

NUCLEAR REGULATORY COMMISSION


ORIGINAL

COMMISSION MEETING

In the Matter of: PUBLIC MEETING

DISCUSSION OF IMPLEMENTATION OF
EARLY NOTIFICATION SYSTEMS

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 PUBLIC MEETING:

4 DISCUSSION OF IMPLEMENTATION
5 OF EARLY NOTIFICATION SYSTEMS

6 Room 1130
7 1717 H Street
8 Washington, D.C.
Thursday, August 27, 1981

9 The meeting was called to order at 10:05 a.m.,

10 Chairman Palladino presiding.

11 PRESENT:

12 CHAIRMAN PALLADINO
13 COMMISSIONER GILINSKY
14 COMMISSIONER AHEARNE
COMMISSIONER ROBERTS
COMMISSIONER BRADFORD

15 NUCLEAR REGULATORY COMMISSION STAFF:

16 SAMUEL CHILK, Secretary
17 LEONARD BICKWIT, General Counsel
VICTOR STELLO, Director, Office of
Inspection and Enforcement
18 BRIAN GRIMES
19 DENNIS RATHBUN
WILLIAM DIRCKS
MARTY MALSCH

20 ALSO PRESENT:

21 DORIAN YATES, New York Public Interest Group
22 STEVEN SHOLLY, Union of Concerned Scientists
23 RICHARD UDELL, Critical Mass Energy Project
ROBERT H. CUNNINGHAM, Boston Edison
24 C. O. WOODY, Florida Power & Light Company
25

DISCLAIMER

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P R O C E E D I N G S

(10:05 a.m.)

CHAIRMAN PALLADINO: The meeting will please come to order.

Good morning, ladies and gentlemen. The meeting this morning is a discussion of the implementation of the early notification system for nuclear power plants. This discussion ensues from the Commission's August 11, 1981, closed meeting, during which the Commission considered enforcement actions on this issue, as well as the question of taking enforcement actions versus extending the July 1, 1981, due date for installation of early notification systems.

When at that meeting the Commission decided to consider extending the date for compliance, our discussion ceased inasmuch as we believe that consideration of a new date should be done in a subsequent open meeting. And this is the meeting at which this matter will be discussed.

In preparation for the meeting, the Commission agreed to hear a 15-minute presentation by representatives of public interest groups and a 15-minute presentation from industry representatives. It is our plan there to proceed as follows. The first 15-minute presentation will be made by Mr. Richard Udell of the Critical Mass Energy Project, Ms. Dorian Yates of the New York Public Interest Group, and

1 Mr. Steven Sholly of the Union of Concerned Scientists. The
2 second 15-minute presentation will be made by Mr. Robert
3 Cunningham, Emergency Preparedness Coordinator, Boston
4 Edison Company, and Mr. C.O. Woody, Manager, Power
5 Resources, Nuclear, Florida Power & Light Company.

6 These presentations will then be followed by a
7 discussion of the proposed rule change by the staff.

8 Now, to permit a coherent presentation it is
9 requested that questions by the Commissioners follow each of
10 the presentations, rather than during the presentation,
11 except for brief questions to permit understanding,
12 following the presentation itself.

13 So at this time, unless there are other opening
14 remarks that should be made, I am going to turn the meeting
15 over to I guess Mr. Udell. Are you going to be the leadoff,
16 Mr. Sholly?

17 MR. SHOLLY: My name is Steven Sholly. I am a
18 Technical Research Assistant with the Union of Concerned
19 Scientists. With me on my right are Mr. Richard Udell and
20 Ms. Dorian Yates. We appreciate this opportunity to address
21 the Commission on the urgent matter of ensuring prompt
22 public notification in the event of a nuclear accident.

23 Although the Commission has adopted many emergency
24 planning requirements, the key to emergency planning is
25 prompt public notice that a protective response is required

1 in the event of an accident. All other facets of emergency
2 planning can be brilliantly conceived and efficiently
3 executed, but if the public fails to receive timely notice
4 of the need to act in response to a nuclear accident, all
5 other emergency measures will be diminished in
6 effectiveness.

7 In a severe accident, where it is recognized that
8 a major release of radioactivity can be underway in as
9 little as 30 minutes from the start of an accident, and
10 considering that evacuation would require at least two to
11 ten hours, the need for prompt public notification is
12 paramount.

13 We believe that the 15-minute notification
14 requirement is an absolute necessity, and we further believe
15 that the original July 1, 1981, deadline for the systems was
16 entirely reasonable. Many utilities have taken what we
17 consider to be an unnecessarily conservative approach to
18 meeting that deadline.

19 With the characteristics of alerting systems and
20 population distribution around nuclear plants well-known, it
21 should be a straightforward matter to rapidly design an
22 alerting system capable of reaching the largest number of
23 people at the earliest possible date. Once the initial
24 hardware has been ordered, detailed survey work could be
25 undertaken to determine the need for additional alerting

1 capability. Using this approach, we believe that complete
2 compliance with the July 1, 1981, deadline could have been
3 achieved.

4 We think it is clear, based on our conversations
5 with alerting equipment industry representatives, that
6 hardware procurement and delivery has not and will not cause
7 major delays. For other problems which have been detailed
8 to the Commission, utilities were under an obligation to
9 promptly inform the Commission of these difficulties. In
10 most cases, they simply did not.

11 Neither the Commission nor the public can afford
12 an excessive dependence on probability to avoid a serious
13 nuclear accident. Such dependence would not be any more
14 misplaced today than it was on March 27, 1979. We consider
15 the 15-minute notification requirement to be remedial in
16 nature and therefore believe that existing alerting methods,
17 namely sirens and radics, should be utilized.

18 Although additional alerting systems may be
19 developed in the future, we see no reason to delay
20 implementation of prompt notification requirement for
21 currently operating plants. The price of inadequate public
22 notice in the event of a serious accident is simply too high
23 to delay that implementation.

24 We have submitted to the Commission a detailed
25 report which we would request that you examine at your

1 leisure.

2 CHAIRMAN PALLADINO: Thank you very much, Mr.
3 Sholly.

4 Who is going to be next?

5 MS. YATES: I am, thank you.

6 Good morning. My name is Dorian Yates. I am a
7 staff member with the New York Public Interest Research
8 Group, NYPIRG. Joan sends her regards.

9 Thank you for granting us time this morning to
10 express our concerns on the 15-minute notification
11 deadline. I would like to address you specifically today on
12 the status of implementation on the Indian Point public
13 notification system and the effect that changing the July 1
14 deadline will have on the surrounding population.

15 The condition of Indian Point's public
16 notification system is as dismal as that of the emergency
17 planning as a whole in the region. As of Monday, August 24,
18 only 26 of the 88 sirens had been installed around Indian
19 Point. These sirens are all located in Westchester County.
20 Not one has been installed in any of the three other
21 counties which have areas within the ten-mile radius.

22 Con Edison and PASNY did not even order the siren
23 systems until June. NYPIRG finds the licensees' explanation
24 for their failure to have sirens installed and operable by
25 July 1 -- namely that siren producers are backlogged with

1 orders from many other plants -- to be deceitful. A quick
2 check with siren manufacturers has revealed no backlog
3 whatsoever. Now installation may not be completed for
4 months, and full testing will be even further in the
5 future.

6 New York State has not yet submitted a design for
7 the siren system conforming to the new FEMA guidelines. The
8 coordination and testing of the Emergency Broadcast System
9 has not yet been scheduled, and we are unaware of careful
10 study done on the message content.

11 The public information and education program has
12 not been implemented, and it is not clear whether the method
13 of distribution for this program has even been selected.

14 Our regional FEMA office may not receive the
15 funding necessary to conduct the evaluation of a Public
16 Survey Instrument designed to test coverage of the ten mile
17 zone by the siren system.

18 Meanwhile, bear in mind we are not discussing a
19 plant with only a few or several thousand people around it.
20 We are talking about the most densely populated area of the
21 country, with two accident-prone reactors operating in its
22 midst.

23 Meanwhile? The concept of there being a meanwhile
24 is baffling. We still do not understand how the Commission
25 can permit Indian Point to keep operating after the

1 Congressional delegation from the affected area has
2 repeatedly requested suspension of operations and over 100
3 citizen groups representing millions of concerned residents
4 have pleaded time and again for the plant to be shut down
5 until a full assessment of Indian Point's safety and
6 evacuation potential is made by the Commission. We are only
7 waiting for you to appoint the Atomic Safety and Licensing
8 Board which will hold the hearings so that assessment can be
9 made.

10 And in the meantime, how many accidents will it
11 take before you decide to suspend operations? In October
12 1980, a major flooding accident, closing the plant for
13 months. In December and January, an ongoing leak of
14 radioactive water. And just Friday, August 21, a week ago,
15 what is now the all too familiar pattern, a series of
16 malfunctions occurred at Indian Point Unit 2.

17 Somehow the system limped through and the plant
18 shut down. It will be down for at least a week. Once
19 again, the public narrowly escaped danger. If it had
20 happened another way, if two or three cooling pumps had
21 failed to operate instead of just one and an emergency had
22 developed, less than one-third of the public within ten
23 miles could have been notified, and perhaps not even then.

24 I speak for all concerned citizens who live near
25 plants around the country, many of whom have submitted

1 written comments today. But I speak especially for the 19
2 million people living within 50 miles of Indian Point. We
3 need the protection of emergency planning, because without
4 it in the event of an accident thousands of lives, and in
5 Indian Point's case tens of thousands of lives, would
6 needlessly be lost.

7 It is well known by you that NYPIRG seeks the
8 removal of Indian Point as a threat to those lives and to
9 the billions of dollars represented by real estate and
10 property around New York City which would be lost if there
11 were a meltdown at Indian Point. But also, emphatically, we
12 seek prudent safeguards for the plants while they are in
13 operation.

14 Con Edison and PASNY have proven in this instance
15 that public safety does not concern them so much. If the
16 Government, by the means of this Commission's enforced
17 regulations, does not protect the safety of the people, who
18 will? The citizens around Indian Point and other nuclear
19 plant sites around the country are watching you closely
20 today, hoping that you will fulfil your sworn
21 responsibility.

22 Thank you.

23 CHAIRMAN PALLADINO: Thank you.

24 Mr. Udell?

25 MR. UDELL: My name is Richard Udell and I am the

1 Emergency Planning Coordinator of the Critical Mass Energy
2 Project. Critical Mass is a safe energy group founded by
3 Ralph Nader in 1974, and is also a member group of Public
4 Citizen, Incorporated.

5 I would like to thank the Commissioners and the
6 Office of the Secretary for this opportunity to air our
7 views. As you are aware, both the Kemeny and Rogovin
8 investigations into the accident at Three Mile Island found
9 that public participation in NRC affairs was important and
10 should be encouraged.

11 We are here today, however, to call your attention
12 to another recommendation of those inquiry groups: that
13 strict deadlines should be made and enforced.

14 As my colleagues have made clear, the July 1
15 deadline was reasonable. The requirement itself, for prompt
16 notification systems in case of radiological emergencies,
17 remains crucial to public health and safety as long as
18 nuclear power plants continue to operate in this country.

19 We appear before you to offer our recommendation
20 that the Commission take immediate enforcement action on
21 this issue.

22 There are two goals of enforcement: First, to
23 obtain quick and immediate compliance of the prompt
24 notification requirement; second, to ensure respect for the
25 NRC as the official overseer of nuclear power. Failure to

1 enforce this deadline would set a dangerous precedent and
2 encourage future noncompliance of licensees.

3 We have testified today that emergency
4 notification systems are a crucial component of emergency
5 planning. You cannot evacuate unless you have been
6 notified, and you will not be notified unless an alert
7 system is in place.

8 Given the reasonableness of the deadline, we are
9 especially alarmed at the number of licensees who failed to
10 even contact and inform the Commission that they were not
11 planning on meeting it. As early as April, it was clear
12 from materials already in the Commission's hands that at
13 least a quarter of the utilities were flouting the
14 deadline.

15 In the words of Congresspeople Moffett and Markey,
16 who wrote to you, Mr. Chairman, last week, anything but a
17 strong enforcement response "would reward dilatory and
18 recalcitrant utilities, punish diligent utilities, and breed
19 open contempt for the NRC as a law enforcer." Such a
20 failure is sure to send to the industry the message that the
21 ones who profit are the ones who delay. Is this the message
22 of a credible federal regulatory agency? Is this the
23 message the Commission wishes to convey?

24 Unfortunately, widespread utility truancy in the
25 deadline is only part of the story. To tell the whole

1 story, one would have to include the alarming lack of
2 responsiveness of the NRC's own Office of Inspection and
3 Enforcement, I&E.

4 Because the rule in question asks licensees to,
5 quote, unquote, "demonstrate" compliance with the 15-minute
6 notification requirement by July 1, 1981, it was our
7 expectation that the Commission would take steps in advance
8 of the deadline to ensure compliance. Indeed, it was only
9 after July 1 that the Commission's Office of Inspection and
10 Enforcement even took steps to find out which utilities were
11 in compliance and which were not.

12 The clear need for and importance of the
13 Commission's regulations regarding emergency planning, when
14 contrasted with the slow pace of I&E in ensuring compliance,
15 raises serious questions about the Commission's willingness
16 to enforce its own regulations. It also raises grave
17 questions about whether the lessons learned from the
18 accident at Three Mile Island two years ago have been
19 implemented into the Commission's regulatory and enforcement
20 policies.

21 The Presidential Commission study of the TMI
22 accident noted: "The agency's inspection and enforcement
23 functions must receive increased emphasis and improved
24 management." The Kemeny investigation also specified the
25 importance of compliance with current regulations, that I&E

1 should be prepared to take "substantial" enforcement action,
2 and that that should also include the revocation of
3 licenses.

