



435 Sixth Avenue
Pittsburgh, Pa.
15219

A-715
Hickman

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January 29, 1982

United States Nuclear Regulatory Commission
Office of the Chairman
Washington, DC 20555

Reference: Beaver Valley Power Station, Unit No. 1
Docket No. 50-334, License DPR-66
Emergency Public Warning System

Dear Chairman Palladino:

Title 10, Code of Federal Regulations, Part 50-54(s)(2) and Section IV, D.3 of Appendix E requires the licensee to demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public in the event of an emergency at the Beaver Valley Power Station. The compliance date was extended to February 1, 1982 by the Commission on August 27, 1981.

Duquesne Light is committed to the installation of a public warning system responsive to the guidance of Appendix 3 to NUREG-0654 and has been actively pursuing the installation of this system. However, the installation of this system has been delayed as a result of several factors. Specifically:

1. The Beaver Valley Power Station emergency planning zone is comprised of three counties in three states and numerous local municipalities. Although cooperation by offsite authorities has been excellent, negotiations for locations, system design, right-of-way and other similar considerations have been compounded by the numerous political entities that we have had to work with.
2. Relocation of sites, due to right-of-way refusals, complaints from nearby property owners, legal problems, etc. has had a significant impact on the schedule.

The siren locations were chosen using the following criteria:

- To site sirens at the highest elevation in the immediate area to reduce range losses from natural barriers.
- To site sirens near existing distribution poles which do not have existing transformers, to minimize modification to the distribution system for providing the siren with service.

- To maximize the distance from siren sites and adjacent homes as much as possible.
- To site sirens on public lands (schools, fire departments, municipal properties, etc.) where possible.

The siren locations, which were originally chosen, met the above criteria. However, relocation has been necessary in several instances which has resulted in added delays. Any relocation involves a re-evaluation of an alternate siren location, drawing revisions, additional right-of-way permit requirements, and physical relocation by construction, which has resulted in unexpected delays.

3. Duquesne Light Company, a utility franchised to operate in the state of Pennsylvania has found it legally impossible to obtain property rights along state/municipal roadways in Ohio and West Virginia. In Hancock County, WV, and Columbiana County, OH, the local fire departments have been helpful in granting approval for siren locations at their fire stations. However, for the majority of the siren locations, we have had to seek private property authorization.

The sirens that are to be installed in Ohio and West Virginia will not be within our service area. Service agreements for power supply requirements had to be arranged through other utilities which include:

- Ohio Edison Co. (Ohio)
- Ohio Power Co. (Ohio)
- Monongahela Power Co. (W. Va)

4. The terrain of the Beaver Valley Power Station emergency planning zone is largely characterized as tree-covered hills with deep valleys and pockets of population along the river valleys. Because of this terrain, siting siren locations has been more difficult and additional sirens have been necessary to adequately cover the EPZ. Duquesne Light performed field testing to verify calculated ranges over this difficult terrain.
5. Large portions of the Beaver Valley Power Station emergency planning zone have population densities too sparse to justify notification by fixed sirens. In order to provide a supplementary system that would be effective, reliable and under the control of the utility, Duquesne Light has developed a residential electric meter box-mounted mini-siren system that would be activated by the county via digitally encoded signals transmitted on a power line carrier. Since there are only minimal precedences (and none directly related to sirens) for such a system, the engineering effort has been, of necessity, extensive. However, once installed,

January 29, 1982

Page 3

there will be a greater assurance that these devices will be in place and operable during an emergency than there exists for the other suggested supplementary systems.

In our letter of December 23, 1981, Duquesne Light summarized the status of the installation efforts of the Emergency Public Warning System. As of the date of this letter seventy-eight (78) of the eighty (80) pole-mounted siren units are mounted and in-place within the applicable Beaver County EPZ area (see attached map). The two siren locations that remain are #43 (location designated at the Beaver County Courthouse) and #34 (location designated at the Center Volunteer Fire Department). Both locations are on private property. Negotiations for obtaining approval has been on-going, and authorization for installation is expected very shortly.

In the applicable portions of Ohio and West Virginia, the completion of the system will depend on satisfactory negotiations with private/governmental agencies, construction installation and testing of the siren system. In Hancock County, West Virginia, seven (7) of the eleven (11) pole-mounted siren units are mounted and in place within the applicable EPZ area. In Columbiana County, Ohio, five (5) of the thirteen (13) pole-mounted siren units are mounted and in-place.

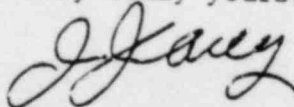
Duquesne Light has been actively pursuing the installation of the siren warning system as evidenced by the Attachment I-System Chronology. Although we have been working to resolve the difficulties encountered with this project, it will not be possible to have the complete system installed and operational by February 1, 1982.

In addition to the pole-mounted siren units, a supplemental system is still being engineered, which will cover the sparsely populated areas and fill in the "dead spots" not covered by the large sirens. Large portions of the Beaver Valley Power Station emergency planning zone have population densities too sparse to justify utilizing large pole-mounted sirens. In order to provide a supplementary system that would be effective and reliable, Duquesne Light has developed a residential electric meter box-mounted mini-siren system that would be activated by the county via digitally encoded signals transmitted on a power line carrier. The control hardware (computer equipment) for this supplemental system will not be available until May, 1982, and the software is now scheduled for August, 1982.

