

SUBCOMMITTEE ON NUCLEAR REGULATION

DATED APRIL 14

REVIEW AND APPROVAL OF EMERGENCY RESPONSE PLANS

QUESTION NO. 1

Has the joint NRC/FEMA review process functioned effectively? If not, what changes would you recommend? Is there a need for legislative clarification of the respective roles of NRC and FEMA?

ANSWER

The joint NRC/FEMA review process has been functioning in a generally acceptable cooperative effort for more than a year. However, there has been increasing concern about FEMA's ability to fully support this program. This concern was expressed by the NRC and FEMA in various communications by all levels of NRC management over the past year when the rules, regulations and procedures for the program were being formulated. Now that the program is in its operational phase, our concerns seem to be coming to pass. Since the implementation date, April 1, 1981, of the NRC rule, there is an associated peak workload anticipated for the remainder of this calendar year. In its report to the President, dated June 30, 1980, FEMA estimated (on p. IV-3) that 51 person-years of FEMA regional efforts would be required to fulfill its commitments for Radiological Emergency Preparedness Programs in FY 81. We understand that current staffing is substantially below this level. To meet the anticipated workload FEMA will need a full staff complement at the headquarters, as well as increased support of this effort at the regional levels.

The situation described is symptomatic of a larger, growing problem. FEMA took on this responsibility with a modest increase in staff at headquarters. During the early phases of the program, much of the work could be handled by this staff since the procedures, rules and regulation (the tools to carry out the program) were being developed. Now that the program is operational, FEMA relies heavily on their Regional Offices and the Regional personnel of other Federal agencies. As of this date no full time positions have been designated in FEMA Regional Offices for this program.

FEMA headquarters can and will support the technical side of the program. However, they are spread too thin and have been directed to take over the coordination of the offsite emergency preparedness for the Minute Man missile sites as well as to continue their development as lead agency of the National Response Plan for Radiological Emergencies.

In order for NRC's emergency planning efforts to function efficiently, supporting FEMA activities must proceed in a timely manner. Up to now, the NRC has been working with FEMA to aid them in their efforts. Unfortunately, we may soon be reaching the point where the NRC staff will not be able to get their own work done.

To ensure this program can meet our joint objectives, a major augmentation of staffing resources for FEMA seems to me to be indicated. Continuing along the current path is likely to result in a major slowdown in our operating license process and an inability to make the required findings of emergency plan adequacy for operating plants. That, in turn, creates a major problem with regard to continued operation of all those plants now on line.

With respect to legislation, then - Chairman Ahearne, transmitted proposed legislation to Senator Simpson on April 30, 1980 which would provide for the transfer to FEMA of all NRC functions with respect to State and local plans and preparedness for offsite emergency response. The NRC believes that it is prudent to allow some time to gain operational experience with the working arrangements spelled out in the NRC/FEMA memorandum of understanding for radiological emergency planning and preparedness. Based on the experience gained over the next year, it may then be appropriate to recommend legislation.

QUESTION NO. 2

What is the status of the NRC/FEMA review and approval of emergency response plans (licensee, State, and local) for the 68 nuclear power reactors currently operating? Have emergency response plans been implemented at these facilities, as required by NRC regulations?

ANSWER

The attached Table provides the current status of the NRC portion of the review and approval of emergency response plans. The Table designates those nuclear plant reactors licensed to operate and those that are under construction. The status of review of the upgraded plan submitted January 2, 1981 for each facility is shown. Note that previous emergency preparedness reviews were conducted at all facilities during 1980 using regulations and guidance then in existence.

Also provided in the Table is a designation of those sites where onsite emergency preparedness appraisals to verify compliance with the NRC regulations are scheduled for the next six months. The target date for the completion of all onsite appraisals is April 1982. The column labeled "Joint Exercise" identifies those sites where a full scale exercise of licensee, State and local government resources has been conducted or is scheduled.

QUESTION NO. 3

What is the status of the NRC/FEMA review of emergency response plans (licensee, State, and local) for the 13 nuclear power reactors scheduled to receive operating licenses in 1981 and 1982? Do you anticipate any delays in issuance of operating licenses for these 13 facilities as a result of either NRC's or FEMA's review and approval of emergency response plans? To what extent has the review and approval of emergency response plans to date resulted in delays in issuance of operating licenses?

ANSWER

The attached Table provides status information on the 13 nuclear power reactors scheduled for operation in 1981 and 1982. They are Salem 2, LaSalle, San Onofre 2, Diablo Canyon, McGuire, Shoreham, Summer, Susquehanna, Sequoyah 2, Zimmer, Fermi 2, Watts Bar, and WNP-2 and are designated by an asterisk (*) on the Table. For the discussion of any potential delays, see the response to Question No. 5. The development of offsite emergency response plans has resulted in a delay of the Salem operating license.

