



2211 Washington Avenue (#301), Silver Spring, MD 20910

Tele: (301) 587-7147

January 6, 1994

Dr. Ivan Selin  
Chairman NRC  
Nuclear Regulatory Commission  
Washington, DC 20555

Dear Dr. Selin,

FEMA has completed their review of PICA's 10 CFR 2.206 Request. Before the NRC decides whether or not to modify the Licensee's license based on the facts that have been revealed through that investigation, PICA requests your attention to its comment on the FEMA review.

Page 1	No Comment
Page 2	No Comment
Page 3	No Comment
Page 4	No Comment

Page 5                      Comment follows:

PEMA's response is wrong. Military vehicles could be activated much faster than the busses and much more reliably. It makes no difference to PICA whether it is the Army National Guard (PAARNG) or any other part of the military. We think they should be a front line force fully integrated into the emergency evacuation plan at the County level. If PAARNG can't respond in less than six hours, some military unit should be found that can respond within an hour. PICA believes that before accepting PEMA's ideas on this point, the NRC should obtain a certificate from PAARNG stating that they couldn't respond in less than six hours. PICA requests to see the certificate. The NRC should also confirm that there are no other military forces of any kind that could contribute to an emergency evacuation of Harrisburg.

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A certificate from Admiral Bobby Inman would be appropriate evidence to indicate that DOD has absolutely no forces that could help in any way in less than six hours, no trucks, no personnel, no logistics, no shelters, no iodine, no cots, no blankets, no field kitchens, no medical assistance, nothing. I think Secretary Inman would be happy to confirm PEMA's position if it's really true. DOD knows where its forces are and what they can do, and how fast they can respond. PEMA shouldn't be the source of speculations on that subject. For the cost of exchanging some business letters, you can find out from SECDEF what he can do. PICA thinks the NRC should do this before they make a final ruling on PICA's 2.206 Petition.

Page 6:                   Comment follows:

FEMA says that PEMA should be more accurate in its RERP about the role of PAARNG. Apart from this, FEMA accepts PEMA's response which amounts to a statement. "That's how we do things here." PICA knows how PEMA does things. It's not enough to say "that's how we do things", it is not a response, it makes the 2.206 process seem meaningless. The reason that PICA asked that military trucks be used is because PICA wants to make a change in how things are done. PEMA says "No! no changes." FEMA says "O.k. just make sure the plan accurately states PAARNG's role" -- which is close to nil. This appears to be dissembling. They don't know whether military forces could be brought to bear. They never investigated to find out. They never asked anybody that might know. NRC should take up the issue before making a final ruling on PICA's 2.206 Petition.

Page 7:                   No Comment  
Page 8                   No Comment  
Page 9                   No Comment

Page 10                  Comment follows:

Expensive facilities are "ill-advised" even though they are called for by the law. PICA feels that the other legislators who passed the law should be informed about PEMA's decision to ignore it. There were many permissions and licenses that were given in Pennsylvania based on that law being carried out as it was written. When it is decided that it's too expensive to do that all those permissions and licenses should be re-examined, including the license to operate TMI Unit 1. Otherwise we just depart from the idea of government by consent of the governed. What we have is government by quiet cost accounting executive decisions in the well insulated and well secured premises of PEMA. That's a whole different kind of government than the people of Pennsylvania think they have.

That issue aside, where are the affidavits from Torrence State Hospital and Pike Center. When was the last time anybody checked to make sure PEMA's idea about the stockpiles is right? PICA requests that an NRC inspector be dispatched without any delay at all to go look at those stockpiles, and inventory them, and prepare a certificate stating that they amount in location, quantity, quality, and emergency availability to the equivalent of the warehouse that isn't there. With that certificate in hand, NRC can make a reasonable decision, weighing costs and benefits and strict compliance with the law versus functional equivalence. To make a decision on this point without its own due diligence inquiry would be an abdication by the NRC of Commission Level Basic Responsibilities. PICA's position on what should happen if the NRC can't or won't implement its commission is already of record and won't be repeated here.

