and Lebanon. The President at the Command Center can communicate with the Governor of Pennsylvania or Lieutenant Governor, the White House, congressmen and state legislators, key leaders of business and industry, but local governments and people do not have access at this level.

It appears to Intervenor that the Licensee is not offering the public sufficient opportunity to be informed to enhance their safety and health.

Contention 5. It is contended that present evacuation plans do not provide for care and/or relocation of livestock. It is further contended that such provision should be made before restart of TMI-1.

Licensee has not addressed Contention 5 in the Emergency Plan,

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or is included in the plans of counties and other agencies. Intervenor finds no provision or even concern expressed for the safety and health of farmers who without adequate provision for livestock, would not be able to evacuate or take shelter.

TMI-1 is surrounded by farms as described in Emergency Plan 4.2.1.4:

"1. The Three Mile Island site is currently surrounded by farm lands within a 10 mile radius. Lands are used for dairy cattle, tobacco, poultry, vegetables, fruit, corn, wheat and other products."

Other products would include beef cattle, horses, swine, goats and sheep. These and the dairy cattle are referred to as livestock in the contention.

The above sentences are the nearly the sum total concerning farms and farmers in the Emergency Planning Zones. (Milk and produce protection problems were outlined in DER Response.) Although Licensee provides information on the considerable investment of GPU/MetEd at TMI-1 (Section 4, Appendix B, pages 21-22), a holding company in which many investors have financial interest, nowhere in the response was the investment of the people who own and live on farms in the area surrounding TMI-1 mentioned. The farmers' is also a sizeable investment, collectively, and individually, their only investment in most cases.

The livestock are a large part of that investment and an essential part that allows for the profitability of the total investment. It would not be sentimentality (unless humane concerns are considered by the reader to be included) that would influence the farmer's decision to evacuate or remain, but a reasonable concern for his ability to survive economically as well as physically.

It would seem to Intervenor that resolution of the very difficult problem of evacuation of livestock should not be postponed until the

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eventuality of an emergency, but should be addressed prior to restart since it involves the safety and well-being of section of the public heretofore considered worthy of consideration.

If the lack of provision for evacuation of livestock implies that they are to remain, the response contained in the DER plan contains no implementation of measures for mitigating ingestion exposure (such as placing livestock on stored feed) for farms in the 50 mile EFZ and beyond. (Figure I-14 NUREG-0396 shows potentially high doses out to over 100 miles.) DER plan, Section 4, Appendix Section IX, poses some of the problems and makes some wishfulfilling comments, but it lacks real direction and guides for action. The DER : The DER plan refers to the Department of Agriculture Plan for implementation as quoted prior. (p.4); however this plan was not included in the Emergency Plan. However, in the Commonwealth of Pennsylvania, Disaster Operation Plan, Appendix D of Section 4, there is a single page, listed as Appendix and empty except for the title, See Department of Agriculture Fixed Nuclear Facility Incident Plan (limited Distribution under Separate Cover). Intervenor has attempted to obtain this plan from Licensee, calling M. A. Shaw at Gilbert Associates in Reading from whence the Emergency Plan was distributed. Several individuals attempted to assist in locating the plan but were unsuccessful. Robert Kahler, attorney for Met Ed called February 1, 1980 to inform Intervenor that he had not seen this plan and did not know if it existed or was being prepared. Intervenor is therefore at a total loss to understand why Licensee would ask to have Contention 5 eliminated since its concerns are not considered in the Emergency Plan available to date.

An Emergency Plan for farmers would need to be considered by NRC if the suggestions of the Rogovin study for siting in low pop-

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ulation areas means farm areas.

Contention 6. It is contended that present emergency plans do not adequately provide for the health and safety of persons living more than 10 miles from TMI -1. Radioactive plumes pose substantial risk for distances far in excess of 10 miles. Adequate detection and monitoring capability is not presently planned to assess or predict risk to health and safety of persons in the path of plumes, nor is a mechanism available to inform them of the danger to which they would be exposed. It is further contended that emergency plans must be upgraded accordingly before restart of TMI-1.

Contention 6 is not satisfactorily addressed in Licensee's Emergency Plan, therefore Intervenor believed there was no necessity to revise. Intervenor is unable to understand how emergency planning for a radius of only 10 miles is in accord with the health and safety of the population beyond.

All parties are familiar with recommendations of the Task Force of NUREG-0396 in III-8 that emergency planning zones be established for "initial planning studies". Further, Figure I-14 shows a decrease of the probability of exceeding ingestion dose that does not diminish to any important extent to well beyond 50 miles. It is also stated (I-50) that beyond 10 miles there is little apparent distinction in terms of projected early fatalities and injuries between evacuation and sheltering strategies (in case of a severe accident). Implied is that either evacuation or sheltering should be planned.

Since the August 9 order of the Board called for both long and short term planning, i. e., complete, and is serving to adjudicate the inadequacies of prior planning, as an outgrowth of the TMI-2 accident, Intervenor is at a loss to understand why the residents of the 10 mile EPZ would be evacuated to the immediate area beyond, which would be subject to hazards and would be without adequate planning to deal with them. It would seem that would significantly decrease the possibilities of adequately sheltering or evacuating the population residing beyond the 10 mile EPZ, while not significantly increasing

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the safety of those evacuated.

In the days following TMI-2 accident, Intervenor and family were not able to obtain credible information, and chose, therefore, to evacuate. Assessment of radioactive plumes from plant release and meteorological condition is based on a number of assumptions. One is that the exposure of farmers, children and outdoors people is lumped with those who work or play in sheltered areas. Another is that measurement of a single radioactive iodine in milk is adequate and timely.

Contention 6 is calling for measures by Licensee and NRC to monitor airborne radioactive releases at many locations consistent with optimum public protection. Intervenor suggests participation by the public in monitoring.

Intervenor does not find the concerns expressed in Contention 6 adequately addressed in the Emergency Plan.

Contention 3. It is contended that the licensee has not made adequate provision for assessing the potential risk to humans and animals from accidental discharge of airborne radioactive gasses or particulates. It is contended that existing environmental monitoring plans do not call for

1. monitoring several important radioactive substances,
2. quantifying total emissions from a given discharge,
3. defining danger to health and safety as a function of distance, direction and time.

Contention 3 is germane to the protection of the health and safety of the population. Upon it hangs the definition of emergency. Intervenor needs additional time to develop the extent and risk of the inadequacies listed in contention and proposes to do this through "discovery" and research. Intervenor requests permission to continue with this contention.

Discovery and research would include information on measurement of the iodines at the plant stack, through milk sampling; synergistic action in human response to various combinations of discharges; long

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term effects of low radiation exposure; statistical study of deaths
where classified in vicinity of nuclear plants; measurements of
radioactive particulates in soil.

Respectfully submitted,

Marjorie M. Aamodt

Marjorie M. Aamodt

Dated February 2, 1980

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