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December 18, 1981

Administrative Judge James P. Gleason
513 Gilmoure Drive
Silver Spring, Maryland 20901

Administrative Judge Glenn O. Bright
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge Paul W. Purdom
245 Gulph Hills Road
Radnor, Pennsylvania 19087

Re: Pennsylvania Power & Light Co. and
Allegheny Electric Cooperative, Inc.
(Susquehanna Steam Electric Station,
Units 1 and 2)

Dear Members of the Board:

As you may know, the Licensing Board in the TMI-1 Restart Proceeding (In re Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1), Docket No. 50-289-SP (Restart)) issued its Partial Initial Decision involving emergency planning issues on December 14, 1981, after the deadline for filing briefs in the Susquehanna case.

Many of the issues decided by the TMI-1 Board are relevant to the Susquehanna litigation. In general, the decision is supportive of the adequacy of emergency planning for TMI, including the Commonwealth's emergency plan. Since the opinion is in excess of 400 pages, I have not reproduced the entire document. Enclosed, however, are two sections of the opinion that are squarely on point with issues identified in the Commonwealth's Proposed Findings of Fact and Conclusions of Law on Contentions 6 and 20.

In the Public Education portion of the decision (pp. 492-500), the Board ruled that public information brochures must be distributed to the general resident population within the plume exposure pathway EPZ prior to TMI-1 restart (#1537).

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In the School Children Transportation section of the decision (pp. 671-688), the Board ruled that the absence of written school district plans was a deficiency requiring prompt correction prior to restart. (¶1842). In particular, the Board ruled that: "This sizeable segment of the population does not have the maturity or the skills (such as driving), or the means to self-evacuate. We do not wish to see school children, in a radiological or any other emergency, at the mercy of oral agreements or ad hoc arrangements, however well intentioned." Id.

Yours truly,

Robert W. Adler

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Commonwealth of Pennsylvania

RWA:dm

cc: Attached Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

PENNSYLVANIA POWER & LIGHT CO. :
and :
ALLEGHENY ELECTRIC COOPERATIVE, : Docket Nos. 50-387
INC. (Susquehanna Steam Electric : 50-388
Station, Units 1 and 2) :

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Tr. 21,753). Mr. Belser of PEMA noted that the only way effective public information programs for schools, for example, can be accomplished is by communicating as much as you can before the event, not during or after. (Tr. 20,863).

1526. The Board believes that the level of detail for any of these subjects should be consistent with the purpose for which it is intended. Overemphasis on detail may defeat the purpose of a public information program on emergency measures. We believe this to be especially true for printed material aimed at providing information to be read and interpreted rapidly during an emergency situation. The Board observes that, for the most part, the Combined Intervenors and the Aamodts call for public information programs which we perceive to be too detailed for the five risk county brochures and PEMA pamphlet or for messages delivered over the Emergency Broadcast System (EBS). For example, the Aamodts would have a detailed program on the health effects of ionizing radiation. Aamodt proposed findings on EP-1, §§ 7, 8, 9. In the same vein, the Combined Intervenors' proposed findings on prepared EBS messages (§§ 147, 148) suggest that information on some 14 additional subject areas be included in the EBS messages, and then fault the current messages for being too long and unintelligible. This appears to the Board as not only inconsistent but also a case in which too much detailed information may be counterproductive.

1527. We first briefly discuss the standards governing emergency preparedness public education programs. 10 CFR 50.47(b)(7) and Part 50, Appendix E, § IV.D.2 establish the planning standard for emergency preparedness public education. The standard requires, in relevant part,

that information be made available to the public on a periodic basis as to how they will be notified and what their initial actions should be in an emergency (e.g., listening to a local broadcast station and remaining indoors), and that procedures for coordinated dissemination of information to the public be established. NUREG-0654, § II.G provides the detailed guidance criteria used by the Staff and FEMA in evaluating public education programs. Staff Ex. 7, at 49-51. These criteria, in relevant part, essentially state that a coordinated, periodic -- at least annual -- program for dissemination of information to the public should be established. This program should specify the manner in which the public will be notified and what their actions should be in an emergency, including at a minimum general information on the effects of radiation, evacuation routes and protective measures, needs of special populations, and contact points for additional information. The criteria further provide that the program should reach both the permanent and transient adult populations in the plume exposure pathway EPZ. The requirements of the emergency planning rule, with the guidance in NUREG-0654, Revision 1, supersede the guidance of Regulatory Guide 1.101. Chesnut, ff. Tr. 15,007, at 59-60; Chesnut and Bath, ff. Tr. 19,626, at 7-8. The responsibility for the development of an adequate emergency preparedness public education program is shared by the Licensee, and the state and local governments; that is, those entities are in effect collectively responsible for ensuring that a program meeting the planning standards for public education is developed, that the information is coordinated and consistent, and that it is made available to the entire permanent and transient population within the

plume exposure pathway EPZ. Chesnut, ff. Tr. 15,007, at 61; Chesnut and Bath, ff. Tr. 19,626, at 9; Staff Ex. 7, at 49-51.

