

074
July 5, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RECEIVED
JUL -9 AM 100

BEFORE THE COMMISSION

LETTERS OF SUBMITTAL
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
) (Restart)
(Three Mile Island Nuclear)
Station, Unit No. 1))

LICENSEE'S RESPONSE TO AAMODT MOTION
FOR INVESTIGATION AND POSTPONEMENT

On June 21, 1984, Norman and Marjorie Aamodt, intervenors in the TMI-1 Restart Proceeding, filed with the Commission their "Motions for Investigation of Licensee's Reports of Radioactive Releases During the Initial Days of the TMI-2 Accident and Postponement of Restart Decision Pending Resolution of this Investigation" (Aamodt Motion). In essence, the Aamodt Motion requests that the Commission stay any decision on restarting TMI-1 until an investigation of alleged falsification of radiation release data following the TMI-2 accident is completed. As support for their allegation that data were falsified, the Aamodts rely upon a volunteer survey of a small percentage of the population in the vicinity of Three Mile Island which assertedly documents adverse health effects from radiation greatly in excess of those expected from releases estimated from Licensee's documentation. As discussed below,

Licensee opposes the Aamodt Motion and urges the Commission to deny the requested relief.

The Aamodt allegations regarding missing radiation release data do not amount to new information. Rather, this information was known to the NRC Staff shortly after the TMI-2 accident and was publicly reported in the IE investigation of the accident. See NUREG-0600 at II-3-97 (August 1979). Had the Aamodts wished to raise allegations of intentional withholding of this data as a management integrity issue in the Restart Proceeding, they were, of course, free to do so when contentions were first proposed. Five years after the fact is, however, manifestly untimely.

As to the radiation effects survey conducted by Mrs. Aamodt and other non-expert volunteers, Licensee notes that the conclusion drawn by the Aamodts that individuals were "subjected to radiation exposures of 100 rems or more" (Aamodt Motion at 2) is in direct contradiction to numerous scientific studies performed by a variety of organizations. Thus, despite individuals' perceptions of adverse health effects allegedly suffered as a result of the TMI-2 accident, Licensee urges the Commission to rely upon the many existing reports which have assessed the TMI-2 radiation releases and resultant health effects:

- ° Ad Hoc Population Dose Assessment Group, "Population Dose and Health Impact of the Accident at the Three Mile Island Nuclear Station: A preliminary assessment for the period March 28 through April 7, 1979," U.S. Government Printing Office (1979).

- ° NUREG-0600, "Investigation Into the March 28, 1979 Three Mile Island Accident by Office of Inspection and Enforcement," Part II, Section 3 (1979).
- ° Report of The President's Commission on the Accident at Three Mile Island, "The Need for Change: The Legacy of TMI," at 34-35, and associated Commission Staff reports (Health Physics and Dosimetry Task Group Report, Radiation Health Effects Task Group Report and Public Health and Epidemiology Task Group Report), U.S. Government Printing Office (1979).
- ° Subcommittee on Nuclear Regulation of the U.S. Senate Committee on Environment and Public Works, "Nuclear Accident and Recovery at Three Mile Island," at 11, 44-45 (June, 1980 Committee Print).
- ° Nuclear Regulatory Commission Special Inquiry Group, "Three Mile Island -- A Report to the Commissioners and to the Public," Vol. I at 153-155 (1980).
- ° "Report of the Governor's Commission on Three Mile Island," at 14-16 (1980).

These, and other studies, are unanimous in finding or endorsing the conclusion that the actual releases from the TMI-2 accident will have a negligible effect on the physical health of individuals in the TMI area, e.g., the average offsite dose of 1.4 mrem equates to an additional lifetime fatal cancer risk of about one in five million (Special Inquiry Group Report at 153).

The Commission has sufficient scientifically-based information before it to determine that the issues which the Aamodts attempt to raise need not be considered. Even if the Commission should decide to initiate a further review of this matter, Licensee does not believe that in the face of the abundance of prior investigations and evaluations on this subject,

the Aamodt allegations warrant any delay in a decision by the Commission on the restart of TMI-1.

Respectfully submitted,

Ernest L. Blake, Jr.

Ernest L. Blake, Jr., P.C.
SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1084

Counsel for Licensee

Dated: July 5, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Restart)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response to Aamodt Motion for Investigation and Postponement" were served this 5th day of July, 1984, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

Ernest L. Blake, Jr.
Ernest L. Blake, Jr., P.C.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289 SP
)	
(Three Mile Island Nuclear)	(Restart - Management Phase)
Station, Unit No. 1))	

SERVICE LIST

Nunzio J. Palladino, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Victor Gilinsky, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Thomas M. F-berts, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James K. Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick Bernthal, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Gary J. Edles, Chairman
Atomic Safety & Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
John H. Buck
Atomic Safety & Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Christine N. Kohl
Atomic Safety & Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Sheldon J. Wolfe
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Gustave A. Linenberger, Jr.
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety & Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety & Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Jack R. Goldberg, Esq. (4)
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Thomas Y. Au, Esq.
Office of Chief Counsel
Department of Environmental
Resources
505 Executive House
P.O. Box 2357
Harrisburg, PA 17120

Mr. Henry D. Hukill
Vice President
GPU Nuclear Corporation
P.O. Box 480
Middletown, PA 17057

Mr. and Mrs. Norman Aamodt
R.D. 5
Coatesville, PA 19320

Ms. Louise Bradford
TMI ALERT
1011 Green Street
Harrisburg, PA 17102

Joanne Doroshov, Esquire
The Christic Institute
1324 North Capitol Street
Washington, D.C. 20002

Lynne Bernabei, Esq.
Government Accountability
Project
1555 Connecticut Avenue
Washington, D.C. 20009

Ellyn R. Weiss, Esq.
Harmon, Weiss & Jordan
2001 S Street, N.W., Suite 430
Washington, D.C. 20009

Michael F. McBride, Esq.
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Suite 1100
Washington, D.C. 20036

Michael W. Maupin, Esq.
Hunton & Williams
707 East Main Street
P.O. Box 1535
Richmond, VA 23212