

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
METROPOLITAN EDISON COMPANY,  
ET AL.  
(Three Mile Island, Unit #1)

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Docket No. 50-289

ANSWER TO SECOND SET OF NRC STAFF INTERROGATORIES  
OF NEWBERRY TOWNSHIP

1. Objection. Objection to interrogatory #1 is that it is a general interrogatory, not solely related to the SER which was issued on June 16, 1980. This interrogatory is untimely, not solely related to the information contained in the SER and is general in nature and should have been served before the close of general discovery. This interrogatory could have been posed by the Staff during general discovery and could have been updated as required by regulations upon the receipt of new information. The Staff has provided no justification or good cause for filing this interrogatory at this time. Therefore, an answer is not deemed to be necessary and none will be forthcoming unless so directed by the Board.

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2. Objection. Objection to interrogatory #2 is that it is a general interrogatory, not solely related to the SER which was issued on June 16, 1980. This interrogatory is untimely, not solely related to the information contained in the SER and is general in nature and should have been served before the close of general discovery. This interrogatory could have been posed by the Staff during general discovery and could have been updated as required by regulations upon the receipt of new information. The Staff has provided no justification or good cause for filing this interrogatory at this time. Therefore, an answer is not deemed to be necessary and none will be forthcoming unless so directed by the Board.
  3. Objection. Objection to interrogatory #3 is that it is a general interrogatory, not solely related to the SER which was issued on June 16, 1980. This interrogatory is untimely, not solely related to the information contained in the SER and is general in nature and should have been served before the close of general discovery. This interrogatory could have been posed by the Staff during general discovery and could have been updated as required by regulations upon the receipt of new information. The Staff has provided no justification or good cause for filing this interrogatory at this time. Therefore, an answer is not deemed to be necessary and none will be forthcoming unless so directed by the Board.
- 3-1 It is Intervenor's position that the Emergency Plan as now drafted is still deficient but not for the reason that there is no written agreement between licensee and firefighters or police officers; but, instead, it is Intervenor's position with respect to the firefighters mentioned in the Plan whether the individual firefighters, all of

whom would be volunteers, would respond if called upon. Investigations conducted by the Intervenor have discovered that during the incident which took place in 1979, many volunteer firemen removed their families from the area and were not in the area for periods of time. It is Intervenor's position that it could be expected that in the event the situation arose wherein an emergency evacuation was ordered, it could be expected that volunteer firemen with families would first seek to remove their families from the area and then possibly return to the area. Moreover, if the situation arose which did not require an evacuation of the surrounding communities, there is some question as to whether a volunteer firefighter, who has no legal duty to answer a call for assistance, could be relied upon to answer a call if the assistance was required at licensee's site on Three Mile Island. The Emergency Plan drafted by the licensee makes the assumption that there would be a response in the event of a call for assistance. If the fire companies involved were governmental entities who would have a legal duty to respond to a call for assistance, Intervenor's contention would probably lack merit; however, in the light of Intervenor's investigation, it is Intervenor's contention that such reliance is not well placed. Therefore, it is Intervenor's position that whether or not written agreement between licensee and the firefighter exists is not the critical threshold question but, instead, the critical point is whether the volunteer fire companies who have signed written agreements can deliver the firefighters if called upon for assistance.

- 3-2 The response to Paragraph 3-2 will be forwarded as soon as Intervenor has filed any new contentions based upon Emergency Plan Revision #2 submitted by licensee. The response to Paragraph 3-2 will be forwarded at a time consistent with the future order expected from the Board regarding

the reinstatement of the Emergency Planning Contentions. Therefore, at this time, Intervenor's response is "do not know", which response is consistent with the directives of the Board.

