

United States Senate

WASHINGTON, D.C. 20510

September 13, 1982

Mr. Carlton Kammerer, Director
Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H. Street, N.W.
Washington, D.C. 20505

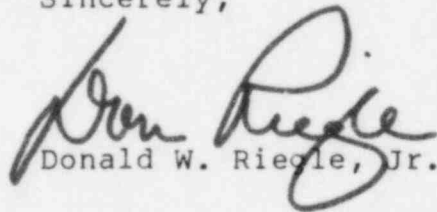
Dear Mr. Kammerer:

Please find enclosed a copy of a request made by the Board of Commissioners of Monroe County, Michigan, to appear before the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission, and to submit information regarding the County's offsite emergency plan to protect the public in the event of a radiological emergency at the Enrico Fermi Atomic Power Plant, Unit 2.

As you know, it is the County's responsibility to prepare a plan which will be implemented in the event of an emergency to safeguard the health, safety and welfare of County residents, including evacuation and decontamination. Therefore, I urge the NRC to provide a thorough and expeditious review of the request made by Monroe County and make every effort to grant it the opportunity to appear before the ASLB.

Thank you for your time and assistance in this matter.

Sincerely,


Donald W. Riegle, Jr.

DWR/mps

Enclosure

1850 McNamara Federal Building
Detroit, MI 48226
(313) 226-3188



MONROE COUNTY, MICHIGAN

BOARD OF COMMISSIONERS

PAUL E. BRAUNLICH - Legal Advisor

19 East First Street, Monroe, Michigan 48161

Telephone: (313) 242-8363

August 27, 1982

Chief, Docketin Service Section
U.S. Nuclear Regulatory Commissions
Washington, D.C. 20555

RE: THE DETROIT EDISON COMPANY ET AL DOCKET NO. 50-341

Dear Sir:

Enclosed please find the County of Monroe's Petition for Leave to Intervene and to Reopen and to supplement the record in the above-entitled matter. Copies of said Petition have likewise been forwarded to the below listed personnel:

Gary Milhollin
Dr. Peter Morris
Dr. David Schink
Harry Voight Esq.
Peter A. Marquardt Esq.
Colleen Woodhead Esq.

Kindly advise as to when this matter will be considered.

Very truly yours,

PAUL E. BRAUNLICH
Legal Advisor

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Enclosure

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

(Enrico Fermi Atomic Power Plant, Unit 2)

Docket No. 50-341

MONROE COUNTY COMMISSIONERS'
PETITION FOR LEAVE TO INTERVENE
AND TO REOPEN AND SUPPLEMENT RECORD

Now comes the County of Monroe, Michigan, (hereinafter, the "County"), and petition the Nuclear Regulatory Commission (hereinafter, the "Commission") and the Atomic Safety and Licensing Board (hereinafter, "ASLE") for leave to intervene and raise contentions in the above-captioned matter pursuant to 10 CFR Sections 2.718 (j), 21743 (a), and 21756., states as follows:

INTEREST OF THE COUNTY

1. Each of the individual County Commissioners resides in Monroe County within the geographical zone potentially affected by an accidental release of radiation from Fermi 2, and would suffer damage to his or her health, economic and property interest from any such accidental release of radiation.
2. The County Commissioners are the duly elected governing body of the County of Monroe, Michigan (hereinafter, the "County") and are authorized to act on behalf of the County pursuant to MCLA Section 46.11.
3. The proposed Fermi 2 plant, for which an operating license is sought in this proceeding, is located in the township of Frenchtown in the County.
4. The County of Monroe is authorized to prepare an offsite emergency plan to protect the public in the event of a radiological emergency at the

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proposed Fermi 2 plant, pursuant to MCLA Section 30.410, and is obligated to prepare such a plan to maintain the County's eligibility for state reimbursement for disaster-related expenses, pursuant to MCLA Section 30.419.

5. The County of Monroe's ability to carry out their statutory responsibility to prepare an adequate emergency plan would be seriously impaired by the grant of an operating license to the proposed Fermi 2 plant in the absence of an appropriate resolution of each of the issues identified in the County's Contentions listed below, each of which issues is beyond the power of the County Commissioners to resolve.

6. The County of Monroe's ability to carry out their statutory responsibility to safeguard the health, safety and welfare of County residents, to maintain the fiscal integrity of the County, and to insure the provision of essential County services would be seriously impaired by the grant of an operating license to the proposed Fermi 2 plant in the absence of an appropriate resolution of each of the issues identified in the County's Contentions listed below.

