

ARTIFIED

ACRS-1736

5/16/80

MINUTES OF THE ACRS SITE EVALUATION SUBCOMMITTEE
MEETING
WASHINGTON, D. C. - APRIL 22, 1980

The Site Evaluation Subcommittee of the ACRS met on April 22, 1980 at 1717 H St. N.W., Washington, D.C. The main purpose of the meeting was to review the proposed Emergency Planning Rule (10 CFR 50) and related matters.

Notice of the meeting was published in the Federal Register on April 7, 1980. Copies of the notice, meeting attendees list, and meeting schedule are included as Attachments 1, 2, and 3, respectively. One written statement and three requests for time to make oral comments were received from members of the public.

Executive Session

Mr. D. Moeller, Subcommittee Chairman, convened the meeting at 1:00 p.m. and introduced the ACRS members and consultants (Attachment 2) who were present. The meeting was conducted in accordance with the Federal Advisory Committee Act and the Government in the Sunshine Act. Mr. Peter Tam was the Designated Federal Employee. Mr. Moeller indicated, in his opening statement, that the Subcommittee would review this rule and document its findings in a draft ACRS letter. Prior to the meeting, consultants Orth, Grendon, Foster and Steindler had submitted written comments on the proposed rule. Members and consultants made no additional comments at this point and the meeting proceeded as scheduled.

Discussion with the NRC Staff

1. Rationale for and description of proposed rule change - (M. Jamgochian).

Mr. Jamgochian said that since the TMI-2 accident, the Commission has decided that, based on findings of all the study groups, emergency planning should be viewed as equivalent to siting and design in nuclear safety. As a result, the proposed rule changes were published on December 19, 1979.

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THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

(The Staff had briefed the Subcommittee in its December 1979 meeting and copies of the Federal Register notice were available).

Several members and consultants found it difficult to interpret the alternatives "A" and "B", as described in PP. 75167 and 75168 of the Dec. 19, 1979 Federal Register notice. The Staff said that many public comments also pointed to these alternatives and that it will re-write these pages.

Mr. Goller said that basically, alternative "A" says NRC will initiate action to shut down a plant for non-compliance, but alternative "B" says shutdown will be automatic unless licensee initiates action to avoid shutdown. Several consultants pointed out that the proposed rule would enable a recalcitrant and obstructionist local government agency to cause shutdown or delay in startup; even delay by NRC in its review could also cause shutdown or delay. Mr. Goller admitted that the consultant's observation was correct.

The Staff has held four workshops in four major cities to discuss the feasibility of the proposed changes of 10 CFR 50, their impact, and the procedures for complying with their provisions. Copies of the proceedings of these workshops, NUREG/CP-0011, were provided to the Subcommittee.

The proposed changes are:

- (1) 10 CFR 50.33, Contents of Application - requires the applicant to send in State and local government emergency response plans with OL application.
- (2) 10 CFR 50.47, Emergency Plans - no OL will be issued without NRC concurrence in State/local emergency response plans. Exceptions and exemptions may be permitted.
- (3) 10 CFR 50.54, Condition of Licenses - for operating plants, require concurrence in State/local emergency response plans or face possible

plant shutdown; if an operating plant loses State/local concurrence, it faces possible shutdown.

(4) 10 CFR 50, Appendix E -

- . Specification of "Emergency Action Levels"
- . Dissemination to the public of basic emergency planning information (e.g. - annual mailing, printing on front page of phone book, etc.)
- . Provision for prompt alerting of the public and instructions for public protection (15 minutes for notification of public within plume exposure EPZ)
- . One on-site technical support center and one near-site emergency operation center
- . Redundant communications systems
- . Specialized training
- . Provisions for up-to-date plan maintenance

The Subcommittee was concerned about the requirement to notify the public within the plume exposure emergency planning zone in fifteen minutes. Several points were noted:

- . feasibility to attain such (Should it be NRC's responsibility to show that the requirement is attainable?)
- . necessity for such (Those living farther away but still within the plume exposure EPZ may not need to be notified immediately. In fact, simultaneous mass evacuation may create traffic congestion which hinders further action).
- . difficulty with sparsely populated areas.
- . the expense associated with such capability.

