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USNRCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSION

In the Matter of	)	
	)	
METROPOLITAN EDISON COMPANY	)	Docket No. 50-289
	)	(Restart)
(Three Mile Island Nuclear	)	
Station, Unit No. 1)	)	

LICENSEE'S REPLY TO COMMENTS ON IMMEDIATE  
 EFFECTIVENESS OF THAT PART OF THE  
 LICENSING BOARD DECISION  
 RELATING TO EMERGENCY  
 PREPAREDNESS ISSUES

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On December 14, 1981, the Licensing Board issued a Partial Initial Decision ("PID") which addressed, inter alia, the emergency preparedness issues litigated during the TMI-1 Restart proceeding. Comments on the immediate effectiveness of that part of the PID relating to emergency preparedness were filed by the NRC Staff, intervenors Anti-Nuclear Group Representing York ("ANGRY") and the Aamodts, and the Commonwealth of Pennsylvania. In its comments the NRC Staff concluded that, with respect to emergency preparedness issues, the Licensing Board had made findings adequate to remove the basis for the immediate effective shutdown order. Licensee agrees with this conclusion and has no further comments on this portion of the NRC Staff filing.<sup>1/</sup>

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Licensee does note, however, with some degree of concern the FEMA estimates for reviewing school plans and the siren test. Licensee would hope that the Commission can obtain the assistance of FEMA to review such items on as expeditious a schedule as possible.

With respect to the comments submitted by the other parties, we briefly address each of the comments below. Licensee observes, however, that the comments of the other parties deal with specific, isolated concerns about the emergency plans, rather than with the fundamental soundness of the plans approved in the PID. This fact is especially significant given the breadth and detail of the emergency preparedness review conducted by the Licensing Board below -- clearly the most comprehensive conducted at any nuclear power plant site in this country. From the hundreds of emergency planning contentions litigated by the parties, intervenors complain about only a small handful, and in Licensee's view those complaints relate to minor details. The complaints do not allege that the Licensing Board failed to consider intervenors' positions. Rather, intervenors differ with the manner in which the Licensing Board exercised its judgment in resolving these details. Such disputes are most properly resolved through the appellate review of the Appeal Board.

1. Comments by ANGRY

ANGRY lists certain areas where it believes emergency preparedness still remains deficient. But the areas listed in which emergency plans had not been fully implemented at the time of the hearing -- i.e., completion of school plans, testing of the siren system, and distribution of state and county emergency information brochures -- are precisely the areas for which the Licensing Board has specified completion as a condition for restart and has directed the NRC Staff to

further review and certify completion to the Commission. Thus, the Licensing Board has provided a mechanism to ensure that the concerns listed by ANGRY are resolved prior to restart.

ANGRY also asserts that the Licensing Board was unable to determine what effect the psychological impact of the TMI-2 accident would have on the efficacy of the emergency plans. To the contrary, after fully and carefully considering the testimony of Drs. Russell Dynes and Kai Erikson (Licensee's and ANGRY's expert sociologists, respectively) and of various FEMA witnesses (Messrs. Jaske, Pawlowski and Adler), see PID ¶¶ 1625-55, the Licensing Board found that appropriate public education -- like that being pursued around TMI -- reduces fear and mistrust in authority, increases the likelihood that people will do as instructed, and accordingly reduces the tendency of the population at risk to either overreact or underreact. PID ¶¶ 1651-53. The Licensing Board also found reasonable assurance that emergency workers would stay and perform their jobs. PID ¶ 1428. Thus, far from being unable to determine the psychological impacts on emergency planning, it seems clear to Licensee that the Board carefully considered those impacts and found them not so substantial as to preclude a finding that emergency preparedness around TMI is adequate to support restart of TMI-1.

## 2. Comments by the Aamodts

The comments submitted by the Aamodts raise issues relating to information transmittal, public education and farmers/livestock.

