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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

STAFF RESPONSE TO PANEL PRESENTATIONS ON EMERGENCY  
PLANNING

- - -

Nuclear Regulatory Commission  
Room 1130  
1717 H Street, N.W.  
Washington, D.C.

Thursday, July 3, 1980

The Commission met, pursuant to notice, at 2:03 p.m.

BEFORE:

- JOHN AHEARNE, Chairman of the Commission
- JOSEPH HENDRIE, Commissioner

NRC STAFF PRESENT:

- K. GOLLER
- M. JAMGOCHIAN
- B. GRIMES
- M. MALSCH
- W. DIRCKS
- R. MINOGUE
- SAMUEL CHILK, Secretary
- LEONARD BICKWIT, General Counsel

ALSO PRESENT:

- JOHN MC CONNELL, EPA

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P R O C E E D I N G S

1  
2 CHAIRMAN AHEARNE: Last week, we had a meeting in which  
3 we heard from three groups representing a spectrum of opinions  
4 regarding our proposed emergency planning rule. Following that,  
5 I asked the staff to prepare a response to the principal points  
6 made by each of the panels in that meeting and suggested it  
7 would be useful for the Commission to be briefed on those  
8 responses today.

9 I assume that is the purpose of today's meeting. Karl?

10 MR. GOLLER: Yes, it certainly is. We would like to  
11 discuss those comments, which the Commission heard at that  
12 meeting. We would like to discuss not only the staff's response  
13 to these, but also where appropriate, some changes that the  
14 staff would like to suggest to the Commission that might be  
15 made in response to these comments.

16 These comments that were made by these three panels  
17 can be generally divided into five principal issues which are  
18 listed on this slide. May I have the next slide, please?

19 (Slide.)

20 We will discuss the major specific comments under  
21 each of these principal issues. Firstly, I would like to note  
22 that SECT-80-275B, another addition to the basic submission to  
23 the Commission, dated July 2, 1980, has been submitted to the  
24 Commission which suggests a number of wording changes to clarify  
25 the requirements of the rule.

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1 Most of these are in response to the comments that  
2 were made by the panels, either during the meeting with the  
3 Commission or in their written statements, which some of them  
4 submitted. This staff paper to the Commission also proposes to  
5 incorporate all of the changes recommended by the General  
6 Counsel in his memo of June 24 to the Commission, relative to  
7 enforcement discretion.

8 These provisions would add considerable more flexi-  
9 bility to the rule, especially on the Commission's prerogatives  
10 when all of the requirements of the rule are not met in a parti-  
11 cular case. The Commission paper 275B also proposes to make  
12 certain changes requested by NMSS, which would clarify the fuel  
13 cycle facilities are not subject to some of the requirements in  
14 the rule, particularly the standards or design objectives as  
15 they were previously called, and are called in NUREG-0654; and  
16 the requirements for periodic exercise of the plants.

17 CHAIRMAN AHEARNE: What is -- why are NMSS staff  
18 making that recommendation?

19 MR. GOLLER: I would like to note again that it is  
20 simply a clarification of what was the original intent. The  
21 reason is that a separate rulemaking process for these types of  
22 facilities is ongoing. The more appropriate emergency planning  
23 requirements for those kinds of facilities will be included in  
24 this.

25 These are fuel cycle facilities other than power

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1 reactors of which there are relatively few in number and on  
2 which we expect to be back before the Commission in the near  
3 future with a special tailored rule for those facilities.

4 The major difference being the type of accident  
5 scenarios that are appropriate for consideration.

6 CHAIRMAN AHEARNE: You mentioned NMSS. Bill Dircks,  
7 arise.

8 MR. DIRCKS: If you recall, we did put some more  
9 people into that question after the Three Mile Island accident.  
10 They are working on the radiological plants now.

11 MR. GOLLER: If I could have the next slide then,  
12 please.

13 (Slide.)

14 The first issue was that of implementation schedule.  
15 Several comments were made by the different panels on this  
16 matter. Some that the staff proposed the implementation  
17 schedule is too short; others too long. After careful considera-  
18 tion of all the factors, the staff has concluded that they wish  
19 to recommend to the Commission that the implementation schedule  
20 be postponed slightly by three months from the previous January  
21 1, 1981 until April 1, 1981.

22 CHAIRMAN AHEARNE: Now, the state people were here.  
23 They said they could not meet it. As I recall -- at least my  
24 notes that I reviewed -- they were saying they could not meet  
25 it unless it were extended until July.

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1 MR. GRIMES: It is my understanding that there is a  
2 mix of ability to meet it. For example, Illinois and Pennsylvania,  
3 we talked to them separately and they thought they could meet it;  
4 however, New York and California, they thought they could not.  
5 New York was the longest one, thinking it would take approximately  
6 until July.

7 There is a California law which would require implemen-  
8 tation by March 25, 1981 of the plan.

9 CHAIRMAN AHEARNE: Implementation or --

10 MR. GRIMES: Implementation of the plans.

11 CHAIRMAN AHEARNE: All right.

12 MR. GRIMES: If they meet their own schedule, they  
13 would meet this schedule. I would not rule out that we might  
14 have to have one or two exceptions, or exemptions to the rule.  
15 I would also point out that the rule is not to cause shutdown of  
16 a plant on April 1.

17 It is only when we get a finding that there is not  
18 adequate preparedness from FEMA that we would proceed to do  
19 this. Everyone would be substantially upgraded by that date,  
20 although all provisions would not be in.

21 Later on, or even at that date, if we get a finding  
22 from FEMA that there are inadequate plans, there is a four  
23 month period in which deficiencies could be corrected. I think  
24 there is some flexibility beyond the April 1st date.

25 CHAIRMAN AHEARNE: What led you to change from January

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1 to April?

2 MR. GRIMES: Essentially the concern of the states  
3 that they could not -- they would be far beyond -- some states  
4 would be far beyond the January 1 date.

5 FEMA's assessment of all the dates -- everyone will  
6 have substantially upgraded plans by about April 1st or early  
7 spring.

8 CHAIRMAN AHEARNE: Are you saying that FEMA has an  
9 estimate that says the plans will be -- most everyone will have  
10 implemented their plans by --

11 MR. GRIMES: Not entire implementation, no. I under-  
12 stand they believe most plants will be upgraded substantially  
13 by then.

14 They may not have formal FEMA approval by that time.

15 MR. GOLLER: Mr. Chairman, it is important to realize  
16 you have a four month period.

17 CHAIRMAN AHEARNE: No, I know that.

18 MR. GOLLER: Which runs -- okay.

19 MR. GRIMES: Also, one consideration in not planning  
20 too far is we are very concerned, we get as soon as possible  
21 substantial improvements around these plants. We are reluctant  
22 to dilute that effort that is now ongoing and full-force, and  
23 has been going most places with the aim of getting things ready  
24 by January 1.

25 MR. GOLLER: The implementation date for the notifica-

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1 tion capabilities is still the same as SECY-275A document, July  
2 1, which is a six month extension beyond what was originally  
3 proposed. Here again, there is a four month -- there would be  
4 a four month period beyond that before the rule would provide for  
5 some definite action to be taken.

6 (Commissioner Bradford enters the room at 2:13 p.m.)

7 MR. GOLLER: The proposed change, I might mention, is  
8 item 6 in the SECY-275B document, and the associated replacement  
9 pages that would provide that change if the Commission decided  
10 to do that.

11 CHAIRMAN AHEARNE: Go ahead.

12 MR. GOLLER: The next specific comment under this  
13 general area of implementation schedule indicated on the slide  
14 was that some utilities -- licensees indicated it would be two  
15 years to complete implementation.

16 On consideration of this, the staff concluded that  
17 this long a period actually applied primarily to major structures,  
18 construction of new structures such as a technical support  
19 center or emergency operating -- operations facility, and that  
20 interim accommodations could be provided which would be -- which  
21 would fully be satisfactory and satisfy the requirements of the  
22 rule.

23 While that kind of construction was completed, again  
24 it is our opinion that by far and away, most of the licensees  
25 could meet this state. There might be a few exceptions that

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2           However, we think it would be wise to attain these  
3 dates and thereby encourage early implementation.

4           COMMISSIONER HENDRIE: I think it is not unreasonable.  
5 On the one hand you do not want to put in place a rule which  
6 people who have to implement it and have the state officers tell  
7 you it is flatly impossible in spite of their best efforts. On  
8 the other hand, you do not want to relax it so that everybody  
9 goes away and promptly starts a month's summers vacation before  
10 they get back to work.

11           You like to put the pressure up. It seems to me a  
12 reasonable middle course is being proposed here.

13           MR. GOLLER: Relative to the "moving target" and  
14 increasing requirements comment, it is the staff's position that  
15 the major requirements of the rule have not changed significantly  
16 during the rulemaking process, which has been under way for  
17 some time.