2. Policy Issues - (K. Goller)

Mr. Goller indicated that the Staff plans to publish the rule in June, 1980, and expects to enforce its requirements in January, 1981. Over 100 letters have been received and additional comments are still coming in. In addition, two organizations have submitted petitions relative to this rulemaking: the KMC corporation has petitioned for deletion of the '15 minute' requirement and a hearing on this. Devevaise and Lieberman have petitioned that the rule-making be deferred until the criteria for State/local plans are considered. Major comments are:

- (1) The proposed rule provides third party veto power to State/local governments (they can block plant operation by non-concurrence).
- (2) Several commentators questioned its legality and constitutionality, especially the indirect requirement on licensees to fund State/local emergency planning.
- (3) FEMA/NRC relationship is not clearly defined; there is possibility of redundant review by NRC and FEMA.
- (4) Some requirements have no technical justification.
- (5) Proposed implementation schedule is not reasonable.
- (6) Funding responsibility is not clearly defined

During the discussion with the Staff, the following points of concern were identified:

- (1) Mr. Steindler asked if the Staff has any idea about the feasibility of the 15-minute notification requirement, and if the Staff has taken on itself to show that such is attainable. Mr. Goller said that the Staff has not received evidence that such is not possible. He admitted that 15-minutes would be difficult and expensive to attain but not impossible.

- (2) The Subcommittee asked what level of cooperation from State/local governments the Staff has encountered so far. Mr. Grimes said that the Staff had received unanimous cooperation for operating plants. He was not sure about plants under construction.
- (3) The Subcommittee indicated that the rule is too prescriptive and lacks statements of objectives. For example, it gives the impression that evacuation is the prescribed action. If objectives only are stated, the licensee may be able to provide more satisfactory alternatives to evacuation. These alternatives may be site-and plant-specific.
- (4) Some consultants stated that a good emergency plan should not be as long as "several hundred pages", as the Staff has indicated; it should be much more concise. It may be more important to have good people to carry out a mediocre plan than to have mediocre people to carry out a good plan.
- (5) The Subcommittee indicated that the implementation schedule of the final rule is tight. (i.e. Jan. 1981, or face possibility of plant shutdown). A more reasonable pace should be allowed.
- (6) The Staff pointed out that in the past, emergency planning played a secondary role to siting and engineered safety features. Today it is regarded as important as the other two in nuclear safety.
- (7) The Subcommittee noted that the role assigned to FEMA (Federal Emergency Management Agency) is unclear. It seems that FEMA itself does not even have enough manpower today - it needs personnel detailed from NRC.

3. NUREG-0654 - (B. Grimes)

The NUREG report, "Radiological Emergency Response Plan and Preparedness in Support of Nuclear Power Plants", was provided to the Subcommittee prior to the meeting. Mr. Grimes indicated that since he helped answer a lot of the questions during Mr. Jamgochian and Mr. Goller's presentation, he had in essence made his presentation. No formal presentation was thus made.

Public Comments

Three requests to make oral statements were received. These statements are summarized below:

1. Mr. J. E. Howard, Boston Edison Co. (Written statement also submitted).

Mr. Howard said that he supports improving emergency response capabilities, but opposes adoption of the rule in its present form. He said that the rule is prescriptive and lacks a technical basis for its requirements. He specifically pointed out that the 15-minute notification requirement within 10 miles is unreasonable, and cited NUREG-0396 which states that beyond five miles, evacuation and shelter are comparable options for reducing exposure. Evacuation should not be considered the only option, as the rule currently implies. Uniform evacuation of an area ten miles in radius could create an unprecedented traffic jam and impede evacuation.

2. Mr. R. Breen, EPRI

Mr. Breen indicated that work currently underway at NSAC and elsewhere suggests that a serious threat to the public would not exist for several hours following the onset of site emergency conditions described in NUREG-0654, Appendix. The 15-minute requirement appears unnecessarily short, and would create psychological stress, irrational action and panic situations. Consequently, the rule should allow for more rational actions.

3. Mr. D. Knuth, KMC

Mr. Knuth spoke on behalf of 27 utilities. He said that the Staff has ignored comments by the utilities and has been using the rule as if it were final. He also criticized the 15-minute notification requirement. He stated that the uniform requirements in the proposed rule impede development of site-plant specific options. KMC has provided suggested changes (in two letters) to the Commission on NUREG-0654 and NUREG-0610. Copies of these letters were provided to the Subcommittee.

In addition, S. J. Harris (EEI) and F. Stetson (AIF) provided copies of their comment letters that they submitted to the Commission on Feb. 19 and Feb. 21, respectively. These two individuals did not make any oral statements.

Executive Session

The following points were reiterated:

- . The rule should have some form of graded time-versus-distance requirement, instead of the present 15-minute uniform notification requirement.
- . There does not seem to be any justification for the '15-minute' requirement.
- . Emergency measures, such as methods of evacuation, should not appear in places like phone directories; otherwise people would just blindly follow with no regard for actually needed level of response.
- . Too much detail in the rule; should provide objectives instead.
- . FEMA role is not clearly defined.
- . Staff should provide technical basis for criteria stated in NUREG-0654.