4 A sense of urgency pervades these
5 recommendations. It is most disturbing that this urgency is
6 not reflected in the actions and attitudes of Victor Stello,
7 the Director of the department for which these
8 recommendations were made. As the transcript of the
9 Commissioners' closed meeting on August 11 reveals, the
10 Director is apparently more concerned with the "paper
11 blizzard" that might occur should enforcement action be
12 pursued than with the urgency of emergency preparedness.

13 At that meeting Mr. Stello, Mr. Bickwit and others
14 also implied that a four-month grace period exists with
15 respect to the July 1 deadline, similar to that contained in
16 the August 1 rule. It is our view that there is no legal
17 basis for this tortured interpretation, as even a cursory
18 reading of 10 CFR Part 50.47 will elucidate.

19 The phrase "prosecutorial discretion" is really
20 just an elaborate way of saying "we are not going to lift a
21 finger." We can only conclude from Mr. Stello's comments
22 that he considers emergency preparedness a mere
23 embellishment to a nuclear plant's operations, thus
24 exhibiting the mind set which the Presidential Commission
25 singled out as being linked to safety deficiencies.

1 The Commission is confronted with a choice. It is
2 a choice between taking a regulatory and enforcement
3 posture, or bowing to industry pressures and deliberately
4 ignoring the better interests of public health and safety.

5 We feel that an extension of the deadline will
6 strip the public of its only form of protection: the
7 ability to flee in the event of an accident.

8 At this time I would like to offer on behalf of
9 the Critical Mass Energy Project, the Environmental Action,
10 the New York Public Interest Research Group, the Nuclear
11 Information Resource Service, the Union of Concerned
12 Scientists, and the millions of citizens who live near
13 nuclear power plants, an enforcement option which we feel is
14 responsible and ethical:

15 First, all nuclear licensees in noncompliance with
16 the prompt notification requirement on July 1, 1981, should
17 be assessed civil penalties. Those who ordered, but failed
18 to have a system in place by July 1, should be fined \$5,000
19 per day, retroactive to July 1, until compliance is
20 achieved. Those licensees who have not even ordered their
21 system by July 1, a total of 17, the deadline for having
22 these systems operable, should be fined at a rate of \$10,000
23 per day retroactive to July 1.

24 Second, any utility not in full compliance by
25 November 1, 1981, should be shut down.

1 And last, we recommend that the Commission propose
2 regulations to prevent similar problems in the future by
3 requiring exemption requests to be filed as promptly as
4 possible, but no later than one month prior to a compliance
5 deadline. The public should be given the opportunity to
6 address all exemption requests and prompt notice of the
7 receipt of exemption requests should be published in the
8 Federal Register. The Commission should similarly propose
9 objective criteria under which future exemption requests can
10 be considered.

11 Thank you very much.

12 CHAIRMAN PALLADINO: Thank you, Mr. Udell.

13 Are there questions? Peter?

14 COMMISSIONER BRADFORD: Ms. Yates, you said you
15 had done a survey of siren manufacturers. Can you talk a
16 little bit about that?

17 MS. YATES: We did not do a survey. I said we
18 made a quick check. We made a quick check. My colleague
19 Mr. Sholly did that.

20 MR. SHOLLY: In talking with the siren
21 manufacturers, I think some will understand they were
22 reluctant to have their names and companies specified
23 because of possible retaliatory action by utilities. So we
24 will not be able to specify which companies were involved.

25 We have talked to several companies. They have

1 indicated quite clearly that equipment deliveries in the
2 past have been able to proceed within 60 to 90 days of the
3 receipt of an order. And in the view of one particular
4 engineer we talked to, its system installation should not
5 take much more than three months.

6 As far as the situation stands now, the siren
7 manufacturers in particular are ready to take additional
8 orders. And as far as we know, recently there are still 17
9 plants which have yet to place an order. That number may
10 have decreased since the Commission last met. We do not
11 know.

12 COMMISSIONER BRADFORD: How many manufacturers did
13 you talk with?

14 MR. SHOLLY: Two in particular, and those two that
15 we talked to indicated a sufficient ability to deliver
16 systems within 60 to 90 days that would more than cover the
17 17 plants that have not ordered systems.

18 COMMISSIONER BRADFORD: Are these sirens of the
19 type that would meet the requirements of the rule.

20 MR. SHOLLY: As far as we can tell. They are off
21 the shelf components identical to other siren systems which
22 have already been ordered and in some places begun to be
23 installed.

24 COMMISSIONER BRADFORD: Are these manufacturers
25 whose sirens are in fact used by utilities as a rule?

1 MR. SHOLLY: Yes, sir.

2 COMMISSIONER AHEARNE: Peter, could I follow up on
3 that one question?

4 COMMISSIONER BRADFORD: Yes.

5 COMMISSIONER AHEARNE: In looking at the Indian
6 Point response, because I think the issue specifically was
7 whether their sirens were -- where they were claiming a
8 backlog -- and I noticed the two arguments they made. They
9 have a list of reasons, but two of them were an
10 unanticipated interruption, a factory reduction, has
11 required that final assembly of the siren system be
12 completed in the field rather than at the factory. Do you
13 know whether that is --

14 MS. YATES: I would have no idea what could have
15 interrupted the factory --

16 MR. SHOLLY: We do not know which company they
17 were dealing with.

18 COMMISSIONER AHEARNE: Okay.

19 And the other they say is delivery of a siren
20 system is affected by the large number ordered nationally;
21 the licensees were unable to negotiate an accelerated
22 delivery schedule. Do you know whether -- and their
23 particular argument obviously focused on the people that
24 they ordered the siren from.

25 Do you know whether their siren manufacturer is

1 one of the ones you spoke to?

2 MS. YATES: We do not, because we do not know who
3 they are getting their sirens from. However, I would just
4 like to stress that possibly if they had ordered before the
5 middle of June and allowed themselves a little bit more
6 time, they might have been able to get the sirens by July 1
7 or shortly after.

8 MR. SHOLLY: We think in many cases once the
9 actual siren itself was chosen there is no real reason to
10 delay ordering the systems while you figure out exactly how
11 they need to be installed.

12 COMMISSIONER AHEARNE: Yes.

13 MR. SHOLLY: Those two processes could go forward
14 simultaneously.

15 COMMISSIONER AHEARNE: Yes.

16 CHAIRMAN PALLADINO: Did you obtain any
17 information on alternative systems other than sirens?

18 MR. SHOLLY: We did not.

19 MR. UDELL: We have on a more informal basis
20 talked about the pluses and minuses of the different
21 options, and from the Commissioners' transcripts we do
22 notice that there was on August 11 a reconsidering of
23 whether, you know, such and such a system might be the best
24 one, which is an awfully late date to be reconsidering
25 that.

1 I do believe that those questions were asked
2 initially when the rule was put into effect.

3 COMMISSIONER AHEARNE: You make a point in your
4 paper about -- as I recall, you speak to part of our rule
5 which requires the public be periodically informed about the
6 nature of the system. You mention that public information
7 is an integral part of any alerting system, and I guess I
8 would agree with you.

9 Your point, I gather, was that if there is proper
10 information contingency provided, the public ought to
11 understand what the system is.

12 MR. SHOLLY: We recognize the need to make some
13 attempt to confirm that indeed once the education program
14 has been gone through, one iteration or two iterations, to
15 try and find out whether it is being effective. But we do
16 not regard that as a reason to delay implementing the
17 systems.

18 CHAIRMAN PALLADINO: Any other questions?

19 COMMISSIONER BRADFORD: Yes. How did you -- how
20 did you choose which siren manufacturers to call?

21 MR. SHOLLY: In one case it was a company that I
22 was somewhat familiar with, having seen the design they did
23 for one of the plants. And another one, it happened to be a
24 company we came across in some industry trade journals.

25 COMMISSIONER BRADFORD: How much time would you

1 say it took the UCS to do the survey?

2 MR. SHOLLY: In terms of getting responses back
3 from different folks, the engineers, sales engineers and
4 such, might only have been a matter of three or four hours
5 total. We were having some difficulty locating other siren
6 systems and we contacted FEMA in particular because we
7 thought they would have experience based on civil defense
8 sirens and fire sirens and such, some ten days ago and we
9 were not able to get any type of listing from FEMA. So we
10 were somewhat limited.

11 As I mentioned, though, those two siren
12 manufacturers that we did talk to had sufficient capability
13 to fulfil the remainder of the orders that need to be
14 placed.

15 MR. UDELL: And one in particular has been a
16 supplier of more than several nuclear power plants.

17 COMMISSIONER BRADFORD: With regard to your point
18 about the licensees' obligation to inform, are you -- did
19 you have a section of the regulations in mind when you
20 stated that?

21 MR. SHOLLY: I do not have a particular section in
22 mind. I think it is inherent that if a licensee recognizes
23 some period of months before a deadline that he is not going
24 to meet that deadline I think they are under an obligation
25 to promptly inform the Commission of that.

1 Waiting until the deadline is reached or passes
2 certainly serves no useful purpose, and if there is any
3 problems meeting the deadline it is possible that the
4 Commission or one of the Commission's consultants or another
5 agency could help facilitate things and get, if not
6 compliance by the deadline, some near time in the future.

7 COMMISSIONER BRADFORD: You could have helped them
8 -- Ms. Yates, you mentioned that the -- your Congressional
9 delegation, or at least the delegation around Indian Point
10 had requested suspension of operation of Indian Point.

11 MS. YATES: Yes, they requested that in a letter
12 dated November 5, 1980, shortly after the flooding accident
13 had occurred. And I believe they sent a letter expressing
14 their concern, but not specifically requesting suspension of
15 operations, in April of this year. And I believe one is on
16 the way to you shortly from Congressman Fish's office.

17 COMMISSIONER BRADFORD: You say in April they did
18 request suspension of operations?

19 MS. YATES: I said they did not specifically
20 request suspension, but they did express concern about
21 emergency planning and the appointment of the ASLB for the
22 Indian Point case not having taken place yet.

23 COMMISSIONER BRADFORD: I see. But is there in
24 fact a letter that requests suspension of operations?

25 MS. YATES: Yes, November 5, 1980.

1 COMMISSIONER BRADFORD: What was the basis for
2 that request, do you remember?

3 MS. YATES: Well, the basis was that there had
4 been the major flooding accident at Indian Point and that
5 they wanted the operations of the plant to be suspended
6 pending both the outcome of the NRC's investigation into
7 that particular accident and also pending the outcome of the
8 ASLB adjudicatory proceeding that is still yet to occur on
9 Indian Point.

10 CHAIRMAN PALLADINO: Okay.

11 COMMISSIONER GILINSKY: I have a question. Mr.
12 Udell, how do you interpret the four month period which is
13 mentioned in the regulation for dealing with deficiencies?

14 MR. UDELL: The rule itself is -- after the
15 wording I think Mr. Sholy will take up in a second, it
16 mentions that for the April 1 deadline if there is a
17 deficiency in emergency planning that the NRC should then
18 consider shutting the reactor down. It examines
19 specifically in this regulation the particular topic that we
20 are meeting on today, which is the July 1 deadline. So that
21 to our reading of the rule, and I think as Steve will now
22 read it to you, it is very clear that the four month
23 extension period does not apply to the July 1 deadline and
24 that that was -- that was the content of the discussion that
25 took place at your closed August 11 meeting, according to

1 the transcript that has now been publicly released.

2 MR. SHOLLY: At 10 CFR 50.47(s)(2), it states:
3 "At operating power reactors, the licensee, state and local
4 emergency response plans shall be implemented by April 1,
5 1981, except as provided in section 4(d)(3) of Appendix E of
6 this part." And that section specifically refers to the
7 public notification systems, and we would read that as
8 requiring all the other requirements except the notification
9 system to be considered after the April 1 date. If the
10 state of emergency preparedness is found to be deficient,
11 then the four-month date would flow from that.

12 As we read that, that does not include the
13 alerting systems, and we think, beyond that, the very nature
14 of the alerting systems, the critical function that they
15 perform, requires that that particular regulation be
16 implemented as quickly as possible.

17 COMMISSIONER GILINSKY: Well, let's see. Can't
18 that be read to mean that one does not expect that the
19 alerting system will be ready at that point?

20 MR. UDELL: On April 1.

21 COMMISSIONER GILINSKY: Yes.

22 MR. SHOLLY: It clearly says that there is another
23 date and that date in the section in Appendix E is July 1,
24 1981.

25 COMMISSIONER GILINSKY: What about the four-month

1 period?

2 MR. UDEL: The four-month period only applies to
3 the April 1 deadline. But we might take this opportunity to
4 add that the Commission has been very slow to move on that
5 April 1 deadline, partly I think because of the nebulous
6 language in the rule about implementation. The word
7 "implementation" is used, that on April 1 all plants should
8 have emergency plans implemented, and it has been read to
9 mean that they have been submitted to the NRC and are now
10 being reviewed. So there has been some leeway given
11 already.

12 But unlike the nebulous language referring to the
13 April 1 rule, the language referring to the July 1 rule, the
14 15-minute rule, is very clear. And the deadline does not
15 include a four-month, 120-day clock.

16 MR. SHOLLY: As we make clear in the detailed
17 report, we do not think there is any basis for the utilities
18 to assume that they had any more time beyond July 1.

