

October 21, 1982



SECY-82-428

**ADJUDICATORY ISSUE**  
(Affirmation)

For: The Commissioners

From: Martin G. Malsch  
Deputy General Counsel

Subject: SAN ONOFRE LICENSING BOARD CERTIFICATION  
REGARDING PROCEEDING ON MEDICAL  
ARRANGEMENTS ISSUE

Purpose: To forward a draft order responding to  
the Licensing Board's Memorandum and  
Order (Certifying a Question to the  
Commission).

Discussion: In light of the Commission's  
September 24, 1982 order which directed  
certification of the offsite emergency  
medical arrangements issue, the San  
Onofre Licensing Board has asked the  
Commission for guidance on whether to  
proceed with its hearing on the  
site-specific inquiry. Although the  
hearing is currently scheduled for  
November 30, 1982, all the parties have  
requested additional time for filing  
testimony and it appears that both the  
filing and hearing dates will be  
extended by approximately one month.  
See unpublished Memorandum and Order  
October 5, 1982 (Attachment 1).

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Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA- 92-436

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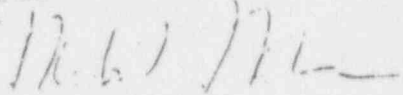
The Licensing Board's concern is that the parties will waste their resources in preparing for the hearing if the Commission decides to adopt the Appeal Board's tentative interpretation of the medical arrangements requirements. Under the Commission's current schedule for its consideration of the issue, written briefs must be in the Commission's hands by October 14 and replies by October 29. See Memorandum and Order, CLI-82-27 (September 24, 1982).

When the Commission issued its order directing certification it was aware that the Licensing Board and the parties might expend substantial resources to carry out the current plan. SECY-82-364 discussed the pros and cons of various options to deal with this issue. The Commission chose not to suspend further Licensing Board proceedings, probably in order to preserve its option to affirm the Licensing Board's interpretation without delaying issuance of the full power license. The Commission's September 24 order specifically provides that the license condition on offsite medical arrangements for members of the general public remains in effect pending Commission consideration of the certified questions. The implication of that directive is that the Licensing Board should proceed as planned (with written submissions and/or hearings) and render a decision. Although the Licensing Board is proceeding in accordance with that implied directive, it is now asking the Commission to make this message more explicit.

5 { We recommend that

Recommendation:

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Martin G. Malsch  
Deputy General Counsel

Attachment:

- (1) October 5, 1982 Memorandum & Order
- (2) October 1, 1982 Memorandum & Order
- (3) Draft Orders

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Friday, November 5, 1982.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Friday, October 29, 1982, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of November 8, 1982. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION:  
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ATTACHMENT 1

*release*

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'82 OCT -5 P3:34

ATOMIC SAFETY AND LICENSING BOARD

BEFORE ADMINISTRATIVE JUDGES

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

James L. Kelley, Chairman  
Dr. Cadet H. Hand, Jr.  
Mrs. Elizabeth B. Johnson

SERVED OCT 5 1982

In the Matter of:

SOUTHERN CALIFORNIA EDISON COMPANY,  
ET AL.

(San Onofre Nuclear Generating  
Station, Units 2 and 3)

Docket Nos. 50-361-OL  
50-362-OL

ASLBP No. 77-352-04-OL

October 5, 1982

MEMORANDUM AND ORDER  
(Certifying a Question to the Commission)

On September 24, 1982, the Commission issued an Order directing the Appeal Board to certify to it certain questions of interpretation concerning the medical services arrangements requirement imposed by 10 CFR 50.47(b)(12). The Commission's Order did not refer to the site-specific factual issues pending before the Licensing Board by virtue of our retention of jurisdiction in the Initial Decision. However, the Commission's prior Order of July 16, 1982 had taken cognizance of those issues and directed this Board to "report on the status of the offsite medical arrangements question within four months of the date of issuance of the full-power operating license." That license was issued on September 7, 1982, making our report due to the Commission on January 7, 1983.