18           These have been publicized. The staff has been  
19 encouraging the development of these plans, as most of these are  
20 well under way. Finally --

21           CHAIRMAN AHEARNE: I though that had very little --  
22 there was very little substance. I agree completely with you,  
23 Karl.

24           MR. GOLLER: We are proposing to add now another three  
25 months to the implementation schedule. So, we think this is a



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1 reasonable schedule that we have already been discussing. The  
2 last comment indicated on the slide, the fact that -- the  
3 contention that the rule does not address the federal role. It  
4 is the staff's position that it would be inappropriate for an  
5 NRC regulation to do so: to essentially promulgate regulations  
6 on itself or other federal agencies.

7 Furthermore, the national contingency plan, which will  
8 set forth the federal role, is well under way in preparation.  
9 FEMA is coordinating this effort. It is scheduled to be comple-  
10 ted this September. That would include the NRC agency's plan,  
11 which is part of this national contingency plan.

12 Lastly, the point is that licensees' state and local  
13 plans should not be contingent on federal plans. NRC has indi-  
14 cated all along that its -- and other federal agency activities  
15 will be strictly advisory.

16 COMMISSIONER BRADFORD: The national contingency plan  
17 is nuclear power plant accidents only, or all sorts of contin-  
18 gencies?

19 MR. GOLLER: Initially, the focus will be nuclear  
20 power plants. My understanding is that it is FEMA's intention  
21 to eventually extend this to include other matters. Perhaps  
22 there is a representative from FEMA that could expound on that.

23 MR. MC CONNELL: Yes, Mr. Commissioner, that is  
24 essentially true. We are making certain that we have all the  
25 aspects of the commercial power plant, federal support plans

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1 included in this plan initially. We also plan to include other  
2 reactors of DOD and DOE eventually, and fuel cycle facilities,  
3 perhaps waste disposal areas and transportation accidents per-  
4 taining to radiological releases.

5 COMMISSIONER BRADFORD: It is a contingency plan for  
6 nuclear accidents.

7 MR. Mc CONNELL: Yes, nuclear only.

8 MR. GOLLER: If there are no other questions on this  
9 principal issue, I would like to move on to the next one. The  
10 next slide, please.

11 (Slide.)

12 This is the technical bases for specific requirements  
13 in the rule. There were specific questions and comments about  
14 the bases for the ten mile plume exposure, EPZ distance, emer-  
15 gency planning zone distance. Expert opinions as to what this  
16 distance or emergency planning should be do range over some  
17 distance; approximatelt from five to up to 12 miles.

18 Ten miles is a conservative judgment value.

19 CHAIRMAN AHEARNE: If you are going to talk about the  
20 range of opinion or, at least I'm not sure how you would qualify  
21 expert. There are ranges talked about much further than 12  
22 miles.

23 MR. GRIMES: Perhaps that should be qualified to  
24 government bodies, technical experts. I think the 12 miles  
25 corresponds to a 20 kilometer distance picked by some nations,

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1 including Canada. There certainly is -- are other opinions which  
2 would take this distance much much further.

3 For example, in the case of thyroid blocking, there  
4 have been recommendations to go to 100 or 200 miles with  
5 potassium iodide pills. I think we heard a number during the  
6 public comment session on 47 miles by the American Physical  
7 Society. So, I think we would have to qualify that as govern-  
8 ment expert opinion, rather than the total body of opinion.

9 CHAIRMAN AHEARNE: Are you discounting the APS? Are  
10 you clarifying the 47 miles? What is your position on that?

11 MR. GOLLER: I think you would have to look at what  
12 those people would suggest be done over that distance, the ten  
13 mile distance specified in the rule is primarily one for a  
14 capability of prompt identification, then detailed preplanned  
15 action within this area.

16 It has certainly been our position all along that in the  
17 unlikely event that it should become necessary to extend beyond  
18 that distance, that that could be done and would be done on an  
19 ad hoc basis. The provisions that would have been made for the  
20 ten mile distance would easily enable that kind of extension  
21 beyond the ten mile distance.

22 All of the planning that is done does not involve any  
23 sharp cut-off of that distance, which is not -- could not be  
24 applied beyond.

25 Also, in the other direction, the requirement is for

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1 notification capability.

2 MR. GRIMES: We should also mention that it is not  
3 strictly a ten mile requirement. Ten miles applies to immediate  
4 protective actions for the public. There is also a 50 mile  
5 distance within which food pathway considerations are primary.  
6 Preplanned actions to be able to intercept are taken into con-  
7 sideration.

8 There are further distances, certain requirements  
9 required for further distances.

10 MR. GOLLER: On the other side, there were some ques-  
11 tions raised about whether the distance should not be less than  
12 that. This is a requirement for notification capability and  
13 planning provisions up to that distance.

14 It was always the staff's thinking that a graded  
15 notification and implementation in an actual case was possible,  
16 perhaps even probable. Some rewording in the rule and the  
17 supplemental information that accompanies it now makes that  
18 very clear. That is the state and local government's prerogative.

19 If the -- if they deem it appropriate under a particular  
20 accident that a graded notification and implementation would be  
21 quite appropriate.

22 CHAIRMAN AHEARNE: Could you point out to me where I  
23 would find that point that a graded notification system would be  
24 acceptable, or appropriate?

25 MR. GRIMES: In the supplemental information in the

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1 earlier package. Not in 275B.

2 MR. GOLLER: 275A.

3 MR. JAMGOCHIAN: Excuse me, it is on page 26 of the  
4 original package that was sent up to you. If you would like, I  
5 would read it.

6 CHAIRMAN AHEARNE: It is not 275A, either.

7 MR. JAMGOCHIAN: No, no. It is 275A.

8 CHAIRMAN AHEARNE: 275.

9 MR. JAMGOCHIAN: Page 26. It says, "Some comments  
10 received on the proposed rule advocated the use of a staged  
11 notification system with quick notification required only near the  
12 plant.

13 "The condition believes that the condition for quick  
14 notification with the entire plume exposure pathway zone should  
15 be provided, but recognizes that some planners may wish to have  
16 the option of selectively actuating part of the system during an  
17 actual response.

18 "Planners should carefully consider the impact of the  
19 added decision that off site authorities would need to make,  
20 and the desirability of establishing official communication  
21 links to all residents in the plume exposure pathway emergency  
22 planning zone when determining whether to plan for a staged  
23 notification capability."

24 MR. GOLLER: A closely related comment for questions  
25 on the 15 minute notification capability, and again the basis

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1 therefore. The Commission is, of course, aware that there are  
2 actually two 15 minute periods in series. More correctly, a  
3 30 minute period, as indicated -- as indicated in NUREG-0396.

4 An analysis of some accidents, including some class 9  
5 accidents show that releases can occur. That is, in as short  
6 a period of time as 30 minutes.

7 Furthermore, we recognize that the 30 minute period  
8 that we are discussing is one for notificat. only. Following  
9 that, there would ve additional time involved in actually taking  
10 some kind of action, wahtever that might be. Even sheltering  
11 would take some additional action to actually notify the people  
12 what to do on the radio after they have been told by the initial  
13 notification, to tune in on the radio and for them to then  
14 assemble and take whatever action is indicated.

15 If that should be evacuation, it could take a consider-  
16 able period of time before it was actually consummated. This,  
17 therefore, is the basis for the staff's belief that the 15 minute  
18 capability is an appropriate rule.

19 It is, again, to some extent a matter of judgment. It  
20 is certainly not a precise value, and 10 minutes, or 15 minutes,  
21 or 20 minutes cannot be parsed that fine. The 15 minute period  
22 has been identified and is a consensus judgment.

23 CHAIRMAN AHEARNE: I noticed that radios seem to have  
24 come in and our of the rules. Is there some changing thought  
25 on that?

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1 MR. GOLLER: Was the word "radio" specifically men-  
2 tioned in the rule at one point?

3 CHAIRMAN AHEARNE: In 275, it was not. In 275A it is  
4 the use of this notification, the capability will range from  
5 immediate notification to the public within 15 minutes to listen  
6 to their radios.

7 Then, in 275B, it is no longer that. I was just  
8 curious as to the floating --

9 MR. JANGOCHAIN: There was no special reason for  
10 leaving it in or taking it out.

11 MR. GRIMES: In general, however, it is our intent that  
12 there would be a message on the air at the time that people are  
13 told to --

14 MR. GOLLER: I think the fact that it got in later is  
15 simply an indication of how the thinking and the greatest  
16 specificity in this rulemaking has developed.

17 CHAIRMAN AHEARNE: BUT it came out in the following  
18 version. It wasn't in in 275. It was in 275A. It is out in  
19 275B. I was just curious.