19 There have been some concerns expressed about the
20 iodine fission products study. As we detail in the report,
21 we think the Commission's order at CLI 80-40 denying Duke
22 Power's request made it absolutely clear there was no basis
23 that that was going to change things. And we see no reason
24 for the utilities to have assumed they had more time,
25 especially considering that some of the extreme cases, the

1 compliance would not be obtained until a year after the
2 original deadline. And we cannot conceive that the
3 utilities --

4 COMMISSIONER GILINSKY: Why do you say that?

5 MR. SHOLLY: In the case of Peach Bottom, for
6 instance, it lists a compliance deadline of July '82,
7 whereas the deadline is July '81. And we cannot conceive
8 that they believe that that was acceptable.

9 And furthermore, the Commission, or the staff at
10 least, has correspondence from Philadelphia Electric Company
11 dated the end of April that informed the staff that that was
12 indeed when their system would be in place. And we can see
13 there was no action taken.

14 COMMISSIONER AHEARNE: The second part of their
15 system. They are saying it was five miles earlier.

16 MR. UDELL: But the law does not allow for --

17 COMMISSIONER AHEARNE: The completeness --

18 MR. UDELL: The problem itself --

19 COMMISSIONER AHEARNE: The plant itself is doing
20 part of it.

21 MR. UDELL: The problem itself, as I think we have
22 all mentioned now, was a two-way problem. On the one hand,
23 the utilities have, to put it conservatively, have been
24 dragging their feet and there may be a number of reasons for
25 that. Steve mentioned the fission products studies that

1 have been going on.

2 But there have also been -- well, let's face it,
3 sirens are a public relations problem for many utilities.
4 It is very difficult to explain to people why they must have
5 a siren in their backyard if this plant is safe. And many
6 utilities have been dragging their feet on this issue
7 because they do not want to deal with that public relations
8 problem.

9 But the second part of the issue has been with the
10 NRC staff itself, and I directed some comments particularly
11 about the Office of Inspection and Enforcement, which had
12 materials from utilities January, February, April, some
13 papers trickling in saying, we are not expecting to meet
14 this deadline as much as six months to a year later.
15 Information that was turned up in both a FOIA request that
16 we filed, as well as in the public document room, does not
17 show that I&E responded to those requests firmly by saying,
18 what do you mean, July 2, 1982, instead of 1981.

19 CHAIRMAN PALLADINO: May I return to the four
20 month rule. While it appears clear to you that that does
21 not apply, the interpretation I believe from our general
22 counsel was different, I think, just to get that on the
23 record, that it did apply. I do not know if you have any
24 comments.

25 MR. BICKWIT: Yes. I will speak to that if you

1 like, Mr. Chairman.

2 I agree with you that the first sentence exempts
3 the emergency notification systems from its coverage and
4 that it speaks to a July deadline rather than an April
5 deadline for those particular systems. But the second
6 sentence as I read it clearly does apply to all of the
7 requirements in the emergency planning rule, including the
8 July 1 requirement for emergency notification systems.

9 I think your point about whether there is a
10 violation after July 1 is a closer -- is a closer point.
11 And whether the licensees had a reason to expect that there
12 would be no enforcement until four months after that is a
13 closer point.

14 As the transcript shows, the advice from this seat
15 was that there is a violation as of July 1. However,
16 reading the rule, I can understand that a licensee would
17 interpret this regulation as saying in the normal case, in
18 the typical case, if NRC followed the enforcement mechanism
19 that is outlined as typical, there would be no enforcement
20 action until four months after July 1.

21 MR. UDELL: We -- as I mentioned, we feel
22 differently about the interpretation of the rule in
23 question. But let's say that perhaps the utilities read the
24 rule that way, and let's say that they thought perhaps that
25 they might have some leeway until November 1. We are still

1 talking about approximately over a third of the utilities
2 that did not plan to comply until after that date.
3 Certainly there is no cause for that.

4 CHAIRMAN PALLADINO: We recognize that. I was not
5 disputing those facts. I just wanted to get this other
6 clear.

7 MR. SHOLLY: Moreover, some of the same utilities
8 were the ones that did not even communicate with the
9 Commission until after they were requested to do so.

10 CHAIRMAN PALLADINO: Yes.

11 Any other questions?

12 (No response.)

13 Well, we thank you very much.

14 MR. UDELL: Thank you very much.

15 CHAIRMAN PALLADINO: I suggest the industry
16 representatives come to the table. I remind you our
17 industry representatives are Mr. Robert Cunningham,
18 Emergency Preparedness Coordinator, Boston Edison Company,
19 and Mr. C.O. Woody, Manager for Power Resources, Nuclear,
20 Florida Power and Light Company.

21 Who is going to go first? You are? Go ahead.

22 MR. CUNNINGHAM: Mr. Chairman and Commissioners:

23 I am Robert H. Cunningham, Emergency Preparedness
24 Coordinator for the Boston Edison Company. With me today is
25 Mr. C.O. Woody, Manager of Nuclear Operations for the

1 Florida Power and Light Company. We appreciate the
2 opportunity to be here today and make this presentation on
3 behalf of the nuclear industry in reference to the alerting
4 and notification implementation schedule.

5 The Nuclear Regulatory Commission published its
6 final regulations on emergency planning in the Federal
7 Register on August 19, 1980. The regulations provided in
8 part that by July 1 the nuclear power reactor licensees
9 shall demonstrate that the administrative and physical means
10 have been established for alerting and providing prompt
11 instructions to the public within the plume exposure
12 pathway.

13 The July 1, 1981, date was selected after a number
14 of meetings throughout the country, because most state and
15 local governments identified to the Commission the
16 difficulty in procuring hardware, contracting for
17 installation and developing procedures for operating the
18 alerting and notification systems used to implement this
19 requirement.

20 I think it is important to note that alerting and
21 notification systems do exist and have always existed as
22 part of the inherent emergency preparedness capabilities of
23 local and state governments throughout this country. Public
24 safety has not been diminished just because the July 1
25 deadline has passed. Public safety officials throughout the

1 country have always been able to alert and notify the
2 citizens when threatened by floods, hurricanes,
3 transportation accidents, or other emergencies.

4 In adopting the current implementation schedule
5 for prompt alerting and notification, the Commission
6 explicitly recognized the many difficulties utilities and
7 government agencies would face in implementing prompt
8 alerting systems, and also implicitly recognized that, while
9 prompt alert systems will provide additional assurance of
10 public protection, the assurance provided by existing
11 systems is adequate to permit continued operation while
12 awaiting fulfillment of the regulation and the criteria for
13 these systems.

14 Although some may contend that the criteria for
15 these systems has been known to the industry since August of
16 1980, the guidance was not generally available, the detailed
17 guidance and criteria was not generally available until
18 January 1981, less than six months from the current
19 deadline.

20 Since receiving the criteria, and in many cases
21 well before that date, licensees have been involved in a
22 good faith cooperative effort with state and local
23 governments and those individuals who have the emergency
24 preparedness responsibilities to meet the prompt alert
25 implementation schedule. The fact that in the majority of

1 cases the schedule has not been met indicates that the
2 difficulties encountered by the industry were far greater
3 than the difficulties foreseen by the Commission in 1980 and
4 that an extension is both reasonable and clearly in the
5 public interest.

6 The Edison Electric Institute, the Atomic
7 Industrial Forum, and a nuclear industry consortium
8 dedicated to emergency preparedness support the staff's
9 request for an extension of the implementation schedule to
10 July 1, 1982. We believe this extension will provide a
11 planning environment that will permit licensees, states and
12 local governments to develop the best possible system for
13 each site.

14 The public is the beneficiary of sound emergency
15 planning and is entitled to careful and considered action by
16 regulatory agencies which will promote and encourage such
17 planning.

18 Mr. Woody would now discuss some of those specific
19 problems encountered throughout this industry in attempting
20 to meet the existing implementation schedule.

21 CHAIRMAN PALLADINO: Thank you.

22 Do you want to go ahead, Mr. Woody?

23 MR. WOODY: Mr. Chairman, Commissioners, I want to
24 thank you for the opportunity to discuss some of the
25 specific problems. No attempt has been made to compile an

1 exhaustive list of the unique site-specific problems, but
2 there are several common difficulties worthy of your
3 attention that have hampered the required implementation
4 schedule for the alert and notification systems.

5 The final emergency planning rule appeared in the
6 Federal Register on August 19, 1980. However, the necessary
7 guidance and detail required to design the alert
8 notification systems were contained in Rev. 1 to NUREG-0654,
9 which was not generally available to the utilities until
10 mid-January 1981.

11 Although some design work was in progress prior to
12 this final clarification, changes were required and final
13 designs were determined after the NUREG was issued. As we
14 now know, this left less than six months for implementation
15 and system tests to meet the July 1, 1981 schedule.

16 The financial impact of the requirement, which the
17 NRC recognizes as significant, demands that definitive
18 design criteria be in place prior to finalizing system
19 design parameters. It is now estimated that a system for
20 the average plant will cost approximately \$1 million. Major
21 rework and backfit is neither acceptable to the ratepayers
22 nor in the best interest of utilization of scarce resources
23 of emergency planners and designers.

24 Nonetheless, many companies, including my own, did
25 take some financial risk in expending funds before the final

1 criteria was known, and our company is currently proceeding
2 with a material purchase agreement in excess of \$900,000
3 without final approval for the radio frequency required to
4 operate this system.

5 COMMISSIONER AHEARNE: That is approval from?

6 MR. WOODY: FCC.

7 The second general problem area is in the unique
8 site-specific conditions at each site. This includes such
9 things as population density, ambient noise levels and
10 topography. Each site required an extensive engineering
11 analysis to determine the appropriate system.

12 For those sites with low population density and
13 resultant simple systems and for the NTOL plants,
14 installation could proceed prior to the final clarification
15 of January 1981. For sites with complex systems and
16 environmental constraints, the engineering analysis had to
17 await or in some cases be done after the NUREG clarification
18 of January 1981.

19 The analysis was typically done by independent
20 consulting engineers and demanded three to five months to
21 complete. Ultimately, the design alternatives were reduced
22 to sirens or indoor tone alert radios or a combination of
23 the two. The designing of such systems to meet a rigorous
24 criteria has required advancing the state of the art.

25 For example, acoustic outputs of sirens had not

1 previously been accurately measured. Control systems had to
2 be designed and tested to use five and six-step radio
3 encoding to prevent spurious actuation from commercial radio
4 signals. Little information was available on the
5 reliability of these devices under adverse and extreme
6 environmental conditions, such as salt spray at coastal
7 locations or extreme cold in northern areas.

8 In our case, design changes were required after
9 placement of the order as a result of salt spray and wind
10 tunnel testing that was conducted to assure reliable
11 operation in our coastal southern location and to
12 demonstrate structural integrity sufficient to survive
13 hurricane force winds.

14 A typical system will require 50 to 75 high-output
15 sirens, which are mounted on 40 to 60-foot poles and
16 actuated by radio signals from an emergency headquarters.
17 There are a limited number of vendors and the aggregate
18 demand for several thousand of these devices has resulted in
19 lead times of three to six months for manufacture and
20 delivery of a typical order.

21 NUREG-0654 recognizes that the responsibility for
22 activation of the system should remain with government.
23 Licensees and the states are working carefully with local
24 officials to assure a thorough integration of equipment and
25 procedures into the local preparedness structure.

1 It is mandatory that the system have the highest
2 possible degree of local acceptability. Coupled with the
3 requirement for local acceptability and equally as important
4 is the need to be consistent within a state and within the
5 utilities in a given state. Lack of consistency will reduce
6 the overall quality and create confusion for those states
7 and utility personnel who have responsibilities at more than
8 one site.

9 The dual goal of local acceptability and statewide
10 consistency has placed the licensees in a mediating role
11 between local, state and occasionally federal agencies.
12 This has been extremely time-consuming. In the case of my
13 company, we have been in almost continuous meetings and
14 negotiations with five municipalities, four counties and two
15 state agencies for six months. Although progress has been
16 made, we still do not have the necessary permits to set the
17 first pole in any of the counties.

18 Some utilities are now required to have a local
19 hearing for each siren. That is up to 75 local hearings per
20 site.

21 I spoke earlier about the risk associated with
22 purchase commitments before receiving all the required
23 approvals. One specific example is a required Federal
24 Communication Commission permit to operate the radio
25 initiating devices. Applicants or applications for these

1 permits must be made after all design work is done and all
2 local and state agreements are reached. This critical path
3 activity will take 90 to 120 days to receive the permit
4 after the application is filed.

5 In my case there is a \$60,000 risk that our
6 selected frequency may not be approved. In another case,
7 the National Oceanic and Atmospheric Administration has
8 changed the weather radio frequency after the utility
9 ordered and received a tone alert radio system.

10 Many states have learned, in the context of
11 radiological emergency response planning, that Emergency
12 Broadcast System plans need considerable attention. These
13 and similar problems have drained the already short supply
14 of time that state and local planners can devote to
15 implementation of the hardware aspects of alert and
16 notification systems.

17 Mr. Cunningham will now summarize our concerns and
18 discuss the basis for the proposed extension.

19 MR. CUNNINGHAM: The basis for the extension is
20 essentially that the revised deadline will permit the final
21 development of better systems, while the enforcement of the
22 existing schedule will in fact prove counterproductive to
23 such development. The systems under development will
24 significantly improve the overall preparedness posture and
25 the emergency public information systems of the communities

1 involved, not only for radiological emergencies but for any
2 other potential hazard as well.

3 Alerting and notification systems are just one
4 segment of a comprehensive emergency public information
5 system. Alerting and notification must be integrated into
6 that comprehensive system to assure that all of the local,
7 state and federal emergency responsibilities can be
8 fulfilled.

