

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

9/11/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
BOSTON EDISON COMPANY, <u>et al.</u>	)	Docket No. 50-471
(Pilgrim Nuclear Generating Station,	)	
Unit 2)	)	



NRC STAFF MOTION TO DEFER ISSUE OF  
EMERGENCY PLANNING AND TO ESTABLISH  
SCHEDULE FOR FILING PROPOSED FINDINGS  
ON COMPLETED ISSUES

The issue of emergency planning is scheduled to be heard beginning October 1, 1979. During the past several weeks, a number of developments, more fully described below, have occurred in the area of emergency planning. Among these is a planned site visit by the Staff to determine if ten miles is a sufficient distance for emergency planning for Pilgrim Unit 1. The cumulative impact of these developments have caused the Staff to reassess its prior position that it can go forward with the issue of emergency planning. For this reason, the Staff moves that this issue be deferred until the Staff has completed its review of emergency planning considerations at the Pilgrim site.

The developments referred to above are: 1) the Commission issued a "Notice of Proposed Expedited Rulemaking on the Adequacy and Acceptance of Emergency Planning Around Nuclear Facilities" (Notice), 44 Fed. Reg. 41483 (July 17, 1979); 2) the Joint EPA-NRC Task Force Planning Basis for Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants (NUREG-0396) (Joint Task Force) is pending before

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the Commission for its approval; 3) Mr. Denton, Director of Nuclear Reactor Regulation, promulgated SECY-79-450, "Action Plan for Promptly Improving Emergency Preparedness," (Action Plan); and 4) the Staff is planning a site visit to Pilgrim Unit 1 to review adequacy of emergency planning. The Notice of Proposed Rulemaking may not directly affect this proceeding because a major portion of it relates to operating reactors. However, the Joint Task Force report is important to this proceeding because it forms a major portion of the basis for extending emergency planning to at least ten miles.<sup>1/</sup> In addition, items three and four have a direct impact on this proceeding and are more fully discussed below.

In the Action Plan, Mr. Denton, Director, Office of Nuclear Reactor Regulation, informed the Commissioners that the staff will

- (5) Assess the relationship of state/local plans to the licensee's and Federal plans so as to assure the capability to take appropriate emergency actions. Assure that this capability will be extended to a distance of 10 miles as soon as practical, but not later than January 1, 1981.

To implement the "Action Plan" the Staff will visit operating plants to assess their emergency preparedness capability. Among the things the Staff will determine is whether the Pilgrim Unit 1 site has any unique features which will necessitate extending the emergency planning beyond 10 miles. This determination will be applicable to the proposed Unit No. 2. Another area being

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<sup>1/</sup> The Staff will continue to use this Report unless it is rejected by the Commission.

considered by the Staff review team is the ability of the licensee to insure rapid notification of residents. Both of these areas are essential in evaluating the proposed emergency planning in accordance with 10 CFR Part 50, Appendix E, Section II, and the proposed amendments thereto.

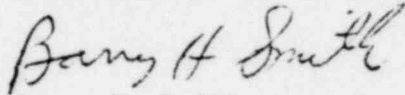
To prepare testimony, the Staff must know the distance for emergency planning. It also must be assured that the criteria on emergency planning at the new distance is well understood. The present state of affairs is such that any testimony now presented may not fully reflect the current position of the Staff or the Commission. During the time that the site evaluation is taking place, the Staff believes that the criteria for establishing reasonable assurance that protective actions can be applied will be more firmly established. See Affidavit. In light of these factors, the Staff believes it is in the interest of the Board and parties to defer this issue and allow more time for the preparation of testimony.

The delay covered by this deferral will not be an inordinate one. Staff intends to give the Pilgrim Unit 1 review the highest priority. See Affidavit. Rather than establishing a specific time for a hearing, it is suggested that a status report be provided on October 1, 1979. Depending on the course of the review, a hearing date could be established.

Deferral will delay a final decision by the Board. This consideration must be weighed against the need for a complete and full review of this issue. Deferral does not mean a cessation of all activity. Proposed findings of fact on all completed matters can be filed and a partial initial decision issued. 10 CFR 2.761a. If this procedure is followed, any appeals from a partial initial decision can be commenced.

Based on the above, the Staff moves that the issue of emergency planning be deferred. In addition, the Staff fully supports the establishment of a schedule for filing proposed findings of fact on all completed issues and the subsequent issuance of a partial initial decision.

Respectfully submitted,



Barry H. Smith  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 11th day of September, 1979.

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