(Meeting adjourned at 6:00 P.M. The Subcommittee drafted a letter for the ACRS on the following day.)

A complete transcript of the meeting is on file at the NRC Public Document Room at 1717 H Street, N.W., Washington, D. C. or can be obtained from the International Verbatim Reporters, Inc., Suite 107, 449 South Capitol Street, S.W. Washington, D.C. 20002 (202/484-3550).

LIST OF DOCUMENTS RECEIVED BEFORE AND DURING THE MEETING

(Since all these documents, except No. 9, were freely available before, during and after the meeting, they are not attached to these minutes. A copy of each, however, has been filed in the ACRS office.)

1. M. Jamgochian's viewgraphs, "Rationale for and Description of Proposed Rule Changes."
2. C. Goller's viewgraphs, "Policy Issues on Emergency Planning Rule Changes."
3. NUREG/CP-0011, "Proceedings of Workshops on Proposed Rulemaking on Emergency Planning for Nuclear Power Plants."
4. J. Howard's written statement.
5. R. Breen's viewgraphs and supporting documents.
6. D. Knuth's viewgraphs and supporting documents.
7. S. J. Harris, "Edison Electric Institute Comments on NRC Proposed Emergency Planning Rule."
8. F. Stetson, Letter from S. G. Ward to S. Chilk of NRC, dated Feb. 21, 1980.
- *9. Memo, P. Tam of ACRS to the Subcommittee, "Status Report."

Law Enforcement Assistance Administration

Request for Comments on the Proposed LEAA Guideline: Delinquency Prevention Research and Development; Correction

In FR Doc. 80-7519 appearing on page 16126 in the issue of Wednesday, March 12, 1980, in the last line of the first column, change on or before April 1, 1980 to on or before April 11, 1980.

David D. West,

Director, Formula Grants and Technical Assistance Division.

[FR Doc. 80-10560 Filed 4-4-80 8:43 am]

BILLING CODE 4410-18-M

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups

Correction

In FR Doc. 80-8962 appearing on page 19524 in the issue of Tuesday, March 25, 1980, in the second line of the second column of page 19524, change ". . . April 15, 1980 . . ." to ". . . April 25, 1980 . . .".

BILLING CODE 1505-01-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Full Council Meetings; Time Change

April 2, 1980.

On March 19, 1980, the National Advisory Council on Economic Opportunity announced that it will hold meetings on April 21 and 22, 1980 starting at 9:30 a.m. EST at its office, 1725 K Street, N.W., Suite 405, Washington, D.C. (45 FR 17702). The time of the April 21 meeting has been changed to 1 p.m. All other information remains the same.

Walter B. Quetach,

Executive Director.

[FR Doc. 80-10399 Filed 4-4-80 8:43 am]

BILLING CODE 5820-42-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-2909]

Alabama Nuclear Fuel Fabrication Plant (ANFFP), Westinghouse Electric Corp.; Issuance of Special Nuclear Material License; Extension of Opportunity To Request for Hearing

AGENCY: U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety.

ACTION: Notice of Extension to June 14, 1980, of Opportunity to File Request for Hearing.

Notice has previously been given (March 6, 1980, 45 FR 14724) that Westinghouse Electric Corporation has submitted an application for a Special Nuclear Material license authorizing Westinghouse to acquire, deliver, receive, possess, use and initially transfer special nuclear material, for its Nuclear Fuel Division, Alabama Nuclear Fuel Fabrication Plant (ANFFP), a new facility proposed for location near Prattville, Alabama. The Federal Register notice cited above further stated that persons who wished to file a request for hearing should do so by April 7, 1980.

The March 6, 1980, Federal Register notice also stated that the applicant's Environmental Report and supplements thereto would be provided to the State Clearinghouse, Alabama Development Office, c/o State Capitol, Montgomery, Alabama 36130; and the Metropolitan Clearinghouse, Central Alabama Regional Planning and Development Commission, 808 Lawrence Street, Montgomery, Alabama 36104. Because these documents did not arrive in sufficient time for review, the deadline for filing petitions requesting a hearing has been extended to June 14, 1980.

Questions should be directed to W. T. Crow, U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, 396-SS, Washington, D.C. 20555, Phone (301) 427-4510.

Dated at Silver Spring, Maryland this 3rd day of April 1980.

For the Nuclear Regulatory Commission,
R. G. Page,

Acting Chief, Uranium Fuel Licensing Branch,
Division of Fuel Cycle and Material Safety.

