

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF INSPECTION AND ENFORCEMENT  
Richard C. DeYoung, Director

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| In the Matter of                    | ) |                   |
|                                     | ) |                   |
| METROPOLITAN EDISON COMPANY, ET AL. | ) | Docket No. 50-289 |
| (Three Mile Island Nuclear Station, | ) | (10 CFR 2.206)    |
| Unit No. 1)                         | ) |                   |

DIRECTOR'S DECISION UNDER 10 CFR 2.206

INTRODUCTION

On May 30, 1984, the City of Harrisburg, Pennsylvania (Petitioner) filed a Petition pursuant to 10 CFR 2.206 requesting the institution of proceedings pursuant to 10 CFR 2.202 to suspend indefinitely the license of GPU Nuclear to operate the Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) facility.<sup>1</sup> The Petition was based upon alleged inadequacies in the emergency evacuation plan for the City of Harrisburg, specifically, a concern that the emergency evacuation plan did not adequately provide for the evacuation of the City of Harrisburg in the event of an incident at the TMI-1 facility. The Petitioner further requested that the TMI-1 facility not be permitted to restart unless and until all municipalities located in the Counties surrounding the facility have adopted and approved emergency plans. For the reasons given below, I decline to grant the relief requested and deny the Petition.

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<sup>1</sup> GPU Nuclear is the successor in interest to Metropolitan Edison Company, et al., the former operator of the TMI-1 facility.

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DISCUSSION

At the outset, it must be said that Petitioner's compliance with 10 CFR 2.206, the provision of the Commission's regulations under which the Petition was submitted, is questionable. That regulation requires that requests made pursuant to it shall "set forth the facts that constitute the basis for the request". See 10 CFR 2.206(a). See also Public Service Company of New Hampshire, et al. (Seabrook Station, Unit 2), Commission Order (March 29, 1984), pp. 5-6. The Petition is essentially devoid of any factual information other than that the radiological emergency response plan (referred to by the Petitioner as the emergency evacuation plan) currently in place with respect to the TMI-1 facility for the City of Harrisburg has been rejected by the City Council in Resolution No. 59-1984 passed on March 6, 1984. The only suggestion in the Resolution itself regarding a deficiency with respect to emergency planning for the City of Harrisburg is the allegation that, in December 1981, the State emergency planning agency, presumably the Pennsylvania Emergency Management Agency (PEMA), revised its plan for future evacuation of Harrisburg to eliminate 85% of the City's population from the emergency plan. It is this allegation that comprises the sum and substance of Petitioner's request.

In essence, the Petitioner questions the adequacy of the plume exposure pathway Emergency Planning Zone (hereinafter referred to as the plume exposure pathway EPZ or EPZ) required by the Commission's regulations and for which evacuation planning is required. See 10 CFR 50.47(c)(2) and Appendix E to Part 50. The Commission's regulations require generally that the plume exposure pathway EPZ

for nuclear power plants shall consist of an area about ten miles in radius, with the exact size and configuration of the EPZ to be determined in relation to local emergency response needs and capabilities as they are affected by such conditions as demography, topography, land characteristics, access routes and jurisdictional boundaries. It appears from the Petition that the City of Harrisburg is discontent with the EPZ currently incorporated in the radiological emergency response plans associated with the TMI-1 facility in that the EPZ does not include all of the City.<sup>2</sup>

The adequacy of the EPZ for the TMI-1 facility has already been determined by this agency. The EPZ for the TMI-1 facility was litigated before an Atomic Safety and Licensing Board in the restart proceeding.<sup>3</sup> There the Board considered a number of issues related to the adequacy of the EPZ adopted for use around TMI-1. Among the issues considered by the Board was a contention seeking to extend the size of the EPZ boundary to include the cities of Harrisburg and York and the urbanized areas surrounding those cities.<sup>4</sup> In its decision, the Licensing Board recognized that the EPZ for TMI had been defined by the Pennsylvania Emergency

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<sup>2</sup> Emergency planning for the TMI-1 facility is an integrated effort involving an onsite utility-developed radiological emergency response plan and offsite emergency plans including the Commonwealth of Pennsylvania emergency response plan and supporting county and municipal plans.

<sup>3</sup> Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit No. 1), LBP-81-59, 14 NRC 1211, 1553-1569 (1981).