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Response follows:

Insufficient justification is in the eye of the beholder. PEMA's "response" amounts to saying "That's the way we do things here" or "We are right and PICA is wrong." It's not really a response at all. Who in the counties or the cities was asked if they need more money for nuclear emergency preparedness? Was Mayor Reed asked? Were any of the affected mayors in Pennsylvania asked? Were any of the County Executives asked? Were there accountants at PEMA that figured out that \$500,000 was an appropriate amount for all nuclear preparedness all over Pennsylvania. Where is their study? What are their names? Let's see the study. Does anybody besides PEMA think that \$500,000 is the right amount of money to do the task? Who else thinks that? Let's see their names.

PICA thinks the NRC has to exercise some independent judgement here. The NRC knows the size of the task. The NRC could do a survey to find out how people in official positions feel about their needs and the resources available to meet them. Why not start with Mayor Reed?

On the 10 mile EPZ concept, again PEMA says, "That's the way we do things here." and that is the gravamen of its "response". The issue of whether the people of Harrisburg would evacuate, as they did in 1979, is not discussed. The issue of whether it would be better for their evacuation to be a planned evacuation rather than an unplanned one is not discussed. The issue of how people without privately owned vehicles would evacuate from a much more populous area than the current EPZ is not addressed. PICA says the EPZ should be 20 miles. So does the Mayor of Harrisburg. PEMA says 10 miles is the way we do things here. The discussion is childish. There's no dialogue, no real responsiveness.

If FEMA and NRC staff members get Congressman Gekas aside in an ex parte meeting to which PICA is not invited, and where all kinds of very official people from the federal government are, it would not surprise anybody if you could get him to see things your way. PICA doesn't know that he does or that he doesn't. PICA knows that it wasn't invited to the meeting, its views weren't presented, the Congressman had no access to anything except the bare fact of PICA's Request. The use of Congressman Gekas' name is not appropriate unless some statement of his position accompanies the appearance of his name. Apart from its ex parte, and in PICA's view unfair, quality the recitation of the meeting with Rep. Gekas is makeweight and adds nothing to the argument about the size of the EPZ one way or the other. If he wants to appear on the docket with a comment, PICA would be glad to know what he thinks, and so would his constituents in Harrisburg.

PEMA believes that it is not possible to apply military standards to a civilian system so it does unannounced drills once every six years, the last one being in 1991. The unacceptability of this position appears on its face. It's almost too ludicrous to comment on. Again, essentially the answer amounts to saying, "That's the way we do things here." and then FEMA chimes in with, "Yes, that's the way they do things there."

PICA feels that if NRC lets them do things that way there, it is a breach of faith with the Congress of the United States. There would never have been nuclear power in the U.S. if the Congress knew in 1953 that military standards were not going to be met. The whole nuclear program of civilian power stations was based on witness after witness who came in and said it was all going to be just like the nuclear Navy, shipshape, airtight, military standards of preparedness right down the line. And now we find it's too expensive. Now we find we can afford to do it once every six years. Now that the permission is out of the bag to have an AEC and then an NRC and to build 72 reactors and operate them, now that that's all in place, the safety measures are too expensive, too inconvenient -- unnecessary according to PEMA -- PEMA! where were they at the creation? when the solemn promises were made? when the covenants were drawn up with Senator Pastore? What right do they have to mess with stuff they had no part in making, and apparently have no appreciation for? The consent of the People of the United States, based on hundreds of hours of testimony presented to their representatives in Congress assembled was based on the idea that no measures would be spared, no safeguards overlooked, in protecting the civilian populations of this country. Whatever experience the military had would be applied. Imagine a nuclear aircraft carrier or submarine where they conducted unannounced drills every six years. PICA says if

the government backslides on its promises then the People withdraw their consent based on those promises. If you are not ready to give us security, then close those nukes.