[FR Doc. 80-10020 Filed 4-4-80 9:00 am]

BILLING CODE 7580-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Licensee Event Reports (LERs); Meeting

The ACRS Subcommittee on Licensee Event Reports (LERs) will hold a meeting on April 22, 1980, in Room 1046, 1717 H St., N.W., Washington, DC 20555. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only

by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 22, 1980, 8:30 a.m. until conclusion of business

The Subcommittee will review plans of the new NRC Office of Analysis and Evaluation of Operational Data, and NRC action in response to the ACRS LER Report (NUREG-0572).

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated April 1, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-10288 Filed 4-4-80 9:40 am]

BILLING CODE 7580-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Meeting

The ACRS Subcommittee on Site Evaluation will hold a meeting on Tuesday, April 22, 1980 in room 1046, 1717 H St. NW., Washington, DC 20555 to review the proposed Emergency Planning Rule (10 CFR, Part 50) published in the Federal Register December 19, 1979, and NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants."

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only

members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 22, 1980, 1:00 p.m. until the conclusion of business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 1, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-10300 Filed 4-4-80; 8:45 am]
BILLING CODE 7990-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Concrete and Concrete Structures; Meeting

The ACRS Subcommittee on Concrete and Concrete Structures will hold a meeting on April 22-23, 1980 in Room 1167, 1717 H St., NW., Washington, DC to review "user needs" in structural engineering and the way in which these needs have been and are being met. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the Federal Register on

October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Tuesday and Wednesday, April 22 and 23, 1980, 8:30 a.m. until the conclusion of business each day

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552(b)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio G. Igne (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated April 1, 1980.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 80-10301 Filed 4-4-80; 8:45 am]
BILLING CODE 7990-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation

(the licensee) which revised the License and Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications to modify the power-to-flow curve and allow additional operational flexibility during plant load changes. In addition, corrections have been made to the license to reflect the present power limitations at the end of cycle.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 28, 1979, (2) Amendment No. 36 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of March 1980.

For The Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.
[FR Doc. 80-10300 Filed 4-4-80; 8:45 am]
BILLING CODE 7990-01-M

ACRS SITE EVALUATION SUBCOMMITTEE MEETING

April 22, 1980
Washington, D.C. 20555

Attendees:ACRS

D. Moeller, Chairman
S. Lawroski
J. Ebersole
J. Ray
R. F. Foster, Consultant
J. Healy "
D. Orth "
R. Wilson "
M. Steindler "
A. Grendon "
P. Tam, Federal Designated Employee

NRC

B. Grimes, NRR
C. Goller
M. Jamgochian
James H. Sniezek, IE
Barry Zalcmn, NRR
Robert F. Abbey, Jr. RES/RSR
Ken Perkins, OEDO

OTHERS

P. Brennan, MES
F. Stetson, AIF
A.C. Kadaik, Yankee Atomic
P. Higgins, AIF
K. Knuth, KMC
R. S. Boyd, KMC
C. Bantegui, EBASCO
S. J. Milioti, AEP
Edie Solomon, Shaw Pittman Potts & Trowbrid
Saul Harris, EEI
Mike McGarry, Debevoise & Liberman
Dale Hollar, " "
Irwin Speckler, Dames & Moore
H. Singh, " "
Robert M. Rader, Conner Moore
I. M. Trostpin, L. L. Lam
J. E. Howard, Boston Edison Co.
E. L. Zebroski, EPRI-NSAC

Celia Bantegui, EBASCO
Ernie Murri, NUS Corp.
Bob Whitesel, EPRI, Wash. Office
R. Breen, EPRI

ACRS SITE EVALUATION SUBCOMMITTEE MEETING

April 22, 1980
Schedule (Revised April 21, 1980)

Executive Session

- 1:00 - 1:15 P.M. . Opening Statement - (D. Moeller)
- . . . Schedule changes, if any
- . Subcommittee comments

Discussion With NRC Staff

- 1. Proposed Emergency Planning Rule
 - 1:15 - 1:50 P.M. A. Presentation - (M. Jamgochian and C. Goller)
 - 1:50 - 2:20 P.M. B. Public comments panel -
(E. Howard, Boston Edison
D. Knuth, KMC Inc.
R. Breen, EPRI)
 - 2:20 - 3:00 P.M. C. Discussion

***** BREAK *****

- 2. NUREG-0654
 - 3:15 - 3:45 P.M. A. Presentation - (B. Grimes)
 - 3:45 - 4:30 P.M. B. Discussion

Executive Session

- 4:30 - 5:30 P.M. 1. Recommendations to be included in the ACRS letter to the Commission.
- 2. Comments by C.C. Burwell on the siting policy report (NUREG-0625)