Although parts of the Commission's Order of September 24 were broadly phrased, in the totality of the circumstances we did not believe that it was intended to divest us of jurisdiction over site-specific aspects of the medical arrangements question for San Onofre. We accordingly issued an Order on October 1, 1982 setting those aspects of the question for a hearing to begin in Southern California on November 30, 1982. A copy of our Order is attached for your information. It is designed to elicit detailed site-specific information about a range of issues, including local medical resources that might be marshalled on an ad hoc basis and the need beyond that, if any, to make advance arrangements for medical services. Following a hearing, we expect to receive proposed findings from the parties and thereafter to render a decision. In view of the fact that the legal issues concerning medical services arrangements are now before you by directed certification, we contemplate that our decision would serve as our four-month report to the Commission.

This certification arises from our concern that the Commission might decide the questions certified in its September 24, 1982 Order before we can complete the hearing process and report to the Commission. The Commission's Order calls for initial and reply submissions within 35 days, so that the certified questions could be otherwise ready for Commission decision around mid-November, 1982. However, we cannot finish our site-specific inquiry by that time. Because of the detailed information we are seeking and the nature of the hearing process, it would be very difficult for us to finish our work much before January 7, 1982, the deadline for our report to the Commission.

We are concerned that substantial resources (both in time and money) may be wasted if the Commission were to decide the certified questions without factoring the results of our site-specific inquiry into its deliberations. We cannot, of course, anticipate how the Commission might decide those questions. But to illustrate our concerns about wasted resources, the Commission will have before it the differing interpretations of 10 CFR 50.47(b)(12) already adopted by this Board and tentatively outlined by the Appeal Board. Whatever the respective merits of those positions, if the Commission adopts the Appeal Board's interpretation after our hearing but before our report, the time and money spent by the Board and parties on the site-specific inquiry will be wasted, and our report to the Commission will be moot.

We think that the inquiry outlined in our Order would be helpful to the Commission in resolving medical services questions not only on the facts of this case, but also in providing guidance for other cases. If the Commission briefly postpones consideration of the certified questions until after it has our report in January, the Commission will then have before it considerable information about medical services available in a major metropolitan area in the event of a serious nuclear power plant accident. Such information is not in the rulemaking record or, so far as we are aware, in the records of other NRC cases. In addition, some of the information in this area not only is complex in itself, it also involves complex underlying assumptions. Cross-examination at a hearing would probe those complexities and assumptions, producing a record that could not be obtained through written submissions alone.

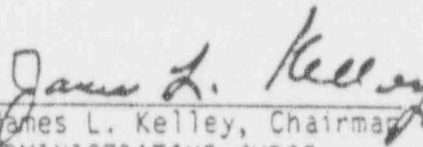


In the foregoing circumstances, we certify to the Commission the following question:

Does the Commission wish the Licensing Board to continue the proceeding initiated by the Board's Order of October 1, 1982, with a view toward the Commission's considering the record and the Licensing Board's findings in its decision of the certified questions? Alternatively, does the Commission wish the Licensing Board to terminate or suspend its proceeding until after the Commission decides the certified questions, in order to avoid the possible waste of resources?

The Licensing Board will go forward with its inquiry pending the Commission's answer to our certified question. However, the Board would appreciate receiving an answer to that question as soon as possible in order to minimize the hazard of wasted resources.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
James L. Kelley, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,  
this 5th day of October, 1982.



ATTACHMENT 2

*release*

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD  
BEFORE ADMINISTRATIVE JUDGES

James L. Kelley, Chairman  
Dr. Cadet H. Hand, Jr.  
Mrs. Elizabeth B. Johnson

In the Matter of  
SOUTHERN CALIFORNIA EDISON COMPANY,  
ET AL.  
(San Onofre Nuclear Generating  
Station, Units 2 and 3)

Docket Nos. 50-361-OL  
50-362-OL

October 1, 1982

MEMORANDUM AND ORDER  
(Setting Medical Arrangements Question for Hearing)

Introduction.

The Board has reviewed the submissions of the parties in response to our Memorandum and Order of August 6, 1982. The primary purpose of that Order was to determine whether further proceedings might produce a better evidentiary record on the need, if any, for advance medical arrangements for the offsite public in the San Onofre plume EPZ. Your submissions indicate that a further hearing would produce additional relevant information and provide an opportunity to explore points of disagreement on that question.