1528. The thrust of this discussion is contrary to the Aamodts' allegation that there are no criteria with regard to quality or content of public information programs. Aamodt proposed findings on EP-1 ¶ 11. The Board finds that these allegations are without merit. In addition, contrary to the Aamodts' proposed finding on EP-1 ¶ 10, although these standards do not assign responsibility for the public information programs to any specific individuals, the overall responsible agencies are named. The Board believes that this assignment of responsibility as described above is sufficient. Further, individual responsibility is discussed in response to contentions to EP-4(C), EP-14(C) and EP-14(Q).

1529. Next we turn to the public information programs established by both the Commonwealth and the Licensee. The Commonwealth has set forth a comprehensive public information program in Annex E (Fixed Nuclear Facility Incidents) to its Disaster Operations Plan. The Annex includes direct distribution to the public and media coverage. Commonwealth Ex. 2.a, Appendix 15, Section IV. The essential elements of the program are brochures prepared for each of the five risk counties which include evacuation routes and other pertinent information. E.g., Commonwealth Ex. 4, 5, and 7. These brochures have been distributed at least to the municipal level in most counties. Tr. 18,046 (Comey); Tr. 19,053 (Adler). The latest distribution prior to the close of the record in York County, for example, was November 1980. Tr. 20,799-800 (Curry). The Commonwealth

(PEMA) has also prepared a booklet giving general educational information on radiation. Commonwealth Ex. 3. The record reflects that this booklet was last distributed in the TMI-1 area in September 1979. Tr. 18,065-067 (Comey). The Commonwealth in proposed finding ¶ 94 has committed to the distribution of the updated PEMA booklet and county brochures prior to restart. The Board also notes that Licensee has, by letter dated June 26, 1981, committed to assume at least financial responsibility for such printing and distribution. Tr. 22,878 (Chesnut).

1530. FEMA has reviewed the five county brochures and the PEMA brochure and has found that a combination of the information in both is required. Staff Ex. 21, at 13; Tr. 22,426 (Bath); Chesnut and Bath, ff. Tr. 19,626, at 9; Tr. 18,981 (Adler); Tr. 22,799 (Adler); Tr. 19,291 (Pawlowski). Furthermore, FFMA has found that implementation of the public education program is required prior to any restart; i.e., both the county and PEMA pamphlets must be distributed to the permanent and transient population. Tr. 19,338 (Adler); Chesnut and Bath, ff. Tr. 19,626, at 8, 9; Tr. 18,983-984 (Adler); Tr. 22,799 (Adler).

1531. The Commonwealth would have the Board conclude (proposed finding ¶ 92) that the county brochures may be outdated and inadequate. Evidence is cited that the Dauphin County Coordinator indicated that revisions to his brochure were anticipated, based upon changes reflected in the April 1981 draft of the county plan. Tr. 20,962 (Wertz). In addition, the County Coordinators stated that pick-up points identified by the municipalities would become a part of the public education materials.

Tr. 20,814, 20,879 (Curry); Tr. 20,947 (Wertz). Some changes in the evacuation routes may be made following PEMA's full review of the Parsons-Brinckerhoff Evacuation Time Study (Licensee Ex. 52). Tr. 19,387 (Adler); Tr. 18,015 (Lothrop); Tr. 18,072 (Comey). FEMA has stated that information regarding school evacuations should be included in the county brochures. Tr. 22,433-34 (Bath); Tr. 19,636 (Bath). The Board also notes that a review of the final versions of the public information pamphlet by FEMA or the NRC Staff is anticipated. Tr. 19,390 (Adler); Tr. 22,916 (Chesnut).

1532. We have discussed the Commonwealth's public education program. Now we briefly describe the Licensee's program. In addition to the FEMA and county brochures, the Licensee has had an active, ongoing public education and information program involving press releases, media briefings, the TMI-observation center, and public speakers. With the revised Licensee Emergency Plan, however, a new public education and information program is being developed in coordination with the Commonwealth and the five counties in the plume EPZ for TMI. Tr. 14,014-15 (Rogan). The NRC Staff has evaluated the Licensee's public education and information program which includes meetings to acquaint and inform government officials and the public of the new siren alerting system being installed by the Licensee, general radiation seminars, briefings on emergency responsibilities, tours of facilities for media personnel, and the distribution of public education and information pamphlets. Based on that evaluation, the Staff has determined that the Licensee's public education and information program will satisfy, and, in fact, go beyond, the guidance of Section II.G of NUREG-0654. Staff Ex. 23, at II-5, II-6. FEMA has

evaluated the proposed public education and information programs in the emergency plans of the state and the five counties within the plume EPZ for TMI and has determined that those programs, if implemented, will exceed the requirements of the NRC's planning standard on public education and information (10 CFR 50.47(b)(7)). Staff Ex. 23, at III-16.

