

22 DEC 1981

EPL 81-03A

Gentlemen:

IE HQ FILE COPY

50-3

Subject: Emergency Preparedness Exercises and Proposed Revision of
Implementation Date for Prompt Notification Systems

My letter to you dated October 26, 1981 transmitted a cut and paste copy (to minimize the number of pages) of a proposed rule change relating to the implementation date for prompt notification systems. That proposed rule change appeared in the Federal Register for comment on September 21, 1981.

On October 15, 1981, a notice appeared in the Federal Register which corrects two errors in the proposed rule published on September 21, 1981. Enclosed is a corrected copy of the information sent to you on October 26, 1981 which incorporates the Federal Register corrections of October 15, 1981.

The information contained in this letter regarding responses is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

for James M. Allan
Ronald C. Haynes
Regional Administrator

Enclosure:

Corrected Copy of Federal Register Notice information dated
September 21, 1981

OFFICIAL RECORD COPY

APP

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10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to extend the date by which prompt public notification systems must be operational around all nuclear power plants. The proposed extension is based on industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. If adopted the proposal would extend the compliance date for these systems from July 1, 1981 to no later than February 1, 1982.

DATES: Comment period expires October 21, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-492-4614).

SUPPLEMENTARY INFORMATION:

I. The Proposed Rule

On August 19, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 55402) amendments to its regulations (10 CFR Part 50 and Appendix E) concerning the upgrading of emergency preparedness. The effective date of these regulations was November 3, 1980. Among other things, the regulations required licensees to submit upgraded emergency plans by January 2, 1981, submit implementing procedures by March 1, 1981, and implement the emergency plans by April 1, 1981.

One element that must be demonstrated in an acceptable licensee's emergency plan is that

By July 1, 1981, the nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes.

The NRC staff has evaluated the level of compliance by the industry and noted that only about 12% of NRC power reactor licensees have been able to meet fully the July 1, 1981 date for installation of a prompt public notification system which meets the criteria in 10 CFR 50.47, 50.54, and Appendix E to Part 50. The licensees inability to meet the July 1, 1981 date has been attributed to the unforeseen difficulties and uncertainties surrounding the designing, procuring, and installing of the prompt notification systems. In establishing the implementation date, the Commission was concerned that these factors would inhibit the ability to comply with a short schedule and set the July 1981 date with this in mind (45 FR 55407).

While licensees' compliance with the prompt notification requirement has been delayed, the NRC considers that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This significant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

Based on the above information and on a recognition that there exist customary warning systems (police, radio, telephone), which are viewed as sufficiently effective in many postulated accident scenarios, the Commission is proposing to defer the implementation date of the prompt public notification capability requirement from July 1, 1981 to February 1, 1982. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during

the extended time period for compliance.

The Commission's decision to defer the date for requiring full implementation of the prompt public notification capability requirement was made, as described above, after additional consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement. See Final Rule on Emergency Planning, 45 FR 55402, 55407 (Aug. 19, 1980), reconsideration denied, CLI-80-40, 12 NRC 636 (1980). It is the Commission's continued judgment that prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. This offsite protection of the public includes a number of separate steps—recognition of the potential severity of the accident by the utility, communication of the perceived threat to offsite authorities, decision by offsite officials on the need for protective action, capability to spread public warning, and actual response by the public. The emergency planning rule is premised on reducing to the extent possible—and to the extent the NRC can regulate—the time required for and the uncertainty associated with each step. Every aspect of the rule, including the prompt notification system, is still required. In changing the implementation date of the prompt public notification capability requirement, the Commission recognizes the continued need for this requirement and expects all utilities to complete the installation of this system as soon as practicable but not later than February 1, 1982. However, the Commission intends to take appropriate enforcement action against licensees who did not, prior to July 1, 1981, notify the Commission of their inability to meet the July 1, 1981 deadline.

Significant licensee performance strengths and weaknesses are evaluated in the NRC Systematic Assessment of Licensee Performance (SALP). The SALP program specifically includes evaluation of licensee performance in emergency preparedness. Accordingly, a licensee's efforts in attempting to meet the July 1, 1981 date for installing the prompt public notification capability will be a factor in that licensee's SALP.

Correction made here

II. Proposed Application of the Final Rule

The Commission also is proposing in this rule that the four-month period for correcting deficiencies, provided in § 50.54(s)(2), should not apply to any licensee not in compliance with the public notification system requirement by February 1, 1982, the new deadline date. If a licensee is not in compliance with this requirement by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements.