QUESTION NO. 4

What is the status of the NRC-FEMA review of emergency response plans (licensee, State, and local) for those nuclear power reactors scheduled to receive operating licenses in 1983 and beyond? Do you anticipate any delays in issuance of operating licenses for these facilities as a result of either NRC's or FEMA's review and approval of emergency response plans?

ANSWER

We do not anticipate any delays resulting from the development or NRC review of onsite emergency plans for facilities scheduled to receive operating licenses in 1983 and beyond although the review of the emergency plans for these facilities has not yet begun. See, however, the answer to question 1 with regard to the need for resources by FEMA.

QUESTION NO. 5

Where delays have been experienced (or are anticipated in the future) in the review and approval of emergency response plans, to what extent have those delays been a result of:

- a. Lack of adequate resources?
- b. Late submittals by the applicant?
- c. Lack of cooperation by State or local governments?
- d. Lack of cooperation between NRC and FEMA?
- e. Litigation in NRC hearings of the adequacy of State and local emergency response plans?
- f. Duplication of efforts?

ANSWER

In most cases, any delays in the review and approval of emergency response plans and in the issuance of operating licenses has been as a result of the timing of offsite emergency preparedness reviews and will be addressed by FEMA. Late submittals by applicants and licensees have caused some delay in the NRC portion of the review for the following facilities:

Brunswick, Duane Arnold, Haddam Neck, LaCrosse,
Millstone, Oyster Creek, Robinson, Salem, and Summer.

In addition, a decision on the Three Mile Island Unit 1 restart pends completion of the ongoing hearing in which emergency preparedness matters are an important topic.

QUESTION NO. 6.

What steps have been taken to date by licensees to comply with the NRC's 15-minute notification requirement? Do you anticipate any difficulty on the part of licensees in meeting the July 1, 1981 deadline for compliance with this requirement?

ANSWER

Licensees have coordinated planning efforts with appropriate State and local governments in developing plans for complying with the 15 minute notification requirement. Of the 48 sites with operating power reactors, we understand that about one-half have placed orders for the equipment necessary to comply with the 15-minute notification requirement. We anticipate that the majority of these sites will have an operational system by July 1, 1981. On or about July 1, 1981, we intend to request verification from licensees that a system is installed and operational in accordance with the regulations. Appropriate enforcement action will be taken at that time with any facility that fails to comply with the rule. FEMA will evaluate the effectiveness of the installed notification systems. FEMA has allocated financial resources to start this effort but has not yet received clearance from OMB for the planned surveys of the public to determine notification system effectiveness during system tests.

QUESTION NO. 7

What is the status of emergency response planning for non-power reactor facilities (e.g., research reactors, test reactors, and nuclear fuel cycle facilities)?

ANSWER

There are presently 63 research reactors and two experimental and test reactors with NRC operating licenses. Authorized thermal power levels range from 0.1 w to 50 Mw: 41 with power levels of less than 500 Kw (th), and 24 with power levels of greater than 500 Kw (th).

For those licensees with authorized power levels of greater than 500 Kw (th), upgraded emergency plans must be submitted by November 3, 1981. For those licensees with authorized power levels of less than 500 Kw (th), new and upgraded emergency plans must be submitted by November 3, 1982. However, those licensees in an upgrade or license renewal process must submit new and upgraded plans with the license renewal process. There are 25 licensees in the renewal process. Three of the license renewal requests are being contested.

All licensees (65 total) presently have emergency plans prepared pursuant to 10 CFR Parts 50 and 70, and Appendix E to Part 50 prior to the upgrade of these regulations.

With regard to fuel cycle and other materials - licensed activities, the NRC has recently initiated a program to upgrade emergency preparedness at those large installations judged to exhibit the potential for accidents which could have a significant impact on public health and safety. On February 11, 1981, sixty-one of the larger fuel cycle and major materials NRC licensees were ordered to prepare and submit for review on-site emergency preparedness plans to assure: (1) that plants are properly configured to limit releases of radioactive materials and radiation exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and planning is provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are promptly made offsite to Federal, State and local government agencies and (5) that necessary recovery actions are taken in a timely fashion to return a plant to a safe condition following an accident. A similar number of such facilities are located in Agreement States and are not directly licensed by the NRC. We have provided the Agreement States with sample orders and have requested that they take actions compatible with the NRC actions.

Radiological contingency planning information is to be submitted during CY 81 with reviews to be completed in the first half of CY 1982. The NRC has initiated a rulemaking proceeding to develop and promulgate the radiological contingency planning requirements implemented initially through orders, as well as to set forth requirements for offsite emergency plans and preparedness. These requirements will be coordinated with FEMA and Agreement States, as appropriate. The proposed rules will apply to the types of facilities described above and possibly also to other facilities having a lower radiation hazard potential, such as uranium recovery operations.