20 MR. GOLLER: That I cannot explain.

21 MR. GRIMES: I think we tried a slightly different  
22 approach to the 15 minute warning.

23 CHAIRMAN AHEARNE: All right.

24 COMMISSIONER BRADFORD: What is the relationship  
25 between the wind speed and the speed that the plume travels at?

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1 MR. GRIMES: Directly the same. If the wind is blowing  
2 at 20 miles per hour, it covers ten miles in 1/2 hour. At ten  
3 miles an hour, it takes another -- that is, the possible delay  
4 time between the delivery of activity to the offsite public --  
5 there is also a delay time in taking action, if the action is  
6 evacuation.

7 CHAIRMAN AHEARNE: The potential delay time between  
8 initial release and initial notification.

9 MR. GRIMES: Or there may be a precautionary notice  
10 with a projected possibility of release. This may come before  
11 release.

12 COMMISSIONER BRADFORD: I mean, certainly for most  
13 cases, you would expect that, and in fact would have to have it.  
14 If you are starting with a release, you would begin to notify,  
15 then ten miles is suddenly not very great.

16 MR. GRIMES: Well, the time to take action then, if  
17 the release is very high, would force you to take shelter rather  
18 than to evacuate as an immediate action, perhaps until the wind  
19 changed.

20 If it was a matter to low release, one could evacuate  
21 even under those conditions.

22 COMMISSIONER BRADFORD: I guess I had not realized that,  
23 that if in the event you were looking at a really major release,  
24 and you were getting the notification process simultaneously with  
25 the release, the best advice would be to stay indoors.



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1 MR. GRIMES: Yes. Particularly for a puff release,  
2 which might pass over over a period of time.

3 MR. GOLLER: Okay. There were comments expressing con-  
4 cern about the specificity with which the distance of the  
5 emergency operations facility location from the site is -- is  
6 indicated, even moreso about the way that this might be applied  
7 in the regulatory process.

8 The rule says only that the emergency operations  
9 facility is to be located near the site. It is not more  
10 specific than that. It is true that the NUREG guidance document  
11 says "about one mile."

12 CHAIRMAN AHEARNE: That would at least lead someone  
13 to believe that --

14 MR. GOLLER: Certainly, this is not a requirement. As  
15 we all know, this is a guidance document. It is already being  
16 interpreted liberally by the reviewers.

17 Furthermore, we will reconsider even this indication  
18 as part of the review and refinement of this NUREG document  
19 that is now ongoing.

20 MR. GRIMES: There is also --

21 CHAIRMAN AHEARNE: Bob, do you want to say something?

22 MR. MINOGUE: I think it is important to realize that  
23 the rule speaks to a licensee facility, and the situation where  
24 there was some desire to combine some state or local response  
25 capability with that facility. That is a new factor that would

bfml8 1 lead to some flexibility in consideration of where it would be.

2 I think what Karl is suggesting, all of this is  
3 evolving. That kind of new thinking will get folded in. The  
4 regulation speaks only to the licensee facility.

5 CHAIRMAN AHEARNE: I thought in a number of places,  
6 we had been in -- we have talked about his offsite facility being  
7 the location where the emergency response representatives would  
8 gather.

9 MR. GRIMES: That was the initial intent of NUREG-0654.  
10 As a matter of fact, however, we have a lot of early objections  
11 from state and local people who wanted to be able to run their  
12 facilities from the state capital or other locations.

13 So, in practice, we have made it optional with the  
14 states, whether they were to co-locate or separately locate.  
15 In most cases, they have desired to separately locate as far as  
16 the sherrif's office and things things like that go.

17 CHAIRMAN AHEARNE: Separately because they wanted to  
18 be separate, or separately because they wanted to be farther away?

19 MR. GRIMES: No, mainly because they have operations  
20 set up on a day to day basis that they use and which they can  
21 use for these things.

22 There is also a factor in wanting to be far away. For  
23 example, the only time the sherrif's role in evacuation would  
24 come into play is the time when he would want his location to  
25 be far away, whereas the plant facility might well be activated,  
nine times out of ten, when there is no evacuation.

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1 CHAIRMAN AHEARNE: What is the strong argument for  
2 having plant facility located approximately one mile --

3 MR. GRIMES: The argument is to facilitate management --  
4 overall management of the event in a longer term situation.

5 CHAIRMAN AHEARNE: What kind of management would you  
6 see going on from that facility?

7 MR. GRIMES: The corporate management would arrive  
8 at that facility. That would correspond to perhaps the trainer  
9 city situation at Three Mile Island. It also would provide the  
10 function of analysis of the radiological effluent data and  
11 recommendations for off site action earlier, if the corporate  
12 management does not arrive for four hours or something.

13 Within about the first hour, it would be activated  
14 to provide a place for analysis of the off site actions.

15 CHAIRMAN AHEARNE: That sounds like a description of  
16 what they are going to be doing there. It doesn't necessarily  
17 say why it would be --

18 MR. GRIMES: The reason it is desirable to have the  
19 corporate management nearby is to facilitate briefings and  
20 things between the facility and the plant, and easy access to  
21 that extra support into that plant, and for the plant staff to  
22 come out.

23 Also, I think a little bit as to how difficult it might  
24 have been to run trailer city out of the middle of Harrisburg,  
25 it is just an awkward distance logistic situation.

bfm20 1           However, there is better -- on the other hand, there  
2 is going to be much better communications and data exchanged  
3 from the plant to these facilities. So, that goes the other  
4 way.

5           It might provide you enough enformation so that you  
6 would feel comfortable at a further distance. This whole matter,  
7 I might add at this point, will be further discussed in a paper  
8 that is coming up to you on the interrelationship of the tech  
9 support center, the emergency support operations facility Nuclear  
10 Data Link, and also the control room display, which should come  
11 up fairly shortly.

12           We will have a recommendation in there which we will  
13 discuss over with you. If it turns out we want to provide more  
14 flexibility for the near site location, I think that can be  
15 done.

16           I prefer to discuss the location in the functional  
17 interrelationship context rather than in the rule. I think the  
18 rule could be interpreted -- near site could be interpreted as  
19 one mile or 12 miles.

20           CHAIRMAN AHEARNE: The rule could, but the description  
21 -- the guidance makes it very --

22           MR. GRIMES: Right. The guidance over the next couple  
23 of months will be revised.

24           CHAIRMAN AHEARNE: Does FEMA have any position on where  
25 that ought to be and whether there ought to be any co-locations

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1 between the state and local people and the plant management?

2 MR. GRIMES: I would have to ask John McConnell if he  
3 would speak to that. I believe FEMA would prefer to have their  
4 people at least further from the site.

5 I don't know how he feels about co-location of the  
6 licensee.

7 MR MC CONNELL: Yes, sir, Mr. Chairman. We are trying  
8 to develop a somewhat formal position as of the last couple of  
9 days, knowing this is an issue. Our great feeling is that the  
10 state and local people would not like to be involved in a place  
11 where the corporate management is wrestling with the problems  
12 of the plant.

13 They would prefer to have a location further away from  
14 the plant than anything like one mile, perhaps ten or more.  
15 They are concerned, also, about the possible duplication of the  
16 release of public information, both from the plant standpoint  
17 and operations within the plant, conditions within the plant,  
18 and the decisionmaking by the state and local officials.

19 I am certain that in some cases, they will find a co-  
20 called emergency cooperating facility that may meet all these  
21 needs somewhat further than one mile; maybe even that close.  
22 I think it will be the exception that they will prefer to have  
23 an emergency operating facility -- emergency operating center  
24 by their terms where data is available from either inside the  
25 plant or from the emergency operating facility, where their

bfm22 1 decisionmaking is made, and where their public information  
2 pronouncements are made.

3 So, I think by some redefinition of the minimum  
4 requirements of the Commission for the off site or remote control  
5 operations, or the plant operations, that would allow us then to  
6 redefine the position -- minimum requirements for the state and  
7 local people; perhaps another location.

8 CHAIRMAN AHEARNE: Where would you envision the FEMA  
9 people being?

10 MR. MC CONNELL: They will be at the place where the  
11 state designates as a decisionmaking point. In most locations,  
12 I think this will be a representative location near the facility  
13 -- in the local area of the facility.

14 Most states have what they identify as state area  
15 headquarters or command posts. In many case, that suits the  
16 need. That was the case in the Sequoyah plan that was exercised  
17 two weeks ago. It seemed to work very effectively.

18 In other cases, they have sufficient communications  
19 and other facilities in the state capital, or adjacent to the  
20 state capital, such as Harrisburg where it is very appropriate  
21 that the state principal emergency operating center be the  
22 location where this data is put together and decisions are made,  
23 and pronouncements to the public are made.