1533. The Licensee has a general public information program for the plume EPZ designed to give the public an overview of emergency planning around TMI and to provide specific information on where and how they will be notified of an emergency and what protective actions may be taken. This program is being coordinated with PEMA which, together with the counties and local emergency response organizations, has a program for publishing pertinent emergency planning information in newspapers and distributing brochures and fact sheets containing emergency preparedness information. Rogan, et al., ff. Tr. 13,756, at 99-101.

1534. The Board has reviewed the county brochures and PEMA pamphlet and finds their design and content acceptable for their intended purpose.^{182/} We believe that the counties and PEMA may wish to improve and update some portions of these brochures. (For example, see Tr. 19,421

^{182/} We believe that the analogy of ionizing radiation to sunlight is not unduly strained in the context of the entire PEMA brochure and is acceptable. See Tr. 19,413-19,421 (Pawlowski, Adler). The analogy is not perfect, and arguably could be improved. See e.g., Tr. 19,421 (Smith). However, this is a minor matter and is not an important improvement. We therefore do not require such a change.

(Smith)). We conclude, however, that the primary purpose of these brochures is not to give a course in radiation biology, but to inform the public what to listen for and what to do in case of an emergency at TMI-1.

1535. The Commonwealth would have the Board direct the Staff to certify to the Commission that (1) The five risk county brochures have been revised and updated, and (2) the PEMA and updated county brochures have been distributed to the resident and transient populations in the plume exposure EPZ.

1536. The Board notes that the Commonwealth would have Licensee withhold both county and PEMA brochures from distribution until all changes and revisions desired by the Commonwealth have been made. Commonwealth reply finding ¶ 8. The changes in the PEMA pamphlet are unspecified. Based on our review of the unrevised documents, we do not agree that either the county brochures or the PEMA pamphlet^{183/} need be revised prior to printing and distribution by the Licensee so long as they contain up-to-

183/ The Commonwealth (reply finding ¶ 7) relates that PEMA took the opportunity to make minor changes in its pamphlet based on the commitment of the Licensee to pay for the distribution and printing of the document. The Commonwealth's statement that the changes are minor is contrary to Combined Intervenor's allegation in proposed findings ¶¶ 173, 175. The Commonwealth (reply finding ¶ 6) states that the intervenors incorrectly cited the record that the PEMA document would be revised. In fact, the record reflects that at the time of hearing, PEMA had no present intention of revising the pamphlet. Tr. 18,067 (Comey).

date information, e.g., any revisions to evacuation routes. The Commonwealth has had the opportunity to make any changes it desired before a reprinting and redistribution of the pamphlets. We do, however, direct the Staff to review any changes made in the five risk county brochures and PEMA pamphlet on emergency preparedness and advise the Commission prior to restart of the impact of the revisions on the intended purpose of these documents.

1537. The Board's review of the Licensee's and Commonwealth's public information programs on emergency preparedness gives us reasonable assurance that the proper information is currently supplied or should soon be provided to the general resident population in the vicinity of TMI-1. We believe that sufficient guidelines and criteria are in place about which to structure these programs and that FEMA and Staff reviews, supervision and inspections will assure maintenance and improvement of the programs. Allegations by the intervenors are in the discussion of contentions which follows. Based on the evidence in the record, as discussed below, the Board is not persuaded by the arguments advanced by the intervenors. Therefore, the Board finds that the public information program as proposed for and in place for the general resident population meets the current requirements as discussed above. We require that the updated PEMA pamphlet and five risk county brochures on emergency preparedness be distributed to the general resident population within the plume EPZ prior to restart of TMI-1.

of transportation resources after they have performed their initial mission appears to be better left to the County Transportation Coordinator who will have a better knowledge of the overall transportation needs during the emergency.

1819. The Board agrees that there is a need for additional planning in this area and that the primary responsibility for this planning and for the attendant coordination with the schools should probably rest with the County Transportation Coordinator. While we recognize that there is a deficiency at present we do not consider it sufficiently serious to tie its correction to restart of TMI-1.

7. School Children Transportation

1820. As indicated in Section 6, Newberry Contention EP-14(AA) asserts that the York County Plan is deficient in that it does not include plans for notification or mobilization of bus drivers necessary to evacuate students.

1821. Two other contentions were raised which dealt with specific details of the evacuation of school children in York and Dauphin Counties: Newberry Contention EP-14(B)(in part):

Furthermore, this section of the York County Plan anticipates parents and/or families evacuating the area will be able to pick up children at schools. This again would lead to confusion within the Plan in that if a selected evacuation was ordered and pre-school children were to be removed from the area, the Plan anticipates that action would be taken by school superintendents in the evacuation of the children from schools and that there

may be interference or lack of effective execution of the Emergency Plan set forth for the school systems.

