


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

July 20, 1982



OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary 

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION,
11:50 A.M., FRIDAY, JULY 16, 1982,
COMMISSIONERS' CONFERENCE ROOM, DC OFFICE
(OPEN TO PUBLIC ATTENDANCE)

SECY-82-111 - Requirements for Emergency Response Capability.

The Commission, by a vote of 4-1* (Commissioner Gilinsky disapproving) approved SECY-82-111 subject to the following:

1. The staff should provide an information paper which responds to the ACRS' recommendations (May 10, 1982 letter to the Chairman) for additional staff attention to emergency operating procedures, the Safety Parameter Display System, and Control Room Design Reviews.
2. Item 8 on page 23 of the Enclosure to SECY 82-111 should be revised to read: "8. Staffed using Table 2. (previous guidance approved by the Commission) as a goal. Reasonable exceptions to goals for the number of additional staff personnel and response times for their arrival should be justified and will be considered by NRC staff."
3. Add the following to the first paragraph on page 1 of the enclosure to SECY 82-111:

"It is also not intended that either the guidance documents or the fundamental requirements are to be considered binding legal requirements at this time. As indicated below, however, the fundamental requirements will be translated into binding legal requirements in the manner specified."

* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Asselstine was not present when this item was affirmed, but had previously indicated that he would approve. Commissioner Gilinsky was also not present when this item was affirmed, but had previously indicated that he would disapprove. Had Commissioners Gilinsky and Asselstine been present, they would have affirmed their prior votes. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision.

4. The statement under No. 1, on page 4 should be modified so that the last sentence reads:

"While the NRC does not plan to impose additional requirements on licensees regarding SPDS, the NRC will work with the industry to assure the development of appropriate industry standards for SPDS systems.

5. The description provided to the ACRS on May 7, 1982 by Hugh Thompson on NRC intentions regarding control room design review should be incorporated into SECY 82-111. (See also Commissioner Ahearne's vote sheet of 6/10/82, and pages 4-5 of the attachments to it.)
6. A statement referring to the need for operating crew training to cover handling accident conditions both with and without the SPDS should be included in the enclosure to SECY 82-111.
7. The enclosure to SECY-82-111 should be published as a NUREG-0737 Supplement. You should make the appropriate modifications to the enclosure to make it suitable for such publication. In particular, you need to include the language proposed by OGC in their July 15, 1982 memorandum as modified in enclosure A. You also should reflect that the document is Commission direction to licensees rather than a proposal for Commission review.
8. Page 1 to the enclosure of SECY-82-111 should be modified as attached (Enclosure B).
9. The Commission has agreed that a Policy Statement be issued reflecting the Commission's approval of the enclosure to SECY-82-111 as a Supplement to NUREG-0737. The proposed Policy Statement by OGC (July 15, 1982 memorandum) should be revised as attached (Enclosure C) with appropriate additional changes to reflect that SECY-82-111 is to be issued as a Supplement to NUREG-0737.
10. NUREG-0696 should be revised, reviewed by CRGR and approved and issued as a Regulatory Guide. The Commission should be advised of the progress and the final version should be sent to the Commission for review (under negative consent procedures) prior to issuance.
(EDO) (SECY Suspense: July 15, 1983)

11. Prior to sending 50.54 (f) letters to licensees, you should provide the Commission with a draft for approval.
(EDO) (SECY Suspense: September 1, 1982)

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine
Commission Staff Offices
ACRS
PDR (Advance)
DCS - 016 Phillips

Insert to SECY-82-111 Report

Add to page 2 of "NRC Staff Recommendations on the Requirements for Emergency Response Capability" (Enclosure to SECY-82-111) the following:

The recommended requirements set forth in this document have been reviewed by the Commission and, at a meeting held June 21, 1982, were approved by the Commission as appropriately clarifying and providing greater detail with respect to related TMI Action Plan requirements contained in NUREG-0737 for all operating license applicants. These recommended requirements are, therefore, to be accorded the status of approved NUREG-0737 items as set forth in the Commission's "Statement of Policy: Further Commission Guidance for Power Reactor Operating Licenses" (45 Fed.Reg. 85236, Dec. 24, 1980). In this connection, the provisions for scheduling set forth herein supersede any schedules with respect to such items contained in NUREG-0737. Accordingly, the recommended requirements should be used by the staff and by adjudicatory boards as appropriate clarifications and interpretation of the related NUREG-0737 items.

