

SHOLLY, 10/7/80

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 Nuclear
Station, Unit No. 1)

Docket No. 50-289
(RESTART)

INTERVENOR STEVEN C. SHOLLY
RESPONSE TO NRC STAFF OBJECTIONS
TO REVISED EMERGENCY PLANNING
CONTENTION (CONTENTION #8)

The following constitutes my response to the objections raised by the NRC Staff (09/23/80) to Sholly Contention #8 as revised on 9/8/80.

Contention 8.I.B(4)

Licensee has consistently responded to interrogatories on this subject that it has made no independent evaluation of the adequacy of the proposed circular, 10-mile radius, Plume Exposure Pathway EPZ. The Commonwealth has also made no independent evaluation of the adequacy of such an EPZ for TMI; rather, the Commonwealth has taken an identical approach with respect to every nuclear facility on the Commonwealth of Pennsylvania (i.e., the Commonwealth has specified EPZ's of 10 and 50 miles radius for the Plume Exposure Pathway and Ingestion Exposure Pathway, respectively). In fact, these EPZ's are embodied in Annex E of the Commonwealth's Emergency Plan in the assumptions upon which the plan

is based.

Licensee's line of questioning in his most recent set of interrogatories on Revision 2 to his Emergency Plan quite obviously reveals Licensee's intent to rely on the mere existence of 20-mile evacuation plans as a substitute for independently assessing the adequacy of the proposed 10-mile radius circular EPZ for Plume Exposure Pathway. For instance:

- "4. With respect to proposed Contention No. 8(C), do contend that the preplanning done by the counties in connection with their 20-mile evacuation plans is inadequate to resolve your concerns? If so, explain the basis of that conclusion."
- "9. (c) Explain why the 20-mile evacuation plan set forth in the emergency response plan for Lancaster County is inadequate to resolve your concerns."

(TAKEN FROM "Licensee's Interrogatories to Intervenor Steven C. Sholly on Revision 2 of Licensee's Emergency Plan, 7/29/80)

Licensee, in response to interrogatories from Intervenor Sholly, states quite clearly its intent to accept a rigid application of the EPZ concept (i.e., the simplest application being a 10-mile circular EPZ for Plume Exposure Pathway):

"Licensee has performed no formal analysis or evaluation of this information. Licensee, however, believes that the EPZ boundaries used by PEMA, and the factors considered in developing those boundaries, are consistent with NRC guidance provided in NUREG-0396, NUREG-0654, the NRC Policy Statement on EPZ, and the emergency planning rule recently adopted by the Commission."

(TAKEN FROM "Licensee's Response to Interrogatories From Steven C. Sholly on Revision 2 of the Emergency Plan, 8/12/80)

Licensee cites in its response the assumptions from Annex E of the Commonwealth's Emergency Plan as support for its position. Not a single

government agency nor the utility has evaluated the TMI site specifically to determine the adequacy of the proposed 10-mile circular EPZ for the Plume Exposure Pathway. The Licensee's position, as well as the Commonwealth's (apparently), is that the existence of 20-mile evacuation plans relieves them of their responsibility to establish an adequate Plume Exposure Pathway EPZ based on prevailing local conditions.

The proposed contention is not vague in the least, in this light. It quite directly asserts that Licensee depends on the 20-mile plans as a substitute for evaluating the Plume Exposure Pathway EPZ; it asserts that to the extent that this is true, the adequacy of the 20-mile plans must be established as a condition of restart. The mere existence of 20-mile plans does not remove Licensee's obligation to evaluate the Plume Exposure Pathway EPZ, nor does it prove, as a fact, that such an evaluation is not necessary. For the 20-mile plans to serve as a substitute for the establishment of a site-specific Plume Exposure Pathway EPZ, based on prevailing local conditions as specified in the emergency planning rule, their adequacy must be established prior to restart.

This proposed contention should be accepted for litigation as it is written.

Contention 8.I.G(14-23)

The organizations are specified in Licensee's Emergency Plan as providing radiological assistance to the Licensee in an emergency (see Revision 2 to Licensee's Emergency Plan, Table 11). Licensee is dependent on these organizations for specific personnel and resources. Given the intent embodied in NUREG-0654, it is clearly desirable to have agreement letters with these organizations so that it is clear that arrangements

have been made, that the arrangements are sufficiently detailed so that both parties and the public know what to expect, and so that it is very clear exactly what services are to be provided, when they are to be provided, and under what conditions. It is entirely appropriate that letters of agreement be executed. The contention should be accepted for litigation.

Contention 8.I.L

This issue is dealt with fully in my response to Licensee's objections to the same contention (see pages 1-5, Intervenor Steven C. Sholly Response to Licensee Objections to Revised Emergency Planning Contention, 9/23/80).

Contention 8.III.A

The revised county plans contain, to the best of my knowledge, for the first time, a single emergency plan at a smaller political jurisdiction than county--the emergency plan for the Borough of Mechanicsburg which is contained in the Cumberland County Emergency Plan. I had fully expected that all municipalities would have submitted their plans for inclusion in the revised emergency plans for the various counties. These local municipality emergency plans would not have been included in earlier plans because they had not been drafted.

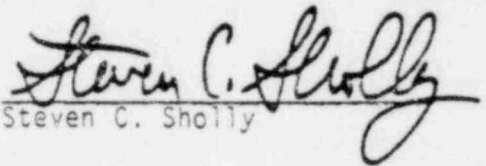
It appears now that either these plans will not be written, or that there is a prevailing view at the Commonwealth and Licensee level that such plans are unnecessary to permit a finding of adequacy of offsite emergency planning. The position taken by this contention is that it should be clearly established on the record that (a) such plans are not needed, or (b) such plans are needed, have been reviewed, and

have been found to be adequate. This question should not be left hanging. It requires an answer, and should be, therefore, litigated during the proceeding.

Should the Board rule that the contention as drafted is late-filed, in view of the issue which it raises, I request that the Board adopt it as a Board question.

DATED: 7 October 1980

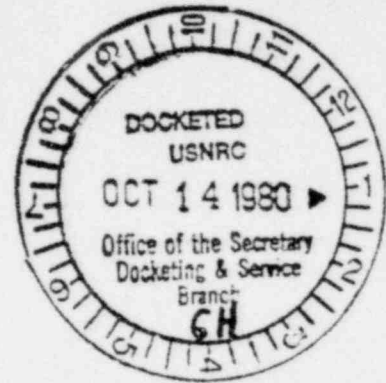
RESPECTFULLY SUBMITTED:


Steven C. Sholly

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Docket 50-289
(RESTART)

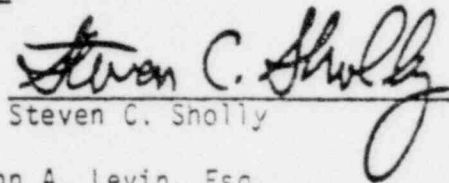
CERTIFICATE OF SERVICE



I certify by my signature below that single copies of:
INTERVENOR STEVEN C. SHOLLY RESPONSE TO NRC STAFF OBJECTIONS
TO REVISED EMERGENCY PLANNING CONTENTION (CONTENTION #8)

were served upon the persons on this service list by deposit in the
United States Mail, first class, postage prepaid, on this

7th day of October, 1980.


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