Newberry Contention EP-16(J):

Appendix 12 of Annex E of the Dauphin County Plan provides that during school hours, upon receipt of a condition yellow alert, school districts shall begin returning school students to their homes. Moreover, the Plan continues, that in the event parents are not home, children shall be returned to one pickup point as listed in the Appendix. There is an exception to this rule indicated in the Plan. It is Intervenor's contention that the Plan is deficient because it first of all allows the busing of the children during a condition yellow situation. It is Intervenor's contention that a much more sensible approach to this problem would be to bus all the children to a pre-designated area outside of the 20-mile EPZ and allow parents in an orderly fashion to pick their children up if a condition yellow alert does not change. There is a potential, as the Plan is now written, that in the middle of busing children home during a condition yellow situation that the situation could degrade to a condition red situation and there would be no means of notifying the bus drivers of the change in situation and the change in the school policy plan under a condition red emergency situation.

Finally, Section J of this part of the Plan indicates that evacuation plans of the various school districts will be on file with the County Emergency Preparedness Agency. It is Intervenor's contention that the plans of the school districts should mandatory be on file and reviewed periodically by the County Emergency Preparedness Agency. Until or unless this deficiency is corrected, it is Intervenor's position that the Plan is defective.

These contentions are addressed below. First, however, we address the testimony presented by the League of Women Voters of York County on York County school evacuation in particular and on York County and municipal planning in general.

(a) League of Women Voters' Testimony

1822. Testimony was presented by a panel of witnesses from the York County League of Women Voters (League), sponsored by Intervenor ANGRY. This testimony was based on two survey reports that were issued on November 19, 1980 and April 17, 1981. Tr. 21,518 (Ryscavage). The reports, which deal with school evacuation planning and municipal planning in York County, were based on a series of phone or in-person interviews, initiated formally in September 1980 with, among others, school superintendents within 20 miles of TMI and the emergency management coordinators or officials from each of the 14 municipalities within the York County plume EPZ. Ryscavage, et al., ff. Tr. 21,508, at 3. While the November 19 study apparently was not prepared specifically for this proceeding, the timing of the April 17 study indicates that it was, in essence, prepared for submittal in this proceeding. The reports are basically compendia of statements made to the League's interviewers, along with extensive commentary and conclusions prepared by the League on its views of the status of school and municipal planning in York County.

1823. The Board was impressed with the level of effort and the degree of interest demonstrated by the League in its studies of local emergency planning. On the other hand, the methodology utilized in the surveys can be best characterized as naive and unsophisticated to such a degree as to render the product of questionable probative value. Our own observations and those detailed in Licensee and Staff proposed findings substantiate

this characterization. For example, some of the interviews were conducted prior to development of a question format (Tr. 21,519-20 (Ryscavage)), and some of those interviewed early were not re-interviewed in line with the format. Tr. 21,521 (Ryscavage). Not all interviewees were asked the same questions. Tr. 21,627 (Ryscavage). In at least one instance, the interviewees did not understand the terminology being used by the interviewers and so gave responses indicating that they could not perform a particular function, though in fact they were able to do that task. See Tr. 21,572-74 (Wentzel); Tr. 21,649-51 (Hilliard, Miller).

1824. Further, the Board notes that the interview process itself was somewhat amorphous, more in the nature of an open-ended discussion rather than a neutral interview conducted in a professional and business-like manner. In one instance, the League witness did not know who had raised a particular issue in the conversation -- the interviewee or the interviewer. Tr. 21,553 (Hilliard). In other cases the questions were unduly suggestive -- e.g., "[w]hat other communication problems do you see" and "[w]hat problems do you see in drawing up a workable plan." Tr. 21,557 (Miller). Not all information which the interviewer deemed significant was recorded in the notes, forcing the interviewers to recall from memory the substance of their numerous interviews. Tr. 21,549, 21,553-55 (Hilliard). There was no specific format for the interview notes (Tr. 21,529 (Ryscavage)), even though a number of individuals actually did the interviewing. As a result, some interviewers did not note the date of the interview in their notes, and could only estimate when the

interviews occurred. Tr. 21,524-27 (Ryscavage, Hilliard). We note this last fact not to be overly critical of the League but only as evidence that the interviews were not conducted as rigorously as might be the case for a trained interviewer. In at least one instance, the person preparing the study report was working from "interview" notes of her conversation with another League individual who actually did the interview. Tr. 21,527 (Ryscavage). In another case, the interview notes included material both from the interviewee and from another League interviewer who had spoken with the interviewee earlier. Tr. 21,555-57 (Miller).