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Comment follows:

The results of the May 19, 1993 TMI exercise are presented and it is stated that no deficiencies were identified. But Ronald Herson told PICA on October 7, 1993 that TMI was cited in December 1992 or February 1993, during its Annual Security Check, based on taking too long to mobilize during a security event. It's easy to pick out one piece of information and then use that to suggest that the plant is in great shape. TMI has a very poor track record by any standard. A careful review of any substantial portion of its record over the past 15 years will reveal this. To cite one exercise is misleading. PICA is not misled. We don't think the NRC is either.

Because of the reasons stated in the comments above, PICA respectfully requests that the NRC do its own independent investigation of all the facts pertinent to PICA's comments. We think that a lot of progress has been made over the past two years, and many issues have been laid to rest. We are satisfied that the civilian bus companies are properly listed now. We are satisfied that the statistics are going to be brought up to date. We are satisfied that the RERP will be more accurate. But we are not satisfied on the issues we've commented on here. We don't think that PEMA or FEMA is being evasive or misleading, but we think they have refused to do a meaningful investigation in several key areas and they have been peremptory in the content of their answers "That's the way we do things here".

The whole idea of the 2.206 Request is "We want you to think of some new ways of doing things -- we know how you do them and we don't think they're good enough". Such a Request can be meaningfully answered by saying "Here, Look, we have investigated how we do things, considered the feasibility of the alternatives you suggest, and the way we are doing them is the best way because x, y, and z."

How could FEMA be ready to do such an investigation when it had to handle a major flood in the midwest? How could Mr. LaFleur do such an investigation when he says in point 6b of his letter that he is frustrated to have to respond to PICA's position with a formal response at all? He apparently feels that PICA's Petition should have gone directly into the trashcan and so much for government responsiveness, so much for the consent of the People, so much for due process. The imperial officials who really don't think they should have to respond are what makes the whole nuclear game very dangerous. We have a small a cozy group of privileged persons, and their ideas are what's important, they decide for all of us how things will be. That wasn't part of the

covenant either. It's not the way the NRC has treated PICA's Request -- so far.

PICA wants its comments, as here stated, integrated by the Commissioners into their final action decisions concerning how the 10 CFR 2.206, including subsequently submitted points, is responded to. On the points raised in the comments, PICA requests that NRC do its own de novo investigations, the requirements of law giving initial jurisdiction to FEMA having been met. Specifically we want an inquiry to DOD about using military vehicles -- is it possible?, what would be the response time?, how many people could be moved?, what other services could be provided?

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Gary", with a long horizontal flourish extending to the right.

Robert Gary  
Senior Researcher  
for PICA  
The Pennsylvania Institute  
for Clean Air



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 27, 1984

*S. Hunter*

Docket No. 50-289

Jane Perkins, Chair  
Harrisburg City Council  
AD HOC Committee on TMI Evacuation  
10 North Market Square  
Harrisburg, Pennsylvania 17101

Dear Ms. Perkins:

This is in response to your letter of May 30, 1984, on behalf of the City of Harrisburg, Pennsylvania requesting that the Nuclear Regulatory Commission institute 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. Your letter is being treated as a petition pursuant to 10 CFR 2.206 of the Commission's regulations. The petition was based upon alleged inadequacies in the radiological emergency response plan (referred to in the petition as the emergency evacuation plan) for the City of Harrisburg, specifically, a concern that the emergency plan did not adequately provide for an evacuation of the City of Harrisburg in the event of an incident at the TMI-1 facility. The petition 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 set forth in the enclosed "Director's Decision Under 10 CFR 2.206", your request has been denied. A copy of the enclosed decision will be referred to the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). Also enclosed is a copy of the Federal Register Notice regarding this matter.

Sincerely,

Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Enclosures:

1. Director's Decision
2. Federal Register Notice

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