ACILITY	STATE	PLANT STATUS	LICENSEE EMERGENCY PLAN	ONSITE APPRAISAL	JOINT EXERCISE
ARKANSAS	AR.	L	UR	S	C
AILLY	IN.	UC	NS		
EAVER VALLEY	PA.	L	NS	S	
ELLEFONTE	AL.	UC	NS		
IG ROCK POINT	MI.	L	UR		
RAIDWOOD	IL.	UC	NS		
BROWNS FERRY	AL.	L	UR	S	S
SEUNSWICK	NC.	L	UR		S
YRON	IL.	UC	NS		
ALLAWAY	MO.	UC	UR		
SALVERT CLIFFS	MD.	L	UR	S	S
CATAWBA	SC.	UC	NS		
CLINTON	IL.	UC	NS		
COMANCHE PEAK	TX.	UC	NS		
COOK	MI.	L	UR		
COOPER	NE.	L	UR	S	S
CRYSTAL RIVER	FL.	L	UR	S	
DAVIS BESSE	OH.	L	C	S	C
DIABLO CANYON	* CA.	UC	C	S	S
DRESDEN	IL.	L	UR		
DUANE ARNOLD	IA.	L	NS	S	
EARLEY	AL.	L	C		C
FERMI	* MI.	UC	UR		S
FITZPATRICK	NY.	L	NS	S	S
FORT CALHOUN	NE.	L	UR		S
FORT ST. VRAIN	CO.	L	UR		S
GINNA	NY.	L	NS		S
GRAND GULF	MS.	UC	UR		S
HADDAM NECK	CT.	L	NS		
HARRIS	NC.	UC	NS		
HARTSVILLE	TN.	UC	NS		
HATCH	GA.	L	UR		S
INDIAN POINT	NY.	L	UR	S	
Kewaunee	WI.	L	C	S	
LACROSSE	WI.	L	UR	S	
LASALLE	* IL.	UC	UR	S	C
LIMERICK	PA.	UC	NS		
MAINE YANKEE	ME.	L	NS	S	S
MARBLE HILL	IN.	UC	NS		
MCGUIRE	* NC.	UC	C		C
MIDLAND	MI.	UC	UR		
MILLSTONE	CT.	L	NS		
MONTICELLO	MN.	L	UR		
NINE MILE POINT	NY.	L	NS	S	S
NORTH ANNA	VA.	L	UR		
OCOKEE	SC.	L	UR	S	
OYSTER CREEK	NJ.	L	UR		

PALISADES	MI.	L	UR	S	
PALO VERDE	AZ.	UC	NS		
PEACH BOTTOM	PA.	L	NS		
PERRY	OH.	UC	NS		
PHIPPS BEND	TN.	UC	NS		
PILGRIM	MA.	L	NS	S	
POINT BEACH	WI.	L	UR		
PRAIRIE ISLAND	MN.	L	UR		
QUAD CITIES	IL.	L	UR		S
RANCHO SECO	CA.	L	UR	S	S
RIVERBEND	LA.	UC	NS		
ROBINSON	SC.	L	UR		C
SALEM	* NJ.	L	C	C	C
SAN ONOFRE	* CA.	L	C	S	S
SEABROOK	NH.	UC	NS		
SEQUOYAH	* TN.	L	C	S	C
SHOREHAM	* NY.	UC	NS		
SOUTH TEXAS	TX.	UC	NS		
ST. LUCIE	FL.	L	UR	S	
SUMMER	* SC.	UC	UR	S	S
SURRY	VA.	L	UR		S
SUSQUEHANNA	* PA.	UC	UR	S	S
THREE MILE ISLAND	PA.	L	C	5 S	S
TROJAN	OR.	L	C		C
TURKEY POINT	FL.	L	UR		
VERMONT YANKEE	VT.	L	NS		
VOGTLE	GA.	UC	NS		
WATERFORD	LA.	UC	NS		
WATTS BAR	* TN.	UC	NS		S
WNP 1&4	WA.	UC	NS		
WNP 2	* WA.	UC	NS		
WNP 3&5	WA.	UC	NS		
WOLF CREEK	KS.	UC	NS		
YANKEE ROWE	MA.	L	NS		
YELLOW CREEK	MS.	UC	NS		
ZIMMER	* OH.	UC	UR		S
ZION	IL.	L	UR	S	S

LEGEND

* - SCHEDULED FOR OPERATION IN 1981/1982
 L - LICENSED TO OPERATE
 C - COMPLETE
 S - SCHEDULED.
 UC - UNDER CONSTRUCTION
 UR - LICENSEE EMERGENCY PLAN UNDER REVIEW
 NS - PLAN REVIEW NOT STARTED