The recommended requirements set forth in this document are believed to be consistent with the requirements regarding related items for construction permits and manufacturing licenses contained in 10 CFR 50.34(f) and 10 CFR Part 50, Appendix E. Accordingly, no change in such regulation is required. ~~Rather, the recommended requirements contained in this document should be treated as guidance as to the meaning of the requirements~~

1. INTRODUCTION

This report was prepared as a result of a review by the Committee to Review Generic Requirements (CRGR). The recommendations herein have been developed by the program offices and are supported by CRGR. The report represents the staff's attempt to distill the fundamental requirements for nuclear plant Emergency Response Capability from the wide range of guidance documents that NRC has issued. It is not intended that these guidance documents (NUREG reports and Regulatory Guides) be ignored; they are still useful sources of guidance for licensees and NRC staff regarding acceptable means for meeting the fundamental requirements contained in this document.

These fundamental requirements are further specification of the general guidance specified previously by the Commission in its regulations, orders and policy statements on emergency planning and TMI issues. It is intended that these fundamental requirements would be applicable to licensees of operating nuclear power plants and holders of construction permits for nuclear power plants. For applicants for a construction permit (CP) or manufacturing license (ML), the requirements described in this document must be supplemented with the specific provisions in the rule specifying licensing requirements for pending CP and ML applications.

Thus, compliance with requirements in this document may not be sufficient to meet the related requirements in 10 CFR 50.34 (f) and Appendix E. _____

In this regard, it is expected that the staff would review CP and ML applications against the guidance in the current Standard Review Plan

(which includes the provisions of NUREG 0718) _____

and this might lead to more detailed requirements than prescribed in this document, in order to satisfy the requirements of 50.34(f) and Appendix E.

Based on discussions with licensees, the staff has learned that many of the Commission approved schedules for emergency response facilities probably will not be met. In recognition of this fact and the difficulty of implementing generic deadlines, the staff proposes that plant-specific schedules be established which take into account the unique status of each plant. The following sequence for developing implementation schedules is proposed.

When the basic requirements for emergency response capabilities and facilities are finalized, they should be transmitted to licensees by a generic letter from NRR, promulgated to NRC staff, and incorporated as regulatory requirements (e.g., in the Standard Review Plan or by regulation or Order, as appropriate). The letter to licensees should request that licensees submit a proposed schedule for completing actions to comply with the basic requirements. Each licensee's proposed schedules would then be reviewed by the assigned NRC Project Manager, who would discuss the subject with the licensee and mutually agree on schedules and completion dates. The implementation dates would then be formalized into an enforceable document.

STATEMENT OF POLICY: FURTHER COMMISSION GUIDANCE
ON EMERGENCY RESPONSE CAPABILITY FOR
~~REACTOR OPERATING LICENSES~~

AGENCY: Nuclear Regulatory Commission

ACTION: Publication of Policy Statement

SUMMARY: On December 24, 1980, the Commission published a Statement of Policy: "Further Commission Guidance to Power Reactor Operating Licenses" (45 FR 85236), modifying an earlier Policy Statement on the same subject (45 FR 41736, June 23, 1980). The Commission's Policy Statement discussed the background of efforts to improve safety requirements in light of experience resulting from the Three Mile Island accident. The Commission indicated that operating license applications would be measured by the Commission's regulations, as augmented by the requirements reflected in NUREG-0737, "Clarification of Action Plan Requirements". The Commission further noted that it will continue to monitor developments with regard to litigation of action plan requirements and continue to offer guidance where appropriate.

Since that time, the NRC staff has developed a number of NUREG documents and other guidance documents which provide information and guidance as to methods of implementation and other details concerning certain NUREG-0737 items relating to emergency response capability. The more important elements of these various staff documents have been identified in "NRC Staff Recommendations on the Requirements for Emergency Response

Capability", which the NRC staff has recommended be adopted by the NRC in order to provide guidance clarifying and amplifying the NUREG-0737 items relating to emergency response capability. The Commission has considered the staff recommendation and approved the requirements recommended in "NRC Staff Recommendations on the Requirements for Emergency Response Capability" as appropriately clarifying and providing greater detail with respect to the TMI Action Plan Requirements contained in NUREG-0737 relating to emergency response capability. The provisions for scheduling set forth in these recommended requirements supersede the schedules with respect to related NUREG-0737 items.

Accordingly, the Commission has concluded that these recommended requirements should be used by the staff and by adjudicatory boards as appropriate clarifications and interpretations of related NUREG-0737 items and should be accorded the status of approved NUREG-0737 items as set forth in the December 24, 1980 Statement of Policy. Litigation of the recommended requirements set forth in NRC Staff Recommendations on the Requirements for Emergency Response Capability should be permitted in operating license proceedings under the same conditions as those applicable to NUREG-0737 items in accordance with the December 24, 1980 Statement of Policy. In this regard, it should be understood that the Commission's December 24, 1980 Statement of Policy is applicable to all operating license applications and that therefore this new guidance on emergency response capability is applicable to all operating license applications.