Duquesne Light Company respectfully requests relief from the February 1, 1982 compliance date. The attachments to this letter describe the system chronology, a projected schedule, and the interim, compensatory measures for each respective county within the Beaver Valley Power Station EPZ.

If you have any questions, please call my office.

Very truly yours,



J. J. Carey

Vice President, Nuclear

January 29, 1982

Page 4

Enclosures

cc: Mr D. A. Beckman, Resident Inspector
U.S. Nuclear Regulatory Commission
Beaver Valley Power Station
Shippingport, PA 15077

U.S. Nuclear Regulatory Commission
c/o Document Management Branch
Washington, DC 20555

United States Nuclear Regulatory Commission
Office of Inspection and Enforcement
Attn: R. C. Haynes, Regional Director
Region 1
631 Park Avenue
King of Prussia, PA 19406

Mr. Brian Grimes ✓
U. S. NRC
Washington, D. C. 20555

Mr. S. A. Varga
U. S. NRC
Washington, D. C. 20555

Attachment I

BEAVER VALLEY POWER STATION
Emergency Planning Zone
Emergency Public Warning System

SYSTEM CHRONOLOGY

1. In December 1979, Duquesne Light contracted the A.M. Voorhees and Associates, Inc. to perform a mass notification and evacuation study of the Beaver Valley Power Station emergency planning zone. Although the primary purpose of this study was to provide the evacuation time estimates required to be submitted to the USNRC in January 1980, the study scope included an assessment of alternative methods to provide area-wide mass notification and to identify a method or combination of methods for the Beaver Valley Power Station emergency planning zone. The final report was presented to Duquesne Light at a meeting on March 27, 1980.
2. The Voorhees report was given a preliminary review, and a Construction Order was issued on April 18, 1980. Following some initial groundwork, an initial design concept was approved by the Duquesne Light Corporate Committee on April 30, 1980, and was issued May 1, 1980.
3. Engineering activities for the Beaver County portion of the emergency planning zone commenced. Discussions were held with siren vendors in early May 1980 and with Westinghouse Electric (mini-sirens) in early June. Out of these efforts came proposed siren locations, siren specifications, siren control systems design and a siren field test procedure.
4. A field test of sirens from two manufacturers was conducted on September 18, 1980, to determine the effective range under conditions typical to the Beaver Valley Power Station emergency planning zone.
5. The proposed Beaver County system was presented to the Director, Beaver County Emergency Management Agency and the Director of the Beaver County Communications Center at two meetings held in October 1980.
6. On November 14, 1980, a purchase order was issued to Westinghouse Electric for equipment and engineering related to the mini-siren system.
7. On November 31, 1980, a purchase order was issued to ACA for 16-125 db and 30-112 db sirens. Delivery was received June 19, 1981.
8. A series of meetings were held with fire department officials in Beaver County.
9. Preliminary engineering activities commenced for the siren systems in Hancock County, West Virginia, and for Columbiana County, Ohio.

10. During the week of January 19, 1981, five days of mini-siren testing was conducted. Similar testing was conducted again during the weeks of February 10, 1981, and March 2, 1981.
11. On January 30, 1981, a request for bid for the radio/encoding equipment for siren control was issued. A proposal was received on March 25, and a purchase order issued on April 27. Delivery of the system was projected to be late October. An interim manual system which will be rented to Duquesne Light was received June 19, 1981.
12. On February 20, 1981, representatives of Duquesne Light met with fire department and emergency services personnel in Hancock County to acquaint these personnel with plans for siren installation in Hancock County and to solicit their input and cooperation. A similar meeting was held in Columbiana County, Ohio, on March 12, 1981, with local, county and state officials.
13. In late February, 1981, letters were sent to the mayors, the local fire departments and local emergency management agency directors in Beaver County identifying the proposed locations in their respective jurisdictions, outlining the Duquesne Light offer to incorporate fire signals and discussing other pertinent aspects of the proposed system. Similar letters were sent to Hancock County, West Virginia, and Columbiana County, Ohio, in March 1981.
14. On April 16, 1981, the purchase order to ACA was revised to provide for 40-125 db and 6-112 db additional sirens. Delivery was projected for late August. The Westinghouse purchase order was also revised.
15. In early June, acceptance tests for the initial siren order were held. Delivery of the initial order of sirens was received June 19, 1981.
16. Right-of-way authorizations are presently being obtained from state, municipal and private parties for installation purposes.
17. Late August, 1981, received partial order of siren equipment from ACA. Only 15 complete siren units were received out of the 2nd order of 43 sirens. Shortage of parts identified by manufacturer.
18. End of November, 1981, received complete order of 43 siren units with parts coming piece-meal during this period.
19. November 24, 1981, Westinghouse identifies supplemental alerting system computer equipment to be available for installation by April, 1982.
20. Final order of 15 siren units (total 104) delivered January 9, 1982.
21. January 13, 1982, initiated individual siren testing in Beaver County. Testing to continue for the next few weeks until all have been completely tested and verified by local county agency representatives.

