

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

DOCKETED  
USNRC

84 AUG -2 19 00

In the Matter of

PACIFIC GAS AND ELECTRIC COMPANY

(Diablo Canyon Nuclear Power Plant  
Units 1 and 2)

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Docket Nos. 50-275 OL  
50-323 OL

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NRC STAFF'S ANSWER TO JOINT  
INTERVENORS' PETITION FOR REVIEW OF ALAB-776

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Lawrence J. Chandler  
Special Litigation Counsel

August 1, 1984

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I. INTRODUCTION

On July 17, 1984, Joint Intervenors filed a Petition for Review of ALAB-776. In this Decision, issued on June 29, 1984, the Atomic Safety and Licensing Appeal Board (Appeal Board) ruled favorably on the appeals of the NRC staff (Staff) and the Pacific Gas and Electric Company (PG&E) taken from the Atomic Safety and Licensing Board's (Licensing Board) Initial Decision of August 31, 1982, LBP-82-70, 16 NRC 756 (1982),<sup>1/</sup> as clarified, LBP-82-85, 16 NRC 1187 (1982). In its decision, the Appeal Board vacated the condition imposed by the Licensing Board requiring that prior to issuance of full power operating licenses for Diablo Canyon Units 1 and 2, the Staff obtain formal, 44 C.F.R. Part 350 findings from the Federal Emergency Management Agency (FEMA) on the adequacy of the State of California Emergency Response Plan.

For reasons discussed below, the NRC staff opposes the Petition and urges that it be denied.

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<sup>1/</sup> The appeals of this decision taken by the Joint Intervenors and the Governor are still pending before the Appeal Board.

II. BACKGROUND

As relevant to the subject Petition, the Licensing Board, following an evidentiary hearing on contentions challenging, inter alia, the adequacy of emergency preparedness, found that the state of both onsite and offsite emergency planning and preparedness (including those elements for which the State has responsibility) provided reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency thus satisfying the requirements of 10 C.F.R. § 50.47, LBP-82-70, 16 NRC at 761, 767, 855. This general conclusion finds support in individual findings made by the Licensing Board on the applicable planning standards of NUREG-0654/FEMA-REP-1, Rev. 1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-0654), which were expressly contested at the hearing. Id. at 763-92, 801-849. These findings were made with full recognition that the State plan had not been subjected to formal review by FEMA under the provisions of its then-proposed regulations in 44 C.F.R. Part 350.<sup>2/</sup>

In spite of its findings that the state of offsite planning was adequate, the Licensing Board imposed, as a condition precedent to the issuance of a full power operating license, the requirement that the Staff obtain ". . . FEMA findings on the adequacy of the State Emergency Response Plan." LBP-82-70 at 768, 854. See also, LBP-82-85, supra at 1188. This condition was appealed by the Staff and PG&E. Briefly stated, the Staff argued (1) that

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<sup>2/</sup> These regulations have since been issued in final form, 48 F.R. 44332, September 28, 1983.

the Licensing Board's condition required FEMA findings based on a formal review of the State plan pursuant to 44 C.F.R. Part 350, (2) that such findings are not mandated by the Commission's regulations in 10 C.F.R. § 50.47, (3) that the Commission's regulations have been fully satisfied in this proceeding by the interim findings provided by FEMA,<sup>3/</sup> and (4) that the condition imposed by the Licensing Board is erroneous and should be vacated.

Agreeing with the foregoing, the Appeal Board, in ALAB-776, vacated the subject condition.

### III. DISCUSSION

Although the Commission has the ultimate discretion to review any decision of its subordinate boards, a petition for Commission review "will not ordinarily be granted" unless important safety, procedural, common defense, antitrust, or public policy issues are involved. 10 C.F.R. § 2.786(b)(4). When measured against the standards of 10 C.F.R. § 2.786, the matters asserted by Joint Intervenors in their Petition do not warrant the exercise of the Commission's discretion to grant the Petition, i.e., important questions of fact, law, or policy are not presented. 10 C.F.R. § 2.786(b)(1).