With respect to information transmittal, the Aamodts' comments are based on a misunderstanding of the methods used to transmit information offsite and a misstatement of the evidentiary record. The primary mode of communication between TMI and Dauphin County is the telephone. Contrary to the comments submitted by the Aamodts, the record does not indicate that this telephone circuit can be expected to be busy. The testimony cited by the Aamodts in fact supports an opposite conclusion. See Tr. 14123-24 (Giangi). Backup communications include a radio system that is tested weekly. Rogan, et al., ff. Tr. 13756 at 62. There is no evidence of record which indicates that this radio link between TMI and Dauphin County might be overloaded. If for some reason TMI could not contact Dauphin County directly, then a communications link would be established through the Pennsylvania Emergency Management Agency ("PEMA"). This could be effected by telephone or use of the National Warning System ("NAWAS") line -- a dedicated radio-telephone line between TMI and PEMA that is tested daily. Id. In addition, there are other numerous communications links between TMI and offsite agencies, including separate dedicated telephone lines with the NRC and the Pennsylvania Bureau of Radiation Protection ("BRP"). PID ¶ 1513. TMI's communication capabilities go beyond that required by the Commission's rules or that recommended in NUREG-0654. See generally Rogan, et al., ff. Tr. 13756 at 59-66. Thus, there is no reason to believe that TMI will be unable to communicate necessary information to agencies offsite.

As to the issue of public education, the Aamodts' comments are no more on point than their observations with respect to information transmittal. The Licensing Board's PID addresses the public education issue at paragraphs 1524-57. In that portion of the PID the Licensing Board discusses the relevant standards governing public education programs (PID ¶¶ 1527-28) and the adequacy of the Commonwealth's (PID ¶¶ 1529-31, 1534-36) and Licensee's (PID ¶¶ 1532-33) coordinated education programs. On the basis of this review, the Licensing Board found reasonable assurance that proper educational information is currently available or would soon be provided to the population at risk. PID ¶ 1537.

The Aamodts urge the Commission to disregard these findings because they allege there are no available criteria for judging the adequacy of the public education programs and that the existing education programs are themselves inadequate. The sole support for the claim that no criteria are available is testimony that the NRC provides minimum guidelines but Licensee's witness was unaware of any set of criteria for judging excellence in a public education program. Tr. 14134-35 (Rogan). Certainly, such testimony does not establish that no criteria are available and is not inconsistent with the regulatory guidelines summarized by the Licensing Board at paragraph 1527 of its PID.

The Aamodts' claim that the education programs themselves are inadequate arises from dissatisfaction with a portion of the PEMA pamphlet that analogizes ionizing radiation

to sunlight and the claim that the members of the population more susceptible to radiation are not considered. The Licensing Board specifically considered the analogy to sunlight, and though not perfect, did not find it of such moment as to require a change. PID at p. 498 n.182. This view was supported by the Federal Emergency Management Agency ("FEMA") witnesses who reviewed the educational material. Id. As for the claim that members of the population potentially more susceptible to radiation were not considered, that claim is squarely contrary to the testimony of the cited witness, who testified that the public information that had been distributed included information on the greater sensitivity to radiation of some members of the population. See Tr. 14137 (Rogan); PEMA Emergency Information Brochure, Pa. Ex. 3 ("Unborn and very young children are more sensitive to radiation than are older children and adults"). In short, the record fully supports the Licensing Board's holding that an adequate public education program has been established.

The last issue discussed by the Aamodts relates to the plans for the care of livestock and the impact of those plans on farmers. The Aamodts' comments raise essentially two issues: (a) whether the Commonwealth has provided an adequate plan to care for livestock, and (b) whether farmers will refuse to evacuate because of their concern for their livestock. Running throughout the Aamodt comments is the