Attachment II

BEAVER VALLEY POWER STATION
Emergency Planning Zone
Emergency Public Warning System

PROJECTED SCHEDULE

NOTE: All projections in this attachment are pending no unforeseen delays such as property right-of-way or power supply (Hancock/Columbiana Counties) difficulties, and upon satisfactory testing of equipment.

<u>Milestone</u>	<u>Projected Date</u>
o Beaver County Pole-mounted Siren System, Installation and Testing	February 28, 1982
o Hancock County Pole-mounted Siren System, Installation and Testing	March 31, 1982
o Columbiana County Pole-mounted Siren System, Installation and Testing	March 31, 1982

NOTE: As sirens are installed, they will be made operational on the interim control system.

o Permanent Control System Installed	July, 1982
o Supplemental Mini-siren System, Installed and Tested.	August, 1982

DUQUESNE LIGHT COMPANY
Beaver Valley Power Station

Letter dated January 29, 1982

Attachment III

Prompt Notifications and Instructions to the Public in the event of
an Emergency (Compensatory measures)

Beaver County, PA

The Director of the Beaver County Emergency Management Agency (BCEMA) has indicated the following actions would be taken until the permanently installed public notification system is in service, and as back-up measures should the installed system fail. Upon notification that protective actions are required offsite, BCEMA will mobilize municipal police and fire vehicles to alert the public in affected areas. The public address systems and/or sirens on these vehicles and/or hand-held bullhorns will serve as the signaling devices. Once alerted, persons residing in the affected areas would turn to the Emergency Broadcasting Stations on radio and television, as they would when the fixed sirens are available. These activities supplement the original civil defense sirens and the sirens already installed as part of the current upgrade.

Each of the 27 municipalities in the affected area has devised alerting route maps for the fire and police vehicles under their jurisdiction. Mobilization scheme used for normal police/fire suppression activities would be used to mobilize the necessary vehicles. In each municipality, these arrangements are documented in the municipality's response plan.

The Director, BCEMA, has indicated that with the interim warning system (less new sirens) approximately 80% of the population within 5 miles of the site would receive the initial warning within 15 minutes and the remaining persons would receive the warning in the next 15 minutes. In the 5-10 mile zone, approximately 50% of the population would receive the warning in 15 minutes, 90% in 45 minutes, and 100% expected following one hour.

As part of the Beaver County public information program, Duquesne Light Company has completed the preparation of the BCEMA brochure, which is presently in publication. The brochure will be distributed by mail in February. Duquesne Light Company has also completed the preparation of full page ads for insertion in area newspapers during the first week in February. The information in these ads parallel that information contained in the brochures. A copy of the counties brochure and a copy of the full page newspaper ad is attached for your information.

DUQUESNE LIGHT COMPANY
Beaver Valley Power Station

Letter dated January 29, 1982

Attachment III

Prompt Notifications and Instructions to the Public in the event of an Emergency (Compensatory measures)

Hancock County, WV

The Director of the Hancock County of Emergency Services (HCOES) has indicated the following actions would be taken until the permanently installed public notification system is in service, and as back-up measures should the installed system fail. Upon notification that protective actions are required offsite, HCOES will mobilize the Hancock County United Firefighters to alert the public in affected areas. The fire vehicles will attract the attention of the public by passing over pre-designated routes in the risk portion of the county with sirens and public address systems in operation. Once alerted, persons residing in the affected areas would turn to radio and television as they would when the sirens are available. The fire fighters are activated by a County controlled Plextron alerting system. Although these departments are volunteer forces, experience in previous fire suppression emergencies indicate the ability to activate the firefighters in a timely period.

The Director, HCOES, has indicated that with the interim warning system (less new sirens) approximately 100% of the population within 5 miles of the site would receive the initial warning within 15 minutes. In the 5-10 mile zone, approximately 45% of the population would receive the warning in 15 minutes, the remainder in the next 30 minutes.

The notification arrangements are documented in the HCOES "Beaver Valley Site Emergency Response Plan" as Attachment I to Annex P.

As part of the Hancock County public information program, Duquesne Light Company has completed the preparation and publication of the public information brochures. The county has distributed the flyers in their respective areas. Duquesne Light Company has also completed the preparation of full page ads for insertion in area newspapers during the first week in February. The information in these ads parallel that information contained in the brochures. A copy of the counties brochure and a copy of the full page newspaper ad is attached for you information.

DUQUESNE LIGHT COMPANY
Beaver Valley Power Station

Letter dated January 29, 1982

Attachment III

Prompt Notifications and Instructions to the Public in the event of
an Emergency (Compensatory measures)

Columbiana County, Ohio

The Director of the Columbiana County Disaster Services Agency (CCDSA) has indicated the following actions would be taken until the permanently installed public notification system is in service, and as back-up measures should the installed system fail. Upon notification that protective actions are required offsite, CCDSA will mobilize fire departments in the risk portion of the County. Fire department vehicles will alert the public using public address systems. When alerted, the public is expected to turn on radio and television for further instructions.

The Director, CCDSA, has indicated that with the interim warning system (less new sirens) approximately 50% of the population within 5 miles of the site would receive the initial warning within 15 minutes with the remainder receiving notification in the next 30 minutes. In the 5-10 mile zone, approximately 30% of the population would receive the warning in 15 minutes, 70% in the next 30 minutes, with the notification complete within one hour.

