



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARQUETTA ST., N.W., SUITE 3100
ATLANTA, GEORGIA 30303

YELLOW

Florida Power Corporation
ATTN: Mr. J. A. Hancock
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Nuclear Operations
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St. Petersburg, FL 33733

NOV 17 1981



Gentlemen:

Subject: Docket No. 50-302

This letter is being sent to nuclear power plant licensees for general clarification on emergency preparedness issues. It is realized that some provisions may not be pertinent to all licensees, in that exercises with State participation may have already been held and State plans found to be adequate. However, you should extract from the following that information which does still pertain to your facilities.

As you are aware, the revised NRC emergency planning rule, 10CFR50, which was published on August 19, 1980, requires that emergency preparedness be upgraded and maintained both at and around nuclear power plants. In determining the adequacy of offsite preparedness, the NRC consults with the Federal Emergency Management Agency (FEMA) which has been designated as the Federal lead agency for improving offsite preparedness. FEMA findings are based on reviews and approvals which are accomplished according to the proposed FEMA rule, 44 CFR 350. FEMA will not consider any State or local plan for final approval until a full-scale exercise has been conducted with the site in question. Such an exercise must include the State, appropriate local government entities, and licensees. Should FEMA notify the NRC that timely progress is not being made under its proposed 44 CFR 350 procedures with respect to the upgrading of offsite plans, NRC may determine that this constitutes a significant deficiency in emergency preparedness and initiate actions under the NRC regulations identified above.

For continued compliance with 10CFR50, annual full-scale or small-scale joint exercises, as defined in that rule, are required. A full-scale exercise must have been conducted at a facility site before any new license can be granted. The scheduling of these exercises will be largely at the initiative of State and local governments and licensees in coordination with the appropriate FEMA Regional office. This office will provide observers for the onsite aspects of these joint exercises. We will also consult with the FEMA Regional office on the adequacy of proposed scenarios and schedule conflicts.

In order to effectively schedule the emergency exercise, we believe that we should stress the necessity to coordinate your exercise schedule with that of State and local governments and with the FEMA Regional office and to supply a copy of the scenario, which has been coordinated with the appropriate State authorities, to this office and the FEMA Regional office well in advance of the exercise. If you have any problems in this coordination, we will assist you.

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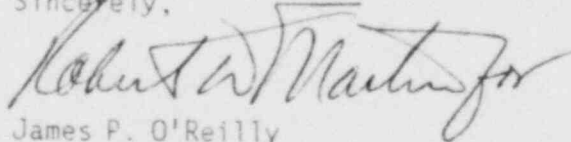
Additionally, the following constructive comments concerning the conduct of recent emergency exercises reflect FEMA and NRC observations which could be of value to you.

1. The content of the exercise scenarios should be handled on a "need-to-know" basis, such that individuals who may be exercise "players" do not have access to the scenario to be used.
2. In order to make the exercise a valid test of emergency preparedness, the particular scenario to be run should not be used in "practices". While certain functions are similar regardless of the scenario, certain others (assessment, protective-action-decision-making, in-plant surveys, etc.) may differ significantly. Therefore, to the extent practical, training or practice scenarios should differ from the scenario used for the fullscale exercise.
3. Careful consideration should be given to the manner in which scenario cues are presented to the players and to the content of the cues, such that inadvertent coaching or direction to the player is minimized. The content and timing of cues should be consistent with information and sources that would be available to the players in a real emergency (e.g., simulated alarms, instrument readings, survey data, etc.). This will result in the most realistic participation and interaction by everyone: the operating staff and their offsite support elements, the NRC, FEMA, state and local governments, and others. Exercise controllers should also be cognizant of actions necessary to ensure continuity of the exercise without unduly hindering nor aiding the participants' initiative, free play and decision-making processes.

On a related subject, as you have probably already heard, the NRC has proposed changing the implementation date of prompt notification systems from July 1, 1981 to February 1, 1982. I have enclosed a copy of the proposed rule change for your information. This appeared on September 21, 1981, in the Federal Register for comment.

No response to this letter is necessary. Should you have any questions, the appropriate contact in Region II is Mr. George R. Jenkins, Chief, Emergency Preparedness Section at (404)-221-5541.

Sincerely,



James P. O'Reilly
Regional Administrator

Enclosure:
Proposed Rule Change

cc w/encl:
D. C. Poole, Nuclear Plant Manager

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to extend the date by which prompt public notification systems must be operational around all nuclear power plants. The proposed extension is based on industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. If adopted the proposal would extend the compliance date for these systems from July 1, 1981 to no later than February 1, 1982.

DATES: Comment period expires October 21, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-492-4614).