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<sup>3/</sup> These findings, provided in accordance with the Memorandum of Understanding between the NRC and FEMA, November 1980 (45 F.R. 82,713), are part of the record in the proceeding (Attachments 2 and 3 to Applicant's Panel #1 Testimony, ff Tr. 11,782) were discussed and amplified by FEMA's representative, Mr. J. Eldridge, who testified at the hearing. The written findings, together with testimony of Mr. Eldridge, which collectively constitute FEMA's findings, Southern California Edison Company, et al. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-717, 17 NRC 346, 379-380 (1983) establish, as found by the Licensing Board, that to the extent the State plan is relied upon in emergency planning for Diablo Canyon, it is adequate.

Joint Intervenors suggest that the Appeal Board's action vacating the condition is in "disregard of the explicit language of the Commission's emergency planning regulations." (Petition at 1, 2). These regulations, in Joint Intervenors view, require, presumably, formal FEMA findings on the adequacy of a state plan.<sup>4/</sup> In so arguing, Joint Intervenors ignore the Commission's caselaw on this matter and the full state of the record in this proceeding, both of which demonstrate the correctness of ALAB-776.

Joint Intervenors focus on the language of 10 C.F.R. § 50.47(a) which, without question, provides that FEMA findings will form the basis for the NRC's findings on the state of offsite preparedness. Stripped to its essence, Joint Intervenors argue that 10 C.F.R. § 50.47(a) requires that, with respect to the State of California emergency plan, such findings be based on FEMA's review pursuant to 44 C.F.R. Part 350 and that "interim" findings, such as formed the basis for determining that 10 C.F.R. § 50.47(a) has been satisfied in this proceeding, are inadequate to satisfy that element of the regulation.

A. The Regulations

The regulation in question, 10 C.F.R. § 50.47(a) is clear, as noted above, in providing that the NRC will base its findings on the adequacy of offsite planning on those findings made by FEMA. Neither the regulation nor the accompanying Statement of Considerations, 45 Fed. Reg. 55402,

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<sup>4/</sup> Joint Intervenors' position on this issue is less than clear. At the oral argument before the Appeal Board, they profess not to be calling for such formal findings. (April 14, 1983, Tr. 15 et seq.) Nonetheless, in light of the evidence addressed in this proceeding regarding FEMA's findings on the State plan, it seems plain that their complaint in fact goes to the issue of whether "interim" as opposed to formal, "final" findings are required (Id. at 20; see also, Petition at 8-9).



however, addresses whether such "findings" may be "interim" or rather must be so-called "final" findings made pursuant to 44 C.F.R. Part 350. Nevertheless, the Appeal Board in several recent decisions has unequivocally determined that interim findings may satisfy this aspect of the regulations. Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-717, 17 NRC 346, 380 (1983); Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Power Station, Unit No. 1), ALAB-727, 17 NRC 760, 775 (1983); Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2), ALAB-730, 17 NRC 1057, 1066 (1983). These decisions were properly relied upon by the Appeal Board in this proceeding. See, ALAB-776, slip op. at 8, 10.

FEMA's regulations in 44 C.F.R. Part 350 and their history tend to support the foregoing. In issuing its proposed regulations in June of 1980, FEMA did not distinguish between "interim" and "final" findings, see, 45 Fed. Reg. 42,341 (June 24, 1980); however, in the republication of its proposed rules in August 1982, explicit recognition was given to the Memorandum of Understanding between FEMA and the NRC executed on November 1, 1980 (45 Fed. Reg. 82,713) which does provide for interim findings. 45 Fed. Reg. 36,386, 36,387. Moreover, in response to a comment, proposed 44 C.F.R. § 350.3 was modified by FEMA to accommodate interim findings. Id. at 36,388, 36,389 (August 19, 1982).<sup>5/</sup> It is thus clear that FEMA contemplates that irrespective of whether a state seeks formal FEMA approval of its plan pursuant to 44 C.F.R. Part 350, a voluntary measure

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<sup>5/</sup> Thus, contrary to Joint Intervenors' assertion (Petition at 9) current working arrangements are in fact embodied in FEMA's regulations.