9 Extension of the deadline will permit maximum
10 information exchange among licensees, states and FEMA, and
11 result in implementation of more reliable and effective
12 systems as well as better procedures for operating them.
13 Keep in mind that arbitrarily short deadline could result in
14 hurried installation of inadequate systems and procedures,
15 necessitating further modifications. As demonstrated by the
16 problems cited by Mr. Woody, such modifications can be
17 costly, cause confusion and further uncertainties, and
18 reduce the overall effectiveness of the total emergency
19 preparedness program.

20 All parties involved in development of alerting
21 notification systems are engaged in a difficult but valuable
22 emergency preparedness effort. This effort has been
23 undertaken in good faith and in the spirit of cooperation to
24 meet a prompt alert requirement the technical basis of which
25 is not without dispute.

1 If the existing short deadline is allowed to stand
2 or another deadline earlier than July 1, 1982, is adopted,
3 the net result will be a dilution of the emergency
4 preparedness effort by federal, state and local emergency
5 preparedness planners in responding to a series of
6 enforcement actions. In most cases, earlier implementation
7 would not result because it is not practicable. In some
8 cases, first implementation might be earlier, but the
9 systems and procedures would not be as sound as they might
10 otherwise.

11 July 1, 1982, is a reasonable deadline that will
12 permit orderly, sound and effective implementation of the
13 intent of the prompt alert regulation. The extension will
14 assure that public safety officials will have been provided
15 with a top quality emergency management tool to improve
16 their already existing capabilities.

17 Thank you very much.

18 CHAIRMAN PALLADINO: Thank you.

19 I wonder if I could make an announcement before we
20 proceed. Due to the crowded conditions of the room, I would
21 request that there be no smoking in the room. I know that
22 is a hardship on some of you, but it is a hardship on some
23 of us.

24 I wonder if I might ask a couple of questions and
25 then turn it over to my colleagues. I think that there are

1 some problems. It still appears that a number of utilities
2 were able to do a reasonable job and meet the compliance
3 date, but -- and then there was a whole spectrum of
4 utilities, some of whom indicate that they cannot meet the
5 date before July 1, '82. That seems to cover quite a spread
6 of capabilities.

7 Is it clear to you in every case that the action
8 was diligently pursued, the necessary action was diligently
9 pursued by those who are indicating compliance dates well
10 into next year?

11 MR. CUNNINGHAM: Mr. Chairman, I have been
12 involved in emergency preparedness for roughly 14 years. I
13 have worked in a number of industry groups in emergency
14 preparedness. I have worked in a number of state and local
15 groups in emergency preparedness. And I have heard these
16 problems prior to the regulation as well as during the time
17 period since.

18 I would say that everyone has diligently been
19 pursuing this. And what criteria has sometimes been in
20 question, as Mr. Woody has pointed out. Some of the systems
21 that are in place are in place with still no existing
22 criteria as to what is going to judge that to be an adequate
23 system.

24 Those systems that are in fact in place may
25 require modifications, and some of us are hesitant, are

1 pursuing but again are still hesitant, because we are afraid
2 that we are going to put in systems which are going to
3 require further modifications.

4 I can assure you that there is a great deal of
5 work that has gone on throughout the industry. Those places
6 that have completed are in many cases somewhat simple sites
7 to design a system for. They are very remote sites, they
8 have very small population. Some of them were near-term
9 operations. Compared to those that have not fulfilled, you
10 will see that they are very complex sites with a myriad of
11 problems involved in trying to design and implement the type
12 of system.

13 COMMISSIONER AHEARNE: But you basically believe
14 that every licensee made a diligent good faith effort?

15 MR. CUNNINGHAM: I do not think that anyone can
16 say that everyone makes a diligent good faith effort in
17 everything.

18 CHAIRMAN PALLADINO: At least not equally
19 diligent.

20 MR. CUNNINGHAM: I would say that, on behalf of
21 the industry, that the industry and AIF and EEI have
22 supported the regulation, have urged our fulfilling of those
23 requirements, and it is quite obvious from the record that
24 emergency preparedness is utmost on the entire industry's
25 mind.

1 CHAIRMAN PALLADINO: There certainly is an
2 indication with the dates that go well into '82 that either
3 there are some unusual problems or that there has not been
4 as much diligence as maybe -- might have been applied.

5 Do you think the Commission should extend its
6 dates to -- far enough that they cover every one of these?
7 In other words, even from now we have the better part of a
8 year if we go all the way to that date, at least six months
9 if we go halfway to that date.

10 MR. CUNNINGHAM: Mr. Chairman, I think the main
11 point that we have tried -- one of the main points we have
12 tried to make here this morning is it is just not the
13 licensees who are out there working on this problem. We are
14 dealing with local individuals, elected officials, appointed
15 officials, in some cases an individual who has to wear three
16 and four hats in his daily enforcement of his appointed
17 authorities.

18 The licensees are finding themselves having to in
19 some cases, as Mr. Woody pointed out, serve as a mediator
20 between various levels of government, trying to deal with
21 two and three states in some locations. We are not in this
22 alone and I think that there are a large number of factors
23 that are well beyond the licensee's control that he has to
24 deal with. And I am sure that the staff has pointed these
25 out to you because they are running into those same

1 difficulties.

2 MR. WOODY: Mr. Chairman, may I quantify that? In
3 our own case, in the company I work for, the engineering
4 work, the site engineering work required five and a half
5 months. Our particular lead time from the time we placed
6 the order for the sirens until we are now told they will be
7 delivered was five months.

8 We have another nominal three months to obtain an
9 FCC license. That 13 months, 13-1/2 months, is affixed.
10 There is not a great deal we can do. We can try to put some
11 of it in parallel. But to do all the problems that it
12 speaks to, we must do some of it in series.

13 The issues that Mr. Cunningham has talked about
14 that are unknown in each location are primarily the
15 government inter-agency relationships.

16 I am frankly and surprised and disappointed that I
17 have spent six months negotiating and still do not have
18 permits to proceed to set poles. I would have anticipated
19 that that could have gone in parallel and I would have been
20 ready to do that by now. But I have encountered much more
21 difficulty than I had anticipated.

22 To that degree, it is appropriate that we extend
23 the deadline, but that you do keep the pressure to install
24 these systems to a reasonable deadline.

25 CHAIRMAN PALLADINO: Another -- another related

1 concern is the fact that the utilities, knowing they had to
2 meet this deadline, did not communicate with the Commission
3 about their problems or the fact that they were going to
4 have difficulty in meeting the date. Do you have any
5 comments on that concern?

6 MR. CUNNINGHAM: Well, I know that in our
7 particular case we -- I would not judge the timeliness of
8 that notification, but we did let the Commission know, we
9 let the emergency preparedness staff on the NRC know, that
10 it was going to be very difficult to meet those time
11 limits.

12 COMMISSIONER BRADFORD: When did you do that?

13 MR. CUNNINGHAM: Well, Mr. Commissioner, we
14 started telling the Commission that well over a year and a
15 half ago, when we were going around the country to various
16 public meetings discussing the problems.

17 The Commission itself in its rule implicitly went
18 back to those comments, to the state and the local
19 governments, which said that this is a very difficult task
20 and we do not think that we can meet those deadlines. Our
21 particular utility did send a letter asking for an extension
22 or an exemption, depending on what phraseology you want to
23 use, several months ago, before the July 1 deadline.

24 COMMISSIONER BRADFORD: When was that?

25 MR. CUNNINGHAM: I could not tell you.

1 COMMISSIONER AHEARNE: I have it in this book. It
2 was a June 5th letter from Boston Edison.

3 MR. CUNNINGHAM: I would like to, if I could, not
4 to belabor the point, just take maybe a minute and a half of
5 your time to give you a quick scenario in what is involved
6 in this system. It is not a system, as some people would
7 like to imagine, that you can pick a siren or pick a device
8 and then go out and design a system. You have to go out and
9 deal with the local and the state governments so that your
10 system fits what is already there.

11 Keep in mind, many of these governments do have
12 systems that they use now to alert the public, and if we are
13 going to replace it it is going to be a major step. If we
14 are going to integrate with it, it involves a lot of
15 cooperation, a lot of coordination.

16 You cannot design the system after you have chosen
17 the siren. You have to go out, look at the topography, look
18 at the vegetation, look at your coastal sites, look at the
19 density of your population. You have to look at what the
20 future distribution of the population is going to be years
21 from now. Then you have to sit down with that design, go
22 back to the local and states, ask them if they have any
23 modifications.

24 We have modified our own design, I would say,
25 since March or April probably 15 or 20 times in dealing with

1 state and local governments. And it is only because, again,
2 they have the same interests we do that when it is completed
3 it is going to be an effective system.

4 COMMISSIONER GILINSKY: What is your projected
5 completion date now?

6 MR. CUNNINGHAM: We will have -- I can almost
7 guarantee that we will have the complete first five miles
8 down well before the end of this year, and that we will be
9 finished shortly, in the first quarter of next year, with
10 the full ten miles.

11 COMMISSIONER GILINSKY: "First quarter" meaning?

12 MR. CUNNINGHAM: Meaning before March.

13 COMMISSIONER GILINSKY: Then on the staff document
14 you are down for the end of the year.

15 MR. CUNNINGHAM: We have just been told that a
16 three-month wait on equipment will probably be four to five
17 months in receiving equipment, and it will probably take us
18 three months to install, so that we will be getting
19 equipment and installing it.

20 This equipment has to be developed out in the
21 field. You get the equipment, you have to have teams out
22 and put these poles -- units, mount them on a pole, install
23 the pole. The poles alone in our case, in one community I
24 think we have 58 or 60 poles. We have been required to have
25 58 or 60 individual public hearings on each pole location

1 before the town will approve those.

2 And if you look at that in other sites where they
3 have 100 sirens, and which we do -- we have over 100 if you
4 count all the communities -- that can be a very laborious
5 task.

6 COMMISSIONER BRADFORD: Now let me ask you about
7 that. Are you saying that you have to, on 58 or 60
8 different days, go to a public hearing, one per pole?

9 MR. CUNNINGHAM: No. We will have one marathon
10 session with that community, which they have just agreed to,
11 in which each pole will be discussed separately and the
12 public will be heard on each site. So that if an individual
13 wanted to come in and be heard in rebuttal on each of those
14 60 sites, we would have to listen to those concerns.

15 COMMISSIONER BRADFORD: But in fact it may take a
16 couple of hours, it may take a day. It is not a matter of
17 50 or 60 individual hearings, in the sense that the NRC has
18 individual hearings.

19 MR. CUNNINGHAM: No. But the point I am trying to
20 make here is that that is just one segment of a problem that
21 can drag you on a day, two days.

22 COMMISSIONER BRADFORD: I must say, it sounds like
23 an irrational process, but the notion of some 58 or 60
24 hearings I think perhaps overstates the burden you bear.

25 MR. WOODY: The more concern of the issue would be

1 if, resulting from those hearings, a pole now has to be
2 relocated. Then the entire system has to be re-examined,
3 since each pole is specifically located to cover its
4 particular distance.

5 And that, of course, opens up movement of the
6 poles. So it is an inter-related system. That is the more
7 concerning problem of the individual hearing issue, not that
8 it may take some number of days to get through these single
9 set of marathon hearings.

10 COMMISSIONER AHEARNE: But Mr. Woody, the overlap
11 must be -- there must be some overlap. You are not running
12 a fine margin. When you say a pole moving, it would have to
13 be how far it has to be moved. If it is a block or two,
14 then your calculations --

15 MR. WOODY: Yes, sir, that is correct. But of
16 course, sound is a logarithmic function. So we will have --
17 we will have some latitude, but not a great deal.

18 COMMISSIONER GILINSKY: Mr. Woody, could I ask,
19 when do you expect to be complete with this system that your
20 utility is installing?

21 MR. WOODY: As far as the delivery of the material
22 and being able to install it and test it, we now target that
23 for November 20. And I checked with our engineers
24 yesterday, and that is a legitimate date.

25 However, we are still in contest with the local

1 and state governments, and in fact there is no agreement
2 signed at the present time between the county and state
3 government. We do have a rent agreement signed between our
4 company and the state, but there is still no resolution to
5 some of the problems that persist between the county and
6 state government.

7 COMMISSIONER GILINSKY: Both of you have suggested
8 that you have encountered exceptional difficulties and you
9 have to deal with salt spray, hurricanes, a large number of
10 municipalities and so on.

11 MR. CUNNINGHAM: Turkey farms.

12 COMMISSIONER GILINSKY: And yet you are going to
13 be complete before the end of the year, and you expect to be
14 completed soon after the beginning of the year. Why July
15 1?

16 MR. CUNNINGHAM: Could I --

17 MR. WOODY: Let me mention just this, that from a
18 hardware standpoint we can be complete by November 20. We
19 do not have the first permit yet to set a pole, and until we
20 get that I cannot set a final date that we will be
21 complete. I am disappointed with the progress that we are
22 making to get those permits.

23 Secondly, after we get the agreement with the
24 local officials, then we have to apply for the radio
25 frequency permit, which will be 90 to 120 days. So there

1 are still unknowns.

2 CHAIRMAN PALLADINO: Why can't you apply to that
3 parallel?

4 MR. WOODY: Because it must integrate into the
5 county system and the county will not apply for it until
6 they come to agreement with the state that they are going to
7 accept the system and integrate it into their plan.

8 MR. CUNNINGHAM: The holder of the license on that
9 frequency has to approve. And I would like to elaborate, if
10 I could, for one moment on Mr. Woody's comments. Just
11 because you have sirens and tone alert devices or radios
12 installed does not end the question of whether or not you in
13 fact have a viable system, whether you in fact meet existing
14 criteria.