1825. Finally, the Board questions the methodology used by the League in selecting the raw information from their interview notes to prepare the study report. Apparently no established criteria were applied in deciding what information to extract from their notes for inclusion in the study report. Tr. 21,529, 21,531 (Ryscavage); Tr. 21,531 (Hilliard). It became clear during cross-examination that there was extensive information in the interview notes, indicating a favorable or adequate state of emergency preparedness, that was not included in the study report, inter alia, information about the overall adequacy of particular municipal and school evacuation plans (Tr. 21,557 (Miller); Tr. 21,583-85 (Ryscavage)); arrangements made for the transportation of invalids and homebounds (Tr. 21,577 (Ryscavage)); and information indicating that bus drivers could be expected to perform their duties during an emergency at TMI. Tr. 21,540, 21,544, 21,562-63 (Miller).

1826. In some cases, the formless approach used by the League resulted in omission of potentially pertinent information garnered from interviews or in somewhat misleading characterization of information. For example, though the League's report states that, according to school district superintendents, many school teachers are not aware of their responsibilities to accompany students on evacuation buses, the superintendents of the West Shore (Tr. 21,544-45 (Hilliard)), Central York and Northern School Districts had told interviewers that their teachers were, indeed, aware of their responsibility (Tr. 21,545-46, (Miller)) and the Northeastern School District Superintendent will inform his teachers of that responsibility (Tr. 21,549 (Hilliard)). None of this was reflected in the League's report. Similarly, while the Red Lion Bus Company representative informed the League interviewer that 108 of the Company's 110 bus drivers reported for duty during the TMI-2 accident and that he was sure the drivers could be relied upon in a future emergency (Tr. 21,540 (Miller)), this was not reported in the League's report or written testimony (Id.; Tr. 21,541 (Ryscavage)), which instead reports on the concerns of some municipal coordinators over the availability of buses in an emergency (Ryscavage, et al., ff. Tr. 21,508, Study Update, at 7).^{199/} In addition, those League members who prepared the League's report/testimony

^{199/} Other examples of the incomplete reporting of interviewer responses not reflected in the League's report involve resources in tow trucks and radiological monitoring equipment available to municipalities (Tr. 21,563-65, 21,576-77 (Ryscavage); Tr. 21,566 (Hilliard)) and substantial emergency preparedness and radiological monitoring training that was provided to municipal emergency personnel (Tr. 21,565-66, 21-577, 21-585-86 (Ryscavage); Tr. 21,584-85 (Hilliard)).

were sometimes unsure of the meaning or interpretation of responses recorded in interview notes, yet they proceeded to report those responses according to their own interpretation. Tr. 21,649-51 (Hilliard, Miller); Tr. 21,575-76 (Hilliard). Some of the information in the League's report is simply outdated or misleading. For example, the League's statement in its November study that some school districts were planning to relocate students to places other than those designated in the York County Emergency Plan is no longer true (Tr. 21,550 (Miller)), yet this is not reflected in the League's report. The statement in the League's report to the effect that no provision is made to inform parents as to where school students have been relocated (Ryscavage, et al., ff. Tr. 21,508, at 13) was written without the awareness on the part of the witnesses that the revised York County Plan explicitly provides for the dissemination of such information through pre-prepared EBS announcements. Tr. 21,630-33 (Miller).^{200/} The League's report indicates that there are major problems with the evacuation of private schools (Ryscavage, et al., ff. Tr. 21,508, School Followup, at 14), yet there is only one private school within the York County portion of the plume EPZ (Tr. 21,568 (Miller); Licensee Ex. 52, Table 8, at 23) and the public school district within which that private school lies recognizes its responsibility to evacuate that private school. Tr. 21,558-59 (Miller). Confirmation that the League's report is outdated was provided by the York

^{200/} Similarly, the statement in the report to the effect that "Thyroid prophylaxis agents may not be distributed on a timely basis" (Ryscavage, et al., ff. Tr. 21,508, Study Update, at 12) was addressed to the distribution of potassium iodide (KI) to the general public and does not reflect the more recent planning to distribute KI to emergency workers and institutionalized persons only. Tr. 21,644-45 (Ryscavage).

County Emergency Management Coordinator who testified that the report does not accurately portray the level of preparedness in the county and that the general conclusions in the summary of the report are based on earlier versions of the county plan. Tr. 20,959-60 (Curry).

1827. Finally, much of the League's report is based on confused and sometimes third-hand information.^{201/} From cross-examination it is clear that sometimes the witnesses had no knowledge of the basis for statements made to them in interviews yet they reported such statements in testimony as statements of fact.^{202/}

1828. In summary, the Board finds that the League's testimony served to familiarize us with the League's perception of emergency planning status in the York area but that because of its questionable probative value, as demonstrated in both pre-filed testimony and in cross-examination, we cannot ascribe evidentiary weight to it.

