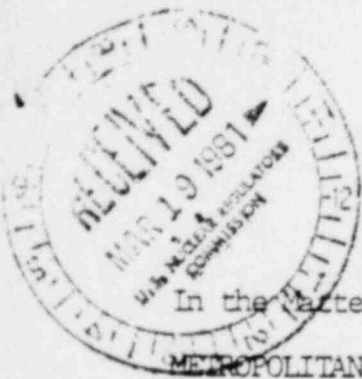


UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
 METROPOLITAN EDISON COMPANY,)
)
 (Three Mile Island Nuclear)
 Station, Unit No. 1))

)
 Docket No. 50-289
 (Restart)



COMMONWEALTH OF PENNSYLVANIA'S
REPLY BRIEF ON EMERGENCY PLANNING ISSUES

Introduction

Following the February 24, 1981 round of briefs on emergency planning issues, the Board directed the parties to file reply briefs by March 12, 1981. The Commonwealth herein responds to the Board's request.

Emergency Planning Standards Applicable To This Proceeding

One of the major purposes of the reply briefs ordered by the Board was to resolve the disagreements between the Licensee, the Staff, and the Commonwealth regarding the emergency planning standards applicable to this proceeding. These differences were resolved by the "Joint Statement by the Commonwealth of Pennsylvania, the NRC Staff, and Licensee on Emergency Planning Issues" filed on March 6, 1981. This statement eliminates the need for the Commonwealth to reply to the briefs of the Staff and the Licensee, and states the Commonwealth's position with respect to the standards proposed in the briefs filed by ANGRY and Mr. Sholly.

Applicability of NRC Emergency Planning To This Proceeding

One additional point raised in ANGRY's brief warrants response from the Commonwealth. ANGRY argued that "full FEMA approval of the NRC's internal Emergency Planning must be obtained prior to restart and prior to the close of the Record in this proceeding." Brief of Intervenor

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ANGRY on Emergency Planning Issues, at 1. ANGRY noted that "this is a point where the Commonwealth agrees with ANGRY." Id. at 4. Although the Commonwealth agrees in general on the admissibility of ANGRY Contention VII, see Commonwealth of Pennsylvania's Response in Support of ANGRY Contention VII (February 6, 1981), it does not agree with the statement of the issue precisely as set forth in the ANGRY brief.

The Commonwealth notes first that there is no mechanism for formal FEMA approval of internal NRC emergency planning, as there is with respect to state and local emergency planning. However, FEMA is responsible for coordinating all federal radiological emergency response efforts, and could testify in this capacity as to the adequacy of NRC emergency planning.

Second, the Commonwealth recognizes that this Board cannot judge in this proceeding the adequacy of the entire federal radiological response effort. It is appropriate, however, to litigate the coordination of NRC and other federal emergency response plans with the emergency plans of the Licensee and the state and local response organizations, as applicable to TMI-1. See Commonwealth of Pennsylvania's Report on Positions Formulated Based on Information Available as of July 25, 1980, at 8-9. It is also appropriate to judge the ability of the NRC and other federal agencies to respond to an accident at TMI-1 to the extent they are relied upon to do so in the Licensee's as well as in the State and local emergency plans.

Evidence of the inadequacy of the NRC response to the TMI-2 accident was most recently documented in NUREG-0760, "Investigation into Information Flow During the Accident at Three Mile Island" (January, 1981) (Advance Copy). Specific deficiencies in NRC information flow during the accident are cited at pages 35-39 of this report. This section of the

report concluded that:

The NRC inspectors located on the site and at Region I had a better understanding of the accident than headquarters. The role of each of the NRC components was vague. This resulted in a degree of confusion concerning the flow of information within the NRC. The investigators conclude that, on the day of the accident, an effective system did not exist within NRC to ensure that information was properly accumulated, evaluated, and disseminated.

Id. at 39. More important, the report's recommendations require site-specific treatment by the NRC in preparing for emergencies at nuclear power plants:

5. The investigators recommend that NRC review and revise, as necessary, the communications channels to be implemented in response to an accident.
6. The investigators recommend that the roles of those NRC personnel involved in responding to an accident be clearly defined. This includes those personnel to be on site, in the Regional Office, and at headquarters. These roles should also be discussed with and understood by licensees.

Id. at 12.

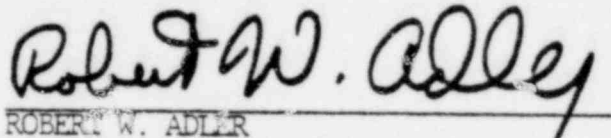
Notably, the Licensee's emergency planning witnesses testified that they have not analyzed the NRC's Incident Response Plan for purposes of coordination with Licensee's plan. Tr. 14,228-30. Apparently, Licensee intends to rely on the NRC to assure that the NRC plan is properly coordinated with Licensee's plan. Yet none of the federal emergency planning documents are site-specific to TMI. NRC Staff's Responses to Commonwealth of Pennsylvania's First Set of Interrogatories to NRC Staff, at 2 (Response to Interrogatory 2). In short, there is no evidence that an uncoordinated federal response will not impede the response to an accident at TMI-1, as occurred at TMI-2. Thus, the NRC and other federal plans for response to an accident at TMI-1 can and should be considered

in this proceeding in judging the overall adequacy of emergency planning at the site.

Conclusion

This Board should judge the adequacy of the total emergency planning effort for TMI-1 according to the standards set forth in the joint statement of the Licensee, the NRC Staff, and the Commonwealth. This review should include an evaluation of the federal role in responding to an emergency at TMI-1.

Respectfully submitted,



ROBERT W. ADLER
Attorney for the Commonwealth

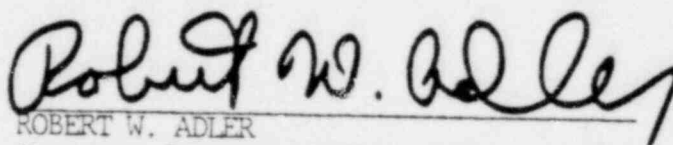
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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached "Commonwealth of Pennsylvania's Reply Brief on Emergency Planning Issues" were served on the parties on the attached service list by deposit in the U.S. mail, first class postage prepaid, this 12th day of March, 1981.


ROBERT W. ADLER
Attorney for the Commonwealth

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