15 There are other factors that are to be
16 considered. Mr. Woody has pointed out the Emergency
17 Broadcast Systems in the various states, the written
18 procedures in the operation of these systems, the written
19 procedures that in some states have to now be looked at
20 because they find they are having some false activations of
21 these systems.

22 It is not just a hardware installation issue.
23 There are a lot of other issues involved here that come
24 after the fact, and that is why, although myself and Mr.
25 Woody may appear to have some luxury if the date were

1 extended to July '82, I think that the point we would like
2 to make in that extension is that it also involves that
3 interface with the local and state public safety officials
4 so that we can assure that when the system is in and it is
5 utilized, because these systems will be utilized for floods
6 and hurricanes as well in I would think the majority of the
7 locations, that it is going to be used in an effective and
8 an efficient manner.

9 CHAIRMAN PALLADINO: Are you saying that the
10 system you put in for notification about reactor problems is
11 going to be used for other purposes as well?

12 MR. CUNNINGHAM: Most definitely, Mr. Chairman.
13 It would really --

14 CHAIRMAN PALLADINO: How will people know whether
15 it is one thing or another?

16 COMMISSIONER AHEARNE: They will have to turn to
17 the radio.

18 MR. CUNNINGHAM: The alerting or notification, the
19 sirens merely tell the citizens to turn to their radio or
20 television to receive emergency instructions.

21 CHAIRMAN PALLADINO: Am I supposed to know that
22 right now in the Washington area?

23 COMMISSIONER AHEARNE: If your utility --

24 CHAIRMAN PALLADINO: If I hear a siren in the
25 Washington area, am I supposed to turn on a particular

1 station? I do not know that.

2 MR. WOODY: Mr. Chairman, there is an attendant
3 education program that must go with this. That is a
4 requirement.

5 CHAIRMAN PALLADINO: I did not even know in the
6 state college area what to do if there was a siren. I
7 thought the siren was to call the fire department.

8 MR. WOODY: There is another alternative that may
9 be viewed as an enhancement and some utilities are choosing,
10 so that a public address system can be installed with the
11 siren and the county headquarters can broadcast to the
12 residents in an audio sense and tell them instructions. So
13 there are alternatives.

14 CHAIRMAN PALLADINO: But people have to remember
15 which radio station they have to turn to also, unless it
16 happens to be a place that only has one.

17 MR. CUNNINGHAM: That is part of our requirement
18 on the licensee, that we will provide the citizens around
19 the site with that, what we call an emergency public
20 information package.

21 COMMISSIONER BRADFORD: Isn't there in fact a
22 civil defense network, and aren't most radio dials marked
23 with a little triangle that says "CD"?

24 MR. CUNNINGHAM: Well, the former CONELRAD system
25 has been done away with and been replaced by what is known

1 as the Emergency Broadcast System, and the quality of this
2 system varies from state to state. And yes, there are
3 existing Emergency Broadcast Systems and the states and the
4 different agencies do use them quite frequently.

5 I myself, Mr. Chairman and Commissioners, have
6 broadcast over that while I was a state director in
7 Massachusetts on a number of occasions, one being the
8 blizzard of '78 and the other being a hazardous materials
9 accident in Somerville. I would have to say that on both
10 occasions there were no outdoor alerting and notification
11 systems, and in fact we evacuated thousands and thousands of
12 individuals in both cases without those devices in a very, I
13 would have to say, a very safe and a very rapid manner.

14 COMMISSIONER AHEARNE: But there is in the rule a
15 specific provision which would require the utilities to
16 distribute information concerning these procedures?

17 MR. CUNNINGHAM: Yes.

18 COMMISSIONER AHEARNE: Because we recognize one of
19 the major requirements -- clearly you can go and put in the
20 system and the system can be designed very well, but the
21 people in the area have to understand it.

22 CHAIRMAN PALLADINO: What has been your experience
23 with spurious signal sending setting off these sirens or
24 other signals that might impact on them?

25 MR. WOODY: There have been some actuations, we

1 are told, and I do not know the specifics. Some of them
2 were simple systems actuated by commercial radio
3 frequencies. That is, some combination of music signals
4 have set off some of the earlier models and simple siren
5 systems.

6 In the case of the systems that at least our
7 company is pursuing, we are putting a six-step encoding
8 requirement into the transmitter and decoding for the
9 receiver, so that we have that many checks to prevent false
10 actuations. That had to be designed and tested, again one
11 of the development things that took some time.

12 MR. CUNNINGHAM: And in addition, there are a
13 number of tone alert radios on the market of a simple nature
14 that false trip several times a month, and we are trying to
15 develop systems which use very complicated encoding devices
16 so that we can avoid that type of anxiety being put out to
17 the public.

18 CHAIRMAN PALLADINO: Okay. Well, thank you.

19 Any other questions? Go ahead.

20 COMMISSIONER GILINSKY: You propose an extension
21 of the deadline to July of '82. How would you interpret
22 that deadline? The current deadline has a four-month period
23 for dealing with deficiencies.

24 COMMISSIONER AHEARNE: May or may not.

25 COMMISSIONER GILINSKY: Well, we discussed that

1 earlier, at any rate.

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1 How would you interpret the July '82 deadline you
2 are proposing? Would you add a four-month period to that,
3 or would that be a "drop dead" date?

4 MR. CUNNINGHAM: I would say that the industry is
5 willing to follow whatever administrative procedures are
6 currently in place at the Commission. I would also say --
7 that is not lightly said -- I would also say that our
8 administrative procedures which are currently being
9 developed by the Federal Emergency Management Agency to
10 analyze the systems as to what the degree of quality of
11 those systems are and whether in fact they do meet the rule.

12 Keep in mind that the NRC and FEMA have joined
13 hands in this relationship, and FEMA does have that
14 responsibility to go out and analyze these systems.

15 I would think that FEMA is in the final stages of
16 presenting that type of analysis or the method for that
17 analysis to the Staff.

18 COMMISSIONER GILINSKY: What is your answer then?

19 MR. CUNNINGHAM: My answer is: We support the
20 July '82 deadline, and we feel that all the utilities will
21 have systems in place by July of '82 or soon after. I know
22 there are some that are going to have some problems out in
23 some of the denser areas.

24 COMMISSIONER GILINSKY: So you regard those that
25 are not, barring some problems that could not be foreseen,

1 to be in violation of the rule?

2 MR. CUNNINGHAM: Well, I think that you have to
3 look again at each site and the reasons why each site has
4 had problems. Again, Mr. Commissioner, some of those
5 problems that they are encountering I can assure you in the
6 best of good faith are far from their control and, in fact,
7 in some instances are being put there as obstacles to
8 completing these systems.

9 COMMISSIONER GILINSKY: Well, that would certainly
10 be something that we would take into account.

11 MR. CUNNINGHAM: Those are things that we would
12 hope --

13 COMMISSIONER GILINSKY: It would apply -- take an
14 enforcement action and not consider these things. But
15 suppose that they are not present. You are not proposing
16 another four-month period then?

17 MR. CUNNINGHAM: I am proposing that again -- and
18 not to use any smoked mirrors; again, I do not want to
19 debate with legal counsel here -- if that is within the
20 Commission's guidelines, it should be applied to all
21 regulations.

22 COMMISSIONER GILINSKY: It is specific to this one.

23 MR. CUNNINGHAM: Then it should apply to this
24 one. It should be July 1982. And I say that as a member of
25 the bar myself.

1 CHAIRMAN PALLADINO: I am going to suggest -- we
2 want to leave time for the Staff.

3 COMMISSIONER AHEARNE: Mr. Cunningham answered one
4 of your questions, but Mr. Woody did not have time, I
5 believe, with respect to the prompt notification on not
6 meeting the date of implementation that is in the rule. The
7 Chairman asked whether the company felt that they had an
8 obligation to inform us that they were not going to meet
9 that deadline. And I wondered what you --

10 MR. WOODY: Yes, Commissioner Ahearne, we did have
11 an obligation to inform you. I do not know the date we
12 informed you, but I do know that we informed you and then
13 had some subsequent correspondence with our Region II
14 director. I do not have a copy of that. I do not know the
15 date. But I believe it was prior to July 1.

16 COMMISSIONER AHEARNE: Yes. But you would agree
17 that there was an obligation?

18 MR. WOODY: As speaking for the company I work
19 for, we felt that way, yes. I am not speaking for the
20 industry in that response.

21 COMMISSIONER AHEARNE: Okay.

22 CHAIRMAN PALLADINO: Okay.

23 COMMISSIONER BRADFORD: Can you talk a little more
24 about the nature of the frequency-approval problem with the
25 FCC? Do many utilities have a problem in getting the

1 approval?

2 MR. CUNNINGHAM: I would say that not only many
3 have, have the problem, some do not even know they are going
4 to have the problem yet, because I would have to say that
5 some of the other federal agencies involved have not been
6 quick to inform them that the FCC has caused problems
7 throughout the country in terms of these licenses and
8 permits to use certain frequencies.

9 COMMISSIONER BRADFORD: What does that problem
10 mean impractical terms? You had added the three months on
11 at the end, and yet it sounded like something that could
12 have been going on while equipment was being installed.

13 MR. WOODY: It can commence when the local
14 government agency, whoever that may be, accepts the
15 responsibility for operation of these systems, determines
16 how they will integrate it into their present system, and
17 then makes application. It can commence prior or in
18 parallel with installation of the equipment.

19 COMMISSIONER BRADFORD: Supposing you have
20 installed the equipment and then, for some reason, the FCC
21 requires a change. Is it a major job then to go out and
22 rework each siren to respond to a different --

23 MR. WOODY: Yes. I spoke earlier that in our case
24 we have already ordered the radio equipment to a -- what we
25 believe to be an acceptable frequency. But should the FCC

1 deny that, we will have to change all of the devices, and we
2 expect the cost would be around \$60,000, not a great deal of
3 time but some cost involved.

4 CHAIRMAN PALLADINO: Well, thank you very much for
5 appearing before us. Now, we will --

6 COMMISSIONER BRADFORD: May I ask another question
7 while we have the gentlemen to inform us?

8 How many vendors of sirens are there? At least
9 how many --

10 MR. WOODY: We believe --

11 COMMISSIONER BRADFORD: -- available to you?

12 MR. WOODY: We believe that there are five or six
13 sophisticated vendors. There are probably twice that many
14 that are in the business of making sirens and alarm systems,
15 but vendors who can supply this kind of system to this
16 sophistication are limited to five or six.

17 COMMISSIONER BRADFORD: Would your answer be the
18 same?

19 MR. CUNNINGHAM: My answer would be: Less than
20 that, Mr. Commissioner, because again depending on the
21 degree of sophistication you want, the degree of backup
22 power that you want, the type of siren you want, the weather
23 conditions that you have to meet, you may find yourself --
24 and a number of engineering firms have agreed with me --
25 that you will find yourself limited to two or three vendors

1 who are in the field today.

2 COMMISSIONER BRADFORD: Did your companies go to
3 bid with these systems once you had a detailed idea of what
4 you wanted?

5 MR. CUNNINGHAM: Yes.

6 MR. WOODY: Yes. And we exercise some value
7 analysis of the proposals.

8 COMMISSIONER BRADFORD: Were you able to go to bid
9 before January 1, 1981?

10 MR. WOODY: We were not.

11 COMMISSIONER BRADFORD: You both went after?

12 MR. CUNNINGHAM: Most definitely.

13 COMMISSIONER BRADFORD: And was one of the factors
14 that you got back from the bidders a date of when they could
15 complete the system?

16 MR. CUNNINGHAM: Well, what had to be done as of
17 January of '81, when the criteria was outlined, finally
18 outlined for us, we had to then go out and actually design a
19 system to meet that criteria. In our case, I know it took a
20 little over four months -- I believe Mr. Woody's was
21 roughly the same time -- just in designing what that system
22 would look like. And, you know, if everything else,
23 probably 200 other subelements weren't entirely perfectly
24 sure, you probably could have placed an order at that time.
25 And again, you would run into some considerable delays in

1 filling that order and then a considerable delay in actually
2 going out and installing equipment.

3 MR. WOODY: Responding to the direct question,
4 yes, they did have to respond -- they did have to state
5 delivery date. However, after the wind tunnel testing, the
6 mode of the tones of the siren had to be upgraded, and
7 therefore it gave them an opportunity to slip their delivery
8 date. And we have found slippage of the original delivery
9 date; it is now in the neighborhood of five months from the
10 day we placed the order.

11 COMMISSIONER BRADFORD: How many responses did
12 each of you get, just out of curiosity on that, on the bids?

13 MR. WOODY: On proposals?

14 COMMISSIONER BRADFORD: Yes.

15 MR. WOODY: I am aware of three. There may be
16 others, but I am aware of three.

17 MR. CUNNINGHAM: In the vendors we had three that
18 submitted bids, and we had limited ourselves because we had
19 our consulting firm, engineering firm, doing the work with
20 us and reviewing the possible vendors, going to each of the
21 vendors, looking at their capabilities, looking at their
22 factory capability, looking at their devices, dealing with a
23 radio manufacturer. And we were limited to three.

24 There is perhaps one other point here that Mr.
25 Woody made which was significant in his significant

1 problems. The technology of the system of notification I
2 can assure you has been increased probably 200 percent
3 because of this regulation alone. In fact, there was only
4 one consultant in the entire country that could actually go
5 and test these sirens to tell you whether or not in fact
6 their marketing material was followed and that they could do
7 certain things with their devices.

8 And with just one person out there to do it, you
9 can see that this technology obviously was not as advanced
10 as many thought it was a year ago.