The notification arrangements are documented in the CCDSA "Beaver Valley Site Emergency Response Plan" as a Standard Operating Procedure.

As part of the Columbiana County public information program, Duquesne Light Company has completed the preparation and publication of the public information brochures. The county has distributed the flyers in their respective areas. Duquesne Light has also completed the preparation of full page ads for insertion in area newspapers during the first week in February. The information in these ads parallel that information contained in the brochures. A copy of the counties brochure and a copy of the full page newspaper ad is attached for your information.

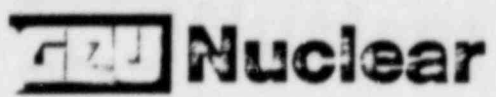
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF BEAVER)

On this 29th day of January, 1982, before me, Sheila M. Fattore, a Notary Public in and for said Commonwealth and County, personally appeared J. J. Carey, who being duly sworn, deposed, and said that (1) he is Vice President of Duquesne Light, (2) he is duly authorized to execute and file the foregoing Submittal on behalf of said Company, and (3) the statements set forth in the Submittal are true and correct to the best of his knowledge, information and belief.

Sheila M. Fattore

SHEILA M. FATTORE, NOTARY PUBLIC
SHIPPINGPORT BORO. BEAVER COUNTY
MY COMMISSION EXPIRES SEPT. 16, 1985
Member, Pennsylvania Association of Notaries

A-16



GPU Nuclear
P.O. Box 480
Middletown, Pennsylvania 17057
717-944-7621
Writer's Direct Dial Number:
717-948-8139

February 1, 1982

Mr. N. J. Palladino, Chairman
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Palladino:

Subject: Oyster Creek Nuclear Generating Station
Docket No. 50-219
Early Warning Public Notification System

With regard to the prompt notification requirement of 10 CFR 50 Appendix E, GPU Nuclear has determined that installation of the siren system designed to provide that capability at Oyster Creek cannot be completed until after February 1, 1982. Since this delay is beyond the control of GPU Nuclear and will not endanger life or property or the common defense and security, an exemption from the requirements of 10 CFR 50 Appendix E concerning completion of installation of the system by February 1, 1982, is requested pursuant to 10 CFR §50.12(a). This request confirms our initial request for an exemption contained in our letter of December 31, 1981, to the Director, Nuclear Reactor Regulation.

A review of the actions taken by GPU Nuclear demonstrates that the licensee has diligently pursued all actions within its control necessary to fulfill the prompt notification requirement. An outline identifying the major steps in designing, procuring and installing a prompt notification system at Oyster Creek is set forth in Attachment A. Moreover, GPU Nuclear has kept the Commission informed of the steps it was taking, the problems being encountered and the timetables on which it expects the system to be fully operational.

On October 23, 1981, GPU Nuclear responded to a Notice of Violation contained in Mr. Victor Stello's letter of September 22, 1981. In that response we indicated that all actions within the control of the company were being taken to meet the required installation date, but that legal requirements involved in obtaining rights-of-way might preclude our meeting the February 1, 1982 completion date. In this regard, all necessary equipment for the installation has been received; installation personnel are currently pre-assembling as much of the equipment as possible prior to actual erection at the site; a blanket exemption from the Municipal Zoning Ordinances was filed with the

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PDR/LDR

Board of Public Utilities and approved on December 17, 1981; the attainment of individual rights-of-way for each installation site are being actively pursued; and sirens are currently being installed at sites where rights-of-way have been obtained. To date, 35 of the 46 required rights-of-way have been obtained; however, we anticipate that for some of the remaining sites we will encounter objections which will significantly delay completion of system installation. While we are continuing to actively pursue the attainment of the remaining rights-of-way, it is expected (based on previous experience in resolving rights-of-way problems) that completion of the siren alerting system installation may be delayed to July 1, 1982. At present, 21 of the sirens have been installed; we anticipate installing the remaining 14 sirens for which we currently hold rights-of-way within 14 working days.

By letter of December 31, 1981 to Director NRR we presented the then current status of our efforts and requested an exemption from the February 1, 1982 date.

In the interim, between February 1, 1982 and completion of system installation and testing, notification of the public in the event of an emergency at Oyster Creek will be accomplished as provided for in the New Jersey State/Ocean County Oyster Creek Radiological Emergency Response Plan. The Ocean County Office of Emergency Management is responsible for notifying the affected municipalities in the event notification is required. Until the Oyster Creek Nuclear Generating Station Prompt Notification System is fully operational, Ocean County will rely upon the existing route alerting procedure described in the excerpt provided in Attachment B. Based on prior experience, the Ocean County Office of Emergency Management estimates that notification of the public can be effected within a 5 mile radius of the Oyster Creek Nuclear Generating Station within 1 to 1-1/2 hours under normal conditions. It is also estimated that notification within the entire 10 mile emergency planning zone can be accomplished within 4 hours under normal conditions. Under conditions other than normal, it is expected that notification within the 10 mile EPZ can be accomplished within 6 hours. The effectiveness of this notification system, and of local emergency management officials to promptly evacuate the affected population, was demonstrated in August 1976 in response to the projected threat of Hurricane Belle on Long Beach Island during peak seasonal population conditions. One hundred and seventy thousand people were notified within 1 hour that evacuation was required and 130,000 people were subsequently evacuated. In continuing consultations with representatives of the State of New Jersey and the Ocean County Office of Emergency Management, they have expressed confidence that the existing procedures provide an effective means of notifying the public.