We suggested the possibility of further proceedings based on affidavits, without a hearing. Your submissions did not support that approach. We also believe that a hearing, with an opportunity for cross-examination, is the best way to probe these rather complex issues.

The Board's General Approach.

We have chosen to approach this problem initially from the perspective of available medical resources in the San Onofre area. We assume a serious accident at San Onofre, beyond design basis, and a release of radioactivity to the atmosphere. We further assume cases among the public in the plume EPZ of severe contamination and of radiation injuries involving whole body doses in excess of 150 rems. We then ask the following questions:

- (1) What kinds of emergency medical services would be needed for the contaminated and/or irradiated accident victims?
- (2) To what extent would those medical services be readily available in the local area without advance planning?
- (3) At what point would local area resources be overwhelmed by numbers of accident victims?
- (4) How serious an accident would be required to overwhelm local resources?
- (5) What is the probability that a comparable accident might occur at San Onofre?
- (6) How can ready availability of local area resources be augmented by advance planning?

(7) What medical resources would be available from greater distances, but with longer delays?

We refine these questions below after first discussing two factors that limit this inquiry.

Emergency Medical Services.

We are concerned with whether there is a need for advance arrangements for emergency, medical services for members of the offsite public. The underscored words are limiting factors.

First, by "emergency" services we mean services that must be provided or administered immediately or soon after the accident in order to be effective. This would rule out, for example, psychiatric treatment. As a bounding time, we would regard as an "emergency" service one that must be available within 48 hours after an accident victim is contaminated or irradiated. Conversely, we assume that any medical service which would be equally effective if administered 48 hours or more following the injury could be provided on an ad hoc basis under virtually any accident scenario; no advance arrangements would be necessary.

Second, by "medical" services we mean the term in its customary clinical sense. We make a separate point of this because of the intervenors' desire to include planning for health education, screening and counseling services, and similar non-clinical services of a community health nature. Comments at p. 2. It may well be that such services are important in the overall scheme of things, but we think they fit more logically under the heading of public education -- a topic we have already covered and which is now pending on appeal -- than under medical services.

Questions for the Parties.

All Parties should answer the following questions, providing expert testimony where the subject matter requires it.

1. Kinds of Medical Services. Describe in appropriate detail the kinds of emergency medical services that would be required for cases of severe contamination and of radiation doses involving upwards of 150 rems, whole body dose. In some cases, the same person may be both contaminated and irradiated. Consider requirements for the following types of personnel, equipment and medicine:

- a. Doctors
- b. Nurses and other health personnel
- c. Decontamination facilities, including monitoring equipment
- d. Hospital beds
- e. Testing facilities
- f. Potassium iodide; other medicines
- g. Ambulances or other transportation
- h. Other items

2. Local Resources. Some, most, or all of the required emergency medical services might be provided on an ad ho. basis -- i.e., without any advance arrangements by offsite planning authorities -- because the proof may show that resources are readily available in the local area and that time is not of the essence. By "local area" we mean the Southern California coastal area, including Los Angeles and San Diego. For example, the Applicants offered some data in their submission concerning the number of hospitals having nuclear medicine services (with numbers of beds and

associated oncologists) in the area. State in appropriate detail the extent to which the required services you listed in response to paragraph 1 could be provided on an ad hoc basis within about 48 hours or less following contamination or irradiation.

3. Maximum Capabilities of Local Resources. What are the approximate maximum numbers of accident victims local resources could cope with, assuming they are being strained temporarily to handle an emergency. For example, a doctor could increase his normal patient load and a hospital might add some temporary beds. At what numerical point would local resources, resource by resource, be not merely strained, but overwhelmed?

4. Accident Magnitude. Taking into account relevant variables, including quantity of the release, wind directions, and the like, how serious an accident would be required to produce the number of accident victims that would overwhelm local resources? Assume that evacuation and sheltering plans work substantially as expected, but bear in mind that evacuation will probably take three to seven hours in differing circumstances, and that sheltering does not afford complete protection.