theme that the Licensing Board relied upon the testimony of "bureaucrats" while ignoring the testimony of farmers, veterinarians and county agents. Such a claim is untrue. First, it ignores the fact that the plan for care of livestock was prepared by the Pennsylvania Department of Agriculture -- an agency charged with protecting the interests of farmers and the agricultural community in general. Second, it ignores the testimony of Drs. Van Buskirk and Cable, both veterinarians (one of whom has an M.S. in Radiation Biology), that the Department of Agriculture plans provide adequate protection for livestock and farmers. See Van Buskirk and Cable, ff. Tr. 18296. Third, it ignores the fact that the prefiled, written testimony of the county agents was actually prepared by Mrs. Aamodt, and when they appeared to testify the county agents disagreed with major parts of the testimony. See Tr. 20246-48. Fourth, it incorrectly assumes that three farmers chosen by the Aamodts to be their witnesses represent the views of the agricultural community around TMI, while the Pennsylvania Department of Agriculture does not represent those views. Fifth, it ignores the fact that of the three farmers who testified, one did leave his livestock and evacuate during the TMI-2 accident, and another made private arrangements to transport his livestock if that became necessary. Lytle, et al., ff. Tr. 18749 at 1-2. Finally, it ignores the fact that no witness who testified was willing to state that the large-scale evacuation of livestock was feasible. The Department

of Agriculture opposes such action as "impractical". Pa. Ex. 2(a), Appendix 7, at 17. And even the veterinarians presented by Mrs. Aamodt did not think such an evacuation feasible. Tr. 18805-06 (Samples).

The Aamodts argue that the livestock plan is inadequate because the provisions for sheltering animals are inadequate. In support of this claim they cite testimony that not every farmer will be able to fully shelter his herd or provide a continuous supply of water. Such arguments misconstrue the nature of the plan. No one takes the position that all livestock will be able to be protected under all conditions, or that all farmers are equipped to provide the maximum degree of protection for their livestock. What has been included in the Department of Agriculture plan is information on various options that permit farmers to use resources on hand to protect a significant portion of their livestock. Attached as Annex B to the Department of Agriculture plan are short fact sheets covering a broad range of these available options. See Pa. Ex. 2(a), Appendix 7, Annex B. Annex B includes advice on sheltering animals in various types of buildings, ranging from open sheds to more substantial, closed buildings. See Pa. Ex. 2(a), Appendix 7, Annex B, at p. 5. Similarly broad advice is given with respect to ventilation (id. at 6-7) and feed and water (id. at 7-9). More detailed advice is given for the various types of livestock. Id. at 10-22. Given the purpose of the plan, the Licensing Board correctly rejected Dr. Weber's totally unexplained and un-



substantiated conclusion that the plan is inadequate.

In the final analysis, this Commission already has determined that "public health and safety should take clear precedence over actions to protect property. Measures to protect property can be taken on an ad hoc basis as resources become available after an accident." 45 Fed. Reg. 55402, 55407. The Pennsylvania Department of Agriculture plan for protecting livestock goes far beyond ad hoc measures to be used as resources become available. Rather, it represents a careful analysis of the situation likely to be facing farmers and options available for dealing with that situation. As such it is adequate to support restart of TMI-1.

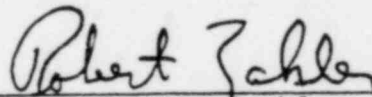
3. Comments by the Commonwealth of Pennsylvania

The Commonwealth's comments relate solely to the adequacy of thermoluminescent dosimeters ("TLD's") for offsite emergency workers. When the record closed in the TMI-1 Restart proceeding, Licensee understood that the TLD issue was being resolved between PEMA and FEMA. Until the Commonwealth filed its comments, Licensee had no knowledge that the discussions between PEMA and FEMA had not been successful. At no time has anyone from the Commonwealth ever contacted any Licensee representative to discuss the need for additional TLD's. After receiving the Commonwealth's comments, Licensee has initiated discussions with the Commonwealth on this issue. Licensee expects that the matter can be resolved to the satisfaction of all interested parties. Licensee

does not, however, believe that resolution of the matter is of such immediacy as to preclude a Commission decision giving immediate effectiveness to the Licensing Board's PID. If further monitoring of the matter is necessary, Licensee believes that it is best left to the NRC Staff.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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