

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of )  
LONG ISLAND LIGHTING COMPANY, et al. ) Docket Nos. 50-516  
(Jamesport Nuclear Power Station, ) 50-517  
Units 1 and 2) )

NRC STAFF SIXTH STATUS REPORT

This Status Report is filed by the NRC Staff pursuant to the Atomic Safety and Licensing Appeal Board's grant, on June 7, 1979, of the Staff's request for an indefinite extension of time within which to respond to the County of Suffolk's Motion for Leave to File a Supplemental Brief. The Staff's last Status Report was filed on November 9, 1979.

Copies of the Kemeny Commission Report were served in this proceeding subsequent to the filing of the Staff's Fifth Status Report. The Staff is currently reviewing and evaluating the recommendations contained in the report. Additionally, the NRC Staff has now prepared and served the Three Mile Island Lessons Learned Task Force Final Report (NUREG-0585) as a Board notification.

On November 9, 1979, the Staff sent a letter to licensees in this proceeding, and other licensees, which constitutes a "Discussion of Lessons Learned Short Term Requirements". Also, on November 21, 1979, the Staff sent to licensees, and others, a letter regarding proposed upgraded emergency plans. Copies of these documents have previously been served on a number of parties to this proceeding. For those not previously served, copies are enclosed with this Status Report.

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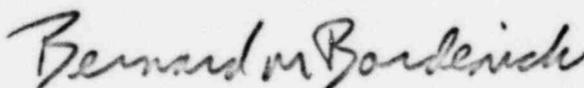
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Respective counsel for the NRC Staff and the County of Suffolk met on November 27, 1979, to discuss the County's pending motion. It was agreed that a stipulation disposing of the County's motion could not be reached at the present time because of the following circumstances: (1) The Staff's evaluations are not yet complete in this proceeding regarding the various documents issued as a result of the Three Mile Island accident; and (2) the County is of the view that a decision by the New York State Board on Siting and the Environment will be issued within the next three months which decision will have a material bearing on the County's position in this proceeding. It was, however, also agreed that further discussions involving a possible stipulation would take place between the parties at an appropriate time.

As previously required by the Appeal Board, the Staff will file another monthly status report by January 10, 1980. If, before that time, definitive information becomes available to Staff Counsel regarding the expected completion date of all evaluations, the Appeal Board and parties will be promptly advised.

Respectfully submitted,



Bernard M. Bordenick  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 10th day of December, 1979

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NUCLEAR REGULATORY COMMISSION

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(Jamesport Nuclear Power Station, ) 50-517  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF SIXTH STATUS REPORT", dated December 10, 1979, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 10th day of December, 1979:

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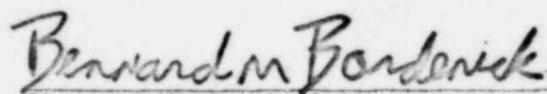
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

November 9, 1979

TO ALL LICENSEES OF PLANTS UNDER CONSTRUCTION

Gentlemen:

SUBJECT: DISCUSSION OF LESSONS LEARNED SHORT TERM REQUIREMENTS

On October 10, 1979, you received a letter which defined a set of "short term" requirements resulting from the NRC staff investigations of the TMI accident. Since the letter was issued, the staff has further defined these requirements.

Enclosure 1 provides the additional clarifications of the NRC staff requirements as provided to licensees of operating reactors. Enclosure 2 provides a list of modifications to these clarifications to make them applicable to applicants for operating licenses, applicants for construction permits and licensees of plants under construction. It should be noted that the intent of these requirements and the purpose of our letter of October 10, 1979 have not changed.

If you have any questions regarding these actions, please contact the NRC Project Manager for your facility.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. B. Vassallo".

D. B. Vassallo, Acting Director  
Division of Project Management  
Office of Nuclear Reactor Regulation

Enclosure:  
Discussion of TMI Lessons  
Learned Short Term Requirements

CCS:  
Service List

DUPLICATE DOCUMENT 1536 102

Entire document previously  
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No. of pages:

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

November 21, 1979

TO APPLICANTS FOR OPERATING LICENSES  
AND LICENSEES OF PLANTS UNDER CONSTRUCTION

Gentlemen:

SUBJECT: UPGRADED EMERGENCY PLANS

This letter is being sent to applicants for licenses to operate nuclear power plants. The purpose of this letter is to advise you of our present requirements regarding emergency planning, including a proposed rule change which we are invoking pending promulgation of a final rule.

The NRC licensing requirements dealing with an applicant's emergency plans are set forth in Appendix E to 10 CFR Part 50, "Emergency Plans for Production and Utilization Facilities," and in Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants." These documents require that applicants for power reactor licenses develop plans for coping with radiological emergencies within their plant sites.

In addition, applicants are required to make certain emergency preparedness arrangements with State and local organizations to cope with plant-related emergencies outside the site boundary. In this regard, the NRC, in conjunction with several other federal agencies, has attempted, on a cooperative and voluntary basis, to provide for training and instruction of State and local government personnel and to establish criteria to guide the preparation of emergency plans. However, in the past, NRC concurrence in State and local emergency plans has not been required as a condition of nuclear power plant operation. We now are requiring, pending the results of a proposed rule change, that NRC concurrence in State and local emergency response plans be obtained as a condition for issuing an operating license.