Since every effort has been made to complete the installation by the required date, and the delay is due to circumstances beyond our control, an extension of the completion date is justified. We have been and will continue to proceed with the installation of this system as expeditiously as possible.

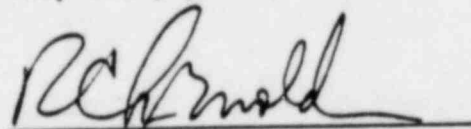
This matter was reviewed in detail with members of your staff on January 28, 1982. They identified to us the need for this letter.

A copy of this request is being sent to the Office of Inspection and Enforcement in accordance with our commitment to provide system status update information and the projected completion dates.

As per 10 CFR 170.22, we have determined that this is a Class III request and a check for \$4,000.00 will follow under separate cover.

If you should have any questions, please contact Mr. Michael Laggart at (609) 693-6932.

Very truly yours,



R. C. Arnold
President

cc: Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Ronald C. Haynes, Administrator
Region I
U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, PA 19406

NRC Resident Inspector
Oyster Creek Nuclear Generating Station
Forked River, NJ 08731

Mr. Brian K. Grimes, Director
Division of Emergency Preparedness
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Darrell G. Eisenhut, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTACHMENT A
CHRONOLOGY
OYSTER CREEK NUCLEAR GENERATING STATION
PROMPT ALERTING SYSTEM

I. SYSTEM DESIGN

- A. Initial Engineering Design - November 19, 1980 by Federal Signal Corporation
- B. Independent System Redesign - April 16, 1981 by A. Dresdner Associates/L. Goodfriend Associates
- C. System Design Verification - September 1, 1981 by Acoustic Technology, Inc.

II. EQUIPMENT PROCUREMENT

- A. Vendor Selection - May, 1981
- B. Procurement Initiated - May 15, 1981
- C. Negotiations Completed - June 30, 1981
- D. All Equipment on Hand - November 1, 1981

III. SYSTEM INSTALLATION

- A. Negotiations for County Ownership:
 - Negotiations Began - March 20, 1981
 - Formal Agreement to County - June, 1981
 - Approval of Form of Agreement - July 1, 1981
 - County Declined Ownership - September 10, 1981
- B. Pursuit before the NJBPU of Blanket Variance from Zoning Requirements:
 - Granted December 17, 1981
 - Special Proviso for Pinelands Area Approved January 8, 1982
- C. Equipment Installation
 - Initiated December 12, 1981
 - 21 Sirens Installed as of January 28, 1982

ATTACHMENT B
EXTRACT OF THE OCEAN COUNTY
RADIOLOGICAL EMERGENCY RESPONSE PLAN

D. PUBLIC ALERTING AND NOTIFICATION

The Ocean County OEM (Office of Emergency Management) is responsible for notifying the municipalities of the emergency at OCNGS (Oyster Creek Nuclear Generating Station) which requires an emergency response. The County OEM will also supply the alerting information to be relayed to the public and will keep the municipalities informed of all developments. The municipalities are responsible for alerting the general public within their jurisdiction of any emergency situation at OCNGS. The Utility is committed to provide and install a prompt notification system for public alerting consisting of fixed sirens to complement the existing alerting system.

Until such system becomes operational public alerting and notification shall be accomplished by means of route alerting with mobile P.A. systems. Municipal Fire and Police Departments will provide the necessary personnel and equipment. The Emergency Broadcast System (EBS) will be used to broadcast preplanned messages, announcements, alerts, advisories, and other public information in the event of an emergency at OCNGS. The State OEM and, in some cases, the County Emergency Management Coordinator are authorized direct contact with the EBS network.

In order to assure that transients will be notified in the event of an emergency requiring implementation of Protective Actions for the public, the State of New Jersey has established methods for augmenting the alerting systems. The agencies in charge of parks and recreation, the State Police, Marine Law Enforcement Bureau, Department of Fish, Game, and Wildlife, and Department of Parks and Forestry will assist in the notification of transients within their jurisdiction. The alerting and notification of transients may call for the utilization of motor vehicles, aircraft, boats or road blocks. Agency personnel assigned to these alerting duties may use powered megaphones or direct communication in advising the transient population. Provisions will be made to dispatch helicopters equipped with PA systems into remote areas in order to augment the notification of transients.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 3, 1982

Handwritten: A-11
E/w South
315

cket Nos. 50-213/245/335
LS05-82-02-028

Mr. W. G. Council, Vice President
Nuclear Engineering and Operations
Connecticut Yankee Atomic Power Company
& Northeast Nuclear Energy Company
Post Office Box 270
Hartford, Connecticut 06101

Dear Mr. Council:

This is in response to your October 20, 1981 letter commenting on the proposed rule change to change the deadline for implementation of a prompt notification system and your January 18, 1982 letter requesting that the deadline for implementation of your prompt notification system be extended from February 1, 1982 to August 1, 1982.

The Commission appreciates your comments. The information you provided us, along with other comments received, was taken into consideration in the Commission's decision for the issuance of the final rule.