- 3-3 The response to interrogatory 3-3 at the present time is "do not know" which is compliance with the Board's directive. Intervenor will file a responsive answer to this interrogatory as soon as the person who is responsible for drafting this contention has been able to identify the documents and/or directive he relied upon in drafting this contention.
- 3-4 The response to interrogatory 3-4 is "yes". The Staff's evaluation of the licensee's Emergency Plan appears to be a summary of the on-site Plan of the licensee with a side reference to the Emergency Plans for those counties included within the ten mile EPZ. As is obvious from the summarization contained in the SER, the review of the county plans will not be completed by the Regional Advisory Committee until sometime in the summer of 1980 and are not reviewed or commented upon within the SER. Intervenor's contention at the present time is heavily directed at the alleged inadequacies of the Dauphin County and York County Emergency Plans and obviously we feel that there is an inadequacy in the SER since those plans have not been commented upon or apparently reviewed. Moreover, Intervenor is of the position that no real attempt has been made by the Staff to articulate the specific reasons for their conclusion that the licensee is in compliance with items 3(a), (b), (c) and (d) of the August 9th Order. The Staff apparently has taken the position that, with regard to items 3(a), (b), and (c) of the August 9th order, as long as the minimum requirements of meeting with the criteria stated therein is met by the licensee, total compliance has been achieved. Regarding part 3(d) of the August 9th Order, it is Intervenor's position that the

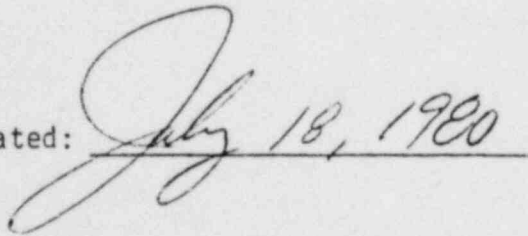
SER as presently drafted by Staff does not assess the relationship of the State and Local plans to the licensee plans, nor does the Staff approach the question of whether the relationship of the State and Local plans assure the capability to take emergency action. It is the Intervenor's position that, in order for effective emergency preparedness to exist, there must be realistic practical capability on behalf of both local organizations and licensee to effect emergency preparedness.

Therefore, it is Intervenor's position that the Staff's evaluation of the licensee's Emergency Plan is inadequate for the reasons stated above.

FOX, FARR & CUNNINGHAM

By: 

Jordan D. Cunningham, Esquire  
2320 North Second Street  
Harrisburg, Pennsylvania 17110  
717/238-6570

Dated: 

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF DAUPHIN

)  
) S.S.:  
)

PERSONALLY APPEARED BEFORE ME, a Notary Public, in and for said Commonwealth and County, PATRICIA SMITH, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer to Second Set of NRC Staff Interrogatories of Newberry Township are true and correct to the best of her knowledge, information and belief.

*Patricia A. Smith*  
PATRICIA SMITH

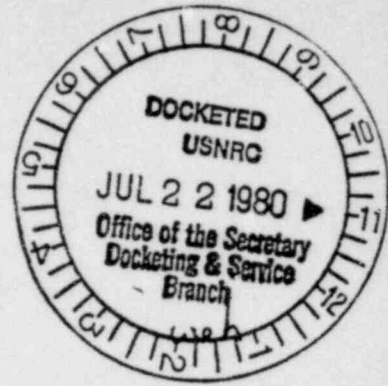
Sworn and subscribed to  
before me this *18<sup>th</sup>* day of  
*July*, 1980.

*Celeste E. Bitting*  
NOTARY PUBLIC

**Celeste E. Bitting, Notary Public**  
My Commission Expires May 7, 1984  
Harrisburg, PA                      Dauphin County

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Second Set of NRC Staff Interrogatories was mailed First Class, postage prepaid, this 18th day of July, 1980 to the following:

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Chief, Docketing Service Section

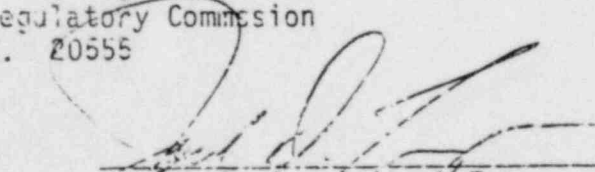
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