201/ For example, League witness Miller indicated that in writing up interview notes which formed a part of the basis for the League's report she relied on comments from another interviewer who actually conducted the interview with a school superintendent. Tr. 21,555-57 (Miller).

202/ An example is the statement in the League's report that "Some bus drivers evacuated early during the last crisis." Ryscavage, et al., ff. Tr. 21,508, Study Update, at 16. Cross-examination revealed that this was a comment made by one school superintendent. The "comment" was not probed by the interviewer who had no concept of the basis or scope of the statement. Tr. 21,647-49 (Miller).

(b) Contentions

1829. We next address those contentions dealing exclusively with transportation of school children in the event of an emergency at TMI. We address first three specific contentions relating to transportation and then a larger issue of concern to this Board -- the need for written school plans. Newberry Contention EP-14(B) contends, in part, that confusion may result during a selective evacuation because the York County Plan provides both for the evacuation of school children as a group and for the pickup of children at school by evacuating parents. This contention was evidently based on an early version of the York County Plan. Under the revised York County Emergency Plan, no provision is made for parents to pick up school children at the schools, but rather in the event of an evacuation school children will be bussed as a group to designated host schools or relocation centers outside the plume EPZ. Board Ex. 5, at 0-2, § IV.D.3., at 0-4. By means of prepared EBS statements, parents will be informed that school children have been evacuated to specific relocation centers and that they are to meet their children there. Board Ex. 5, at F-13, F-14. See also, in general, Board Ex. 5, at 8-12 (Concept of Operations), F-7 to F-8 (EBS announcement for selective evacuation), Annex H (Evacuation), and Annex O (School Services). We believe that Newberry's concern has been obviated by the revised plan and consequently we reject this contention.

1830. With regard to other schools in the plume EPZ we note that with the exception of the Dauphin County Plan, the current county plans include complete listings of schools to be evacuated in the event of an incident at TMI. See Board Ex. 5, at 0-4; Board Ex. 7, at L-4; Board Ex. 8, at G-4; Board Ex. 9, at G-4. The Dauphin County Plan lists affected school districts. See Board Ex. 6, at L-5. Further, Licensee's evacuation time estimate study, provided to the five risk county emergency management coordinators and referenced in all five plans, contains a complete list of all schools in the TMI plume exposure pathway EPZ. See Licensee Ex. 52, at 16-24; Tr. 17,924 (Rogan).

1831. The first part of Newberry Contention EP-16(J) asserts that the Dauphin County Plan is deficient because in a "condition yellow" (Alert) school children will be bussed home. Newberry contends that a more sensible approach would be to bus all the students to a pre-designated area outside the risk area and to allow parents to pick up the children there. Newberry is particularly concerned that, in the middle of bussing children home in a "condition yellow", a "condition red" might be declared, and there would be no means of notifying the bus drivers of the change in the situation and the attendant change in school policy. We summarily reject Newberry's assertion that the children should be bussed "outside of the 20-mile EPZ", for reasons explained in Section F.

1832. Under the revised Dauphin County Emergency Plan, dated April 7, 1981, evacuation of school children will be on a group basis with students

bussed to specified relocation centers unless, under the circumstances, an evacuation has been ordered with time permitting the schools to be closed and students released to parents under normal transportation procedures. Board Ex. 6, at L-3. FEMA has testified that this has now been revised to delete any suggestion that students would be returned home during the early stages of an accident. Rather, students will be relocated to predesignated host areas outside the plume EPZ on routes consistent with the predesignated major evacuation routes to facilitate the pickup of students by their parents. Bath, ff. Tr. 22,350, Attachment 3, at 6; Tr. 20,916-17 (Wertz). Subject to the Staff's certification to the Commission prior to restart that the change in the Dauphin County Plan in fact has been made, the concerns raised in the contention with regard to rerouting school evacuation buses during the course of transporting students to their homes have been satisfied with the revised school evacuation planning. Current planning for Dauphin County is consistent with that advocated by the intervenor in this contention.

1833. The second part of Newberry Contention EP-16(J) asserts that school district plans should be on file with and reviewed periodically by the Dauphin County Emergency Management Agency. As to this assertion, the evidence indicates that individual school plans are not required for compliance with emergency planning criteria. Tr. 22,401 (Bath). The evidence further indicates that Dauphin County will, nevertheless, require that school plans be on file. Thus, what is sought by the intervenor in Contention EP-16(J) will eventually be provided. Adler and Bath (2/23/81),

ff. Tr. 18,975, at 55-56. As indicated below, the Board believes that the lack of written school plans at the district level should be promptly corrected.