24 CHAIMRAN AHEARNE: Thank you, John.

25 MR. GOLLER: There was a comment, I believe it was from

bfm23

1 the special interest group panel which maintained that the  
2 emergency plan --

3 COMMISSIONER BRADFORD: What panel was that?

4 MR. GOLLER: The special interest group panel.

5 COMMISSIONER BRADFORD: The industry people?

6 MR. GOLLER: It could be interpreted that way. The  
7 agenda that was out last week, this was the --

8 CHAIRMAN AHEARNE: The third one.

9 MR. GOLLER: The third panel which represented the  
10 general public.

11 COMMISSIONER HENDRIE: Tift. On the contrary, it  
12 represented a limited number of special interest, just as the  
13 first panel represented the industry that had special interest.  
14 It certainly did represent the general public.

15 CHAIRMAN AHEARNE: In any event, members of the third  
16 panel.

17 (Laughter.)

18 COMMISSIONER BRADFORD: I would contend all three  
19 panels had special interest.

20 MR. GOLLER: I picked up the terminology the Commission  
21 used in advertising its schedule last week. One of the panels  
22 indicated that emergency planning was not a requirement for  
23 either a limited work authorization or a structured permit. I  
24 would like to point out that it is to the extent that the staff  
25 considers appropriate.

bfm24

1           There are specific information requirements on  
2 emergency planning indicated in the proposed rule for the  
3 preliminary safety analysis report. These are intended to  
4 establish feasibility, special problems that might exist at the  
5 proposed site, and to establish early on coordination and  
6 cooperation with the state and local governments that will have  
7 to be involved in the detailed emergency plan that will also  
8 be developed, and will become part of the operating license review.

9           MR. MALSCH: Would this be part of the LWA review or  
10 the CP review?

11           MR. GOLLER: It is part of the construction permit  
12 and part of the LWA review process. It would certainly be  
13 available for that.

14           MR. MALSCH: That is true. Typically, the LWA review  
15 process only looks at the site suitability portions of the PSAR.  
16 Are you going to expand that to include emergency planning  
17 considerations?

18           MR. GRIMES: That comes under the last bullet on the  
19 slide, the interaction of all of these things. Essentially, I  
20 think there will be some interaction. Maybe Karl can --

21           CHAIRMAN AHEARNE: Before you slip to the last part,  
22 I still am interested in a response to Marty's point, because  
23 I do not know that the system, with enough detail to know  
24 whether or not it is available, would be used.

25           I guess, Marty, your point is normally, it would not



bfm25

1 be used.

2 MR. MALSCH: Not as part of the LWA. It might be used  
3 as part of the CP. I am sure it would be used as part of the CP  
4 review, I am just not sure what they intended. That is all.

5 MR. GOLLER: The information will be available as part  
6 of the CP application. I am not prepared to say to the extent  
7 to which it has been used in the past.

8 I think that Brian's point is a valid one, but this  
9 does get over into the last comment, the last bullet.

10 CHAIRMAN AHEARNE: Except if you are putting infor-  
11 mation into a document in a section which is not normally addressed  
12 in order to get to the LWA; then it would not be used unless you  
13 were revising the document.

14 MR. GOLLER: I think in the near future it will be  
15 addressed in the LWA, because emergency planning requirements  
16 and the rulemaking activities --

17 MR. DIRCKS: I think it is going to be picked up in  
18 the near-terms construction permit reviews.

19 MR. MINOGUE: Mr. Chairman, if I may interrupt here,  
20 this is addressed in the last bullet. The CP review is straight-  
21 forward. The LWA you were referring to, some of the basic  
22 issues are cited: acceptability and proper demongraphic factors  
23 for sites, which will have to consider many of these issues for  
24 emergency planning and whether emergency plans can or cannot be  
25 developed for certain population characteristics, et cetera,

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bfm26

1 et cetera. That rulemaking will come to grips probably with  
2 this issue. This rulemaking simply requires that the prelimi-  
3 nary safety analysis report include an in-depth treatment of  
4 this issue.

5 CHAIRMAN AHEARNE: The impression I come away from  
6 the discussion is that this rule alone will not get this  
7 material addressed in the LWA.

8 MR. MINOGUE: This rule alone does not make a set.  
9 That is correct.

10 COMMISSIONER HENDRIE: It certainly will not prevent  
11 it.

12 MR. GOLLER: It will not be the function of this rule  
13 to do that.

14 CHAIRMAN AHEARNE: I was trying to get at the point  
15 that I thought was being made.

16 MR. MINOGUE: I was present during the previous  
17 meeting. The main thrust of the commenter's point was that  
18 he rattled off a long list of points which he thought needed to  
19 be addressed much earlier than the operating license stage.

20 In consideration of things like CPs and LWAs, he  
21 spoke to the basic feasibility of developing plans for a site.  
22 The things he ticked off are in this regulation as required to  
23 be in the PSAR. Beyond that, exactly how it is going to be used  
24 we did not attempt to address in this rulemaking.

25 This is part of a much broader body of rulemaking,

bfm27 1 thank you.

2 MR. GOLLER: I think we have gotten over to the last  
3 bullet. I am not sure I can add much more to our response of  
4 that comment than to assure the Commission that as part of these  
5 three ongoing rulemaking activities, the one on emergency  
6 planning, the one on siting which we are about to issue, an  
7 advance notice of rulemaking pursuant to the Commission's  
8 recent authorization, and the degraded core cooling rulemaking  
9 which we have issued an advanced notice of rulemaking on; are  
10 being coordinated at the staff level.

11 They are being carefully coordinated. There is a  
12 close relationship, as Mr. Minogue just indicated. The emergency  
13 planning one is coming along first. We have already made an  
14 effort to try to assure that this will not create obstacles or  
15 problems for the other rules.

16 At present, we do not foresee any such. However, it is  
17 possible. It is certainly possible as the other rulemaking  
18 develops that some fine tuning, some refinements in this  
19 emergency planning rule may become necessary. If so, they will  
20 be submitted to the Commission for consideration.

21 MR. MINOGUE: Mr. Chairman, if I may, I would like to  
22 add to that. Both from the industry panel and the special  
23 interest panel, there were a number of comments that fundamen-  
24 tally said that certain parameters --

25 CHAIRMAN AHEARNE: The first panel and the third

bfm28

1 panel.

2 MR. MINOGUE: That said that certain parameters had  
3 to be quantified before you could really say that you had your  
4 hands on this problem. That is a very fair statement. It is  
5 something I would agree with.

6 What we have done in this particular rulemaking is try  
7 to identify those elements that pertain to the detailed emergency  
8 plans and to structure them in a way that would recognize that  
9 some of the specific risks, risk assessment and risk reduction  
10 factors would be quantified in the context of developing  
11 demographic criteria for site suitability.

12 It is important to recognize that none of us thinks  
13 that this problem is finished with this rule. What we have done  
14 in this rule is to define requirements for a set of emergency  
15 plans which will work for sites in certain groups.

16 We now have to go back and define what those sites  
17 are by doing a demographic rulemaking. By doing that, we will  
18 address in detail many of the quantification issues regarding  
19 various accident scenarios that have not been addressed here.

20 If I can relate this to a talk you heard from Mr.  
21 Bernero recently, if you look at the risk reduction potential  
22 of various things, you can see some of the rationale behind his  
23 approach.

24 If you have an emergency plan at all, fine tuning  
25 that is a relatively minor thing in terms of addressing the

bfm29

1 risk reduction potential compared to some of the things you  
2 might do in terms of variousl engineered safety features.

3 So, really we are looking at one end of a spectrum here.  
4 I think the greater risk parameters have been adequately  
5 quantified to define requirements for an emergency plan rule,  
6 but they have not been adequately quantified yet to come out  
7 with a whole new approach to demographic factors in siting,  
8 which the Commission, of course, just within the past few days  
9 has approved for public -- publication and advanced notice of  
10 rulemaking as we come to grips with some of those issues.

11 Thank you.

12 MR. GOLLER: If we could go on then to the next  
13 principal issue on the next slide --

14 (Slide.)

15 This is one on federal coordination of emergency  
16 planning rulemaking. The first comment under this principal  
17 issue was, in my opinion, more of an admonition than a question  
18 or anything else. One that NRC and FEMA should coordinate  
19 their efforts on the subject of emergency planning. In response  
20 to that, I would have to point out that there has been a great  
21 deal of coordination between NRC and FEMA.

22 This is still going on as witnessed by the attendance  
23 of a representative of FEMA today, and as evidenced by the  
24 meetings that have taken place between the representatives of the  
25 two organizations.

bfm30

1           The joint preparation of the NUREG-0654 document  
2 which was published as a joint document and also as a FEMA number  
3 of REP-1; several memoranda of understandings that have been  
4 developed between the organizations.

5           CHAIRMAN AHEARNE: How is the emergency response memo  
6 coming?

7           MR. GRIMES: I believe FEMA was somewhat delayed  
8 because of the Cuban crisis. It had some key manpower diverted.  
9 They gave us some response, and we gave them another edit about  
10 June 20. We are converging on that piece of paper.

