

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
CONSUMERS POWER COMPANY)	Docket No. 50-155
(Big Rock Point Nuclear Power Plant))	Spent Fuel Pool Modification

NRC STAFF PROPOSED FINDINGS OF FACT AND CONCLUSIONS
OF LAW ON CHRISTA-MARIA CONTENTIONS 9(4), 9(5), AND 9(7)

I. BACKGROUND

This is a decision on an application by Consumers Power Company (Licensee) to amend its operating license to modify its spent fuel storage pool at Big Rock Point Nuclear Power Plant. The application for amendment is contested by Christa-Maria et al. and John O'Neill (Intervenors) who have submitted a number of contentions opposing the proposed modification of the spent fuel pool. This decision is limited to subcontentions 9(4), 9(5) and 9(7) of Christa-Maria which deal with the adequacy of provisions to evacuate persons without vehicles, and invalids, in the event of an emergency, and the need to revise the emergency plan to identify specific individuals who would be responsible for necessary functions in the event of an emergency at Big Rock Point.

II. CONTENTIONS

Christa-Maria Contention 9(4) states:

Applicant should be required to assist persons without vehicles to leave the area during an emergency evacuation.

Christa-Maria Contention 9(5) states:

A current list of invalids should be kept so that they can be assisted in time of emergency.

Christa-Maria Contention 9(7) states:

Applicant's emergency plan should be revised so that it relies only on people who exist and have been properly identified and so that there will be adequate coordination among responsible personnel.

This Board must determine whether Licensee has any responsibility to directly assist persons without vehicles during an evacuation, whether such persons, and invalids, are adequately provided for during evacuation, and whether further identification of responsible persons is required in Licensee's emergency plan.

III. STATEMENT OF APPLICABLE LAW

10 C.F.R. § 50.47 and Part 50, Appendix E govern the preparation and content of emergency plans generally. Specific guidelines for evacuation of persons within emergency planning zones are not addressed by regulation, but are discussed in NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants for Interim Use and Comment," January, 1980.

IV. OPINION

A. Christa-Maria Contention 9(4)

Mr. Danny B. Bement of the Federal Emergency Management Agency, testified for the NRC Staff that Charlevoix and Emmet Counties had adequately planned to assist persons without vehicles to leave the

Big Rock Point area during an emergency evacuation. He testified that members of the public are directed to obtain rides with neighbors if possible, or to listen to radio and television broadcasts providing information on locations where special transportation would be available. Phone lines would be made available to receive calls from individuals seeking rides. Further, both the original and the draft revised public information pamphlet, to be distributed, contain a special needs form which an individual can fill out to indicate a need for transportation in the event of an emergency evacuation, and these forms are to be mailed to the Charlevoix or Emmet County Director of Emergency Services. (Testimony of Danny B. Bement, fol. Tr. 833, at 5-6). Charlevoix and Emmet County schools and churches also have a number of buses which can be used to evacuate persons without vehicles, as well as invalids, although the first priority for these buses is the evacuation of the school children, if school is in session at the time of any emergency evacuation. (Tr. 1481-88)

Mr. Charles E. Axtell, Chemistry and Health Physics Superintendent at the Big Rock Point Plant, testified that he has been responsible for the Big Rock Point Plant Emergency Preparedness Program as the Emergency Planning Coordinator. (Testimony of Charles E. Axtell, fol. Tr. 1047) Mr. Axtell testified that the emergency evacuation of the population is primarily the responsibility of State and local officials, and that the primary responsibility of Licensee is to assess the emergency situation, notify State and local authorities, and maintain the plant in a safe condition. A Charlevoix County Emergency Operations Plan, and letters of

agreement between Licensee and local officials of both Charlevoix and Emmet Counties, define the responsibility of the sheriff's department of each of the counties for the evacuation of residents. (Axtell testimony, 9-10)

B. Christa-Maria Contention 9(5)

Mr. Bement testified that current and updated list of invalids are being kept to assist in their timely evacuation in the event of emergency. These lists are maintained by the Emmet County Department of Social Services and by the sheriff of Charlevoix County. (Bement testimony at 6-7; Tr. 1471-74). The lists in question identify five disabled persons residing in Emmet County, (Tr. 1474), none of whom live within the five mile inhalation pathway (Bement, p. 7), and 36 invalids in Charlevoix County residing within the five mile inhalation pathway (Tr. 1478). The current planning calls for the use of buses to transport these invalids in the event of an evacuation, the buses to be provided by East Jordan High School, certain East Jordan churches, and the Charlevoix Commission on Aging. (Bement, p. 7) The school buses' first priority would be the evacuation of school children if school is in session at the time that an evacuation occurred, but the church buses would be immediately available to evacuate people during any type of accident requiring an evacuation. (Tr. 1482-86) Finally, the Charlevoix Hospital has its own evacuation plans for patients. (Tr. 965-67)

C. Christa-Maria Contention 9(7)

Mr. Bement testified that the Federal Emergency Management Agency has concluded that the necessary persons to implement the Charlevoix and

Emmet Counties emergency plans exist and are adequately identified. Adequate coordination among responsible personnel occurred during the annual emergency plan exercise which was conducted on April 6, 1982, involving the Charlevoix County primary emergency operation center staff and most of their backup staff, as well as similarly situated personnel from Emmet County. This exercise verified both counties' capability for staffing and carrying out 24-hour operational capability in the event of an accident. (Bement, p. 8)

Mr. Axtell testified that the Big Rock Point Site Emergency Plan and the Site Emergency Plan Implementing Procedures identify responsible persons who have been trained in their respective emergency functions. Mr. Axtell testified that he routinely reviews the records of such assigned personnel every three months to update and verify their telephone numbers, which would be needed in the event of an emergency. He testified that, as a result of the April 6, 1982 exercise, upon FEMA's recommendation a dedicated telephone line was established between the on-site emergency operation center and the Big Rock Point Plant, to improve communication and coordination between responsible persons. (Axtell pp. 11-13)

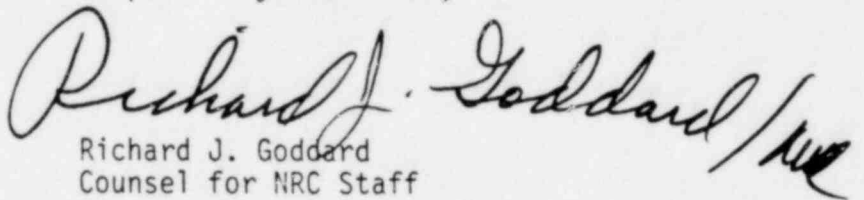
V. CONCLUSIONS OF LAW

Based upon the foregoing testimony, this Board finds that:

- a) Applicant has no direct responsibility to assist persons without vehicles to leave the area during an emergency evacuation, and this responsibility of State and local officials is met through adequate emergency planning;
- b) current procedures for maintaining lists of

invalids are adequate to provide for their evacuation in the event of an emergency; and c) Applicant's emergency plan and implementing procedures adequately identify responsible persons who would be performing emergency functions in the event of an accident, and adequate preparation has been made to effect coordination between personnel of licensee and responsible State and local officials.

Respectfully submitted,


Richard J. Goddard
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 30th day of July, 1982