1834. The current Dauphin County Plan includes a general description of planning for the evacuation of schools. Bath and Adler (2/23/81), ff. Tr. 18,975, at 55; Board Ex. 6, Annex L. Two school district plans already are on file with the Dauphin County Emergency Management Agency (Tr. 20,969 (Wertz)), including the Lower Dauphin School District plan (see Board Ex. 6, at U-1) which is being used as a "model school district plan" throughout the Commonwealth. Knopf, et al., ff. Tr. 21,816, at 8-9. The Steelton-Highspire School District also has adopted an emergency plan. Id., at 9. Other school district evacuation plans are being developed currently. Bath and Adler (2/23/81), ff. Tr. 18,975, at 55; Tr. 20,855, 20,969 (Wertz). Thus, while the coordination of school evacuation is covered at the county level, some implementation plans (i.e., district and individual school plans) are still under development. Staff Ex. 23, at III-22.

1835. The Commission's emergency planning regulations provide that responsibilities for plan development and review and for distribution of emergency plans are to be established. The guidance set forth in NUREG-0654 suggests that each emergency response organization shall update its plan as needed, certify it to be current on an annual basis, and forward approved changes to organizations and individuals with responsibility for plan implementation. In addition, each plan is to include a detailed

listing of supporting plans and their sources. While NUREG-0654 does not specify that implementing procedures (such as school evacuation plans) need be maintained on file by the county, it does recommend that a listing of such procedures be maintained and that the response organizations (i.e., the school districts) be charged with that responsibility. Bath and Adler (2/23/81), ff. Tr. 18,975, at 55-56.

1836. In response to this guidance, Annex U of the Dauphin County Plan is a listing of "Supporting Plans and Implementing Procedures", which already includes one school district plan as on file at the Dauphin County EOC, and which apparently will list other school district plans as they are adopted. See Board Ex. 6, at U-1. In this respect, Dauphin County exceeds NUREG-0654 guidance by actually keeping the school plans on file in the county EOC rather than merely listing them in the county plan. Bath and Adler (2/23/81), ff. Tr. 18,975, at 55-56. The Dauphin County Plan specifically assigns responsibility to the Dauphin County Emergency Management Coordinator for ensuring that the county plan, and supporting plans, are updated annually. See Board Ex. 6, at 5. Cf., Commonwealth Ex. 2.a, at 26-27.

1837. Because of the importance of the supporting plans to the overall county plan, the Board ultimately agrees with the Commonwealth and the Combined Intervenors that written school district plans should be filed promptly. The extensive proposed findings filed on this issue are as follows: Commonwealth proposed finding ¶ 66 and reply findings ¶¶ 13-16;

Combined Intervenors proposed findings ¶¶ 86, 540, 558, 565(c); Staff proposed findings ¶¶ 260-68 and reply findings ¶¶ 29-33; and Licensee proposed findings ¶¶ 362-70 and reply findings ¶¶ 30-45.

1838. The revised York County Emergency Plan imposes upon school districts the responsibility to develop protective action plans for their students, to coordinate plans with their transportation resources, and to provide bus transportation for evacuating students. Board Ex. 5, at 0-1. Also included in the York County Plan are provisions to notify school district superintendents upon declaration of a Site Area Emergency or a General Emergency to have them pre-position buses for use if evacuation is ordered and provisions in a General Emergency to directly notify bus companies. Board Ex. 5, at H-3, 0-2. The school districts themselves have existing procedures for bussing students during winter storms and other emergencies (Tr. 20,908 (Curry)) and, therefore, have existing mechanisms for notifying and mobilizing bus transportation resources. Thus, provision has been made through the revised York County Plan in conjunction with existing school district procedures to notify and mobilize school transportation resources, even in the absence of completed written school emergency plans.

1839. York County is developing a county master plan for the evacuation of schools, identifying relocation points and evacuation routes, and providing a general concept of operations. Evacuation destinations for all York County schools within the plume exposure pathway EPZ are listed in the current Annex O to the York County Plan. See Board Ex. 5, at 0-4.

York County has contacted local school district superintendents to coordinate the operational procedures implementing the county master plan. Bath, ff. Tr. 22,350, Attachment 3, at 5.

1840. Although the school plans are not yet complete, FEMA witness Bath and York County Coordinator Curry testified that the schools have the capacity to evacuate their populations. Tr. 22,430 (Bath); Tr. 20,908-09 (Curry). In this regard, provisions have been made to meet shortfalls in school buses through county resources. Tr. 22,430-31 (Bath). Some help may also be available from the Pennsylvania Department of Education, although the specific nature of the help available from this source is unclear. Tr. 20,862 (Belser). In regard to the absence of letters of agreement with school superintendents or school boards, it was the testimony of the FEMA witness that such letters are unnecessary since FEMA is "essentially seeking a school district plan" which would be superior to letters of agreement. Tr. 22,430 (Bath). Further, FEMA does not believe that specific letters of agreement are needed if the service or organization providing the service is a normal portion of government and that the services are the normal resources of that given organization. Tr. 19,216 (Bath). On the other hand, letters of agreement are necessary if the services are from private organizations, i.e., private bus companies. Adler and Bath (3/16/81), ff. Tr. 18,975, at 35-36. FEMA anticipates that in an emergency available vehicles would be used to assist evacuation regardless of the status of existing documented agreements. Id., at 36. The current York County Plan does include two letters of agreement from school