11          MR. GOLLER: Lastly, the actual detailing of NRC per-  
12 sonnel to FEMA to assist in jointly accomplishing this effort.  
13 There were also some comments, several comments that the federal  
14 responsibilities are not spelled out. I covered this somewhat  
15 earlier in the discussion on implementation schedules, pointing  
16 out that the federal activities in this area are ongoing.

17          In response to the thrust of this comment, I must  
18 again say that a licensee and state and local plans are not and  
19 should not be contingent on federal plans. The NRC has indicated  
20 that its and other federal agency activities will be strictly  
21 advisory.

22          Therefore, the availability of these federal plans  
23 should not have been a problem to these organizations. They  
24 will become available in the very near future.

25          CHAIRMAN AHEARNE: As I detected, I thought from some

bfm31 1 of the state people what they were pointing out was that the  
2 federal government was pushing them very hard to get their plans  
3 developed, but the federal government seemed to them to be a lot  
4 slower.

5 MR. GOLLER: On that, as I pointed out earlier, we are  
6 proceeding in parallel. The federal plans will be completed in  
7 about the same time frame as the others. The thrust of my  
8 response was more aimed at the non-availability -- that these  
9 were not available earlier on to serve as input to the state  
10 and local plans.

11 My point was this was not necessary. These will  
12 become available shortly.

13 CHAIRMAN AHEARNE: Is there any kind of a group of  
14 state people who advise, critique the federal plans?

15 MR. GRIMES: The NRC in the past has not had such --  
16 has not asked a group to do that. There is an organizational  
17 advisory group of whom you saw some representatives on the panel.  
18 I think it might be a reasonable exercise to provide a draft,  
19 a near final draft of a plan to such a group for their comment.

20 MR. GOLLER: Perhaps Mr. McConnell from FEMA could add  
21 to that?

22 CHAIRMAN AHEARNE: John, we should put a microphone  
23 next to you.

24 MR. MC CONNEL: I think I can speak loudly enough,  
25 Mr. Chairman.

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1 I think the interorganizational advisory group that  
2 is appointed by the Conference of State Radiation Directors is  
3 a good representative group; they represent the two main  
4 emergency planning groups that FEMA deals with at the state and  
5 local level: the National Emergency Management Association, who  
6 are the state emergency management directors, and the local  
7 Civil Defense Directors, by whatever title, and the United States  
8 Civil Defense Council.

9 Those associations are both represented on the IOAC.  
10 We will make a strong attempt to get their representation  
11 accurately reflecting their bodies and our solicitation of their  
12 input to anything we do as we have in the past.

13 CHAIRMAN AHEARNE: Good.

14 MR. MC CONNEL: I think the National Conference of  
15 State Radiation Directors is the other balancing act, because  
16 about half of the states have this offsite state and local  
17 emergency planning responsibility in the rad health office and  
18 the other half in the emergency planning office; it is about  
19 half and half.

20 CHAIRMAN AHEARNE: Thank you.

21 MR. JAMGOCHIAN: This point was also addressed in the  
22 public comment letters, and it is sort of understandable in that  
23 you get a lot of complaints from the local CD people that really  
24 do not know what is going on at the federal level and have no  
25 way of knowing from these meetings that John is mentioning.



dsp2

1           They are usually at the state level saying, "There is  
2 a lot of pressure down here; what are you people up there  
3 doing?"

4           It is sort of understandable. But the public comments  
5 also voiced this concern.

6           MR. GOLLER: There was also a comment -- perhaps more  
7 of a contention -- that FEMA might become the total offsite  
8 authority and change the requirements and thereby necessitate a  
9 need for major changes in this rule. I certainly cannot say that  
10 this is not a possibility. I think it is an extremely remote  
11 possibility, particularly because of the close cooperation that  
12 has existed between the two agencies making it very unlikely that  
13 any such major changes would come about.

14           (Commissioner Hendrie left the conference room at  
15 2:58 p.m.)

16           NRC would, in any case, have the final role of defining  
17 the hazard and of determining the licensability of facilities.  
18 And we certainly do not believe that this contention or possibility  
19 would be any basis for not promulgating this rule at this time.

20           CHAIRMAN AHEARNE: We have been trying to work very  
21 closely with them.

22           MR. GOLLER: If there are no other questions on this  
23 principal issue, I would like to move on to the next one with  
24 the next slide.

25           (Slide)

dsp3

1 On the recognition of state and local government  
2 expertise and authority, there were several comments that there  
3 was not adequate federal recognition of these factors either  
4 in general or particularly in the rule.

5 (Commissioner Hendrie returned to the conference  
6 room at 3:00 p.m.)

7 We believe that new and additional wording in some  
8 of the supplemental information and the rule accomplishes this  
9 to some considerable extent.

10 Item 2 in 275A and item 3 in 275B added specific  
11 additional recognition of this expertise and authority.

12 There was also a comment that nuclear emergency plans  
13 should be incorporated in non-nuclear emergency plans. Staff's  
14 response to that is that this is not within the NRC's authority;  
15 however, it is our understanding -- and it was important to us  
16 that we do have this understanding -- that FEMA supports this  
17 concept and intends to encourage it.

18 It is true that at this time nuclear plans seem to be  
19 leading or driving the emergency planning efforts in this  
20 country in general, but we believe that in time they will become  
21 part of the general emergency planning effort for a variety of  
22 hazards that exist to the public.

23 There was a comment that the exercise feedback  
24 requirements in the rule are too specific in detail. In response  
25 to that comment, the staff is proposing to the Commission as item

dsp 1 2 of the recently submitted SECY document, 275B, some wording  
2 changes which would relieve that specificity and clarify those  
3 requirements.

4 Similarly, there was a comment that the NUREG document,  
5 0654 included off-hour drill requirements and that this raised  
6 questions of cost without providing increased benefits. This  
7 requirement is in the NUREG guidance document; it is not in the  
8 rule.

9 Furthermore, the staff will reconsider this point as  
10 part of the ongoing review of the NUREG document and determine  
11 whether there might not be some change appropriate in this. The  
12 point is that we do not think this comment should be any basis for  
13 not promulgating the rule at this time.

14 COMMISSIONER HENDRIE: Karl, I certainly agree with that.  
15 I was going to ask: is there any indication in the proposed  
16 rule -- sort of the total version before us, which is 275, as  
17 amended by A, as amended by B -- is there any indication anywhere  
18 in the statement of considerations and supplementary information  
19 that 0654 as it stands right at the moment is not necessarily  
20 engraven upon immutable tablets of granite and that in fact it  
21 is a guidance document?

22 That is one point. It is not a requirement.

23 And, secondly, there is further development of the  
24 thinking and there will probably be revisions to 0654 down the  
25 line.

dsp5

1 MR. JAMGOCHIAN: The points you just stated are stated  
2 in the statement of considerations and supplemental information.  
3 Also in the regulation it does make sure that we are not  
4 requiring 0654 by reference, that sort of thing. We do say that  
5 sending them back to 0654, that acceptance criteria for the  
6 objectives listed in the regulation, could be observed or are  
7 outlined in NUREG-0654.

8 But we are very cautious in wording the footnote in  
9 using 0654 throughout the regulations.

10 CHAIRMAN AHEARNE: We say that 0654 has specific  
11 criteria for the standards that must be met.

12 MR. GOLLER: But, as always, this is a guidance  
13 document. It is well understood in the regulatory -- the  
14 nuclear regulatory process that NUREG documents are even one  
15 step further removed from being requirements that even reg guides  
16 are.

17 And each of these, as published, has a preamble that  
18 states very clearly that these are a way of satisfying a rule  
19 which the Commission has determined would be acceptable. They  
20 are not requirements.

21 MR. GRIMES: If we found a place in the supplemental  
22 information that speaks to upcoming revisions of NUREG-0654 --

23 COMMISSIONER HENDRIE: I thought I had it and I lost  
24 it. That is the reason I asked. Whereabouts is it?

25 MR. GRIMES: It is in the basic document.

dsp6

1 MR. GOLLER: As far as this particular specific issue  
2 is concerned, the off-hour drill requirements, I would also  
3 just like to note that it is by no means clear that it either is  
4 a good thing or a bad thing. It is controversial and arguments  
5 can be made both ways, and exactly where we will come out as  
6 being the most optimum situation is not that clear at this time.  
7 It is also true that the drill -- these kinds of drills are  
8 sometime in the future, and there is some time that will -- that  
9 is allowed to try to come to the best conclusion on this which  
10 will come about as a result of the ongoing review of that NUREG  
11 document, which we intend to update to a reg guide in the near  
12 future.

13 COMMISSIONER HENDRIE: Well, I certainly -- we certainly  
14 ought not to have anything in the rule that says we are not going  
15 to do off-hour drills because while you start off during your  
16 first drills -- they are best done during business hours so that  
17 most people are around.

18 I do think it is quite possible that down the line we  
19 will think it is useful to exercise these communication links.

