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March 18, 1981

To Administrative Judges

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U. S. Nuclear Regulatory Commission
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Subject: Standard of Emergency Planning - Bases for Argument

Intervenor was asked by the Chairman for the basis for argument presented 3/17/81 that

(Argument) Board was ordered by Commission to find if Order 3 (d) is sufficiently met, but also if 3 (d) is sufficient to protect health and safety.

The basis is Commission Order August 9, page 12:

(Basis) (1) Whether short term actions ..are..sufficient.

(Argument) Additionally Board was ordered by Commission to determine if 4(b) (long-term action) is necessary prior to restart.

The basis is again page 12 of the August 9 Order:

(Basis) (2) Whether the long term actions...are necessary and sufficient.

(Argument) Additionally, if the long-term item 4 (b) is considered necessary, whether 4 (c) is sufficient.

(Basis) Order, page 12, (2) Whether the long term actions ..are..sufficient.

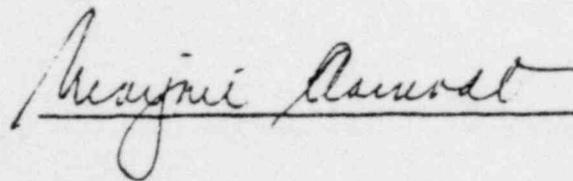
This argument was presented early in the hearing (see A.GHY Revised Contentions, 12/27/79 , pages 10 and 11 footnote attached and Tr. 134 and 139).

The poignant testimony of Mr. Edward Charles of Mechanicsburg, 3/17/81, to the total absence of any plans known to the teachers of children who live within the 10 mile EPZ is strong evidence that Order Item 3(a) is not sufficient to protect the health and safety of the public and that long-term Item 4 (b) is necessary to be sufficiently-met prior to restart.

Intervenor begs the Board to consider the support of arguments although offered untimely as

- a. the issue is too important to not hear further pleas
- b. Intervenor assumed that her interpretation of page 12 of the Order was fully known to all parties
- c. Intervenor, through human inadequacy, left the Order behind on 3/17/81 and efforts in the few minutes of realization were futile in obtaining a copy.

Respectfully submitted,



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impediments to use of egress routes, such as rush hour traffic and inclement weather" (§ J(7)(f)). The availability of this and other information specified by the President's Commission (footnote 5, supra) is an essential prerequisite to adequate emergency planning and decision making whether or not in the context of an actual emergency situation.

REVISED CONTENTION # VI:⁸

The TMI-1 reactor was designed and constructed in accordance with General Design Criteria within which the

Table 3 of the licensee's EP as being within a ten-mile radius of TMI, that "our hospital alone would have required a minimum of 48 hours under 'ideal conditions' to safely evacuate those 200 type (requiring medical support systems) patients that we had in our hospital at that time." (Tr. 1459).

⁸The licensee challenged this contention in its original version for the reason that its alleged lack of "specificity" precluded him from assessing its relevance to his interpretation of the scope of this proceeding, i.e., "the bases for suspension." With respect to the question of specificity, see footnote # 9 below. The one impression that clearly emerges from a review of the various positions the licensee has taken thus far in this proceeding on the question of its scope is that of inconsistency. In its answer to the Commission's August 9 Order, the licensee urged this board to "confine this proceeding strictly to issues directly related to the TMI-2 accident and to the question of what measures need to be taken in the light of that accident to assure the continued safe operation of TMI-1." Later, in its response to amended petitions, the licensee contended that the sole issue before this Board was "the

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particular constellation of events which caused the TMI-2 accident, and others similar thereto in their involvement of multiple and interrelated mechanical and human breakdowns, were considered too improbable to be included. The failure of the TMI-1 reactor design and operator training to anticipate such multiple failures in equipment and operational functioning renders it peculiarly vulnerable to a breakdown comparable in

necessity and sufficiency of the Director's recommendations to resolve the concerns identified by the Commission as the bases for suspension of operation of TMI-1." The licensee reiterated this position in oral argument before this Board (Tr. 147) and in its response to the NRC Staff's brief on the effect of rulemaking, at p. 6. In its latest pronouncement, a response to Steven Sholly's Amendment to his Petition to Intervene, the licensee states that the issue before this Board is whether "the short-term actions taken by Licensee are necessary and sufficient to provide reasonable assurance that a TMI-2 type accident will not recur at TMI-1" (p. 8). Of course, it need not be belabored that none of these positions conforms to what the Commission actually identified in its Order as the subjects to be considered at the hearing (See August 9 Order and Notice of Hearing, p. 12; see also statements of Norman Aamodt at Tr. 134 and 139 for the position as to scope which in the judgment of ANGRY most closely conforms to the actual language employed by the Commission in its Order). Notwithstanding the uncertainty which may exist as to the licensee's position, ANGRY submits that its contention # 6 clearly falls within the boundary of the NRC staff's position on the scope of this hearing:

But on the other hand, we don't believe simply because the Commission may not have mentioned this item specifically in either its July 2 Order or its August 9 Order, that we could not take that up if there were. . . a reasonable nexus between that generic event and the TMI-2 accident. (Tr. 123).