5. Accident Probability. What is the approximate probability -- per reactor year and over the life of the facility -- that the accident described in response to question 4 might occur at San Onofre? Consider that there are three operating reactors there.

6. Advance Arrangements. How could the rapid availability of local area resources be augmented by advance arrangements by offsite emergency officials? "Arrangements" is used here in a broad sense to include not only determining the location of existing facilities and trained personnel, but also, for example, provision of additional training to health

personnel. As we have made clear previously, however, these arrangements would not include large new capital expenditures for new facilities. Be specific as to each category of medical service.

Has it been determined whether local hospitals will accept low income accident victims who cannot meet usual credit standards? Presumably their expenses will be paid later under the Price-Anderson Act mechanism.

7. Availability of Distant Medical Services. Would it be possible to draw upon more distant medical services -- beyond the Los Angeles and San Diego areas -- if local resources were overwhelmed? Could this be done in a timely manner for radiation patients in need of hospitalization? What advance arrangements are necessary or desirable with respect to distant medical services?

Other Questions.

1. All parties. Is the phrase "contaminated injured individuals" as used in 10 CFR 50.47(b)(12) a term of art with a clearly defined meaning? If so, state that meaning and cite scholarly treatises or articles illustrating term of art status. If this phrase is not a term of art, does it have any clear meaning derivable from the rulemaking record or elsewhere?

2. For the Applicant. What kinds of accidents was Dr. Linnemann assuming might occur when he expressed doubt at the prior hearing that "anyone offsite would receive anywhere near a dose of radiation resulting in symptoms of radiation sickness, much less a hospitalization dose?" (Tr. 7086-87) Did any of his assumed accidents exceed the design bases for San Onofre?



3. For the NRC Staff. In Supplement 6 to the SER at p. 13-3, you state that -- "in worst case accidents, if one postulates large numbers of high radiation exposures, the effects are such that a number of days are available before treatment is needed and ... during this time ad hoc plans for transportation to hospital beds anywhere in the U.S. could be carried out."

Provide the technical medical basis for your statement that "a number of days are available before treatment is needed."

If an ad hoc response might require transporting victims "anywhere in the U.S.," might not advance planning be preferable if that could keep people closer to home?

On the basis of the latest submissions, the Staff and FEMA appear to disagree about many aspects of this question. The Staff, in cooperation with FEMA, should isolate the separate elements of disagreement in terms of services involved and whether they are available ad hoc. The technical basis for any points of disagreement should be identified.

We expect the staff to present technical witnesses at this hearing, including a medical witness. FEMA indicates in its September 3, 1982 memorandum that it could present experts to clarify or reaffirm its positions. We hope it will do so.

Filing Dates and Hearing Location.

The Applicants and the Intervenors shall have their testimony in the Board's hands (note our separate addresses) by November 10, 1982. The

NRC Staff, in cooperation with FEMA, will have an opportunity to review and comment on the Applicants' and Intervenors' testimony. The Staff shall have its testimony in the Board's hands by November 19, 1982.

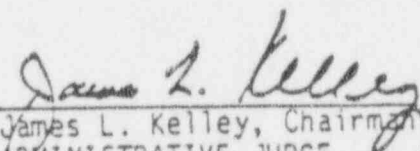
The hearing will be conducted somewhere in Southern California beginning on November 30, 1982. The exact time and place will be determined in consultation with the parties at a later date. We expect the hearing to last two to four days.

We will discuss further arrangements for the hearing with the parties by telephone during October.

Certification to the Commission.

As you know, the Commission has recently directed the Appeal Board to certify to it two questions concerning the interpretation of 10 CFR 50.47(b)(12), without making reference to the related issues pending before this Board. That development indicates that the Commission might decide those questions before these further proceedings can be concluded and therefore without taking their results into account. In order to avoid a possible substantial waste of resources, we will shortly certify to the Commission the question whether it wishes us to terminate or continue these proceedings.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
James L. Kelley, Chairman  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland,  
this 1st day of October, 1982.

ATTACHMENT 3