20 MR. GOLLER: Yes, perhaps some kind of modified drill,  
21 not a fullblown drill, but one that would establish availability  
22 of personnel and capability of communications links.

23 COMMISSIONER HENDRIE: I live in sort of a low grade  
24 of unpleasant anticipation of Stello running an NRC response  
25 center drill at 3:00 a.m. in the morning. But I suspect we would

dsp7 1 learn some things from that and that they would be useful.

2 MR. GOLLER: Since the primary focus of this meeting  
3 today is to try to address the comments received by the different  
4 panels, this was another one of that type of comment where there  
5 were comments in both directions.

6 There were some people that said this was excessive,  
7 the costs were excessive. There were comments in the other  
8 direction, that this is exactly the kind of drill you should have  
9 for the reasons Commissioner Hendrie just indicated.

10 MR. MINOGUE: Mr. Chairman, I found the disclaimer  
11 we were all looking for; it is in the section which deals with  
12 the effective date, and it says that --

13 CHAIRMAN AHEARNE: Could you refer to a page?

14 MR. MINOGUE: Page 27 of enclosure B of the original  
15 paper, and it says, "It is expected that clarified versions of  
16 these documents based on public comments received will be  
17 issued."

18 In other places there is wording that makes it clear it  
19 was developed before the rule and that many of these were  
20 incorporated.

21 COMMISSIONER HENDRIE: I think that is adequate.

22 MR. MINOGUE: It was presented as a an earlier  
23 version whose thinking has already evolved a great deal and will  
24 be further clarified.

25 As Mr. Goller said, I think eventually with more

dsp8

1 experience and implementation under our belts, the desirable  
2 end goal is to issue the old Reg Guide 1.101 revised to implement  
3 the now current thinking.

4 CHAIRMAN AHEARNE: Karl, as you did point out, I had  
5 a note that one of the panelists said that we do not have any  
6 requirement to have the drills in bad weather, which --

7 MR. GOLLER: The other two comments --

8 MR. GRIMES: Statistically, we should have a few  
9 drills in bad weather, based on bad weather arriving at the  
10 wrong time.

11 COMMISSIONER HENDRIE: That is right, but since the  
12 drills are for the most part communication exercises --

13 CHAIRMAN AHEARNE: I was thinking of things like  
14 telephone lines came down, power lines being down.

15 COMMISSIONER HENDRIE: Well --

16 MR. GRIMES: There are some cases of very bad conditions  
17 where you might scrub the drill.

18 CHAIRMAN AHEARNE: All right, go ahead.

19 MR. GOLLER: The next two comments are somewhat in the  
20 same vein; the comment that emergency power requirements for  
21 the emergency operations facility should be extended to include  
22 more than just communications.

23 For example, the communications requirement is thought  
24 to be of primary, essential importance and therefore is included  
25 in the rule. The staff will consider this suggestion and

dsp9 1 consider whether it should be extended to the entire emergency  
2 operations facility as part of the ongoing review of the NUREG  
3 document.

4 The redundant power requirement for the entire  
5 facility could be interpreted as part of the requirement for an  
6 emergency operations facility as required in the rule.

7 Therefore, this extension would be permitted by the  
8 rule, if promulgated as proposed now.

9 There was a comment that the NUREG document requires  
10 public notification for general and site emergencies. I think  
11 the primary thrust of this comment was that it is required to  
12 'notify the public of site emergencies. Again, similar to  
13 previous responses, the rule does not require this. The present  
14 NUREG criteria would provide for plans for such notification in  
15 such events.

16 But it does not require that this be done. And also we  
17 will reconsider as part of the ongoing review whether perhaps a change  
18 in wording here would not be appropriate and on an informal  
19 basis it is indicated provisions relative to site emergency will  
20 probably be deleted from a revision of the NUREG or conversion to  
21 a reg guide.

22 CHAIRMAN AHEARNE: When you say the "provisions," do  
23 you mean any provisions or that particular provision?

24 MR. GRIMES: That particular provision; it appears in  
25 NUREG-0610, which is an appendix to 0654 under the column of



dsp10 1 state and local actions.

2 And it indicates notification -- prompt notification to  
3 the public. And I think that there are certainly some things  
4 or many things within the site emergency class that would not  
5 warrant notification. I think you want to notify people when  
6 you want them to take some action.

7 There are some things very near -- some places very  
8 near the plant for some site emergencies where that might be  
9 true. We would have to qualify that properly.

10 CHAIRMAN AHEARNE: The notification scheme still is to  
11 notify the local authorities?

12 MR. GRIMES: Oh, yes, for all classes of actions.

13 CHAIRMAN AHEARNE: And it is their decision on going  
14 further?

15 MR. GRIMES: Yes, but we will try to make constructive  
16 recommendations on when it is most appropriate.

17 MR. GOLLER: If there are no further questions on  
18 this principal issue, I would like to move on to the next one in  
19 the next slide.

20 (Slide)

21 There were several comments on the compatibility of  
22 the rule with the NRC fiscal year authorization bill and the  
23 provisions in the conference report that address that bill. I  
24 believe the Office of the General Counsel will provide the  
25 response on those comments.

dspl1 1 MR. BICKWIT: Yes. That was the first time I heard that  
2 argument and after review of the legislative history associated  
3 with the act, I do not find any merit in it. The conference  
4 report specifically provides that unless expressly changed by  
5 provisions in this conference agreement, the conferees intend that  
6 the Commission retain its existing regulatory authority.

7 That particular provision is strongly suggestive that  
8 what the conferees had in mind was to establish minimum  
9 requirements for a role --

10 CHAIRMAN AHEARNE: So we can go anywhere.

11 MR. BICKWIT: You can go beyond it. I might also read  
12 one particular floor statement from Senator Randolph, chairman  
13 of the Public Works Committee that produced this bill on the  
14 Senate side.

15 He states: "Reason itself suggests the urgent need for  
16 emergency preparedness equally applies to new and existing  
17 commercial nuclear power plants.

18 "Planning in both cases must proceed on the assumption  
19 that accidents of varying degrees of severity can indeed occur.  
20 The respective states must come to terms with this task.

21 "The Nuclear Regulatory Commission has in the past year  
22 become increasingly aware of and responsive to the importance  
23 of emergency planning to its responsibility for public health  
24 and safety.

25 "The conference report is not intended to limit the

dspl2 1 Commission's existing authority to attend to this important  
2 matter."

3 CHAIRMAN AHEARNE: That clearly answers that. So as  
4 far as you are concerned, the drafts are fine.

5 MR. BICKWIT: The drafts are fine. It might be  
6 argued that they are not consistent with the language of the  
7 conference report, depending on what you mean by "consistent."  
8 But there is no argument that they violate the language in the  
9 conference report.

10 MR. GOLLER: Commissioner Gilinsky very recently  
11 forwarded through his technical assistant, John A. Austin,  
12 forwarded some questions to the staff in a memo dated July 1,  
13 addressed to the executive director, Mr. Dircks.

14 In this memo, Commissioner Gilinsky asked staff about  
15 what special provisions exist in the rule --

16 CHAIRMAN AHEARNE: Karl, I wondered if I could interrupt  
17 you for a minute. Commissioner Hendrie is going to have to leave  
18 in a couple of minutes, and I wonder if I could ask abeyance a  
19 minute to handle two affirmations, if we could have the  
20 secretary handle those, so we could do that before the quorum  
21 disappears.

22 I'm sorry; I did not realize you were going to be  
23 getting to that, and I thought we would just make it.

24 (At 3:18 p.m. the Commission went into affirmation  
25 session.)

dsp13

(3:20 p.m.)

1 CHAIRMAN AHEARNE: All right, Karl.

2  
3 MR. GOLLER: The memo I previously identified was a  
4 question from Commissioner Gilinsky requesting an explanation of  
5 the extent to which the requirement for evacuation plans would  
6 require consideration of individuals having special circumstances.

7 Commissioner Gilinsky requested prompt response to  
8 his question; we would like to take this opportunity to do that.

9 CHAIRMAN AHEARNE: I assume that -- I am not sure -- is  
10 John here?

11 No. Well, I am sure we are all interested, but I would  
12 appreciate it if you could also get in touch with John Austin.  
13 Go ahead.

14 MR. GOLLER: We will do that.

15 COMMISSIONER HENDRIE: Since I am going to have to slip  
16 out before you get down this track, let me ask you to give me  
17 an advanced, a brief bottom line. Is there anything in your  
18 discussion which would change your recommendation that the  
19 Commission approve publication of this rule as the language would  
20 stand from 275 as modified by A, as modified by B?