(see 45 Fed. Reg. 42,343, 47 Fed. Reg. 36,387, 48 Fed. Reg. 44,333), the NRC may nonetheless request interim findings based upon currently available plans. 44 C.F.R. § 350.3(f).

Taken together, then, it is clear that both the NRC and FEMA have anticipated the use, by the NRC, of interim findings in connection with the licensing of nuclear power plants. The soundness of this approach is further supported by the fact that if formal findings pursuant to 44 C.F.R. Part 350 were required, it is conceivable that no FEMA findings could be obtained because of the unwillingness of a state, for any number of reasons, to voluntarily submit its plan to FEMA for review. To impede the issuance of a license in the face of otherwise adequate emergency planning, as in this case, would fly in the face of the very purpose of the Commission's upgraded emergency planning regulations, namely, to assure the protection of the health and safety of the public while, at the same time, dispensing with the approval or concurrence practice previously in place.<sup>6/</sup> Intervenors have not, in this regard, presented an important question of law or policy warranting the Commission's intercession pursuant to 10 C.F.R. § 2.786.

B. The Record

Given that "interim" findings may satisfy the requirements of 10 C.F.R. § 50.47(a), we turn to the record to determine whether adequate favorable findings have been provided by FEMA in this proceeding. Notably, Joint

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<sup>6/</sup> Of course, irrespective of whether FEMA's findings on a state plan are "interim" or findings pursuant by 44 C.F.R. Part 350, they must, as they did in this proceeding, enable one to determine whether, for those functions for which the state is responsible, there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. 10 C.F.R. § 50.47(a)(1).



Intervenors do not, in their Petition, challenge the correctness of those specific factual findings on the adequacy of offsite planning made on the basis of the record developed at the hearing, choosing instead to argue only that the findings made are somehow "less than . . . [the] detailed findings by FEMA" required by 10 C.F.R. § 50.47(a). (Petition at 3, 6-8). It is not disputed that the testimony of record establishes that formal FEMA findings contemplated in 44 C.F.R. Part 350 on the State of California plan had not been made. But the record does not stop there as Joint Intervenors would have it. Significantly, in California, in contrast to other states, the basic, initial responsibility for protection of life and property rests with the local jurisdictions, not the State (Eldridge at Tr. 12,709-710). Further, the testimony of FEMA's representative establishes that for those areas for which the State has responsibility (as described in NUREG-0654), the plan as it then existed was reviewed and found adequate (Eldridge at Tr. 12,710).<sup>7/</sup> Indeed, it was based on the interim findings by FEMA, as expanded by the unrefuted testimony of its representative at the hearing, evidence that Joint Intervenors had a full opportunity to challenge, that the Licensing Board properly found the State plan adequate. LBP-82-70, 16 NRC 756, 761.

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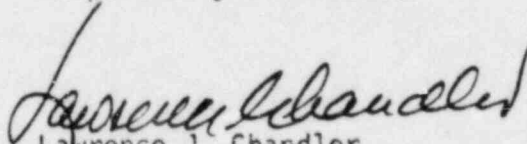
<sup>7/</sup> We would note that as of this date, the State of California plan has not been submitted to FEMA for review under 44 C.F.R. Part 350. Nevertheless, FEMA has made interim findings, determining that overall, the most recent version of the State plan is adequate. A copy of the Memorandum from Richard W. Krimm, FEMA, to Edward L. Jordan, NRC dated July 11, 1984, transmitting FEMA's findings, is attached. In light of the receipt of these findings from FEMA, all conditions imposed by the Licensing Board, but for the requirement that formal, 44 C.F.R. Part 350 findings be obtained, have now been substantively satisfied. Memorandum from David B. Matthews to George W. Knighton, July 23, 1984. Similarly, Joint Intervenors' Petition is rendered moot.

In short, given the record in this proceeding, there simply was no legal basis for imposing the condition required by the Licensing Board and it was correctly vacated by the Appeal Board in ALAB-776. Joint Intervenors have failed to establish an important question of fact, law or policy warranting review by the Commission.