<sup>4</sup> Id., at 1557.

Management Agency, the agency responsible for assuring emergency preparedness for the Commonwealth of Pennsylvania. The Board found no evidentiary basis for disagreeing with the judgments reached by PEMA in this regard.<sup>5</sup>

These findings by the Licensing Board have been affirmed on appeal<sup>6</sup> and these determinations were not disturbed by the Commission.<sup>7</sup> Since those determinations were reached, no significant new information has developed which would call them into question. The Commonwealth of Pennsylvania has submitted the State radiological emergency plan and supporting County and municipal plans to the Federal Emergency Management Agency (FEMA) for review and formal administrative approval under 44 CFR Part 350 of FEMA's rules. FEMA's review to date as well as the testing of the plans during emergency preparedness exercises has not resulted in any negative finding regarding the appropriateness and adequacy of the plume exposure pathway EPZ for TMI-1.<sup>8</sup>

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<sup>5</sup> Ibid.

<sup>6</sup> Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit No. 1), ALAB-697, 16 NRC 1265 (1982); Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit No. 1), ALAB-698, 16 NRC 1290 (1982).

<sup>7</sup> The Commission declined to review ALAB-697 and its review of ALAB-698 did not encompass the adequacy of the EPZ for the TMI-1 facility. See Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit No. 1), CLI-83-22, 18 NRC 299 (1983).

<sup>8</sup> As a result of the full-scale emergency preparedness exercise conducted on November 16, 1983, FEMA did identify four deficiencies which require correction in order for FEMA to provide NRC with an acceptable finding on offsite preparedness. Three of these concerned communications in Dauphin and Lancaster Counties and the fourth concerned staffing of the Dauphin County Emergency Operations Center. PEMA has developed a schedule of corrective actions including remedial drills to demonstrate that the identified deficiencies have been corrected. FEMA will observe these drills and report its findings to the NRC. None of the deficiencies are related to the issue raised in the City of Harrisburg petition, namely, that the emergency plan has been revised to exclude a large portion of the City.

Consequently, based on the above, I have concluded that the Petitioner has failed to present any substantive information calling into question the adequacy of the plume exposure pathway EPZ as currently configured for TMI-1 or the emergency evacuation planning efforts within the EPZ undertaken by the Commonwealth of Pennsylvania and the affected Counties and municipalities. To the extent that various municipalities located in Counties involved with emergency planning for TMI-1 have not adopted and approved emergency plans, such action on their part is not necessary for and does not constitute an impediment to adequate emergency planning for TMI-1. The municipal plans have been incorporated into the State and County plans for TMI-1. The submission of the plans to FEMA for review and administrative approval under 44 CFR Part 350 of FEMA's rules indicates that the Commonwealth of Pennsylvania believes that the municipal plans in concert with the State and County plans are adequate to protect the health and safety of the public in the event of a radiological incident at TMI-1. Neither the regulations nor the guidance criteria<sup>9</sup> applicable to emergency planning require that local plans be adopted and approved by local governing bodies as a condition for a finding of adequacy.

Notwithstanding the above, there has been movement to address the concerns of the City Council of Harrisburg. It is my understanding that discussions have

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<sup>9</sup> Principally, NUREG-0654/FEMA-REP-1, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," November 1980.

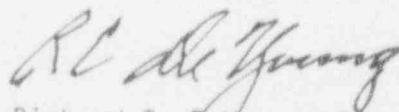
been held between representatives of PEMA, Dauphin County and the City of Harrisburg regarding the development of an "all-hazards" emergency plan for Harrisburg which would provide protection for a variety of natural and man-made emergency situations, and that favorable progress toward this end has been made.

CONCLUSION

In summary, the plume exposure pathway EPZ for the TMI-1 facility has been given close review by the affected Pennsylvania Counties, PEMA, the NRC, and FEMA. The EPZ associated with the TMI-1 facility has been found acceptable by these entities. Consequently, I conclude that the currently configured plume exposure pathway EPZ is in conformance with emergency planning requirements and is adequate to provide a basis for emergency response efforts including evacuation in the event of an emergency at the TMI-1 facility.

Accordingly, Petitioner's request for action pursuant to 10 CFR 2.206 has been denied for the reasons described in this decision.

As provided by 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary for the Commission's review.



Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Dated at Bethesda, Maryland  
this 27 day of July 1984.