

SACRAMENTO MUNICIPAL UTILITY DISTRICT □ 6201 S Street, Box 15830, Sacramento, California 95813; (916) 452-3211

March 27, 1981

Director of Nuclear Reactor Regulation
Attention: Mr. John F. Stolz, Chief
Operating Reactors, Branch 4
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555



Docket 50-312
Rancho Seco Nuclear Generating
Station, Unit No. 1
TMI Action Plan, NUREG 0737
Item III.A.2

Dear Mr. Stolz:

The Sacramento Municipal Utility District committed by letter dated December 15, 1980, to have emergency plans upgraded to the requirements of Appendix E to 10 CFR 50 by April 1, 1981. Furthermore, on February 27, 1981, we submitted detailed implementing procedures also required by NUREG 0737. These procedures have been reviewed and finalized and revisions will be sent to the Region V Office of Inspection and Enforcement and the Director of Nuclear Reactor Regulation as required by Appendix E to 10 CFR 50.

Section (q)(2) of 10 CFR 50.54 requires licensee, State, and local emergency response plans to be implemented by April 1, 1981. As discussed above, the District's procedures will be in effect; however, the State and local plans will not be implemented by this date. For this reason, the District requests an exemption from this section of the regulation until State and local plans can be revised to be in compliance with Appendix E to 10 CFR 50.

The 10 mile radius planning effort involves Sacramento, Amador, and San Joaquin Counties. For this reason, a Joint Powers Agreement was entered into enabling these three counties to work and contract as one agency for the efforts involved in generating the emergency plan. In addition, the District has entered an indemnity agreement with this Joint Power Agency to guarantee the financing of this work. The effort has proceeded diligently; however, the present schedule indicates that a final draft will not be available until the middle of July, 1981. Additional requirements above those in Appendix E of 10 CFR 50 have been imposed by the State of California (Senate Bill 1183) and the local emergency plans cannot be implemented until submitted to the State legislature and approved by statute. Revised plans by the State Office of Emergency Services also require this approval before implementation. A copy of Senate Bill No. 1183 is attached for clarification of these requirements.

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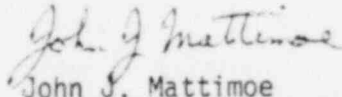
Mr. John F. Stolz

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The District is unable to expedite the implementation of State and local plans in any manner other than the financial and manpower commitments which we have already made. We believe that the existing State and local plans adequately protect the health and safety of the public until the revised plans can be fully implemented. For this reason, the exemption requested from 10 CFR 50.54 (q)(2) is justified. If we can provide any further information, please advise.

Sincerely,



John J. Mattimoe
Assistant General Manager
and Chief Engineer

Attachment

Senate Bill No. 1183

CHAPTER 956

An act to add and repeal Section 8610.5 to the Government Code, relating to emergencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1979. Filed with Secretary of State September 22, 1979.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1183, Garamendi. Emergencies: nuclear powerplants.

(1) Existing provisions of law require the certification of sites and thermal powerplants, including nuclear powerplants, with a generating capacity of 50 megawatts or more.

This bill would require the Office of Emergency Services, in consultation with the State Department of Health Services, to investigate the consequences of a serious nuclear powerplant accident for nuclear powerplants in California with a generating capacity of 50 megawatts or more.

(2) Existing provisions of the California Emergency Services Act specify procedures for responding to emergencies. The Governor is required to approve a State Emergency Plan and counties and cities are authorized to create disaster councils which are required to develop plans for meeting emergencies.

This bill would direct the Public Utilities Commission to develop and transmit to the Office of Emergency Services a method of assessment of the operators of the 4 specified powerplants sufficient to meet all state costs not reimbursed from federal funds pursuant to this bill and would specify that local agencies would be reimbursed for their costs not reimbursed from federal funds in preparing or updating their plans for the affected area surrounding such powerplants by the operator of each such powerplant. The bill would specify an initial \$25,000 assessment on each such powerplant, and would direct each operator to pay this amount and such additional amounts, not to exceed \$2,000,000 from all such operators for reimbursement of state costs, as are specified by the office to the State Controller for deposit in the Nuclear Planning Assessment Special Account, which the bill would create in the General Fund and would continuously appropriate to the State Controller for payment to state and local agencies for their costs pursuant to this bill. It would direct the State Controller to pay state and local agency claims which are certified by the Office of Emergency Services. It would provide for a pro rata reimbursement of any funds remaining after the purposes of this bill have been accomplished. It would direct each state and local agency concerned to submit its costs to the Office of Emergency Services.