With respect to requests for exemptions that NRC has received from nuclear power reactor licensees concerning the prompt public notification requirement and deadlines for installation and operational capability, the Commission has decided to deny these requests in light of the proposed extension of the July 1, 1981 date. Any licensee not able to meet the new deadline date of February 1, 1982 will be subject to enforcement penalties after the new date. This provision will eliminate unnecessary and costly administrative actions needed to consider present exemption requests that will essentially become moot by the proposed extension of the July 1, 1981 date. This approach will also permit the NRC to focus its consideration upon a reduced number of noncompliance situations which remain at the time of the new deadline. It is expected that the most efficient use of NRC resources will be achieved by this treatment of present exemption requests relating to the July 1, 1981 operational date requirement.

If the proposed rule is subsequently promulgated as a final rule, it is the Commission's present intention to make it effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the

final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists v. AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission concludes that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the operational date for public notification systems for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. In addition, since the amendment extends for ^{seven months} ~~one year~~ the date by which the public notification systems are to be operational, the businesses and state and local governments involved in the manufacture and installation of these systems are not economically affected in any significant manner. Accordingly, there is no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2123, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 68 Stat. 1243,

1244, 1246, (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 188, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 1611, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

D Notification Procedures

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to deficiencies in the initial installation of this public notification system that is required by February 1, 1982. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate government authorities.

Dated at Washington, D.C., this 16th day of September 1981.

For the Nuclear Regulatory Commission. Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27323 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

(Correction made here)

LIST OF HOLDERS OF A POWER REACTOR OPERATING LICENSE OR CONSTRUCTION PERMIT
RECEIVING REGION I EMERGENCY PREPAREDNESS LETTER (EPL-81-03A)
DATED OCTOBER 26, 1981 CONCERNING EMERGENCY PREPAREDNESS EXERCISES AND
PROPOSED REVISION OF IMPLEMENTATION DATE FOR PROMPT NOTIFICATION SYSTEMS

Baltimore Gas and Electric Company
ATTN: Mr. A. E. Lundvall, Jr.
Vice President, Supply
P. O. Box 1475
Baltimore, Maryland 21203.

Docket Nos. 50-317
50-318

Boston Edison Company M/C Nuclear
ATTN: Mr. A. V. Morisi
Nuclear Operations Support Manager
800 Boylston Street
Boston, Massachusetts 02199

Docket No. 50-293

Connecticut Yankee Atomic Power Company
ATTN: Mr. W. G. Council
Vice President - Nuclear
Engineering and Operations
P. O. Box 270
Hartford, Connecticut 06101

Docket No. 50-213

Consolidated Edison Company of
New York, Inc.
ATTN: Mr. John D. O'Toole
Vice President - Nuclear
Engineering and Quality Assurance
4 Irving Place
New York, New York 10003

Docket Nos. 50-03
50-247

Duquesne Light Company
ATTN: Mr. J. J. Carey
Vice President
Nuclear Division
P. O. Box 4
Shippingport, Pennsylvania 15077

Docket No. 50-334

Jersey Central Power and Light Company
ATTN: Mr. Philip R. Clark
Vice President - Nuclear
GPU Nuclear
100 Interpace Parkway
Parsippany, New Jersey 07054

Docket No. 50-219

Maine Yankee Atomic Power Company
 ATTN: Mr. Robert H. Groce
 Senior Engineer-Licensing
 1671 Worcester Road
 Framingham, Massachusetts 01701

Docket No. 50-309

Metropolitan Edison Company
 ATTN: Mr. H. D. Hukill
 Vice President and Director of TMI-1
 P. O. Box 480
 Middletown, Pennsylvania 17057

Docket No. 50-289

Metropolitan Edison Company
 ATTN: Mr. J. J. Barton
 Acting Vice President and
 Director of TMI-2
 P. O. Box 480
 Middletown, Pennsylvania 17057

Docket No. 50-320

Niagara Mohawk Power Corporation
 ATTN: Mr. T. E. Lempges
 Vice President
 Nuclear Generation
 300 Erie Boulevard West
 Syracuse, New York 13202

Docket No. 50-220

Northeast Nuclear Energy Company
 ATTN: Mr. W. G. Council
 Senior Vice President - Nuclear
 Engineering and Operations Group
 P. O. Box 270
 Hartford, Connecticut 06101

Docket Nos. 50-336
 50-245
 50-423

Philadelphia Electric Company
 ATTN: Mr. S. L. Daltroff
 Vice President
 Electric Production
 2301 Market Street
 Philadelphia, Pennsylvania 19101

Docket Nos. 50-277
 50-278

Power Authority of the State of New York
 Indian Point 3 Nuclear Power Plant
 ATTN: Mr. J. C. Brons
 Resident Manager
 P. O. Box 215
 Buchanan, New York 10511

Docket No. 50-286

Power Authority of the State of New York
James A. FitzPatrick Nuclear Power Plant
ATTN: Mr. John D. Leonard
Resident Manager
P. O. Box 41
Lycoming, New York 13093

