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The Pennsylvania Institute for Clean Air

OFFICE OF THE PRESIDENT

Under 10 CFR section 2.206 I formally request that the NRC take action as specified hereunder. This document is being mailed by first class mail on July 10, 1992 to the following persons:

Mr. Ivan Sellin
Chairman, Nuclear Regulatory Commission
Washington D.C. 20555

Mr. Richard Cooper
NRC Director of Division of Radiation Safety and Safeguards
475 Allentown Road
King of Prussia, PA 19406

Mr. Craig Gordon
NRC
475 Allentown Road
King of Prussia, PA 19406

The following points factual points are presented in support of the request for action.

(1) On June 30, 1992, I, Robert Gary, a resident of Dauphin County, went to PEMA Headquarters in Harrisburg and requested to see the letters of intent from private transportation companies that the Chief Counsel had told me were on file there. There was no file only a list of letters of intent that were supposedly held at the Emergency Operations Center of Dauphin County. I immediately proceeded to that location and requested that Director Wertz show me the file. It contained a single letter dated 1985 from Mr. Gerald Smith at Capitol Area Transit (CAT). That letter cited a statute as the sole source of payment, which has since been repealed and superseded by another law. At that time I suspected that emergency preparedness in Dauphin County was substandard.

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(2) On July 10, 1992 (today), I returned to the Dauphin County Emergency Operations Center (EOC) to examine the RERP which is the book that would be used in a radiological emergency by the EOC staff. The first page of the book said, "Completely reprinted with Change 1 in 1991" or words to that effect. I then examined page E-9-5 which contained information on busses from private companies in Dauphin County. Approximately 450 busses were accounted for, but the first two listings, the one with Capitol Area Transit for approximately 70 busses, and the one with Capitol Trailways Penn Central Station for approximately 320 busses constituted the greatest proportion of the total, i.e. 390 out of 450 or about 87%. I decided to call the executives listed in the book to determine the up-to-dateness of that page of the RERP.

(3) At about 4:00 P.M. I made the calls in the presence of the staff on duty at the Dauphin County EOC. First I called Mr. Weeks at Capitol Area Transit (CAT). The person answering the phone informed me that hadn't been with the company since 1984! Next, I called Mr. Miller at Capitol Trailways Penn Central Station. The person answering the phone told me that Mr. Miller hadn't been with the company since 1987.

(4) There were no "after hours" telephone numbers listed in the RERP, which is the book that the staff on hand at the EOC would refer to in a radiological emergency. Even if there had been after hours numbers listed, in the case of Mr. Weeks, the number would have been non-operational for the past eight years, and in the case of Mr. Miller, for the past five years.

(5) The staff members at the Dauphin County Emergency Operations Center reported to me today, I think truthfully, that they have no authority to request military vehicles from the National Guard, Mechanicsburg, or Indiantown Gap. That would have to be done by the state -- presumably by PEMA. PEMA, over the past month, has represented to me that their responsibility lies in communications and coordination. They have shown me Annex E to the Dauphin County Plan which contains no reference to the use of military vehicles. PEMA has no plan to call for the use of military vehicles because they feel that their responsibility is in the area of communications and coordination. Dauphin County has no such plan because they feel that the State has exclusive jurisdiction in that area and that the County cannot call for such vehicles. Therefore, although there are acres of trucks capable of carrying people within 15 miles of Harrisburg neither the State nor the County has any references in the written plans they showed me to use any of them.

(6) The sum total of these facts taken together leads me to the belief that the Dauphin County Emergency Evacuation Plan in the

event of a radiological emergency is essentially non-operational.

(7) The permission that the NRC extends to the power company at Three Mile Island to operate nuclear reactors there for commercial power generation is premised on the existence and the continued maintenance of an operational radiological emergency evacuation plan for Dauphin County. When and if this plan becomes so substandard that it is for all practical purposes non-operational, it is completely appropriate for the NRC to direct the power company to power down those reactors until such time as a satisfactory plan is in place and workable.

(8) I request that the discrepancies that are mentioned in this letter be checked out by a FEMA official as soon as possible, preferably within 5 working days. If the official finds that the discrepancies are verified, then I request that the Three Mile Island licensee be ordered by the NRC to power down until the discrepancies can be corrected.

(9) During the time, after the discrepancies have been verified, and before they are corrected, while FEMA and PEMA and NRC are working to generate an operational emergency evacuation plan for Dauphin County, it is fully justified that the power reactors at Three Mile Island be in a power down mode. The license to power up that reactor was legally premised on a valid workable evacuation plan for Dauphin County. During times when such a plan does not exist, neither should the license to operate for power generation. Recognizing, as I do, that paperwork takes time and there are many administrative processes and considerations, I request that, once the discrepancies are officially verified, and during the pendency of the process of correcting them, the power up license be suspended. I believe that such a suspension will cause the discrepancies in this case to be corrected fairly quickly, but in the absence of such a suspension, the corrective process might take several years or might never occur. I believe that such a suspension would send a message to: (1) other operators, (2) other Counties in Pennsylvania, and (3) Emergency Management Agencies in other states. This message would be the precisely correct message that NRC should be sending in its fulfillment of its legal, professional, and moral duties to the American people.

Sincerely,



Robert Gary
for
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