

February 14, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
UNION ELECTRIC COMPANY)	Docket No. STN 50-483 OL
)	
(Callaway Plant, Unit 1))	

NRC STAFF VIEWS ON THE APPLICABILITY
OF 10 C.F.R. PART 20 STANDARDS
TO EMERGENCY PLANNING ACTIVITIES

I. INTRODUCTION

In its Memorandum and Order of December 7, 1982 ruling on emergency planning contentions in this proceeding, the Board requested that the parties address the applicability of the standards contained in 10 C.F.R. Part 20 to the reentry/recovery phase of emergency planning. The Staff herein responds to that request, and for the reasons discussed below, submits that there is no legal requirement that Part 20 be used to control post-accident reentry and recovery.

II. DISCUSSION

10 C.F.R. Part 20 establishes standards for protection against radiation. These standards relate to the routine activities of holders of NRC licenses; most of the standards do not even apply to the public at large. Intervenor Reed has argued that at least two of the standards -- § 20.105 and § 20.106 -- must be recognized as the controlling regulations

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governing reentry and recovery after occurrence of an accident at a nuclear power plant. Reed Response to Board Order Dated 07 December 1982 ("Reed Response"). While Sections 20.105 and 20.106 do apply to the public at large, the Staff submits that there is no legal requirement that they be used to control post-accident reentry and recovery.

Sections 20.105 and 20.106 were promulgated more than twenty years ago (see 25 Fed. Reg. 2595, Sept. 7, 1960) to set limits on the permissible levels of radiation that may be released to unrestricted areas from the operation of a licensee's facility. Both sections by their terms refer only to anticipated releases from possession and from routine operations and do not refer to extraordinary conditions. As detailed in Section 20.1(b) the purpose of the whole of Part 20 is to deal with only routine emissions, and not extraordinary conditions.

The Commission's emergency planning regulations are contained in 10 C.F.R. Part 50, Section 50.47 and Appendix E. Section 50.47 was adopted in August of 1980; Appendix E was substantially revised at the same time. See 45 Fed. Reg. 55402, Aug. 19, 1980. Neither regulation references 10 C.F.R. Part 20, nor does NUREG-0654 (the FEMA/NRC guidance document for emergency planning). Similarly, Part 20 is not mentioned in the Statement of Consideration published by the Commission to provide supplemental information on the new Section 50.47 and revised Appendix E. See 45 Fed. Reg. 55402 et seq. Aug. 19, 1980. Instead, both 10 C.F.R. 50.47(b)(13) and NUREG-0654 (Planning Standard M) simply call for the development of "general" plans for recovery and reentry.

Had the framers of the emergency planning regulations in 1980 intended to apply Part 20 guidelines to the reentry/recovery phase,

reference to Part 20 would have been made. Thus, the NRC Staff has not viewed the Part 20 guidelines as binding upon (or even necessarily relevant to) reentry/recovery. It must be kept in mind that Part 20 places a limit upon the authorized releases of radiation from a facility. Violation of Part 20 leaves a licensee subject to injunction, civil penalties, and possible license revocation. See 10 C.F.R. 20.601. Exceedance of Part 20 guidelines does not indicate that a state of emergency exists; nothing in Part 20 calls for evacuation of the public or other emergency measures if a licensee violates the guidelines. Similarly there does not appear to be any technical justification for equating the Part 20 guidelines (which are maximum allowable releases) with a mandatory minimum release level that must be attained before any part of recovery/reentry may begin in the event of an accidental release at a nuclear facility, and no such justification has been advanced by Mr. Reed.

It seems clear that Mr. Reed believes inflexible exposure guidelines must be developed so that local governments will know by looking at a chart when recovery/reentry may begin. See Reed Response, p. 2 (Paragraph 5). The Staff submits that this is more than the "general" plan for recovery/reentry required by § 50.47(b)(13). In any event, the Part 20 guidelines were not developed for accident response purposes, the NRC staff has not used the guidelines for emergency planning, and there is neither a technical justification for nor a regulatory requirement

that the Part 20 guidelines be used as rigid standards to control reentry/recovery after an accidental release of radiation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert G. Perlis". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Perlis".

Robert G. Perlis
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 14th day of February, 1983

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF VIEWS ON THE APPLICABILITY OF 10 C.F.R. PART 20 STANDARDS TO EMERGENCY PLANNING ACTIVITIES" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 14th day of February, 1983:

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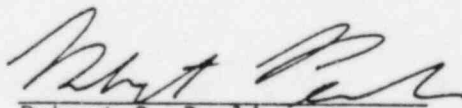
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