11 CHAIRMAN PALLADINO: Was any delay due to the fact
12 that a number of companies had to go to the same consultant?

13 MR. CUNNINGHAM: Well, a number of companies, of
14 course, Mr. Chairman, did not want to go to a consultant to
15 show what their equipment could do. But when they found out
16 that others were, yes.

17 There were delays. In fact, at one site there
18 were some rather distasteful battles going on between
19 vendors because of claims made on particular types of
20 devices.

21 CHAIRMAN PALLADINO: Are you gentlemen going to be
22 here for a while?

23 MR. WOODY: Yes.

24 MR. CUNNINGHAM: Yes, sir.

25 CHAIRMAN PALLADINO: I do want to get the Staff up

1 here. The reason I ask, so that if there are other
2 questions that arise, we still could call on you for
3 answers. Is that okay?

4 COMMISSIONER AHEARNE: Sure.

5 CHAIRMAN PALLADINO: All right. Well, thank you
6 very much.

7 MR. CUNNINGHAM: Thank you very much.

8 CHAIRMAN PALLADINO: I ask the Staff to join us at
9 the table. Are you going to proceed, Bill?

10 MR. DIRCKS: We, in accordance with your
11 instructions, we have prepared a proposed rule change
12 extending the date to July 1, 1982. Mr. Stello and Mr.
13 Grimes are here to provide any additional background
14 information.

15 I think, Brian, you had some points you wanted to
16 review. But I think the essential point is we have the
17 proposed rule change attached to the paper recommending the
18 July 1, 1982, date.

19 If you would like Brian to proceed into the
20 background, I think he --

21 CHAIRMAN PALLADINO: I think it would be helpful,
22 particularly interest exists in the extent to which you
23 believe we have to extend the date to accommodate everyone.

24 Vic.

25 MR. STELLO: Why don't you just go ahead and start?

1 MR. GRIMES: Could we have the first slide, please?

2 (Slide.)

3 The next slide, please?

4 (Slide.)

5 Before I get into the background of this matter, I
6 would like to note a typographical error which we did not
7 identify in time to get into the copies that were handed
8 out. On page 4 of the Notice of Proposed Rulemaking, on the
9 eighth line from the bottom, the word "accept" should be
10 "including," so that the sentence reads: "Every aspect of
11 the rule, including the prompt notification system, is still
12 required."

13 CHAIRMAN PALLADINO: That makes quite a difference.

14 COMMISSIONER ROBERTS: Indeed it does.

15 MR. GRIMES: I think from the context, the actual
16 meaning would not get changed. But the secretary did not
17 pick up the change in the other part of the sentence. We
18 did not identify that until later.

19 The background of this has been covered earlier.
20 The August 19, 1980, was the date when the emergency
21 planning rule was published. The major elements or dates
22 required were submittal in early January of the plans by the
23 Licensee and on-site procedures being submitted March 1, and
24 these plans and procedures being implemented by April 1,
25 1981.

1 The prompt notification system requirement was
2 separated to the extent that the date was different, and it
3 was July 1, 1981.

4 I would just make the comment that in my
5 recollection the form of the period was thought to apply to
6 any emergency preparedness requirement at any time during
7 the plant lifetime when deficiencies are identified. And I
8 think the transcripts would show that. Specifically,
9 Chairman Hendrie's interpretation was that there would be a
10 four-month period available in most cases after July 1.

11 COMMISSIONER AHEARNE: But the rule was put out --

12 CHAIRMAN PALLADINO: I cannot hear you.

13 MR. BICKWIT: I do not think that changes the
14 legal effect.

15 COMMISSIONER AHEARNE: No, I was just -- but the
16 then-Chairman's interpretation does not correspond to mine.

17 MR. GRIMES: My memory may be faulty on that
18 point. The issue -- two issues, really -- what the new date
19 should be, the Commission decided on August 11 to have a
20 meeting to address changing the date for full compliance,
21 what the new date should be, and also, very importantly,
22 whether enforcement action should be taken promptly at that
23 time.

24 And I believe the Staff recommendation is that we
25 should not engage in additional four-month periods on this

1 particular requirement. We have to make whatever date that
2 we pick and make it clear that that is the date and pick it
3 on that basis. If we believe additional time is needed,
4 then this is the time to put that time period in, but that
5 there should not be ambiguity at this time in whether
6 enforcement action will be taken after a particular date.

7 CHAIRMAN PALLADINO: You are suggesting that the
8 date you are proposing be the date after which you take
9 enforcement action?

10 MR. GRIMES: Yes.

11 CHAIRMAN PALLADINO: Okay.

12 MR. GRIMES: The next viewgraph, please.

13 (Slide.)

14 You have heard a number of problems discussed by
15 the industry representatives, and I think they have covered
16 all those in a good bit of detail, and I will not go through
17 them again.

18 In general, I would put more weight on those
19 aspects relating to the negotiations required with state and
20 local officials than the delays in lead times in vendor
21 equipment, as I think some of these things could go forward
22 in parallel at some risk in terms of changes to equipment.

23 COMMISSIONER GILINSKY: Is there something we can
24 do about expediting the FCC licenses?

25 MR. GRIMES: We have collected the four cases

1 where we are aware there are delay problems and have asked
2 FEMA to use their good offices with the FCC to try to
3 expedite those.

4 COMMISSIONER GILINSKY: Do we know what the effect
5 of that has been?

6 MR. GRIMES: Licenses, we just know they asked in
7 early August, and I have not received any word back on what
8 the effect of that has been.

9 COMMISSIONER GILINSKY: It would be good to check.

10 MR. GRIMES: Yes. I would note at this time also
11 that --

12 COMMISSIONER BRADFORD: Brian, do we have no good
13 offices of our own?

14 MR. GRIMES: Yes, we do, but we felt this was a
15 clear area where FEMA should be taking the lead in the
16 off-site.

17 MR. DIRCKS: On the off-site we have the
18 understanding that FEMA would lead the negotiations with
19 state and local officials.

20 COMMISSIONER BRADFORD: I see.

21 COMMISSIONER GILINSKY: Does FEMA step in to help
22 the negotiation process?

23 MR. GRIMES: In general, the answer is "Yes," on
24 any emergency planning problem. And I am not aware of
25 specific negotiations on this particular problem, but I am

1 aware of many assistances in mediation by FEMA in other
2 areas. So we have asked for their particular attention to
3 these four cases.

4 I will note that before July 1, because of these
5 implementation problems, we had letters from 29 of the 48
6 operating sites which at least told us they were having
7 problems or might have problems in meeting the July 1 date.
8 And a few, particularly those received in June, explicitly
9 told us that they would not meet the July 1 date; in some
10 cases, gave us a new date.

11 COMMISSIONER AHEARNE: But 19 did not?

12 MR. GRIMES: No, that is correct. There are six
13 which completed their system by that date, and another 13
14 which did not and did not complete --

15 COMMISSIONER AHEARNE: Do you happen to know
16 whether Florida Power & Light was one of those?

17 MR. GRIMES: Florida Power & Light did give us a
18 letter on July 1.

19 COMMISSIONER AHEARNE: Gave you a letter on July 1?

20 MR. GRIMES: Yes.

21 CHAIRMAN PALLADINO: Were there any other earlier,
22 more informal --

23 MR. GRIMES: In most cases, even those that did
24 not in writing notify us, there were informal contacts.

25 CHAIRMAN PALLADINO: Their initiative -- I don't --

1 MR. GRIMES: Yes. Well, they brought it up during
2 a meeting or made a telephone call or it came up during a
3 telephone call. There are periodic contacts with the Staff
4 by Licensees on other emergency preparedness problems, and
5 several of these we are aware they were at a meeting with
6 the regional office and this was mentioned that they were
7 not going to make the date.

8 But we have not received anything in writing in
9 terms of a formal notification. And I believe the Licensees
10 are well aware that notification of the NRC on any matter
11 should be in writing. They cannot just tell the resident
12 inspector, for example, that they have a particular problem.

13 CHAIRMAN PALLADINO: A phone call -- well, that is
14 right. But if a utility made a specific call to I&E and
15 said, "We are calling you to let you know we cannot make
16 that July 1 date," and gave you the reasons, would that not
17 count?

18 MR. GRIMES: Not in terms of formal notification,
19 no. And the information --

20 CHAIRMAN PALLADINO: Lawyers do not always seem to
21 work that way.

22 (Laughter.)

23 MR. GRIMES: We could not, for example, act on an
24 exemption request based on an informal --

25 CHAIRMAN PALLADINO: Have you now heard from all

1 Licensees, letters from all of them?

2 MR. GRIMES: Yes, we have heard now from all
3 Licensees.

4 COMMISSIONER GILINSKY: Have you sent out any
5 letters to them concerning the deficiencies?

6 MR. GRIMES: No.

7 MR. STELLO: No. The suggested letter is attached
8 that we would send specifically to those who did not notify
9 us. With respect to those that asked for exemptions, it
10 would be our intent that if the rule is changed, that then
11 we would speak to the issue of asking for exemptions. It
12 would be self-explanatory. If the rule were changed to some
13 date and someone wanted some time greater than that date,
14 they would obviously know it was not greater.

15 COMMISSIONER AHEARNE: Well, there are some
16 utilities that asked for specific issues to be addressed,
17 like the probabilistic risk assessment. And are you saying
18 that your view would be then in the action if we extend the
19 date, that should be viewed as turning down the request to
20 consider that?

21 MR. STELLO: Yes. And they would be under an
22 obligation, and we would make it clear to them that if they
23 had any difficulty in meeting the new date, a special and
24 specific exemption request to the new date would be required.

25 MR. GRIMES: You bring to mind a specific case.

1 And in that case, Mr. Denton has responded to a number of
2 matters which include this item, I believe. And I cannot
3 remember the exact wording, but it is spoken to.

4 In response to your earlier question, we have on
5 one occasion, at least, corresponded with a utility on this
6 matter.

7 CHAIRMAN PALLADINO: Okay. Do you want to go on?

8 MR. GRIMES: Yes. May I have the next viewgraph?

9 (Slide.)

10 There are several competing factors involved in
11 making the decision on the date. And you have heard a
12 number of those this morning. One is how many utilities
13 have what problems in making this date. I would make the
14 observation that those facilities that did have equipment on
15 order all have by July 1, 1981, all have completion,
16 estimated completion dates not later than January 1, 1982.

17 This morning we heard of a slight slippage of one
18 of those plants into early 1982. So that statement is not
19 quite correct. But the letter that was sent in did have
20 January 1, 1982. Two-thirds of the operating plants will
21 then have installed systems. So there is going to be a
22 substantial increase in the installation of these systems by
23 the end of the year.

24 The remaining one-third of the sites --

25 CHAIRMAN PALLADINO: When you say "installed," you

1 are implying installed and operational?

2 MR. GRIMES: Operational, yes.

3 The remaining one-third have estimated completion
4 dates not later than July 1982, with the exception of six
5 sites which oppose the requirement, at least in part. For
6 example, some have proposed only -- in three cases, only a
7 five-mile coverage. And in two cases where there is a
8 five-mile rather than a ten-mile emergency planning zone
9 because of the small size of the reactor there is opposition
10 to installation of the system. And in another case, for a
11 small reactor, there is a desire only to cover about 1-1/4
12 miles; in other words, just have one siren on the plant
13 itself.

14 CHAIRMAN PALLADINO: On the larger reactors, is
15 there some good reason for only going five miles?

16 MR. GRIMES: On the smaller reactors?

17 CHAIRMAN PALLADINO: No; the larger ones, those
18 that request they only go five miles or say they were only
19 going to five miles.

20 MR. GRIMES: We have not received any detailed
21 rationale. One letter did mention that the design basis
22 accident case would not require going beyond five miles for
23 protective action. That would be a significant release
24 within the containment but the containment not having
25 anything excessive of its design basis leakage rate. That

1 is the only qualified argument we have received.

2 The date in the Staff paper is July 1, 1982. For
3 a suggested date, an earlier date than July 1, 1982, may, as
4 mentioned by some this morning, provide an incentive to
5 expedite completion of the systems. A date July '82 or
6 later would provide better assurance that any difficulties
7 with off-site authorities could be overcome and that indeed
8 optimal systems can be installed.

9 I think one thing that is not on the slide, which
10 has occurred to me since I put together the slide, is it is
11 important that there be a date and that the Commission
12 indicate that this date must be met to provide some
13 incentive for state and local people to complete their
14 process in an expeditious manner.

15 We have found in other cases that, for example, in
16 New York State, there was a great deal more activity that
17 went on because of our imposition of a four-month period in
18 which improvements had to be made in the plans. So I think
19 there is some effect of whatever date in providing that
20 incentive.

21 COMMISSIONER GILINSKY: It seems to me there is an
22 alternative to picking the July date, changing the date at
23 all, which has much of a benefit, I suppose, or effect of
24 your proposal. Suppose we stuck with our current rule,
25 which to me has a lot to say for it, and interpreted the

1 four-month period as starting from the time that we notify
2 Licensees of their deficiencies, which we have not yet
3 done? That is a fairly liberal interpretation. But as you
4 point out, we were not as clear as we might have been. That
5 four-month period would then end, assuming letters went out
6 sometime in September, it would end sometime in January.

7 It seems to me that is a pretty reasonable and
8 accommodating time scale. Taking the dates that you have
9 here, we could expect a little slippage, that two-thirds of
10 the operating plants would have complied and possibly the
11 added incentive of having that date would bring some more
12 into compliance.

13 As we heard, Licensees which had encountered
14 fairly formidable obstacles can still seem to meet the end
15 of the year.

16 MR. STELLO: Would that not have essentially the
17 same effect, though, as changing the date to sometime in
18 January and foreclosing the four-month period for complying
19 with that date?

