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PICA

The Pennsylvania Institute for Clean Air

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dr. Ivan Selin, NRC

April 6, 1994

Dear Dr. Selin,

PICA has received with dismay the denial of our 10 CFR 2.206 Request which pertains to expanding the 10 mile evacuation zone around Three Mile Island. As you know the 10 mile rule was made in the 1970's and since then several important things have happened. Chernobyl melted down, contaminated most of Russia and half of Europe. TMI Unit 2 was opened and it was found that 30 tons of fuel melted at temperatures up to 5100 F degrees, destroying 177 fuel assemblies and producing 2,000,000 gallons of highly radioactive water. Under these circumstances, it is not unreasonable to call for a reassessment of the 10 mile evacuation zone. This is particularly true since according to the National Three Mile Island Network they have an affidavit signed by Admiral Hyman Rickover's daughter-in-law saying that he admitted to persuading Jimmy Carter to suppress the most alarming aspects of the Kemeny Commission Report.

Even so, your Directors have decided that PICA's Petition to increase the zone and include the people of Harrisburg which lies just at its edge constitutes an inappropriate institution of proceedings under 10 CFR 2.206 because no substantial health or safety issue has been raised. Sir, I would respectfully submit that your Director's Decision is absolutely crazy by any standard. I respectfully request that you do not permit it to become the institutional position of the NRC.

Clearly the 10 mile rule is somewhat arbitrary as any rule would have to be which was based on distance alone. PICA's petition clearly raises an important health and safety issue, and one in fact that was raised in a similar manner by the City of Harrisburg in 1985. The institution of the proceedings was appropriate although at this point the proceedings have not been resolved in PICA's favor.

PICA's position is that the 10 mile rule is an essentially ethical and not a technical question. Therefore persons working at the NRC are no more intrinsically qualified to address or dispose of this question than any other informed citizen, legislator, or jurist. The "great deference" that is owed to the technical agencies is not owed to the NRC in this matter. Nor has the NRC given any reasons in support of its position. It has simply determined what the rule is, determined what the

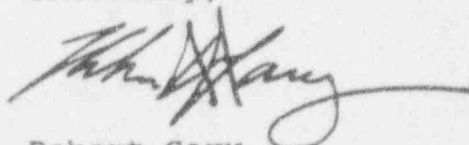
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compliance is, and determined that health and safety issues are adequately met by the present arrangement. This has no greater technical or moral value than PICA's determination that health and safety issues are not adequately met by the 10 mile rule as it applies around TMI. Lengthy restatements of the chronology of correspondence, and restatements of its substance, do not an argument make. No careful reader of the Director's Decision would feel that it contained any reasoning. It clearly is a document designed to bore the reader into submission and the iterate and reiterate the NRC's authority and the fact that the NRC has decided how things are going to be. The position of the state was incredible and unworthy of support and that's why PICA questioned it. The NRC has simply repeated it in detail and reaffirmed it in detail. The NRC has done nothing on its own to directly address the issues that PICA has raised. It has done no independent investigation. It has made no independent assessment of the ethical issue -- so far.

We have about three weeks. During that time the Commissioners might decide that it's better for them to address the issue now in the context of a 2.206 Request than it will be to address the issue later in the Senate Hearing Room or other forum. They might not accept the Director's Decision but instead take the matter up among themselves and consider whether it might be possible that PICA is actually right on this one and that getting those high population areas like Harrisburg into the federal plan is the right thing to do today in light of what we now know. In fact it is the only thing to do which is even remotely consistent with the NRC's Commission given the facts that have emerged since the 1970's when the 10 mile rule was made.

PICA wants a resolution that contains the maximum light the minimum heat. But our petition is not inappropriate. It is highly appropriate, and we want it respected and dealt with thoughtfully. If the Commissioners do that we feel there is a very good chance that we will get at least part of what we asked for. We think the revision of the 10 mile rule as it applies at TMI is an integral, organic, intrinsic responsibility of the Commission to proceed from its own initiative and perform. We have neither the ability nor the intention to drag the Commission to an appropriate result through a formal rulemaking. We have issued a wakeup call. Your duty requires you to heed the call at least at the level of giving careful consideration to our position as the Directors have not done.

Sincerely,



Robert Gary
Senior Researcher