

PICA

The Pennsylvania Institute for Clean Air

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Dr. Ivan Selin
Chairman
Nuclear Regulatory Commission
1 White Flint North Building
11555 Rockville Pike
Rockville, MD 20852

May 9, 1994

Dear Chairman Selin,

Thank you for your letter of May 6, 1994.

You say in your letter that:

Third, if protective actions were necessary beyond ten miles, the time available to take those actions would be significantly greater than the time available for taking protective actions close in to the facility.

With a ten mile circle and the City of Harrisburg located right on its edge, you've got between 48 minutes and 4 hours depending on the range of historical windspeeds for that area 2.5 miles per hour to 12 miles per hour. It has taken the NRC 2 years to answer PICA's petition and yet you feel you can make a plan to evacuate 52,000 in 48 minutes. PICA finds that this view is unrealistic. We believe that NRC, Harrisburg, DOD and PEMA working efficiently together could come up with a viable plan in six months time, but not in 48 minutes.

You base much of your letter on the fact that PICA has not offered any new evidence since the NRC's finding in Citizen's Task Force of Chapel Hill, et al., DPRM-90-1, 32 NRC 281 (1990). Even if that were true, which it is not, it would not provide a valid basis to deny the present petition. PICA's position is that the ten mile rule is clearly wrong today as it applies to Harrisburg, it was probably wrong as it applied in the Chapel Hill case as well, but we need not establish that. The Director's Decision in the Chapel Hill case may simply have cited back to the petitioner's the very rule they were questioning, as was done in the Director's Decision in the instant case. The reasons that the rule is wrong, in case of Harrisburg, do not depend on PICA's bringing forth new facts which were not present in the Chapel Hill case. Otherwise NRC would be saying that the rule need not be revised in the case of Harrisburg because it wasn't revised in

the case of Chapel Hill. This argument is logically in the same vein as the Director's argument that answers a Petitioner questioning a rule by citing that same rule back to the Petitioner as its own justification.

We have in fact brought forth many new and weighty arguments. We have, through Mayor Reed's letter, of April 19, 1994, point 4, brought forth the fact that planning for the people within the EPZ and for the citizens of Harrisburg must be integrated so that the transportation resources of Harrisburg aren't called away at the critical moment for the benefit of residents within the EPZ, and so that there are enough resources in the integrated plan to cover everyone in the EPZ and the citizens of Harrisburg and possibly other nearby population centers such as Lancaster. The synergism between the EPZ plan and the plans for what PICA has called Contingency Planning areas involves more than just busses. It also involves road congestion, police authority, overnight facilities, iodine, medical help, and emergency food and supplies. We don't want people to be in conflict with each other in the midst of an emergency because no integrated plan exists to provide adequate resources for all of the affected people.

Our position has consistently referred to the ethical factor in how this planning is done. We know that the ten mile line is arbitrary. We assert that the decision to add contingency planning areas is as much an ethical one as it is a technical one. The fact that there appears to have been a conspiracy in the Oval Office of the White House to hide from the people of Dauphin County, and others, the seriousness of the 1979 accident a TMI-2, is highly probative on the ethical obligation to now take every step possible to assure the safety of those people who were victims of the government's intent to deceive. The physical evidence discovered when TMI-2 was opened for cleanup in 1985 is totally supportive of the Affidavit signed by Jane Rickover.

Another factor that might make this case different from Chapel Hill is that three U.S. Senators, one U.S. Congressman, and two Mayors have sent you letters asking for a Commissioner's Level Reconsideration. PICA is not alone in making its request. Those who join us are persons of great policy experience and deep ethical insight. The idea that a Director's Decision is informed by a sense of policy and ethics that is so clearly superior to those who question it in this case that the Commissioners just don't have time to take the matter up for their own consideration is hard to countenance.

You say in your letter:

Second, the radio and television emergency broadcast messages that are required for prompt notification of the public within the 10-mile EPZ will reach beyond ten miles.

That is unarguably true. But, it's one thing to notify people, and it's another thing to help them evacuate. The obvious fact which flows from what you say is that the car owners, the swift of foot, the healthy of mind, the prudent and well-informed, -- in short, the strong, will make their way out of the area on a sort of unplanned, pell-mell, *saive qui peut* basis as happened in 1979. What kind of policy is that in a Democracy? PICA thought everybody counted in this country. We know that unplanned evacuations are possible. We were there in 1979 when it happened. We think this arrangement is less than ideal. That's why we questioned the rule.

We have been treated with courtesy and professionalism, but we haven't been taken seriously. The staff and Director's have been professional in handling our Petition but the guidelines under which they have had to operate have been so legalistic and bureaucratic that there has been little substance in their responses or in their Decision. Your letter of May 6, 1994, on the other hand, does have some substantive points in it, but the points are factually wrong (the time issue) or wrong from a policy perspective (the radio broadcast issue).

Setting up the contingency planning areas that PICA has asked for would not be the death knell of the nuclear industry, or the end of the NRC as a government agency. It would be an interesting exercise in responsive government that would address valid ethical and public health concerns while bringing about closer cooperation between government agencies which might have far reaching positive effects. The cost would be very small. We are talking about using people who are already on the payroll of one agency or another and having them make some plans and draft up some documents to assure safety for the people in the contingency planning areas.

PICA may go away, as the petitioners in Chapel Hill did, but the issue won't go away. No screen of lawyers will keep it out. Bureaucratic formality won't keep it out. Citing the rule as its own rationale won't keep it out. The issue arises out of a force of nature -- the desire of mothers to protect their children, the desire the young people to protect their health and reproductive futures, the desire of all people to be protected from unseen hazards, about which the government has always lied to them in the past. To rule nature, you must obey her. Go with the force. Give the People of Harrisburg a plan.

Sincerely

A handwritten signature in black ink, appearing to read "Robert Gary", written in a cursive style.

Robert Gary,
Senior Researcher for PICA

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