As to your request for extension, when the Commission chose the February 1, 1982 deadline; they were aware that some licensees were estimating that they might not be able to complete installation of their systems by that date. Even with this knowledge, the Commission decided that the February 1, 1982 date was reasonable, and that all licensees should have been able to meet this deadline by having applied sufficient resources to the task without delay. This is particularly true since the licensees have known of the requirement since August 19, 1980, when the final rule changing 10 CFR 50 Appendix E was published in the Federal Register (45 FR 54402). In view of the above, and the requirements of the final rule on the prompt public notification system, your request is denied.

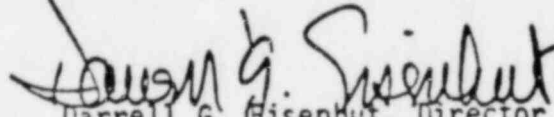
However, in the course of the decision to delay the implementation date to February 1, 1982, the Commission was aware that a licensee's inability to meet the July 1, 1981 date could be attributed to causes beyond his control. The Commission will take into consideration any mitigating circumstances in determining the degree of enforcement action.

Handwritten: 8203040099
POR/LPOR

February 3, 1982

In this regard, your attention is directed to Paragraph 3 of Part II of the Supplementary Information Section of the Final Rule published in the Federal Register on December 30, 1981 (FR Vol. 46, No. 250, Pages 63031 - 63033 copy attached).

Sincerely,



Darrell G. Gisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Attachment:
As stated

cc w/attachment:
See next page

cc

William H. Cuddy, Esquire
Day, Berry & Howard
Counselors at Law
One Constitution Plaza
Hartford, Connecticut 06103

Board of Selectmen
Town Hall
Haddam, Connecticut 06103

Northeast Nuclear Energy Company
ATTN: Superintendent
Millstone Plant
P. O. Box 128
Waterford, Connecticut 06385

Natural Resources Defense Council
917 15th Street, N. W.
Washington, D. C. 20005

Resident Inspector
c/o U. S. NRC
P. O. Box Drawer KK
Niantic, Connecticut 06357

Waterford Public Library
Rope Ferry Road, Route 156
Waterford, Connecticut 06385

First Selectman of the Town
of Waterford
Hall of Records
200 Boston Post Road
Waterford, Connecticut 06385

John F. Opeka
Systems Superintendent
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P. O. Box 270
Hartford, Connecticut 06101

Mr. Richard T. Laudonat
Manager, Generation Facilities Licensing
Northeast Utilities Service Company
P. O. Box 270
Hartford, Connecticut 06101

State of Connecticut
Office of Policy Management
ATTN: Under Secretary Energy
Division
80 Washington Street
Hartford, Connecticut 06115

Resident Inspector
Haddam Neck Nuclear Power Station
c/o U. S. NRC
East Haddam Post Office
East Haddam, Connecticut 06423

U. S. Environmental Protection
Agency
Region I Office
ATTN: Regional Radiation Representative
JFK Federal Building
Boston, Massachusetts 02203

Superintendent
Haddam Neck Plant
RFD #1
Post Office Box 127E
East Hampton, Connecticut 06424

Ronald C. Haynes, Regional Administrator
Nuclear Regulatory Commission, Region I
Office of Inspection and Enforcement
631 Park Avenue
King of Prussia, Pennsylvania 19406

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is making two changes to its emergency planning regulations. The change to 10 CFR Part 50, Appendix E delays the date by which prompt public notification systems must be operational around all nuclear power plants. The change to § 50.54 clarifies the language of the rule to conform with the Commission's intent at the time of promulgation.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone 301-443-5942).

SUPPLEMENTARY INFORMATION:

I. The Amendment to 10 CFR Part 50, Appendix E

On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

"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."

On August 11, 1981, the Commission discussed possible actions because licensees failed to comply with the July 1, 1981 requirement contained in 10 CFR 50.47(b)(5) and 10 CFR 50, Appendix E, Section IV.D.3. The licensees' failure to meet the July 1, 1981 date was attributed to unforeseen difficulties and uncertainties surrounding the design, procurement and installation of the prompt notification systems.

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981 date to February 1, 1982. (See 46 FR 46587). That Federal Register notice requested public comment during a 30-day period ending October 21, 1981.

To date, comments have been received from four NRC licensees, five individuals or organizations in the nuclear industry, one from the general public, three from environmental organizations, one from a mass transit system director, and one from a State governor. The comments received from the general public and from the environmental organizations were against delaying the implementation date to February 1982. The letters from the other commenters generally agree with extending the implementation date along with additional suggestions.

One suggested modification to the proposed rule change, which has been accepted and included in these final amendments, is not to eliminate the four-month period for correction of any deficiencies identified during the initial testing of the prompt notification system. The Commission now believes that the elimination of this four-month period would be inconsistent with the need to perform a reasonable test of the system and make any needed changes as indicated by the test results. The enclosed effective regulation incorporates this concept. The installation date, however, remains February 1, 1982, and any licensee not completing the installation by that date would be subject to enforcement action.

After evaluating all public comment letters received, the Commission has decided to publish, as immediately effective, a final rule change to 10 CFR Part 50, Appendix E which will delay the implementation date for the prompt public notification systems from July 1, 1981 to February 1, 1982.