Docket No. 50-333

Public Service Electric and Gas Company
ATTN: Mr. F. W. Schneider
Vice President - Production
80 Park Plaza
Newark, New Jersey 07101

Docket Nos. 50-272
50-311

Rochester Gas and Electric Corporation
ATTN: Mr. John E. Maier
Vice President
Electric and Steam Production
89 East Avenue
Rochester, New York 14649

Docket No. 50-244

Vermont Yankee Nuclear Power Corporation
ATTN: Mr. Robert L. Smith
Licensing Engineer
1671 Worcester Road
Framingham, Massachusetts 01701

Docket No. 50-271

Yankee Atomic Electric Company
ATTN: Mr. James A. Kay
Senior Engineer-Licensing
1671 Worcester Road
Framingham, Massachusetts 01701

Docket No. 50-29

Duquesne Light Company
ATTN: Mr. E. J. Woolever
Vice President
435 Sixth Avenue
Pittsburgh, Pennsylvania 15219

Docket No. 50-412

Jersey Central Power & Light Company
ATTN: Mr. J. T. Carroll
Acting Director
Oyster Creek Nuclear Generating Station
P. O. Box 388
Forked River, New Jersey 08731

Docket No. 50-363

Long Island Lighting Company
ATTN: Mr. M. S. Pollock
Vice President - Nuclear
175 East Old Country Road
Hicksville, New York 11801

Docket No. 50-322

Niagara Mohawk Power Corporation
ATTN: Mr. Gerald K. Rhode
Vice President
System Project Management
c/o Miss Catherine R. Seibert
300 Erie Boulevard, West
Syracuse, NY 13202

Docket No. 50-410

Pennsylvania Power & Light Company
ATTN: Mr. Norman W. Curtis
Vice President
Engineering and Construction - Nuclear
2 North Ninth Street
Allentown, Pennsylvania 18101

Docket Nos. 50-387
50-388

Philadelphia Electric Company
ATTN: Mr. John S. Kemper
Vice President
Engineering and Research
2301 Market Street
Philadelphia, Pennsylvania 19101

Docket Nos. 50-352
50-353

Public Service Electric & Gas Company
ATTN: Mr. T. J. Martin
Vice President
Engineering and Construction
80 Park Plaza - 17C
Newark, New Jersey 07101

Docket Nos. 50-354
50-355

Public Service Company of New Hampshire
ATTN: Mr. W. C. Tallman
Chairman and Chief Executive Officer
1000 Elm Street
Manchester, New Hampshire 03105

Docket Nos. 50-443
50-444

~~SSNS 8100~~

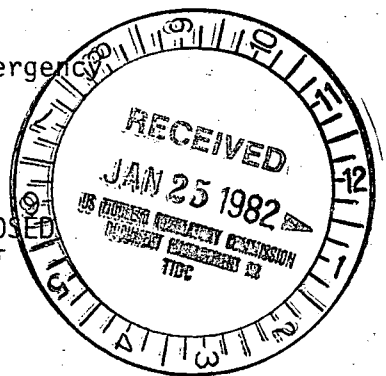
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24 DEC 1981

MEMORANDUM FOR: Brian K. Grimes, Director, Division of Emergency Preparedness

FROM: Ronald C. Haynes, Regional Administrator

SUBJECT: EMERGENCY PREPAREDNESS EXERCISES AND PROPOSED REVISION OF IMPLEMENTATION DATE FOR PROMPT NOTIFICATION SYSTEMS (EPL 81-03A)



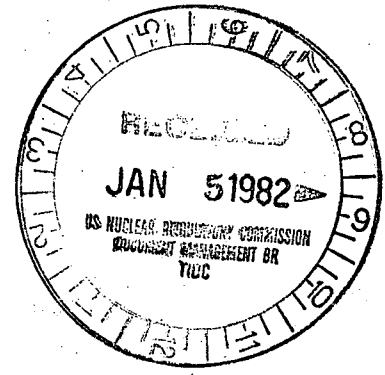
Region I letter dated December 22, 1981 (Enclosure 1) was transmitted to the holders of power reactor operating licenses or construction permits in Region I (Enclosure 2).

for James M. Allan
 Ronald C. Haynes
 Regional Administrator

Enclosures: As stated

CONTACT: H. W. Crocker
 488-1208

- cc w/encls:
- S. Schwartz, DD, EP
 - B. Weiss, ~~Incident Response Branch~~
 - R. Rosano, Incident Response Branch
 - G. Patrick, FEMA, Region I
 - V. Forde, FEMA, Region II
 - V. Adler, FEMA, Region III



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 RI: DEPOS
 Snyder/gwc
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HW
 RI: DEPOS
 G. Smith
 12/23/81

RS
 RI: DRPI
 Starostecki
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JMH
 RI: RA
 Haynes
 12/23

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