IV. CONCLUSION

For the foregoing reasons, Joint Intervenors have failed to satisfy the requirements of 10 C.F.R. § 2.786 in that they have not established the existence of an important question of fact law, or policy with respect to ALAB-776. Accordingly, their Petition for Review should be denied.

Respectfully submitted,

  
Lawrence J. Chandler  
Special Litigation Counsel

Dated at Bethesda, Maryland  
this 1st day of August, 1984



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

JUL 23 1984

MEMORANDUM FOR: George W. Knighton, Chief  
Licensing Branch #3  
Division of Licensing  
Office of Nuclear Reactor Regulation

FROM: David B. Matthews, Acting Chief  
Emergency Preparedness Branch  
Division of Emergency Preparedness  
and Engineering Response  
Office of Inspection and Enforcement

SUBJECT: FEMA INTERM FINDING ON STATE OF CALIFORNIA  
EMERGENCY RESPONSE PLAN FOR DIABLO CANYON

The Federal Emergency Management Agency (FEMA) interim finding on the State of California Nuclear Power Plant Emergency Response Plan is enclosed. In the memorandum from Richard W. Krimm, Assistant Associate Director, Office of Natural and Technological Hazards Programs, dated July 11, 1984, which forwards the interim finding report prepared by FEMA Region IX, FEMA states that the California emergency plan has been determined to be adequate to protect public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency. The FEMA Region IX Regional Assistance Committee has identified areas for improvement in the California plan including a discrepancy involving the protective action guideline doses which are more conservative (i. e., lower) than those recommended by the Environmental Protection Agency and endorsed by the NRC and FEMA.

We request that you transmit the enclosed FEMA interim finding report to the applicant for their review with the recommendation that the applicant continue to coordinate their emergency planning efforts with those of offsite governmental authorities in order to effect the improvements in offsite planning identified by FEMA.

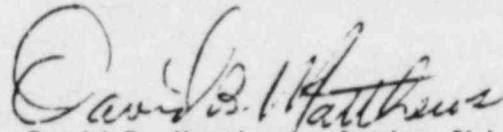
Based on the enclosed interim finding report from FEMA on the adequacy of the State of California plan, and on the previous FEMA report on offsite emergency preparedness at Diablo Canyon transmitted to you on April 12, 1984, we find that the requirements to be met prior to the issuance of a full-power license specified by the Atomic Safety and Licensing Board in the Initial Decision dated August 31, 1982, have been satisfactorily completed. In addition, the FEMA

JUL 23 1984

George W. Knighton

- 2 -

reports also indicate that the Licensing Board's recommendations regarding offsite emergency preparedness have essentially been completed.



David B. Matthews, Acting Chief  
Emergency Preparedness Branch  
Division of Emergency Preparedness  
and Engineering Response  
Office of Inspection and Enforcement

Enclosure:  
FEMA Ltr dtd. 7/11/84

cc: D. G. Eisenhut, NRR  
E. I. Jordan, IE  
J. N. Grace, IE  
S. A. Schwartz, IE  
R. A. Scarano, RV  
L. J. Chandler, ELD  
C. R. Van Niel, IE  
F. Kantor, IE  
H. E. Schierling, NRR



# Federal Emergency Management Agency

Washington, D.C. 20472

JUL 11 1984

MEMORANDUM FOR: Edward L. Jordan  
Director  
Division of Emergency Preparedness  
and Engineering Response  
Office of Inspection and Enforcement  
U.S. Nuclear Regulatory Commission

FROM:

*Richard W. Krimm*  
Richard W. Krimm  
Assistant Associate Director  
Office of Natural and Technological  
Hazards Programs

SUBJECT: Interim Finding on State of California Nuclear Power  
Plant Emergency Response Plan (CNPPERP)

Reference is made to my memorandum to you dated April 2, 1984, subject; Offsite Emergency Preparedness at Diablo Canyon. In that memorandum, item numbers 1,2 and 4 of the four items considered by the Atomic Safety and Licensing Board (ASLB) as requirements were considered completed. In regard to item #3, we stated that we would provide additional comments on the State plan after the Federal Emergency Management Agency (FEMA) Region IX Regional Assistance Committee (RAC) completed their review. Attached is a memorandum from FEMA Region IX dated June 15, 1984, transmitting an interim finding on the CNPPERP.