7. The County of Monroe has a right under 10 CFR Sections 714 (d) and 2.715 to be made a party to this proceeding.

BASIS FOR LATE FILING

8. The County of Monroe has good cause for the untimely filing of their Petition for Leave to Intervene, in that:

(a) The County has been actively engaged in efforts to devise a County-wide offsite radiological emergency plan;

(b) The County has endeavored to work closely with the Federal Emergency Management Agency (FEMA) pursuant to 45 Fed. Reg. 42341 (June 24, 1980) (proposed 44 CFR Part 350) in the formulation of said emergency plan;

(c) County residents have sought to provide information to FEMA to assist in the development of the County's emergency plan by testifying at formal public hearing on February 3, 1982; April 28, 1982; and June 16, 1982;

(d) As a result of the developments described in Paragraphs 8(a) through 8(c) above, the County Commissioners have only recently become aware that significant defects in emergency planning, as stated more fully in the County Commissioners' Contentions listed below, are not remediable by the County Commissioners themselves and urgently need addressing before any decision is made on an operating license for Fermi 2; and

(e) The County of Monroe's obligation to pursue the resolution of these defects requires this untimely filing of their Petition for Leave to Intervene.

9. No means other than intervention in this proceeding can guarantee that a Fermi 2 operating license will be issued only if an adequate offsite emergency plan is in place.

10. The County of Monroe's participation will materially assist the ASLB in developing a sound record, since the ASLB record to date contains little evidence and argument on the major critical issues related to offsite emergency planning.

11. No existing party to this proceeding has pursued the full range of offsite emergency planning issues, and no existing party has the legal or actual capacity to protect the County of Monroe's interest in this proceeding.

12. The minor delays that may be incidental to granting the County of Monroe's Petition for Leave to Intervene will not prejudice any party, since:

(a) on information and belief, the Applicant does not propose to begin full power operation of Fermi 2 until November, 1983; and

(b) through the testimony of Jon R. Eckert of the County's Office of

Civil Preparedness (Tr. 221-23, March 31, 1982), the County reserved the right to present further testimony to the ASLB on the subject of offsite emergency planning.

CONTENTIONS OF COUNTY

13. Bus Availability. To transport persons without automobiles out of the Emergency Planning Zone (EPZ), bus and other capacity is inadequate. To transport school children and others without cars out of the City of Monroe is estimated to take three runs over a six-hour period, which is far too long to provide any assurance of safe evacuation. The available bus capacity within the EPZ of 9585 is even more clearly inadequate when it is recognized that many families deemed to have available autos will actually lack such transportation. This is because a spouse or other family member will have the family car at work, at school, or at some other location, a substantial distance from the family members who are relying on that car for transportation out of the EPZ. In addition, it would be unrealistic to consider the private vehicles of volunteer firefighters as available for the transportation of the institutionalized or handicapped, because these vehicles may well be inappropriate for transporting people with special physical needs.

14. Dependence on volunteer firefighters. The only personnel available to carry out a broad range of decontamination and evacuation responsibilities are local firefighters. All but one of the local fire departments in the County are all-volunteer units, linked by a Countywide mutual aid pact. In the event of a radiological emergency, these units are extremely unlikely to be willing or able to handle their substantial responsibilities for evacuating the institutionalized; notifying and evacuating the handicapped and hearing-impaired; decontaminating vehicles; and assisting in reentry and recovery functions.

These firefighters are particularly unlikely to carry out these high-priority activities effectively in light of state law provisions precluding them from property damage or personal injury recovery for themselves and their property used in emergency response activities, and only partially shielding them from personal liability for personal injuries and property damage to others in their disaster relief efforts.

15. County responsibilities for recovery and reentry. The County does not have the expertise, equipment, sophistication or funds to carry out its responsibilities for the recovery and reentry period of decontaminating people, property and food; providing health and medical services; providing mass care and welfare for evacuees; and disposing of radioactive waste. No other entity has stepped forward to assume these responsibilities and they are simply beyond the fiscal ability of County government, especially taking into consideration, the effects once the Governor of the State would cancel the state of emergency under the Act 390, PA 1976.

16. Geography of beach areas. The geography and topography of the beach areas within or adjacent to Frenchtown Township create overwhelming obstacles to a successful evacuation in the event of a radiological emergency. These obstacles include the inadequacy of existing roads; the frequent impassability of roads in winter due to ice and snow; the susceptibility of roads to serious flooding. These circumstances are particularly problematic in light of the close proximity of the proposed plant and the adjoining beach areas to the Davis-Besse reactor in Ohio.

