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Intervenor Aamodt Findings of fact  
 and Conclusions of Law on  
 Emergency Planning Contention 1  
 (Aamodt Contention 4 - Notification)

1. Contention EP-1 states:

a. It is contended that licensee has not made provision for timely dissemination of information in the event of accidental release of airborne radioactive gases or particulates.

b. 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.

c. All data and plant operating personnel observations relative to all radioactive releases must be transmitted immediately and simultaneously to the NR, Pennsylvania Department of Environmental Resources, the commissioners of Dauphin, York and Lancaster Counties and the licensee's management.

d. It is further contended that licensee must provide this capability before restart of TMI-1.

2. The time available to take protective action must be a factor determining appropriate protective action response. Tr. 15, 412 (Grimes). Although the PAG level "has been selected low enough to permit sufficient time to first evaluate the need for and then implement appropriate actions, it is possible for the action level criteria to increase from one-tenth PAG to 1 PAG in ten minutes.

Tr. 14, 117 (Giangi); 14, 117 (Rogan, Giangi, Tsaggaris).

3. It is, therefore, possible that plant personnel will fail to notify authorities of upgraded accident classification in the case of rapidly deteriorating plant conditions. Tr. 14, 116 (Tsaggaris).

4. Notification of counties is to be accomplished by conventional telephone circuits subject to blockage (busy signal) by the heavy traffic attendant to an emergency. Tr. 14, 123 (Giangi). Notification of the counties is, in fact, dependent on parallel notification routes. Tr. 14, 124 (Giangi).

5. NRC cannot provide assurance that unplanned or routine releases cannot injure persons in the environs of a nuclear facility. Tr. 15, 387 (Grimes). One cannot rule out health effects from these releases. Tr. 15, 411 (Grimes). Some segments of the population are more susceptible to radiation health effects than others. Tr. 18, 626 - 7 (Molholt).  
ROUTINE EMISSIONS ARE NOT HARMLESS. Tr. 15, 412 (Grimes).

6. The most dependable method of planning is to encourage each individual to look at his own situation, identify it in relation to overall planning and either make a judgement or speak out when adjustments cannot be made. Tr. 19, 353 (Brooks paraphrasing Smith's comments of previous day).

7. A recognized need exists on the part of licensee and Commonwealth to inform the public of the hazards of radiation exposure. Tr. 14, 131 (Rogan). NRC also recognizes this need. It is NRC's judgement that (1) confidence and trust in local response agencies, (2) an advance educational program relating to the hazards of radiation and (3) prior instructions on

emergency actions, will provide assurance that proper protective actions will be taken by the public.

Aamodt, ff. 14, 517 at 3. The belief on the part of the public that nuclear power is safe can interfere with taking notification seriously. Tr. 15, 408 (Grimes).

8. An advance educational program relating to the hazards of radiation is required to provide assurance that proper protective actions will be taken by the public. Aamodt, ff. 14, 517 at 3. This information has not been made available to the public. Id.

9. Attempts to date on the part of the Commonwealth to provide this information to the public have been inadequate. Commonwealth's brochure entitled "Emergency Information: What You Should Know About Nuclear Radiation Incidents", in final form, is misleading and not "letter-perfect". Commonwealth Ex. 3, ff. 18206, Tr. 18, 980 - 1 (Adler); 18, 079 -80 (Comey). Comey, an expert at communications, stated, "I think it might well be true" that the brochure gives the idea that someone else has ensured their safety. Tr. 18, 078 (Comey). The NRC has not responded to Board question 4B, has not defined requirements for education of the public "to be an aspect of the emergency plan. Tr 15, 416 (Grimes).

10. Noone has specific legal authority with regard to determining, implementing and maintaining a public information program. Tr. 14, 131 (Rogan).

11. The NRC feels strongly that there are definite benefits from educational material presented to the public. Tr. 15, 417 (Grimes). However, there are no criteria for

excellence with regard to quality or content of a public information program. Tr. 14, 134 (Rogan).

12. The more susceptible (to radiation effects) members of the population are not considered in the Licensee's public education program. Tr. 14, 135 (Rogan).

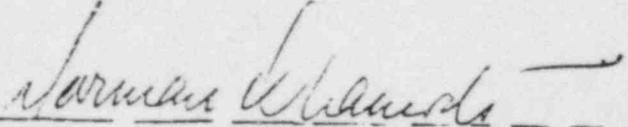
13. With reference to part (c) of the contention, the rapid escalation of action levels is possible. Tr. 14, 119 (Giangi). The existing procedures could result in failure to notify counties in event of rapid escalation. Tr. 14, 116 (Tsaggaris). That circuits used to notify counties could be unavailable. Tr. 14, 123 (Giangi).

Conclusions of Law

1. Licensee has not made provision for timely dissemination of information to surrounding counties relative to releases of accident proportion. TMI - 1 may not restart until appropriate dedicated communications circuits are in place linking the plant with surrounding counties and until it is established that all declarations of action levels are reported simultaneously to all counties, NRC and Commonwealth.

2. None of the parties, NRC, licensee or Commonwealth, has made adequate provision for an educational program to inform the public of the hazards of radiation. TMI - 1 may not restart until such a program is functional, with clearly defined lines of responsibility, criteria governing subject matter.

Respectfully submitted,



Norman O. Aamodt

August 13, 1981

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Service of Intervenor Aamodt Findings of Fact on Emergency Planning Contention 2 (Aamodt Contention 5 - Livestock) and Intervenor Aamodt Findings of Fact and Conclusions of Law on Emergency Planning Contention 1 (Aamodt Contention 4 - Notification) have been serviced by U. S. Mail, August 13, 1981.

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