20 COMMISSIONER GILINSKY: It would. It would.

21 MR. STELLO: But it would have the advantage of
22 being one action.

23 COMMISSIONER GILINSKY: Except that you would have
24 to change the rule. It seems to me there is something to be
25 said for sticking with the rule that we promulgated, albeit

1 interpreting it liberally in view of the circumstances.

2 You know, there have been too many cases and too
3 much criticism of us changing regulations when we run into
4 problems. I would say even though the practical effect is
5 no different than changing the date, I would say there is a
6 good deal to be said for interpreting the other rule, the
7 existing rule.

8 CHAIRMAN PALLADINO: Is there a practical effect
9 so far as you are concerned?

10 MR. STELLO: Yes.

11 CHAIRMAN PALLADINO: Could you explain that just a
12 little bit more?

13 MR. STELLO: You would have to take enforcement
14 actions on an individual case rather than a blanket approach
15 by rule change.

16 CHAIRMAN PALLADINO: Suppose some plant slips by
17 two days, another plant slips by two months. Even if we had
18 the rule, would those not be individual enforcement actions?

19 MR. GRIMES: They would. I think Vic is talking
20 about at the front end there must be an individual letter
21 sent to each one.

22 MR. STELLO: With specific deficiencies noted and
23 identified and schedules for those set.

24 CHAIRMAN PALLADINO: Oh, I see, right at the
25 beginning.

1 MR. STELLO: Right. For each case.

2 CHAIRMAN PALLADINO: You have to identify all the
3 deficiencies that you expect to be corrected.

4 MR. STELLO: For each and one individually. That
5 against a blanket change of date.

6 COMMISSIONER GILINSKY: Is it not enough to say
7 that the system is not installed and operating to our
8 satisfaction?

9 CHAIRMAN PALLADINO: You would also have to make
10 that finding, too.

11 MR. DIRCKS: But on the other hand, I do not think
12 there was any -- you know, you may come out in the wrong
13 place, but I think there is nothing wrong in saying that we
14 underestimated the difficulties of meeting the July 1, 1981,
15 date. I think we all went into that with some knowledge
16 that there were going to be difficulties.

17 COMMISSIONER AHEARNE: Could I speak to that?

18 CHAIRMAN PALLADINO: I think Commissioner Ahearne
19 has a comment.

20 COMMISSIONER AHEARNE: I was going to say this
21 later, but since Vic has raised this, I think there are some
22 people that are probably not as familiar with the background
23 of it as, say, Bill and I are. If I go over then a little
24 bit of the history, the Commission did decide to improve
25 emergency planning right after the accident. Going back

1 over some of my records, I find in June of 1979 we had a
2 Staff requirements memo that directed OGC and OPE, draft
3 notice of the Commission's intention to hold a rulemaking on
4 emergency planning, including the specific questions
5 contained in Commissioner Ahearne's draft response.

6 Now, that is when we started. We pushed rapidly.
7 We did manage to get a draft rule out by December of '79.
8 We then held four regional workshops and received many
9 written comments. We held a Commission meeting to hear
10 directly from the nuclear industry, from the state and local
11 governments, and from public interest groups.

12 Now, since I have been a major participant in this
13 emergency warning provision of the rule, particularly the
14 15-minute provision, I was following closely the problems
15 with that section. And there were many problems that were
16 coming up. And so in January of 1980, I have a note I sent
17 to the EDO trying to clarify those requirements, and that
18 included the statement, "There currently has been
19 considerable uncertainty among state and local officials
20 concerning exactly what is intended by the prompt
21 notification requirement and their ability to satisfy it
22 within existing resource constraints. So already, the Staff
23 and others have begun warning us that there were going to be
24 real problems with that."

25 In March we received a copy of a NUREG/CP-0011,

1 which was the report on the workshops that were held around
2 the country. The summary comment on the implementation
3 schedule was: "The schedule for implementing the proposed
4 rule was considered to be unrealistic and, in some cases, in
5 conflict with various other schedules already in existence.
6 The time provided is inadequate for states to acquire the
7 hardware needed for 15-minute public notification system.
8 Funding could not be appropriated in the case of state and
9 local governments before the deadline."

10 As we know, what ended up happening is, in
11 general, the utilities went ahead to develop and fund the
12 system.

13 CHAIRMAN PALLADINO: That was March of '80?

14 COMMISSIONER AHEARNE: That was March of '80.

15 COMMISSIONER BRADFORD: But it is not this set of
16 deadlines; am I right?

17 COMMISSIONER AHEARNE: Yes, I will get to that.

18 On March 26 of last year the Staff briefed the
19 Commission, and it said, "The proposed rule requirement" --
20 and as Peter has pointed out, at that stage it was January 1
21 of '81 -- "is not reasonable, and they recommended providing
22 additional time for certain requirements; for example, the
23 implementation of the 15-minute notification requirement."

24 In June we got the results of the public comments
25 on our proposed rule and 26 of the commenters said the

1 schedule for implementation was impractical. Now, these
2 comments came from utilities,, from county and also state
3 governments.

4 CHAIRMAN PALLADINO: When was that?

5 COMMISSIONER AHEARNE: This was in June of 1980.

6 Then at the end of June of 1980 we got the Staff
7 briefing again in which they point out the Licensees and
8 state and local government said the implementation schedule
9 is too short for the entire regulation but especially for
10 this warning system requirement. And the Staff resolution
11 was to extend this particular notification to July. And
12 that is what we have at the present.

13 On June 30 we ended up meeting with a group of
14 people representing state and local governments, the
15 director of the Lynn County, in Iowa, civil defense, from
16 the New York Department of Health, the director of Alabama
17 Division of Radiological Health, the Pennsylvania Emergency
18 Management Agency director, the director of Illinois
19 Emergency Services, and Sacramento County, California,
20 Emergency Coordinator.

21 CHAIRMAN PALLADINO: When was that?

22 COMMISSIONER AHEARNE: This was the end of June
23 1980. And one of the strong messages they made was that the
24 schedule we had put on for this implementation of this
25 warning system was just unrealistic, there were too many

1 interaction problems, we could not make it.

2 Now, in July we did get the Staff's final draft
3 rule, and the associated SECY paper did point out that the
4 commenters on this particular schedule for implementation
5 continued to say the time provided is inadequate to acquire
6 the hardware needed.

7 We did recognize that, to some extent, when we put
8 out our final rule in August, we did say of the
9 implementation schedule that the implementation schedule for
10 this requirement has been extended to July 1. The extension
11 of time has been adopted because most state and local
12 governments identified to the Commission the difficulty in
13 procuring hardware, contracting for installation, and
14 developing procedures for operating the systems used to
15 implement this requirement.

16 Now, as a principle in pushing this particular
17 section of the rule, my view was the date was a goal. I
18 wanted to have it late enough so that there would be a real
19 chance to make it but early enough so that it would be a
20 real challenge.

21 Neither the Staff nor the Commissioners, at least
22 not I, had the detailed steps that would be necessary to
23 meet the requirement. We believed, and I still believe, the
24 requirement is necessary, but the schedule was a goal.

25 Among some critics at the NRC there is a tendency

1 to take our schedules as similar to the Ten Commandments, as
2 though, "My God, we are omniscient." And we are not. And
3 our schedules are best estimates. Sometimes they are poor,
4 and sometimes they are good.

5 I think the performance of most utilities and most
6 local and state governments has been excellent. And in no
7 way do I believe most have been deficient. But there are
8 some who, I suspect, have been deficient. So I proposed a
9 modification of the rule schedule which would put the
10 implementation date of February 1, 1982.

11 I end up, after having thought through it,
12 agreeing with the points raised in the paper that we got
13 this morning from UCS and New York PIRG. I do not believe
14 the four-month extension is applicable to the 15-minute
15 notification system.

16 Whether or not that is the case, I would make the
17 February 1, 1982, date then with the understanding that the
18 four-month clock would run out at that time. Some utilities
19 that are now estimating they cannot make that date may find
20 they can. I hope I&E explained the advantages to them of
21 meeting that date.

22 (Laughter.)

23 Some utilities, having started so late, may not
24 make the date. And I&E can explain to them that it does not
25 pay to delay.

1 But in sum, based upon my reading of all of these
2 documents that we got and with my strong belief from at
3 least my memory of what we did, that there was a goal
4 setting up, I find that the best way is to adjust the
5 schedule to February 1. That was a long statement but --

6 CHAIRMAN PALLADINO: Okay.

7 MR. GRIMES: Yes. I was going to just suggest
8 that we perhaps skip some of the detail which you saw that
9 is in the handout on the completion dates. The only
10 difference between what you saw on August 11 -- and this is
11 the two additional plants that had ordered are now complete,
12 as we have verified by telephone check from that previous
13 list.

14 (Slide.)

15 Viewgraph, please.

16 (Slide.)

17 CHAIRMAN PALLADINO: Are you going to skip all the
18 ones --

19 MR. GRIMES: Yes, I was unless you were going to
20 have specific questions.

21 CHAIRMAN PALLADINO: Maybe that will come up at
22 the end.

23 MR. GRIMES: I was going to indicate the proposal
24 in the Commission paper is to send notices of violation to
25 the plants on this first list. And they are listed in

1 reverse order of completion, estimated completion. These
2 are the plants that did not notify us before July 2, 1981,
3 of their failure to meet the July 1 date, at least in a
4 letter in writing at least to the extent that they said they
5 were having severe difficulties meeting the date.

6 COMMISSIONER GILINSKY: Let's see. Are plants
7 required to inform us that they have completed the
8 requirement.

9 MR. GRIMES: That is a legal question. I am not
10 sure of the legal obligations.

11 MR. BICKWIT: Our view is that there is a
12 requirement in the regulations, as best we read them, to
13 inform the Commission of when there is a violation of the
14 regulation.

15 CHAIRMAN PALLADINO: Suppose they comply.

16 MR. BICKWIT: If they comply, no.

17 COMMISSIONER GILINSKY: And where do you read that?

18 MR. BICKWIT: I read it in Partg 21 of the
19 regulations. But rather than come down on that question, I
20 notice in Staff's documents that there is no requirement to
21 inform the Commission.

22 COMMISSIONER AHEARNE: I have proposed striking
23 that statement.

24 MR. BICKWIT: We proposed that also. But because
25 our tentative reading of Part 21 is that there is a

1 requirement --

2 COMMISSIONER GILINSKY: At a minimum, it seems
3 inconsistent to say there is no requirement and under cited
4 requirement for violation.

5 MR. GRIMES: I believe our notification takes that
6 uncertainty into account.

7 MR. BICKWIT: There is no requirement to inform
8 them and cite them for violation of the requirement. I do
9 not see that as being an inconsistency. They violated a
10 substantive requirement. You can cite them for violation of
11 that requirement whether or not they failed to inform you.

12 COMMISSIONER GILINSKY: Let's see, I guess I must
13 have misread the letter. I thought you were citing them for
14 failure --

15 MR. BICKWIT: You are citing them for failure to
16 comply with the substantive requirement, what has prompted
17 you to go after these particular plants.

18 COMMISSIONER GILINSKY: Let's see. Are you citing
19 those which -- would you cite those utilities that did
20 inform us before July 1?

21 MR. GRIMES: Under this proposal, no.

22 MR. BICKWIT: I am just saying you could.

23 COMMISSIONER GILINSKY: The difference between
24 those two --

25 COMMISSIONER AHEARNE: Very simply, I think that

1 they have got a requirement, that they know they are
2 breaking one of our requirements. They ought to tell us
3 about it; and as the two utility people in front of us just
4 said, they agree with that. So I do not think on the
5 utilities' side there was a lack of understanding.

6 COMMISSIONER GILINSKY: Back when we were dealing
7 with the TMI accident and we were talking about whether the
8 authority had informed us properly about the high
9 temperatures in the core and hydrogen burns, I&E agonized
10 over whether or not here was a requirement for them to
11 inform us. I thought it rather odd that we now find the
12 requirement that the utility has to inform us about sirens
13 which is a matter of very much lower importance, I think.

14 COMMISSIONER AHEARNE: I think that is quite an
15 oversimplification of the TMI issue, Vic.

16 COMMISSIONER GILINSKY: Well, I must say, in this
17 case, I find it a rather doubtful requirement.

18 CHAIRMAN PALLADINO: Can we get specific answers
19 to questions if there are specific answers. Did you say in
20 your opinion the Licensees are required to notify us when
21 they have not fulfilled the requirement?

22 MR. BICKWIT: That is our tentative judgment.

23 CHAIRMAN PALLADINO: Are they required to advise
24 you ahead of time that they are not going to meet it?

25 MR. BICKWIT: No, not by regulation. It seems to

1 me that it was pointed out by the public interest groups
2 there is some kind of inherent requirement that they ought
3 to.

4 COMMISSIONER AHEARNE: And as I think we have seen
5 with most of the utilities or the majority of them did feel
6 that way.

7 CHAIRMAN PALLADINO: But if they comply, they have
8 no requirement to write and tell us they have complied?

9 MR. BICKWIT: No.

10 CHAIRMAN PALLADINO: Although it is a smart thing
11 to do.

12 COMMISSIONER AHEARNE: Not unless we put in
13 someplace specifically.

14 CHAIRMAN PALLADINO: I mean at the present time.

15 MR. BICKWIT: By the way, if our tentative
16 judgment is not borne out, we would recommend to the
17 Commission amending the regulation as to make it clear that
18 there is a requirement to inform of a violation of
19 substantive regulations.