To accomplish this change in requirements, we require that upgraded emergency plans be submitted in accordance with the format of Regulatory Guide 1.101. The upgraded emergency plans will be evaluated against the requirements of Appendix E to 10 CFR Part 50, the regulatory positions set forth in Regulatory Guide 1.101, and the acceptance criteria contained in Emergency Planning Review Guidelines Number One - Revision One, dated September 7, 1979 (Enclosure 1). Your plans should be submitted by June 1980. For those applicants which have not yet submitted their FSAR the upgraded emergency plans may be submitted at the time of FSAR submittal.

To aid you in developing your response, each reactor site will be visited by an NRC emergency planning review team consisting of NRR personnel and consultants. The team will visit each site and hold discussions with the applicant and State and local officials responsible for emergency preparedness.

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Each applicant will have the responsibility for insuring that appropriate arrangements are made for discussions between the NRR review teams and State and local officials during the team site visits. However, initial contacts with State officials will be made by the NRC. Each applicant should provide copies of relevant material to the cognizant State and local entities, and also to known regional federal offices involved in emergency preparedness activities.

In addition to our present requirements described above, proposed rule changes for 10 CFR Part 50, Sections 50.33 and 50.34 and Appendix E are being considered as an interim upgrade of NRC emergency planning regulations to provide prompt clarification and expansion in areas that have been perceived to be deficient as a result of past experiences. These proposed rule changes are deemed interim because the staff anticipates that further changes in the emergency planning regulations may be proposed as more experience is gained by implementing these revised regulations. Also, changes have recently been and may further be proposed as the various Three Mile Island investigations are concluded and the results become available for efforts in such areas as instrumentation and monitoring, and generic studies of accident models.

The proposed rule, Enclosure 2, contains three major changes from current practices. The proposed rule would:

1. Require that an applicant's emergency plans, including State and local governmental emergency response plans, be submitted to and concurred in by the NRC as a condition of operating license issuance. (NRC concurrence for State and local plans is not required at the construction permit stage.) Additionally:
  - a. An operating plant may be required to cease operation or reduce power levels if a State or local emergency plan has not received NRC concurrence within 180 days of the effective date of the final amendments.
  - b. An operating plant may be required to cease operation or reduce power levels if a State or local emergency plan does not warrant continued NRC concurrence and the State or locality does not correct the deficiencies within four months of notification of NRC concurrence withdrawal.
2. Require that emergency planning considerations be extended to "Emergency Planning Zones," as defined in NUREG-0396, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," December 1978.

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3. Require that detailed emergency planning implementing procedures of both licensees and applicants for operating licenses be submitted to NRC for review. This review would determine the acceptability of such procedures in providing reasonable assurance that emergency measures can be taken to protect the public health and safety in the event of a radiological emergency. The Office of Inspection and Enforcement would perform this review.

A discussion of each of the above major changes is provided in Enclosure 3. In addition, sections of Appendix E that would be expanded by the proposed rule are:

1. Specification of "Emergency Action Levels" (Sections IV.B and C),
2. Dissemination to the public of basic emergency planning information (Section IV.D),
3. Provisions for prompt alerting of the public and instructions for public protection (Section IV.D),
4. Onsite and offsite emergency control centers (Section IV.E),
5. Specialized training (Section IV.F), and
6. Provisions for up-to-date plan maintenance (Section IV.G).

The staff is concerned that important considerations related to the workability of the proposed rule changes may have been overlooked and that all significant impacts to NRC applicants, licensees, and State and local governments may not have been identified. Therefore, the staff intends to hold a public workshop during the public comment period to (a) present the proposed rule changes to State and local governments, utilities, and other interested parties, and (b) to obtain comments concerning the costs, impacts and practicality of the proposed rule changes. The staff believes it is likely, as a result of expected public comment, that significant changes may be indicated in the rule as proposed.

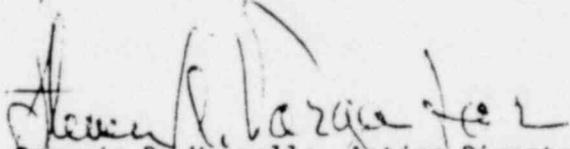
Pending the receipt of comments and the promulgation of a final rule, NRR intends to use the proposed amendment in reviewing an applicant's emergency plans for an operating license. In accordance with Section V of the proposed rule, ten copies of emergency plan implementing procedures are to be submitted to the appropriate NRC regional offices within 180 days prior to scheduled issuances of your operating license. Thereafter, ten copies of any changes to these implementing procedures are to be submitted to this same regional office within 15 days of such changes.

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Enclosure 4 provides for your information and use, a document on the basis for emergency action levels that has been provided to the review teams for interim use. Your comments on this document are invited. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch. All comments received by December 1, 1979 will be considered by the Commission.

For further information or comments please contact M. Frank G. Pagano on (301) 492-7846 or your assigned licensing project manager.

Sincerely,

  
Domenic B. Vassallo, Acting Director  
Division of Project Management  
Office of Nuclear Reactor Regulation

Enclosures:

1. Emergency Planning Review Guideline  
Number One - Revision One, dated  
September 7, 1979
2. Federal Register Notice of Proposed Rulemaking
3. Discussion of Major Proposed Changes to the  
Emergency Planning Regulations
4. Basis for Emergency Action Levels for  
Nuclear Power Facilities

ccs:  
Service List

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