21 MR. GOLLER: No, sir, there is not. In another sentence  
22 or two --

23 COMMISSIONER HENDRIE: Please go ahead, then.

24 MR. GOLLER: The answer to the question is: there is  
25 nothing specifically in the rule that addresses this requirement

dspl14 1 other than the general requirement in the rule and in the  
2 supporting guidance document, NUREG-0654, in particular, that  
3 requires that all people in the area be provided for in the  
4 emergency planning -- in the state and local emergency plans.

5 Just how this is accomplished, Mr. Brian will provide  
6 some additional details as to how this is being done.

7 COMMISSIONER HENDRIE: You mean Grimes Brian, well  
8 known emergency planner?

9 MR. GOLLER: Brian Grimes.

10 MR. GRIMES: If I could have the next slide.

11 (Slide)

12 It indicates the rule has only very general provisions  
13 including -- and I can give you some copies up here -- very  
14 general provisions which require protective measures to be in  
15 place and administrative and physical needs for evacuation have  
16 to be described in the plans.

17 The more specific requirements -- if I could have the  
18 next slide --

19 (Slide)

20 The NUREG-0654 provisions, these are in the NUREG  
21 document on the next page. And those specifically call out means  
22 for notifying all segments of the transient and resident popula-  
23 tion and means for protecting those persons whose mobility may be  
24 impaired due to such factors as institutional confinement. This  
25 also includes people without transportation.

dsp15 1 In practice, the way this is done is generally to do  
2 two things: provide a telephone number during emergencies which  
3 people can call for special assistance in transportation; and  
4 also the current thinking is the best way to identify these  
5 people is by either a computer listing available from the  
6 local handicapped agencies or have one particular one for  
7 Hamilton County around the Sequoyah facility; that was surveyed  
8 and got good response.

9 Then the local plans have a list of who needs special  
10 assistance during an emergency or special effort to notify. That  
11 can be done through a neighbor or sending a specific transportation  
12 vehicle asking them if they are mobile, asking them to come to  
13 a school, post office, or other location.

14 It is a standard thing given in the older plans; they  
15 have provisions for this kind of thing.

16 COMMISSIONER BRADFORD: Is it a requirement that the  
17 plans will actually be reviewed for that?

18 MR. GRIMES: That they have these kinds of provisions,  
19 yes.

20 That completes --

21 MR. GOLLER: That completes our prepared presentation,  
22 Mr. Chairman. If the Commission has any other questions, we would  
23 be happy to try to answer them.

24 COMMISSIONER BRADFORD: Can somebody just walk me  
25 through how the process of the FEMA finding and the NRC finding

dsp16 1 would work in an OL case in the near future?

2 In other words, if there is a FEMA finding, is that  
3 issue then contestable in an OL proceeding or does the commitment  
4 to the rule here that the NRC finding would be based on the FEMA  
5 finding to foreclose contesting?

6 MR. BICKWIT: No, it does not foreclose being  
7 contested. We would expect FEMA to come into the hearing and  
8 present its case and for the board to make the initial decision  
9 based on the various pieces of testimony it had before it.

10 COMMISSIONER BRADFORD: Based on the FEMA finding  
11 does not mean based solely on the FEMA finding.

12 MR. BICKWIT: That is correct.

13 MR. GRIMES: The MOU provides for FEMA to provide  
14 witnesses at our hearings.

15 CHAIRMAN AHEARNE: I guess the term, "finding" -- what  
16 is it that -- what is it you would expect, say, in the near  
17 future on a contested case? FEMA would actually come in?

18 MR. GRIMES: Right now some sort of status report  
19 rather than a final approval under their new proposed rules  
20 which would draw a judgment with respect to how far the plan  
21 met NUREG-0654 and would, say, address each of the planning  
22 objectives.

23 They are, in fact, working on a priority basis on the  
24 near term OLs. However, that does not mean that all problems  
25 are solved there. But they are --

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CHAIRMAN AHEARNE: It is in the MOU to come in and be witnesses.

MR. GRIMES: Yes.

CHAIRMAN AHEARNE: Further questions?

COMMISSIONER BRADFORD: I guess not. I take it what would be foreclosed would be arguing that the radius should be 20 miles instead of 10.

MR. BICKWIT: That is correct under the policy statement; anything beyond what appears on the OL list would be foreclosed before the boards.

COMMISSIONER BRADFORD: Let's see, is it the policy statement that is taking us there or --

MR. BICKWIT: It is only the policy statement.

COMMISSIONER BRADFORD: Only the policy statement at this point.

CHAIRMAN AHEARNE: If this rule were in place --

COMMISSIONER BRADFORD: Yes, that is what I --

MR. BICKWIT: If the rule were in place, then it would be the rule that would be foreclosing a contest in either direction.

CHAIRMAN AHEARNE: And less than --

MR. MALSCH: The rule has lost some flexibility. It says about 10 miles; the exact size and configuration determined with relation to a bunch of factors.

If someone came in and said it should be 30 or 40 miles.



dspl8 1 it would be beyond the --

2 CHAIRMAN AHEARNE: If someone came in and said 1.7  
3 miles --

4 COMMISSIONER BRADFORD: It would be foreclosed.

5 MR. MINOGUE: Mr. Chairman, those site-specific factors  
6 that are identified are narrowed to a relatively small range,  
7 so you are not talking --

8 CHAIRMAN AHEARNE: Hitting the boundary of a major  
9 population center and not picking it up where it ought to be  
10 picked up.

11 MR. MINOGUE: That kind of thing they would cover; I  
12 think the only place, though, you might get much beyond 10 miles  
13 would be some very abnormal topographical situations, a very  
14 peculiar river valley.

15 Normally, for most sites, the kind of factors that  
16 are identified would lead to very small plus and minuses around  
17 10 miles.

18 MR. GOLLER: Although that has not been documented in  
19 any of the documents that accompany this rulemaking, it was  
20 certainly stated at the workshops, that it is the staff's intent  
21 that the deviations come few and far between and only for  
22 good cause, and then almost certainly by small amounts, small  
23 distances on the order of a mile or less.

24 MR. GRIMES: I would go a little beyond that.

25 CHAIRMAN AHEARNE: Mr. Brian --

dspl9

1 (Laughter)

2 COMMISSIONER BRADFORD: You can get some quirks; you  
3 can have a situation where the people 15 miles from a plant  
4 may have to drive within one mile or five miles of the plant  
5 to actually avoid it.

6 MR. GOLLER: That of course is why the rule was written  
7 the way it is, to provide for the special cases.

8 CHAIRMAN AHEARNE: Now, the rule has flexibility. I  
9 guess -- do you intend a modification of 0654 to reflect that?

10 MR. GRIMES: We will use the same language as the  
11 rule.

12 CHAIRMAN AHEARNE: Any questions?

13 COMMISSIONER BRADFORD: No.

14 CHAIRMAN AHEARNE: I guess where we are is we have now  
15 heard this response; Commissioner Gilinsky will want to read the  
16 transcript of this meeting, and we ought to try to plan in the  
17 next couple of weeks to try and reach some conclusion on it.

18 All right. Thank you very much.

19 (Thereupon, at 3:30 p.m., the meeting in the above-  
20 entitled matter was adjourned.)

21

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23

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the

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in the matter of: STAFF RESPONSE TO PANEL PRESENTATIONS OF EMERGENCY  
PLANNING

Date of Proceeding: ~~XIII~~ July 3, 1980


Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript thereof for the file of the Commission.

David S. Parker

Official Reporter (Typed)

  
\_\_\_\_\_

Official Reporter (Signature)

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on July 3, 1980 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

The transcript is intended solely for general informational purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any statement or argument contained herein, except as the Commission may authorize.

TRANSCRIPT OF: STAFF RESPONSE TO PANEL PRESENTATIONS ON  
EMERGENCY PLANNING

COMMISSION BRIEFING

ON

PRINCIPAL ISSUES RAISED BY THE INDUSTRY, STATE, AND LOCAL GOVERNMENT

AND SPECIAL INTEREST GROUP PANELS

JULY 3, 1980

PRINCIPAL ISSUES RAISED BY THE INDUSTRY, STATE AND LOCAL GOVERNMENT  
AND SPECIAL INTEREST GROUP PANELS

IMPLEMENTATION SCHEDULE

TECHNICAL BASIS FOR SPECIFIC REQUIREMENTS

COORDINATION OF THE EMERGENCY PLANNING RULEMAKING

FEDERAL RECOGNITION OF STATE AND LOCAL GOVERNMENT EXPERTISE AND  
AUTHORITY

COMPATABILITY OF RULE WITH NRC FY 80 AUTH. BILL

IMPLEMENTATION SCHEDULE

- . SOME STATES CANNOT MEET JANUARY 1, 1981
- . SOME UTILITIES/LICENSEES ESTIMATE TWO YEARS TO COMPLETE IMPLEMENTATION.
- . "MOVING TARGET" AND INCREASING REQUIREMENTS BUT NO EXTENSION IN IMPLEMENTATION SCHEDULE.
- . RULE DOES NOT ADDRESS FEDERAL ROLE