This decision is based on recognition that emergency preparedness have significantly improved within the last year around every nuclear power plant. This significant improvement is confirmed by NRC teams that have visited a number of plants to evaluate the licensees' compliance with the upgraded emergency regulations of August 1980. The Federal Emergency Management Agency (FEMA) and the Commission have monitored numerous nuclear emergency exercises involving State and local governments and the licensees. The licensees again have witnessed a significant improvement in onsite emergency preparedness.

The decision to delay implementation is based on the recognition that the current warning system (radio, telephone) which is sufficiently effective in most accident scenarios. In view of the Commission finds that there is sufficient reason to believe that appropriate protective measures will be taken for the health and safety of the public in the event of a radiological emergency during the extended time period of compliance.

II. The Amendment to 10 CFR Part 50, Appendix E

Additionally, 10 CFR Part 50, Appendix E currently requires that:

"For operating power reactors, State, and local emergency plans shall be implemented by April 1, 1982 as provided in Section IV.D.3 of this part. If after April 1, 1982, the state of emergency preparedness does not provide assurance that adequate protective measures can and will be taken in the event of a radiological emergency and such deficiencies are not corrected within 60 days of finding, the Commission will determine whether the reactor shall be subject to such deficiencies are removed or other enforcement action."

It has come to the Commission's attention that because the regulation was written in paragraph (b)(5), it can be interpreted that the four-month period for correction of emergency deficiencies does not apply to IV.D.3 of Appendix E."

This is a misinterpretation of the Commission's intent, which was that the four-month period is to apply to any deficiencies identified in the emergency plans. The Commission is therefore codifying § 50.54(s)(2) to more clearly reflect that intent. The four-month period provided in § 50.54(s)(2), will not apply to any licensee for the installation and initial test of the public notification system by February 1, 1982. If a licensee is not in compliance with this requirement for installation and testing 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. The four-month period will, however, apply to correction of deficiencies identified during the initial test of the prompt public notification systems as well as those deficiencies discovered thereafter.

Because the amendment to § 50.54(s)(2) is interpretative and of a minor nature, simply resolving an ambiguity in the rules to the Commission's intended meaning at the time of promulgation, the Commission finds good cause to dispense with advance notice and opportunity for public comment thereon as unnecessary. For this reason, this change shall be effective as a final rule on December 30, 1981.

Likewise, the Commission is publishing the final amendments to 10 CFR Part 50, Appendix E (extending the implementation date for the installation of a prompt public notification system) as 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 Act Statement

Pursuant to the Regulatory Flexibility Act of 1980, Pub. L. 96-354, the NRC has determined: (1) That the delaying of the implementation date for the prompt public notification systems will not have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act of 1980, section 605(b) and (2) that the rule change to § 50.54(s)(2) is not subject to the provisions of the Regulatory Flexibility Act of 1980, because the Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking for § 50.54(s)(2) need not be issued and that the rule may be promulgated in final form and become effective on December 30, 1981.

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 final 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, the following amendments to 10 CFR Part 50 are published as documents subject to codification:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 162, 182, 68 Stat. 938, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); Secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 579 (42 U.S.C. 2157). 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. 185, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 952, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 251, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 1610, 68 Stat. 850, as amended (42 U.S.C. 2271(o)), and the laws referred to in Appendices.

Appendix E [Amended]

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*

*The regulation has been typed in comparative text showing changes from the proposed rule.

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 notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate administrative and physical means be established for alerting and providing 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 the initial installation of this notification system that is required by February 1, 1982. The four-month period shall apply to correction of deficiencies identified during the initial installation and test of the prompt public notification system, as well as those deficiencies discovered thereafter. The design objective of the public notification system shall be to provide the capability to essentially complete initial notification of the public within the plume exposure pathway EPZ within 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 notified that a situation exists requiring urgent action) to the more likely event 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. When a decision to activate the notification system is made, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated manner. The responsibility for activating such a public notification system shall remain with the appropriate governmental authorities.

2. § 50.54(s)(2) is revised to read as follows:

§ 50.54 Conditions of Licenses.

(s)

(2)(i) For operating power reactor licensees, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E to Part 50.

(ii) If after April 1, 1981, the State does not provide reasonable assurance that adequate protective measures will be taken in the event of a radiological emergency (including findings based on requirements of Appendix E, Section IV.D.3) to

change published in the Federal Register September 21, 1981.

deficiencies (including deficiencies based on requirements of Appendix E, Section IV.D.3) are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

Dated at Washington, D.C. this 23rd day of December, 1981.
For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 81-37707 Filed 12-23-81; 8:43 am]
BILLING CODE 7590-01-M

10 CFR Part 50

Reporting, Recordkeeping, and Application Requirements; Approval
AGENCY: Nuclear Regulatory Commission.
ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the domestic licensing of production and utilization facilities to indicate Office of Management and Budget approval of the information collection requirements contained in the regulations. This action is required by the Paperwork Reduction Act of 1980.
EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirement be reapproved by OMB as existing GAO

applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

On October 30, 1981, the NRC obtained OMB reapproval for the information collection requirements contained in 10 CFR Part 50. This amendment adds a new § 50.8 to Part 50 setting out the OMB approval number, the expiration date of the current approval, and a list of sections within Part 50 that contain an approved information collection requirement. This amendment also removes the note concerning the expired GAO clearance that follows § 50.110.