The bill would specify that these provisions shall be repealed on January 1, 1983.

(3) Under existing law, Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this bill, nor is any obligation created thereby, pursuant to Section 2231 or 2234, and provide that the other remedies and procedures for providing reimbursement shall have no application to the bill.

(4) This bill would take effect immediately as an urgency statute. Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8610.5 is added to the Government Code, to read:

8610.5. The Office of Emergency Services, in consultation with the State Department of Health Services and affected counties, shall investigate the consequences of a serious nuclear powerplant accident for each of the four nuclear powerplants in California with a generating capacity of 50 megawatts or more. This study, to be completed within six months of the effective date of this section, shall include the preparation of specific site maps showing the areas likely to be affected by such an accident. These maps shall delineate Emergency Planning Zones, which shall reflect inhalation, ingestion, and other radiation pathways.

A similar study shall be made by the office for any subsequent nuclear powerplant with a generating capacity of 50 megawatts or more proposed for certification in California.

The Office of Emergency Services shall revise its Nuclear Powerplant Emergency Response Plan to reflect the information provided in the study. The Office of Emergency Services shall assist local authorities in preparing or upgrading their emergency response plans to reflect its new planning guidelines. The state plan shall be updated within six months after the study has been made. Local plans shall be updated and approved by the Office of Emergency Services in accordance with the following: (1) an initial draft plan shall be submitted to the office within six months after the study has been made, and (2) a final plan shall be completed, reviewed, and approved within 18 months after the effective date of this section. Neither the state plan nor any local plan shall become effective or be implemented until submitted to the Legislature and approved by statute.

The current State Nuclear Power Plant Emergency Response Plan shall continue in full force and effect unless and until revised

pursuant to this section, and concurred in, or otherwise approved by, the Nuclear Regulatory Commission. Local plans shall remain in full force and effect unless and until revised pursuant to this section.

It is the intent of the Legislature that all state and local costs related to carrying out the provisions of this section which are not reimbursed by federal funds shall be borne by the operators of the four existing nuclear powerplants having a generating capacity of 50 megawatts or more, and that local agencies shall be reimbursed for their costs incurred in preparing or updating their plans for the affected area surrounding such powerplants by the operator of each such powerplant. The Public Utilities Commission shall develop and transmit to the Office of Emergency Services an equitable method of assessing the operators of such powerplants for their reasonable pro rata share of state agency costs. Each local agency involved shall submit a statement of its costs in such manner as the Office of Emergency Services shall require. Upon each such operator's notification by the Office of Emergency Services from time to time of the amount of its share of the actual or anticipated state and local agency costs, the operator shall pay such amount to the State Controller for deposit in the Nuclear Planning Assessment Special Account, which is hereby created in the General Fund and is continuously appropriated to the State Controller to carry out the provisions of this section. The State Controller shall pay from this account the state and local costs relative to carrying out the provisions of this section upon certification thereof by the Office of Emergency Services. Each powerplant operator shall within one month of the effective date of this section pay to the State Controller for deposit into the Nuclear Planning Assessment Special Account the sum of twenty-five thousand dollars (\$25,000) for each nuclear powerplant for the purpose of funding initial planning costs. Upon repeal of this section, any amounts remaining in the special account shall be refunded pro rata to the powerplant operators contributing thereto. In no event shall the total of the reimbursements of state costs from all powerplant operators pursuant to this section exceed two million dollars (\$2,000,000). The amounts paid by privately owned utilities under this section shall be allowed for ratemaking purposes by the Public Utilities Commission. Publicly owned public utilities may include amounts paid under this section in their rates.

This section shall remain in effect only until January 1, 1983, and as of such date is repealed, unless a later enacted statute which is chaptered on or before January 1, 1983, deletes or extends such date.

SEC. 2 No appropriation is made by this act, nor is any obligation created thereby, pursuant to Section 2231 or 2234 of the Revenue and Taxation Code. Moreover, no claim shall be considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to protect the public health and safety in the event of a nuclear powerplant accident, it is essential that this act take immediate effect.