



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 31, 1994

Docket No. 50-289

(10 CFR 2.206)

Mr. Robert Gary
Pennsylvania Institute for Clean Air
2211 Washington Avenue, #301
Silver Spring, Maryland 20910

Dear Mr. Gary:

I am responding to a Petition dated July 10, 1992, that you submitted on behalf of the Pennsylvania Institute for Clean Air (petitioner) to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206).

The Petition alleged a number of deficiencies with offsite emergency planning for the Three Mile Island Nuclear Station, Unit 1 (TMI-1) that, in your view, rendered evacuation plants "essentially non-operational." You requested that after the Federal Emergency Management Agency (FEMA) verified these deficiencies, the NRC issue an order to the GPU Nuclear Corporation (licensee) to "power down" TMI-1 and not permit power operations until the discrepancies are corrected and a valid, workable emergency evacuation plan is in place.

Our office acknowledged receipt of your Petition by letter dated August 5, 1992, and indicated that we would respond in detail to the specific issues raised by the Petition within a reasonable time. Because the issues relate to offsite emergency planning, the NRC sought the assistance of FEMA to evaluate your concerns. FEMA is the lead Federal agency for evaluating offsite emergency planning and preparedness around commercial nuclear power plants. Additional information that you submitted in subsequent correspondence to the NRC was also forwarded to FEMA for consideration. In a letter to the NRC dated December 16, 1993, FEMA submitted its findings on the issues that you raised. The staff has completed its review of the issues, including a review of FEMA's findings, the comments you submitted on these findings in a letter to the NRC dated January 6, 1994, and your presentation to the staff on February 2, 1994. Final conclusions have been reached and are discussed in the enclosed Director's Decision.

For the reasons discussed in the Director's Decision, the staff has concluded that the offsite emergency response plans for TMI-1 continue to meet the standards set forth in NRC regulations and that there is reasonable assurance that adequate protective measures can and will be taken in the event of radiological emergency at TMI-1. You have not provided a basis that would warrant the suspension of operations at TMI-1 and, therefore, the Petition is denied.

100050

NRC FILE CENTER COPY

9404180096 940331
PDR ADOCK 05000289
G PDR

FOI
111

DD-94-03

DISTRIBUTION W/DIRECTOR'S DECISION

PDI-4 Controlled Correspondence File

Docket Files

NRC/Local PDRs

EDO #0007906

EDO Reading

J. Taylor, EDO

W. Russell/FMiraglia, NRR

A. Thadani, NRR

L. Reyes, NRR(Acting)

S. Varga, NRR

F. Congel, NRR

J. Calvo, NRR

E. Butcher, NRR

PEPB Reading File

PEPB Staff

J. Stolz, NRR

R. Hernan, NRR

S. Norris, NRR

G. Longo, OGC

R. Emch, NRR

F. Kantor, NRR

S. Boynton, NRR

W. Lanning, RI

A. Blough, RI

R. Keimig, RI

J. Rogge, RI

OPA

OCA

NRR Mail Room (EDO #0007906)

V. Yanez (2), ADM

C. Cater, SECY

M. Malsch, OGC

J. Goldberg, OGC

S. Burns, OCAA

ACRS (10)

ASLBP

As required by 10 CFR 2.206(c), a copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review. As stated in 10 CFR 2.206(c), the Decision will become the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time. I have also enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication.

Although the concerns you raised did not warrant the action requested in the Petition, your initiative has led to some improvements in the offsite emergency response plans around the TMI-1. We appreciate your interest in emergency planning around TMI-1 and hope that the information provided is useful to you.

Sincerely,

Original Signed By
WILLIAM T. RUSSELL

William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Director's Decision 94-03
- 2. Federal Register Notice

cc w/enclosures:

See next page

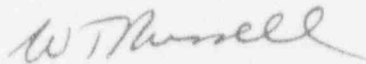
*See previous concurrence

OFFICE	PEPB:NRR	SC:PEPB:NRR	C:PEPB:NRR	D:DRSS:NRR	OGC
NAME	SBoynton*	FKantor*	REmch*	FCongel*	JGoldberg*
DATE	3/2/94	3/2/94	3/2/94	3/29/94	3/28/94
OFFICE	LA:PDI-4	PM:PDI-4	D:PDI-4	TECH ED	
NAME	SNorris	RHernan:bf*	JStolz*	RSanders*	
DATE	3/30/94	3/29/94	3/29/94	1/26/94	
OFFICE	AD:RGI	D:DRPE	ADP	D:NRR	
NAME	JCalvo*	SVarga*	LReyes*	WRussell	
DATE	3/29/94	3/29/94	3/29/94	3/3/94	

As required by 10 CFR 2.206(c), a copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review. As stated in 10 CFR 2.206(c), the Decision will become the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time. I have also enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication.

Although the concerns you raised did not warrant the action requested in the Petition, your initiative has led to some improvements in the offsite emergency response plans around TMI-1. We appreciate your interest in emergency planning around TMI-1 and hope that the information provided is useful to you.

Sincerely,



William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision 94-03
2. Federal Register Notice

cc w/enclosures:
See next page

Mr. Robert Gary

Michael Ross
O&M director, TMI-1
GPU Nuclear Corporation
Post Office Box 480
Middletown, Pennsylvania 17057

John C. Fornicola
Director, Licensing and
Regulatory Affairs
GPU Nuclear Corporation
100 Interpace Parkway
Parsippany, New Jersey 07054

Jack S. Wetmore
TMI Licensing Manager
GPU Nuclear Corporation
Post Office Box 480
Middletown, Pennsylvania 17057

Ernest L. Blake, Jr., Esquire
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Chairman
Board of County Commissioners
of Dauphin County
Dauphin County Courthouse
Harrisburg, Pennsylvania 17120

Mr. Dennis H. Kwiatkowski
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Ms. Rita A. Calvin, Director
Region III
Federal Emergency Management Agency
Liberty Square Building
105 South Seventh Street
Philadelphia, Pennsylvania 19106-3316

Mr. Joseph La Fleur, Director
Pennsylvania Emergency Management Agency
Transportation & Safety Building, Rm. B151
Forster & Commonwealth Avenues
Harrisburg, Pennsylvania 17120

Michele G. Evans
Senior Resident Inspector (TMI-1)
U.S. Nuclear Regulatory Commission
Post Office Box 311
Middletown, Pennsylvania 17057

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Robert B. Borsum
B&W Nuclear Technologies
Suite 525
1700 Rockville Pike
Rockville, Maryland 20852

William Dornsife, Director
Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
Post Office Box 2063
Harrisburg, Pennsylvania 17120

Mr. T. Gary Broughton, Vice President
and Director - TMI-1
GPU Nuclear Corporation
Post Office Box 480
Middletown, Pennsylvania 17057