Because this is a nonsubstantive amendment dealing with a minor procedural matter, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendment effective December 30, 1981.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Part 50 are published as a document subject to codification. The authority citation for this document is:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 648 (42 U.S.C. 2201)

1. Section 50.8 is added to read as follows:

§ 50.8 Reporting, recordkeeping, and application requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part of the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (Pub. L. 96-511). OMB approved the information collection requirements on October 30, 1981.

(1) The OMB approval number is 3150-0011.

(2) OMB approval expires April 30, 1982.

(b) The approved information collection requirements include the application, recordkeeping, and reporting requirements contained in §§ 50.30, 50.33, 50.33a, 50.34(b), (c), (d), (f), 50.34a, 50.35(b), 50.36, 50.36a, 50.48, 50.54(f), (p), (q), (r), (s), (t), (u), 50.55(e), 50.55a, 50.59(b), (c), 50.71(a), (b), (c), (d), (e), 50.72(a), (b), 50.80, 50.82, 50.90, and Appendices A, B, C, E, G, H, J, K, and R.

§ 50.110 [Amended]

2. The note following § 50.110 is removed.

Dated at Bethesda, Maryland, of December, 1981.
For the Nuclear Regulatory Commission,
William J. Dircks,
Executive Director for Operations
[FR Doc. 81-37700 Filed 12-23-81; 8:43 am]
BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY
10 CFR Part 503

[Docket No. ERA-R-81-06]
Powerplant and Industrial
of 1978; Final Rules

Correction

In FR Doc. 81-34770 appearing on page 59572 in the issue of December 7, 1981, make the following corrections:

(1) In § 503.8(c)(2), the "s" were inadvertently omitted. Equation on page 5990a:

EQ4 DELTA-COST
(ALTERNATE)-COST (COST(ALTERNATE) and are determined by:

(2) In § 503.36(a), paragraph incorrectly designated as on page 59914, first column line, "(b) For powerplant have read "(5) For powerplant.
BILLING CODE 1505-01-M

FEDERAL HOME LOAN

12 CFR Parts 522 and 5
[No. 81-800]

Payment of Litigation Expenses
Federal Home Loan Bank Board
Directors, and Employees

Dated: December 17, 1981
AGENCY: Federal Home Loan Board.
ACTION: Final rule.

SUMMARY: The Federal Board is amending the Federal Home Loan liberalize the terms on may pay expenses of and employees involve arising out of their Bank amendment will allow Loan Banks to establish policies regarding litigation.
EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Director of General Counsel, Federal Reserve Bank Board, 1700 G Street, Washington, D.C. 20553
SUPPLEMENTARY INFORMATION: Federal Home Loan Board



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 9, 1982

A-18 TAC 12154,7
7.5
John Hickman
EWS 315

Dockets Nos. 50-277
and 50-278

Mr. Edward G. Bauer, Jr.
Vice President and General Counsel
Philadelphia Electric Company
2301 Market Street
Philadelphia, Pennsylvania 19101

Dear Mr. Bauer:

This is in response to your January 27, 1981 letter requesting an exemption in the implementation of your prompt notification system beyond the February 1, 1982 date required by 10 CFR 50, Appendix E, Section IV.D.3.

The revised emergency planning regulation, which became effective November 3, 1980, required that, by July 1, 1981, licensees demonstrate that administrative and physical means were established for alerting and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone. Many licensees did not meet this requirement by July 1, 1981; the failure was attributed to unforeseen difficulties and uncertainties surrounding the design, procurement and installation of the prompt notification systems. As a consequence, the Commission proposed the extension of the July 1, 1981 date to February 1, 1982, but determined that if the systems were not installed and operable by February 1, 1982, the licensees would be subject to enforcement action. On December 30, 1981, a final rule change, which was immediately effective, delayed this implementation date for prompt public notification systems from July 1, 1981 to February 1, 1982 (46 FR 63031). When the Commission chose the February 1, 1982 deadline, they were aware that some licensees were stating that they might not be able to complete installation of their systems by that date. Even with this knowledge, the Commission decided that the February 1, 1982 date was reasonable, given the fact that all licensees should have been able to meet this deadline by having applied sufficient resources to the task without delay. In view of the above, and the requirements of the final rule on the prompt public notification system, your request for a delay cannot be granted.

However, in the course of the decision to delay the implementation date to February 1, 1982, the Commission was aware as discussed above, that a licensees' inability to meet the July 1, 1981 date could be attributed to causes beyond his control. The Commission will take into consideration any mitigating circumstances in determining the degree of enforcement

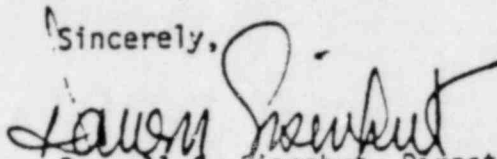
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Mr. Edward G. Bauer, Jr.

-2-

action. In this regard, your attention is directed to Paragraph 3 of Part II of the Supplementary Information Section of the Final Rule published in the Federal Register on December 30, 1981.

Sincerely,



Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

cc:
See next page