20 CHAIRMAN PALLADINO: Okay. Do you want to go on?

21 MR. STELLO: I would suggest you do that in any
22 case.

23 MR. GRIMES: I believe that concludes the
24 presentation.

25 CHAIRMAN PALLADINO: I probably was not paying as

1 close attention as I should have. What are you going to do
2 as a result of this slide?

3 MR. GRIMES: We would send letters, which are
4 attached to the Commission paper.

5 CHAIRMAN PALLADINO: To each one of these?

6 MR. GRIMES: To each one of the first list.

7 CHAIRMAN PALLADINO: You would send this letter to
8 each one of those?

9 MR. GRIMES: On the top of that page. The
10 utilities on the bottom of the page, while not notifying us,
11 did complete the system reasonably shortly after the date.
12 And it could be argued that they would have expected to meet
13 the July 1 date and just at the last minute did not.

14 CHAIRMAN PALLADINO: And this letter basically
15 tells them they were in violation as of July 1.

16 MR. GRIMES: The top list.

17 MR. STELLO: That is correct.

18 MR. GRIMES: The letter says they are being cited
19 for violation, particularly because they did not inform us,
20 which I believe was the suggestion which came out of the
21 last Commissioners meeting.

22 CHAIRMAN PALLADINO: But as I recall, the letter
23 has no penalty.

24 MR. GRIMES: No civil penalty.

25 CHAIRMAN PALLADINO: Okay. Would it be

1 inappropriate to back up and look at some of your schedule
2 when the Category B and C facilities were going to be
3 completed? Incidentally, I had, independently of
4 Commissioner Ahearne, felt that any relaxation we do should
5 not necessarily try to accommodate every utility because of
6 the amount of effort that they might be able to make may be
7 sufficient enough so that they could meet a somewhat earlier
8 one. But I was interested in reviewing these primarily to
9 get background for my own thinking on that.

10 MR. GRIMES: All right.

11 CHAIRMAN PALLADINO: Now, if you go back, you have
12 the current A facilities and those that have been
13 completed. What is the longest one on this? 1/1/82?

14 MR. GRIMES: It is 1/1/82, except that this
15 morning Mr. Cunningham indicated that Pilgrim site, while
16 estimating 12/31/81 in their letter, might extend into early
17 1982 for its completion.

18 CHAIRMAN PALLADINO: Is that on this list?

19 MR. GRIMES: Between five and ten miles.

20 CHAIRMAN PALLADINO: Is that on this list?

21 MR. GRIMES: The next page. Pilgrim is listed as
22 12/31/81.

23 CHAIRMAN PALLADINO: Okay.

24 MR. GRIMES: And Davis-Besse is the other
25 uncertainty. The equipment is now on site, I understand,

1 but there is FCC frequency clearance problem.

2 CHAIRMAN PALLADINO: Is their problem different
3 from the average problem? Is it unique? Is it something
4 special?

5 MR. GRIMES: It is different in that they thought
6 they had an understanding of what the correct frequency was
7 supposed to be. And there was some misunderstanding, I
8 believe, involved in that case.

9 CHAIRMAN PALLADINO: Then looking at Category C
10 you have Kewanee, spring of '82; Browns Ferry, early '82;
11 Dresden, 3/82; Point Beach, 2/82; Quad Cities, 4/82. At the
12 last meeting we made an observation that any of these
13 Category C plants seem to be in one region. We asked the
14 question was there anything peculiar to that region either
15 by way of the problems associated with this issue or any
16 other problem. I was wondering did we get any information
17 that would shed some light on that?

18 MR. GRIMES: I have not been able to determine any
19 particular reason for that.

20 CHAIRMAN PALLADINO: Is there any particular
21 problem then that some of these utilities have identified
22 that brings them into April and May and June?

23 MR. GRIMES: It is a bit difficult to generalize.
24 Most of the early -- I would say early spring plants, April
25 and May -- I believe indicated that they were still

1 designing and negotiating with state and local authorities.
2 And in particular, in the case of Zion, I recall the letter
3 indicated there was a number of local authorities to
4 interact with. I have not done an analysis on the specific
5 ones.

6 CHAIRMAN PALLADINO: Did they indicate to you, for
7 example, Zion, when they started their engineering design?
8 You say they are doing it now? It sounds as though they did
9 not get started very early.

10 MR. GRIMES: Yes. I believe in the case of
11 Commonwealth, most of their early efforts were devoted to
12 the LaSalle station which had a requirement for having the
13 system in for operation, which at that time they felt was
14 going to be last winter. And these things continued, and
15 LaSalle is now about complete, I think. In September they
16 plan to complete LaSalle.

17 MR. STELLO: Mr. Chairman, I will try to help
18 answer the question the other way. What we do not have an
19 answer to is if a date, say, February, as was suggested at
20 first, 1982 or chosen as the date, what are their particular
21 problems and how difficult might that date be for those
22 utilities which have indicated a completion date beyond
23 February.

24 We really do not know what kind of a problem and
25 what impact that might be: Is there a particular problem in

1 negotiating with those state and local communities; and if
2 there is a particular problem, what is it? And I do not
3 know how you can get that answer without seriously
4 addressing that.

5 COMMISSIONER AHEARNE: Right. In fact, my
6 proposal which I set out does incorporate that I recognize
7 that for plants that do not end up meeting the '82, I&E will
8 have to do a case-by-case evaluation.

9 MR. STELLO: Yes. And that is the only way I know
10 of. I do not know of any way to try to give you any feeling
11 for what that impact might be, except to say clearly at
12 least for the last several months they should know that
13 there has been a significant concern on this issue and that
14 there was in fact a rule out with the July 1 date in it.

15 CHAIRMAN PALLADINO: I guess what I am expressing
16 is not very great sympathy for a utility that has waited
17 until the last minute to get started on the design and now
18 feels that since they are just getting started on design, we
19 should give them all the way to 6/82, because that implies
20 that if you wait long enough you will get away with it,
21 whereas the people that are diligent and going ahead and
22 putting in the systems early should be given some
23 recognition for that.

24 So what I am saying is that I am not sure how
25 sympathetic I should be with these that are 4/82, 5/82, 6/82.

1 MR. STELLO: And what I suggested is I really
2 cannot deal with that issue except on a case-by-case basis.
3 If there is a situation at a particular utility that
4 warrants that special consideration, I do not know how you
5 can deal with it except on that case-by-case basis.

6 If the answer clearly was a foot-dragging answer,
7 you have to deal with it on that basis.

8 CHAIRMAN PALLADINO: Yes.

9 MR. GRIMES: I would hope that whatever date is
10 picked would have the effect of narrowing the number of
11 utilities that we would have to look at in detail, and it
12 may get feasible to go into on a case-by-case basis.

13 COMMISSIONER AHEARNE: I attempted to keep that in
14 mind. But the primary cutoff is based upon the information
15 that we have where it looked reasonable that there were
16 people who tried hard, ran into problems that were
17 understandable.

18 MR. STELLO: I think what Brian is saying, the
19 workload on dealing with it on a case-by-case basis is a
20 significant workload and that will obviously impact our
21 resources to do the reviews, the safety reviews that are
22 being done in the emergency preparedness area, and we are on
23 a fairly tight schedule to begin with.

24 CHAIRMAN PALLADINO: It looks like the number of
25 cases you will have to work with, based on this schedule is

1 ten or eleven.

2 MR. DIRCKS: Some of them are concentrated in one
3 company, so I guess that means you can get four in one
4 utility.

5 MR. STELLO: Yes.

6 MR. DIRCKS: It might be a general answer to
7 specific plants.

8 CHAIRMAN PALLADINO: Any other questions?

9 (No response.)

10 MR. GRIMES: I did want to make one comment on the
11 earlier presentation. There was a misconception expressed
12 in that I believe, if I could quote it correctly, that the
13 only form of protection is the ability to flee in the event
14 of an accident.

15 And I wanted to point out that there is no
16 indication that the public information program emphasizes
17 that evacuation is always the only route to take. Being
18 prepared to take precautionary evacuation or in the meantime
19 staying inside, and in some cases where there are very
20 near-term releases the appropriate action would be to stay
21 inside until the radioactive cloud had passed and then
22 relocate from that particular area.

23 COMMISSIONER AHEARNE: In fact, if you try to get
24 the message that the warning means you should flee, that has
25 a substantial probability of increasing the hazards.

1 MR. GRIMES: Yes, it would certainly increase the
2 time for evacuation, because the state and local authorities
3 would not be in place in time to coordinate traffic, for
4 example.

5 COMMISSIONER AHEARNE: The main thing is the
6 utilities have to work hard to get the clear message across,
7 and that message has to be that the warning system alerts
8 you to go to some source to get accurate information.

9 MR. GRIMES: Yes. And it is intended to inform
10 the public and assure them that they will be notified in a
11 timely manner.

12 CHAIRMAN PALLADINO: However, Brian, I think it
13 was the Maine Yankee false alarm, the people tended to
14 immediately make telephone calls.

15 MR. GRIMES: Yes. Which is a good reason not to
16 use the telephone in a notification system because the
17 system gets swamped.

18 CHAIRMAN PALLADINO: I guess I just really wanted
19 to emphasize that --

20 MR. GRIMES: There was not a message put out on
21 the radio immediately, and I talked to the station
22 superintendent this morning, and the state is working on it
23 to correct that problem. In that case, there was evidently
24 not an encoded message, but it was a personnel error, the
25 same frequency as had been previously used for the state

1 pager system was used to set up the siren system. The
2 individual on duty was not aware of --

3 CHAIRMAN PALLADINO: I think there are at least
4 two lessons out of that: One, that people have to be better
5 educated. They obviously, or at least a certain fraction of
6 the people, did not know they were supposed to turn on their
7 radios. And secondly, had they turned on their radios,
8 there would have been no message.

9 MR. GRIMES: Yes. That is correct.

10 CHAIRMAN PALLADINO: That is going to be
11 corrected, so that everytime --

12 MR. GRIMES: False alarms, yes.

13 CHAIRMAN PALLADINO: Everytime the siren goes off,
14 there will be a message on the radio?

15 MR. STELLO: And it is important that that has to
16 be either the siren going off spuriously, which there is
17 always the possibility --

18 MR. DIRCKS: I think you are going to run into a
19 lot of that siren problem.

20 CHAIRMAN PALLADINO: What I am getting at, even if
21 a spurious signal sets off the alarm, then these --

22 MR. STELLO: There will need to be a statement
23 made over the public broadcasting units to the effect that
24 it was in fact spurious. It took some time for that to
25 happen.

1 CHAIRMAN PALLADINO: Is that going to be
2 included? Is information being provided to all utilities,
3 the fact that this is a problem ea?

4 MR. STELLO: Yes. I think what we want to do is
5 take the Maine Yankee experience and to put an information
6 notice out to all the utilities so that they will have the
7 benefit from that experience. And in the information notice
8 I point out the lessons that were learned so they will be
9 able to integrate them into the process.

10 MR. DIRCKS: I do not know whether we can get into
11 it here, but I think anyone who has lived in a neighborhood,
12 we all experience sirens going off. They go off all the
13 time, uncontrolled. And I think it is an area that we know
14 about, and it is an area with a good deal of problems here.

15 COMMISSIONER AHEARNE: I would not say they go off
16 all the time.

17 MR. DIPCKS: Not all the time, but enough to make
18 -- three nights ago it went off in my neighborhood at 11:20
19 at night and no one knew what was going on. But that is not
20 uncommon. I would say it is not uncommon, and I think it is
21 something that --

22 CHAIRMAN PALLADINO: My experience has been I
23 never knew what to do when it went off.

24 (Laughter.)

25 Generally, my neighbors did not. I found out my

1 neighbors did not know what to do.

2 MR. DIRCKS: The general tendency is to ignore
3 them.

4 CHAIRMAN PALLADINO: Except when it persists for a
5 long time, you wonder is it something, is there a message
6 there trying to get to me or is it a stuck siren? I think
7 it is a very real problem, and this educational aspect
8 deserves a lot of attention. As a matter of fact, if I knew
9 that I was supposed to turn on to a certain channel when I
10 heard the siren, it would be comforting to me. Then, when I
11 hear it --

12 MR. DIRCKS: Whether the siren is a fire, to call
13 a volunteer fireman there, to alert that a nuclear attack
14 was coming along --

15 MR. GRIMES: I should say that although I do not
16 have too much sympathy with the utilities that have not made
17 substantial progress, the event does endorse the "doing it
18 right the first time" concept that was expressed by the
19 utility representatives.

20 COMMISSIONER GILINSKY: Let me ask you if there is
21 a rule change proposed, what would be the comment period?

22 MR. GRIMES: 30 days.

23 COMMISSIONER GILINSKY: 30 days.

24 MR. GRIMES: And there is a proposal to make it
25 immediately effective after that comment period and

1 consideration by the Commission.

2 CHAIRMAN PALLADINO: Any more questions?

3 (No response.)

4 Well, I gather we will want time for deliberation
5 and do the voting at another time. Perhaps, if we are ready
6 by this afternoon, we might include it in the affirmation
7 session. If we are not ready then, it will not be then.

8 Anything more that should come before us at this
9 time?

10 (No response.)

11 All right. I thank you all for coming. I
12 particularly thank the representatives from the public
13 interest groups and from industry in making their
14 presentation, and the Staff for helping us with this matter.

15 The meeting will stand adjourned.

16 (Whereupon, at 12:15 p.m., the Commission was
17 recessed, to reconvene shortly in affirmation session.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the
COMMISSION MEETING

in the matter of: PUBLIC MEETING - DISCUSSION OF IMPLEMENTATION OF EARLY
NOTIFICATION SYSTEMS

Date of Proceeding: August 27, 1981

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)



(SIGNATURE OF REPORTER)