districts outside the TMI plume exposure pathway EPZ, Spring Grove Area School District and South Eastern School District, indicating that the school districts would make buses and drivers available to York County in an emergency. See Board Ex. 5, at T-2, T-3. Such resources could be used by the county transportation coordinator to supplement the buses provided by the school districts in the risk area for the evacuation of their students (see Board Ex. 5, Annex O) or could be used in the transportation of individuals without private transportation (see Board Ex. 5, Annex K).

1841. FEMA testified that the lack of individual school plans is a deficiency which should be corrected eventually and that additional planning on the issues of school evacuation and bus rerouting should be included in the York County Plan. Bath, ff. Tr. 22,350, Attachment 3, at 5; Adler and Bath (3/16/81), ff. Tr. 18,975, at 57. However, according to FEMA, individual school plans are not required for compliance with the Commission's emergency planning regulations. Tr. 22,401-02 (Bath). FEMA indicated that discussions between the York County Emergency Management Coordinator and the county school district superintendents, discussions with Pennsylvania Department of Education personnel, the progress being made in the development of school plans, and the historical capability of York County schools (as demonstrated in circumstances other than a nuclear emergency) to notify parents and bus drivers of unscheduled school closings provided assurance that -- even in the absence of written school plans -- York County schools within the risk area could be evacuated successfully. Tr. at 22,397 (Bath); see generally Tr. 20,908-09 (Curry); Tr. 19,411-13

(Pawlowski, Adler, Bath). For these reasons, the absence of written school plans did not preclude FEMA from making a finding of overall adequacy with respect to the plans of the Commonwealth and the risk counties. Tr. 22,687 (Dickey).

1842. However, this Board heard over and over from local citizens, not only those who intervened but those who made limited appearance statements (see, for example, Tr. 14,491-92 (Minnich); Tr. 15,507-08, 15,515-16 (Charles); Tr. 21,570 (Wentzel); Tr. 17,991 (Drazba)), the concern that in the absence of written school plans parents and school personnel would lack assurance that school children could and would be safely evacuated. In the view of this Board the very exercise of writing and coordinating such plans would cause to surface any weaknesses or inconsistencies which should be corrected. In essence the County Plan is merely the skeleton for which the school plans will provide the corpus. In this instance we were not sufficiently assured by the planning at the county level and our detailed examination of plans at the sub-county level also failed to provide sufficient assurance. Consequently, the Board finds that the lack of written generalized plans for each school district in the county is a deficiency which requires prompt correction prior to restart. We direct the Staff, preferably with FEMA's assistance, to certify to the Commission when written plans for each school district in the plume EPZ have been completed and reviewed for adequacy. Without these plans there is not adequate assurance that school children could be or would be evacuated in a prompt and orderly manner. This sizeable segment of the population does

not have the maturity, or the skills (such as driving), or the means to self-evacuate. We do not wish to see school children, in a radiological or any other emergency, at the mercy of oral agreements or ad hoc arrangements, however well intentioned.

8. Individuals Without Private Transportation

1843. The Board next reviews those contentions which address provisions for the transportation of individuals without private transportation in the event of an emergency at TMI. These contentions include:

Newberry Contention EP-16(G):

Appendix 8, Attachment 8-1, indicates that there are local pickup points for individuals who are without transportation. There is no indication within the Emergency Plan as now drafted that there will be police protection for people waiting at the pickup points in order to ensure security. Moreover, the pickup points as listed do not ensure that individuals who assemble at these points will be sheltered for their protection under some type of cover. Until or unless it is assured that there will be police protection provided and that sheltering will be provided, the Plan is deemed inadequate.

Newberry Contention EP-16(H)

Appendix 8, Attachment 8-2 of the Dauphin County Plan provides that local municipalities shall provide one personal lead vehicle to the E.O.C. Reception Area from the Staging Area. The problem with this particular part of the Plan is that there is no designation of who will be the person to lead vehicles to the E.O.C. Reception Area. Moreover, there is a candid admission that there is the chance that municipalities will hijack vehicles intended for other communities. Until and unless there is some type of security provided for incoming and outgoing units, the Plan shall remain deficient. Moreover, there is no provision in this Plan to provide for refueling of the incoming buses and ambulances and until and unless there is some indication of how refueling is going to take place, there is the risk that incoming buses and ambulances would run out of fuel and be rendered useless.