

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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USNRC  
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BRANCH

Gary L. Edles, Chairman  
Christine N. Kohl  
John H. Buck

In the Matter of )  
METROPOLITAN EDISON COMPANY )  
Three Mile Island Nuclear )  
Generating Station, Unit 1 )

Docket 50 - 289

AAMODT BRIEF FOR APPEAL  
OF BOARD'S DECISION CONCERNING  
INFORMATION TRANSMITTAL  
AND PUBLIC EDUCATION  
(PARTIAL INITIAL DECISION, DECEMBER 14, 1981  
EMERGENCY PLANNING ISSUES)



INFORMATION TRANSMITTAL

1. Contrary to the Board's finding (#1517), Licensee's Emergency Plan does not provide for direct and immediate notification on emergency declaration to Dauphin County or, in the case of a general emergency, to all five counties in the plume EPZ. The Board correctly notes that contact is made by telephone, and "if contact cannot be made by this method", by the various county radio systems. The telephone circuits to be used can be expected to be "busy". Tr. 14, 123 (Giangi). Licensee failed to demonstrate conclusively that radio channels could not be overloaded. Further, any delay can be disastrous because (a) rapid escalation of action levels is possible (Tr. 14, 119 (Giangi)), and (2) this step-by-step approach at notification could result in failure to notify counties in the event of rapid escalation of action levels. Tr. 14, 116 (Tsaggaris). In view of the low cost involved in providing dedicated telephone lines to the five counties, it boggles the mind to imagine why this

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simple solution is not provided.

2. The Board is in error in finding (#1518) that "Licensee has provided for transmissions of data and plant...observations... to Dauphin, York and Lancaster Counties in a timely fashion". The auto-dialer telephone uses ordinary telephone circuits which can be expected to be "busy". Tr. 14, 123 (Giangi).

#### PUBLIC EDUCATION

3. Contention EP-1 addresses the issue of removal of the impediment of complacency. Clearly, the most direct method to meet this objective to clearly inform the public of risk it faces. The relevant portion of EP-1 states "Licensee must make information available which will allow appropriate actions to be taken to protect persons..." The Board in it's findings (#1524 - 1537) fails to address the key element of this portion of the contention - "will allow...action to be taken..." The implicit concern is that the population at risk can be expected to take "appropriate action" in the event of an emergency. The NRC stated in response to interrogatories and affirmed on the record that "an advance educational program relating to the hazards of radiation" (coupled with confidence and trust in local response agencies and prior instructions on emergency actions) will "provide assurance that proper protective actions will be taken by the public". Tr. 14, 517; Aamodt Finding Paragraph 7. Further, NRC testified that the perception that nuclear power is "safe" can cause the public to not take notification seriously. Tr. 15, 408 (Grimes).

The Board in its finding (#1525) correctly summarizes the goal of (the) public information program to include "educational materials on radiation...and...information for special groups..." and correctly states that "these materials should be so designed that the information is easily understood by the public."

4. The Aamodts do not call for an "overly detailed public information program". Further, the Board assertion that "the Aamodts would have a detailed program on health effects of ionizing radiation" is a gross mischaracterization of Aamodt findings Paragraphs 7, 8 and 9. Rather,

(a) Paragraph 7 calls for an advance education program relating to the hazards of radiation,

(b) Paragraph 8 asserts that this information has not been made available to the public,

(c) Paragraph 9 asserts that the Commonwealth's brochure (to be distributed by Licensee) in its final form is misleading.

Tr. 18, 078 - 80 (Comey); Tr. 18, 980 - 81 (Adler).

The Aamodts do not call for "too much detailed information" but for accurate, complete and relevant public information material. Specifically, the Aamodts contend that the analogy of ionizing radiation (emitted from a nuclear power plant) to sunlight is misleading in the context of the PEMA brochure. Commonwealth Ex. 3. This analogy fosters a perception of innocuousness which is grossly misleading in view of the unique hazard faced by more susceptible groups such as pregnant women and individuals who have been previously exposed. This information could be included in two paragraphs of 50 words or less -- hardly a "detailed program on the health effects of ionizing radiation".

5. The recommendation of NUREG-0654 for general information on the effects of radiation has not been met. The more susceptible members of the population are not considered. Tr. 14, 135 (Rogan); Tr. 18, 626 - 27 (Molholt); PID #1527.

6. Contrary to the Board's finding (#1528), there are no criteria available to PEMA with regard to quality or content of public information programs as they relate to the effects of radiation. Tr. 14, 134 (Rogan). Further, the assignment of responsibility for the public information programs to a troika of "responsible agencies" is not sufficient. The fact remains that specific legal authority with regard to determining, implementing and maintaining a public information program rests with no agency. Tr. 14, 131 (Rogan). Accountability rests nowhere. The Board addresses accountability in the time frame of this proceeding. Finding #1528 is further flawed in that it makes no provision for continuing accountability.

7. The Board errs in finding that the Commonwealth "has set forth a comprehensive public information program" implying sufficiency. PID #1529. The record clearly shows that this information is deficient. Paragraph 5 supra.

8. The Licensee's public information program is deficient in its failure to heighten the awareness of the public to the hazards of radiation. Paragraphs 4, 5, supra; 9 infra; PID #1533.


9. The PEMA pamphlet is not acceptable in content. The analogy of ionizing radiation to sunlight is unduly strained and misrepresents

the public. Paragraph 4, supra; PID #1534.

10. The Board errs (#1536) in denying the Commonwealth's requirement that distribution of county and PEMA brochures be withheld until all changes and revisions desired by the Commonwealth are made. The additions and changes sought by the Aamodts should be included. Paragraphs 4, 5, supra.

11. The Board errs (#1537) in its conclusion that sufficient guidelines are in place about which to structure (the) public information program. Paragraphs 4, 5, 6 supra.

Respectfully submitted,



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Norman O. Aamodt

March 9, 1982