TECHNICAL BASIS FOR SPECIFIC REQUIREMENTS

- . 10 MILE PLUME EXPOSURE EP7
- . 15 MINUTE NOTIFICATION CAPABILITY
- . EMERGENCY OPERATIONS FACILITY LOCATION
- . DETAILED ACCEPTANCE CRITERIA AND THEIR BASES NOT IN RULE
- . EMERGENCY PLANNING NOT A REQUIREMENT FOR LWA OR CP
- . COORDINATION OF EMERGENCY PLANNING, SITING AND DEGRADED CORE COOLING RULEMAKING



FEDERAL COORDINATION OF EMERGENCY PLANNING RULEMAKING

- . NRC/FEMA COORDINATION NOT ADEQUATE
- . FEDERAL RESPONSIBILITIES ARE NOT SPELLED OUT
- . FEMA MAY BECOME TOTAL OFFSITE AUTHORITY AND CHANGE REQUIREMENTS

RECOGNITION OF STATE AND LOCAL GOVERNMENT EXPERTISE AND AUTHORITY

- . STATE/LOCAL PREROGATIVES IN PUBLIC NOTIFICATION AND PROTECTIVE ACTIONS NOT RECOGNIZED
- . NUCLEAR EMERGENCY PLANS SHOULD BE INCORPORATED IN NON-NUCLEAR EMERGENCY PLANS
- . EXERCISE FEEDBACK REQUIREMENTS TOO DETAILED
- . NUREG 0654 OFF-HOUR DRILL REQUIREMENT RAISES COSTS WITHOUT PROVIDING INCREASED BENEFITS
- . EMERGENCY POWER REQUIREMENTS FOR EMER OPER FAC SHOULD BE EXTENDED TO INCLUDE MORE THAN COMMUNICATIONS
- . NUREG 0654 REQUIRES PUBLIC NOTIFICATION FOR GENERAL AND SITE EMERGENCIES

COMPATABILITY OF RULE WITH NRC FY 80 AUTH. BILL

. APPLICATION OF RULE TO REACTORS ALREADY LICENSED

. PLANT OPERATION CONTINGENT ON ACCEPTABLE EMERGENCY PLANS

## RULE PROVISIONS ON PROTECTIVE RESPONSE

### 50.47(b) 10.

"A RANGE OF PROTECTIVE ACTIONS HAS BEEN DEVELOPED FOR THE PLUME EXPOSURE PATHWAY EPZ FOR EMERGENCY WORKERS AND THE PUBLIC, GUIDELINES FOR THE CHOICE OF PROTECTIVE ACTION DURING AN EMERGENCY, CONSISTENT WITH FEDERAL GUIDANCE, ARE DEVELOPED AND IN PLACE ..."

### 10 CFR 50 APPENDIX E II.C.

PROTECTIVE MEASURE TO BE TAKEN IN THE EVENT OF AN ACCIDENT WITHIN THE SITE BOUNDARY AND WITHIN EACH EPZ TO PROTECT HEALTH AND SAFETY; PROCEDURES BY WHICH THESE MEASURES ARE TO BE CARRIED OUT (E.G., IN THE CASE OF AN EVACUATION, WHO AUTHORIZES THE EVACUATION, HOW THE PUBLIC IS TO BE NOTIFIED AND INSTRUCTED, HOW THE EVACUATION IS TO BE CARRIED OUT), AND THE EXPECTED RESPONSE OF OFFSITE AGENCIES IN THE EVENT OF AN EMERGENCY.

### 10 CFR 50 APPENDIX E IV.D.I.

"ADMINISTRATIVE AND PHYSICAL MEASURES FOR NOTIFYING ... AND FOR PUBLIC EVACUATION OR OTHER PROTECTIVE MEASURES, SHOULD THEY BECOME NECESSARY, SHALL BE DESCRIBED."

NUREG-0654 PROVISIONS ON PROTECTIVE RESPONSE

J.10. "THE ORGANIZATIONS PLANS TO IMPLEMENT PROTECTIVE MEASURES FOR THE PLUME EXPOSURE PATHWAY SHALL INCLUDE:

C. MEANS FOR NOTIFYING ALL SEGMENTS OF THE TRANSIENT AND RESIDENT POPULATION

D. MEANS FOR PROTECTING THOSE PERSONS WHOSE MOBILITY MAY BE IMPAIRED DUE TO SUCH FACTORS AS INSTITUTIONAL CONFINEMENT,

...."

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

**CONSENT CALENDAR ITEM**

SECY-80-275B

July 2, 1980

to: The Commissioners

from: Executive Director for Operations *TAR for W.S.D.*

from: Robert B. Minoque, Director  
Office of Standards Development

subject: MODIFICATIONS TO THE FEDERAL REGISTER NOTICE AND FINAL RULE CHANGES ON  
EMERGENCY PREPAREDNESS SUBMITTED FOR COMMISSION APPROVAL IN SECY-80-275

purpose: To propose to the Commission certain changes to the Subject Federal Register Notice and final rule changes.

discussion: SECY-80-275 contains proposed changes to 10 CFR Part 50, Section 50.33, Section 50.47 and Section 50.54, as well as clarification and expansion changes to 10 CFR Part 50, Appendix E. SECY-80-275A transmitted to the Commission on June 25, 1980, contained replacement pages to SECY-80-275 with changes resulting from the Commission briefing held on June 18, 1980.

On June 25, 1980, the Commission met with panels of representatives from industry, state and local governments and special interest groups to discuss the proposed final rule on emergency preparedness. These panels identified the following areas in the Federal Register Notice that needed clarification.

- (1) Consider allowing State and local emergency response plans to be referenced by the applicant/licensee rather than being submitted in the licensing process.  
  
The staff proposes to provide this clarification by wording change on pages 30 and 36 of the Federal Register Notice as shown on the replacement pages provided as enclosure B-1.
- (2) Consider rewording the requirement in the rule change for conducting a critique after each exercise in order to clarify the intent.  
  
The staff proposes to provide this clarification by changing the wording as indicated on replacement page 51A, enclosure B-2.
- (3) Further clarify the wording in the Notice relative to the States and local authorities using their judgement in making the decision to activate the public-notification system.

Contact:  
Mike Jamgochian, SD  
143-5966

The staff proposes to provide this clarification by changing the wording as indicated on replacement page 47 provide as enclosure B-3.

- (4) OGC has recommended that the rule be reworded to provide greater procedural flexibility consistent with that in other NRC regulations.

The staff proposes to provide this flexibility by changing the wording as indicated on replacement pages 37 and 37a provided as enclosure B-4. These changes incorporate all changes recommended in the June 24, 1980 memo from OGC to the Commission.

- (5) Clarify the applicability of requirements for research reactors.

The staff proposes to provide this clarification by changing the wording as indicated in replacement pages 35, 35a 39, and 40 enclosure B-5. Replacement page 36 is included in enclosure B-1.

- (6) Consider extending the implementation schedule for the rule.

After careful consideration of this matter the staff now proposes to extend the implementation date for the licensee, State and local governments from January 1, 1981 to April 1, 1981 along with a 3 month extension for submittal of implementing procedures (from December 31, 1980 to March 1981). This would be accomplished by the wording changes which appear on replacement pages 37 and 52 of the rule change and replacement page 5 of the supplemental information, enclosure B-6. Replacement page 37 is included in enclosure B-4.

- (7) Clarify that the two petitions for rulemaking relating to the emergency planning regulation have not been denied.

This was stated in the draft Federal Register Notice (Enclosure B) because the staff anticipated Commission action on the SECY 80-267 (forwarded May 22, 1980) petition paper prior to action on the enclosed paper.

If this does not occur before or at the same time the Commission authorizes publication of the Federal Register Notice on the final rule changes on emergency preparedness, then the staff proposes to change the wording as shown on Replacement page 17 which is provided as enclosure B-7.

- (8) NMSS has recommend changing the rule so that the standards (planning objectives from NUREG-0654) in 50.47(b) and the exercise requirements in Appendix E are applicable only to nuclear power reactors - not other fuel cycle facilities or research reactors.

The staff proposes to accomplish this by changing the wording as indicated on replacement pages 35, 35a, 40, 43, 50 and 52 which are provided as enclosure B-8.

Cost Estimates: These changes do not change the cost estimates projected in SECY-80-275.

Coordination:

Representatives of the Offices of NRR, IE, NMSS, and ELD participated in the preparation of the enclosed replacement pages for the Federal Register Notice and rule change. Time did not permit obtaining formal concurrences from these Offices.

Robert B. Minogue, Director  
Office of Standard Development

Enclosures: Stated Replacement Pages

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Friday, July 18, 1980.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT July 11, 1980, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of July 21, 1980. Please refer to the appropriate Weekly Commission Schedule, when published for a specific date and time.

DISTRIBUTION

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