17. Inadequate personnel training and coordination. The large number of personnel, in addition to employees of the Applicant, that will be needed to carry out emergency response functions are not trained in radiological emergency response methods and would require substantial training to become able to carry

out emergency responsibilities. Moreover, a high degree of coordination among emergency response personnel and agencies is necessary. However, neither the Applicant nor any public body has made available the needed funds, expertise or sophistication for the intensive training and interagency coordination required for a successful emergency response.

18. Decontamination/reception centers. The only non-volunteer personnel available to staff the five decontamination/reception centers are the 100 County Department of Social Services (DSS) employees. This is a grossly inadequate number of employees to perform the large number of tasks required to administer these centers. Moreover, a substantial number of these employees reside outside the County. Thus, it may take a substantial time for them to reach the decontamination/reception centers especially because of the necessity of passing through numerous checkpoints. In addition, a large number of them may well elect not to drive from outside the County into a dangerous radioactive area.

19. Vehicle decontamination. No provision has been made for testing vehicles as they are evacuated from the 10-mile EPZ for contamination, which would vastly increase the risks to which County residents outside the EPZ would be exposed. The existing evacuation routes, however, are inadequate in size and number to allow effective monitoring for contamination of vehicles as they exit the EPZ without creating massive and dangerous traffic tie-ups.

20. Potassium iodide distribution. Supplies of potassium iodide are to be warehoused at a central location under the control of the Michigan Department of Public Health (DPH). Under the DPH's scheme, potassium iodide would be distributed only after a radiological emergency was underway. Such a distribution is unlikely to be timely or effective, thus seriously imperiling the health of EPZ residents and emergency workers.

21. Emergency detection. The mechanisms in place are inadequate to detect unusual releases of radiation into the ambient water and air. The Applicant's detection system is backed up only by that of the state DPH, which is monitored too infrequently to provide adequate warning of serious problems. No provision is made for any ambient water or air testing or a needed backup alarm system.

22. Conflicting priorities of emergency personnel. The mobilization of several thousand people would be necessary to carry out a successful evacuation of the EPZ. Yet most of the law enforcement, fire, health, school, and hospital personnel involved would also have families residing within the threatened areas. Many of these families are without means of transportation other than cars controlled by emergency personnel. It is unrealistic to expect many of these personnel to carry out their emergency responsibilities as a priority over assuring themselves of the safe evacuation of their family members.

23. Vehicle decontamination. The only method of vehicle decontamination available to ill-equipped volunteer fire departments that are responsible for such decontamination is water-hosing vehicles. This method is inadequate to successfully decontaminate vehicles and would create serious additional contamination problems for the farmland or other land used to receive the runoff water.

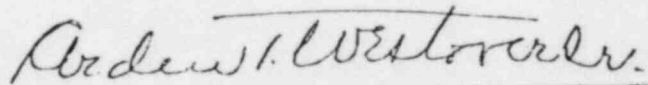
24. Mobilization time. No provision is available for the necessary speedy response to an immediate threat of radiological emergency. This necessary immediate response is not possible in a county such as the County of Monroe, in light of the need to mobilize a number of command officials to an Emergency Operations Center before emergency response can even begin, and the further need to coordinate the large numbers of volunteer and employee personnel to put the emergency plan into effect.

CONCLUSION

Wherefore, the County of Monroe respectfully request that the ASLB:

- A. Grant their Petition for Leave to Intervene pursuant to 10 CFR Section 2.714 and 2.715;
- B. Admit each of their Contentions listed above;
- C. Reopen the record in this proceeding to take evidence on issues related to offsite emergency planning pursuant to 10 CFR Sections 2.718 (j), 2.721 (d), and 2.743 (a); and

D. Supplement the record in this proceeding by incorporating by reference the official transcript of the public hearing held on the subject of offsite emergency planning in the City of Monroe in the County on February 3, 1982, and June 16, 1982, pursuant to 10 CFR Sections 2.715(a), 2.718, 2.721 (d), and 2.756.



ARDEN T. WESTOVER
Chairman of the Monroe County Board
of Commissioners

On this 27th day of August, 1982, before me personally appeared Arden T. Westover, and made oath that he has read the foregoing Petition for Leave to Intervene and To Reopen and Supplement Record by him subscribed and that the matters contained therein are true of his own knowledge, except as to the matters therein stated to be on his information and belief, and as to those matters, he believes them to be true.

Dated: August 27, 1982



PAUL E. BRAUNLICH, Notary Public
Monroe County, Michigan
My Commission Expires: 3-14-83

PAUL E. BRAUNLICH
Legal Advisor to the
Monroe County Board of Commissioners