SUPPLEMENTARY INFORMATION:**I. The Proposed Rule**

On August 19, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 55402) amendments to its regulations (10 CFR Part 50 and Appendix E) concerning the upgrading of emergency preparedness. The effective date of these regulations was November 3, 1980. Among other things, the regulations required licensees to submit upgraded emergency plans by January 2, 1981, submit implementing procedures by March 1, 1981, and implement the emergency plans by April 1, 1981.

One element that must be demonstrated in an acceptable licensee's emergency plan is that:

By July 1, 1981, the nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes.

The NRC staff has evaluated the level of compliance by the industry and noted that only about 12% of NRC power reactor licensees have been able to meet fully the July 1, 1981 date for installation of a prompt public notification system which meets the criteria in 10 CFR 50.47, 50.54, and Appendix E to Part 50. The licensees inability to meet the July 1, 1981 date has been attributed to the unforeseen difficulties and uncertainties surrounding the designing, procuring, and installing of the prompt notification systems. In establishing the implementation date, the Commission was concerned that these factors would inhibit the ability to comply with a short schedule and set the July 1981 date with this in mind (45 FR 55407).

While licensees' compliance with the prompt notification requirement has been delayed, the NRC considers that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This insignificant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

Based on the above information and on a recognition that there exist customary warning systems (police, radio, telephone), which are viewed as sufficiently effective in many postulated accident scenarios, the Commission is proposing to defer the implementation date of the prompt public notification capability requirement from July 1, 1981 to February 1, 1982. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during

the extended time period for compliance.

The Commission's decision to defer the date for requiring full implementation of the prompt public notification capability requirement was made, as described above, after additional consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement. See Final Rule on Emergency Planning, 45 FR 55402, 55407 (Aug. 19, 1980), *reconsideration denied*, CLI-80-40, 12 NRC 636 (1980). It is the Commission's continued judgment that prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. This offsite protection of the public includes a number of separate steps—recognition of the potential severity of the accident by the utility, communication of the perceived threat to offsite authorities, decision by offsite officials on the need for protective action, capability to spread public warning, and actual response by the public. The emergency planning rule is premised on reducing to the extent possible—and to the extent the NRC can regulate—the time required for and the uncertainty associated with each step. Every aspect of the rule, including the prompt notification system, is still required. In changing the implementation date of the prompt public notification capability requirement, the Commission recognizes the continued need for this requirement and expects all utilities to complete the installation of this system as soon as practicable but not later than February 1, 1982. However, the Commission intends to take appropriate enforcement action against licensees who did not, prior to July 1, 1981, notify the Commission of their inability to meet the July 1, 1981 deadline.

Significant licensee performance strengths and weaknesses are evaluated in the NRC Systematic Assessment of Licensee Performance (SALP). The SALP program specifically includes evaluation of licensee performance in emergency preparedness. Accordingly, a licensee's efforts in attempting to meet the July 1, 1981 date for installing the prompt public notification capability will be a factor in that licensee's SALP.

II. Proposed Application of the Final Rule

The Commission also is proposing in this rule that the four-month period for correcting deficiencies, provided in § 50.54(s)(2), should not apply to any licensee not in compliance with the public notification system requirement by February 1, 1982, the new deadline date. If a licensee is not in compliance with this requirement by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements.

With respect to requests for exemptions that NRC has received from nuclear power reactor licensees concerning the prompt public notification requirement and deadlines for installation and operational capability, the Commission has decided to deny these requests in light of the proposed extension of the July 1, 1981 date. Any licensee not able to meet the new deadline date of February 1, 1982 will be subject to enforcement penalties after the new date. This provision will eliminate unnecessary and costly administrative actions needed to consider present exemption requests that will essentially become moot by the proposed extension of the July 1, 1981 date. This approach will also permit the NRC to focus its consideration upon a reduced number of noncompliance situations which remain at the time of the new deadline. It is expected that the most efficient use of NRC resources will be achieved by this treatment of present exemption requests relating to the July 1, 1981 operational date requirement.

If the proposed rule is subsequently promulgated as a final rule, it is the Commission's present intention to make it effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the

final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists v. AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission concludes that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the operational date for public notification systems for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. In addition, since the amendment extends for one year the date by which the public notification systems are to be operational, the businesses and state and local governments involved in the manufacture and installation of these systems are not economically affected in any significant manner. Accordingly, there is no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2123, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 68 Stat. 1243,

1244, 1246, (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 181o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

D Notification Procedures

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to deficiencies in the initial installation of this public notification system that is required by February 1, 1982. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate government authorities.

Dated at Washington, D.C., this 16th day of September 1981.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27523 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

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WASHINGTON, D.C. 20555
