

# PICA

The Pennsylvania Institute for Clean Air

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Mr. William T. Russell, Director  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555-0001

August 1, 1994

Dear Director Russell,

You say in your letter to me of June 10, 1994:

With regard to emergency planning by the City of Harrisburg, Mayor Stephen R. Reed acknowledged in a letter too you dated February 8, 1993 that the City of Harrisburg does have an evacuation plan. His letter also stated that city officials have sufficient identified resources in the plan to evacuate portions of the city outside the emergency planning zone and have demonstrated limited mobilization of transportation resources during city-conducted exercises. (emphasis added)

But in his letter to you of July 27, 1994 Mayor Reed contradicts your position by saying:

We do not believe, however, that there are sufficient indentified resources to meet what would be the likely contingencies in the event that an evacuation would be ordered in this region as a result of a major event at Three Mile Island. Presently, the plan of this and every other community in this region, including the plan of Dauphin County, of which we are the county seat, is limited to the deployment of resources and the taking of evacuation actions in the ten mile radius area of TMI. (emphasis added)

You continue in your letter of June 10, 1994 by saying:

We continue to conclude that the state of emergency planning in the Harrisburg area, in

particular, as well as in other municipalities in the vicinity of TMI, offers reasonable assurance that the public will be adequately protected in the unlikely event of a radiological emergency at TMI, and that effective ongoing review provisions are in place to keep this planning at an acceptable level.

But again, this is contradicted by Mayor Reed's letter of July 27, 1994 where he says:

In truth, therefore, the "magic line" of the ten mile radius does not reflect the reality of what would occur in the event of a major radiological incident here. Our view is therefore simple but direct: emergency management planning around Three Mile Island should reflect what is the likely scenario rather than a bureaucratic belief that a ten mile radius area is adequate or more than sufficient. To accomplish planning for a likely scenario would involve the introduction of substantial additional resources to those which are already included in the county and various municipal emergency management plans here. It would also require added planning to accommodate the use and deployment of such resources.

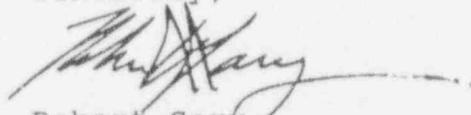
The mistakes of fact which you make in your letter of June 10, 1994 were also made by the Directors in their Decision and by Chairman Selin in his letters to PICA refusing to review that decision. These mistakes having been corrected it would be appropriate to review the Director's Decision at this time. Accordingly, PICA hereby requests a Belated Commissioner's Level Review of Director's Decision DD-94-03 based on mistake of fact by the Directors which was corrected in a timely fashion by PICA and Mayor Reed.

Both your letter and Dr. Selin's letters emphasize that a major factor in the NRC's refusal to review the Director's Decision is the lack of novelty in arguments presented by PICA. You say that PICA has provided "no information or argument that was not already supplied and considered before the Director's Decision was issued." And clearly the Director's Decision was based in part on the mistake you make in your letter of June 10, 1994, and which the Mayor has now corrected (see pages 29 and 30 of the original Director's Decision mailed to PICA where Mayor's letter of February 8, 1993 is quoted as it is in your letter to me on June 10, 1994, with the same mistaken interpretation which is corrected by the Mayor's letter of July 27, 1994.)

It appears that Mayor Reed's position is new to you. And you say that it is for lack of something new that the NRC refuses to review the Director's Decision. O.k. now you have something new. If you are, in truth operating from a position of good faith and honorable conduct, you will now grant today's request by PICA that the Director's Decision be reconsidered. If you are operating from a perspective of pure bureaucratic obfuscation and delay and refusal then you will find some new reason why the Director's Decision can't be reviewed. In any case, whether from PICA's 2.206 or from a 2.206 filed after S.1165 becomes law this issue will probably wind up in a Federal Court. The Judge is going to look at what you did in response to PICA. You may as well do the right thing now while it is an administrative matter and while the NRC still has a high degree of control over what remedy is granted and what the precise form of the remedy should be. You will have a lot less control if a Court finally has to decide this matter and the Court from the record is appalled at the bad faith and unfair dealing that the NRC brought to its handling of this issue when it was raised by PICA (i.e. now).

You told us what the standard was for getting review. You told us what would be news to you. We met the standard. Now we want review. If we don't get it, a lot of people are going to want to know why you should be funded as an Agency, why you should get \$541,417,000 for fiscal year 1995. Agencies that get appropriations are Agencies that do the People's business, that take action on behalf of the People. PICA has brought you a very valid part of the People's business and you've brushed us off with no real consideration. Keep going that way and it will be clear to everyone that the NRC has no business taking money from the American taxpayers. It provides no service. It provides no response. We are prepared to give up our status as a public charity so we can go to Congress and cut off your resources. No safety for the People of Harrisburg -- No appropriation for the NRC -- that seems fair to us. You need to get busy doing right, or get gone as an Agency. PICA may be a small organization, but we are the ones to make it happen.

Sincerely,



Robert Gary  
Senior Researcher  
for PICA

Enclosure: Letter of July 27, 1994 from Mayor Reed to Mr. Russell  
with enclosed letter by Mr. Russell of June 10, 1994