With regard to the Protective Action Levels adopted by the State, we realize they are not consistent with Federal recommendations from the Environmental Protection Agency (EPA). In our further assistance to the State, we will attempt to persuade the State of California to adopt the EPA Protective Action Guides. However, FEMA does not consider their plan inadequate because of this discrepancy in adopted values, since the State has a more conservative approach and would recommend taking protective actions at an earlier time. Overall the revised CNPPERP has been determined to be adequate to protect public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency.

Attachment  
As Stated

1E35





# Federal Emergency Management Agency

Region IX Building 105  
Presidio of San Francisco, California 94129

JUN 15 1984

MEMORANDUM FOR: ASSOCIATE DIRECTOR  
STATE AND LOCAL PROGRAMS AND SUPPORT

FROM:

*[Handwritten Signature]*  
Regional Director

SUBJECT: State of California Nuclear Power Plant Emergency  
Response Plan (CNPPERP) -- Interim Finding Report

Subject report is attached.

The RAC have determined that the CNPPERP is adequate to protect public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency.

Attachment

INTERIM FINDING ON PLAN REVIEW  
OF THE  
STATE OF CALIFORNIA NUCLEAR POWER PLANT EMERGENCY RESPONSE PLAN (CNPPERP)

BACKGROUND

The CNPPERP was submitted to the Federal Emergency Management Agency (FEMA) Region IX by letter from the State of California Office of Emergency Services dated November 8, 1983. Because the plan had been previously reviewed as a draft, and since the transmittal letter made no specific reference to its being a draft plan, regional staff assumed this to be a final plan for formal submission and mistakenly processed a Federal Register Notice. Immediately upon receipt of state clarification as to the draft status of the plan, the notice was rescinded. The plan was distributed to the Regional Assistance Committee (RAC) for review. Staff of the California Office of Emergency Services briefed the RAC on the plan at a meeting called for that purpose on January 30, 1984.

The RAC was reconvened, along with staff of the California Office of Emergency Services, on May 30, 1984 for a discussion of the CNPPERP review findings. The data contained herein will cover the salient points of the review discussion, report the findings of the RAC, and advance suggestions subsequently offered by the RAC toward plan enhancement.

The CNPPERP consists of seven volumes:

1. Office of Emergency Services
2. Department of Health Services
3. Radiologic Health Branch
4. Emergency Medical Services Authority  
California Highway Patrol  
Department of General Services  
Department of Forestry  
Department of Food and Agriculture  
Department of Fish and Game  
Department of Rehabilitation  
Department of Social Services
5. Military Department
6. Youth Authority
7. Department of Corrections

The CNPPERP is subordinate to the State Emergency Plan which establishes the State's emergency organization. All offsite cities and counties surrounding power plants within the State of California have either an adopted and published offsite emergency response plan or a draft of such a plan. The state and most local governments in California have entered into a Master Mutual Aid Agreement. Pursuant to this agreement, operational plans for rendering mutual aid have been developed by the agencies associated with a given emergency function or service. The provisions of these mutual aid plans are compatible with the State Emergency Plan.

Interim Finding - CNPPERP - continued - Page Two

The specific function of the Office of Emergency Services (assisted by other state agencies) is to exercise overall coordinating responsibilities for state agency emergency operations in support of local government. In coordination and cooperation with local and federal governments, the state will establish priorities for the use of state resources. The ingestion pathway zones are a primary responsibility of the state.

The state plan has been in existence for a number of years and has been exercised several times in conjunction with local offsite jurisdictional planning exercises.

REVIEW DISCUSSION (Editorial Comments)

The CNPPERP contains a "Record of Changes" section at page 11. The RAC have reviewed and commented on previous draft plans, yet there are no changes recorded.

In accord with the state concept of planning, as it is understood, the administrative portion of the plan would establish the basic premises of authority, purpose/objectives, references, concept of operations, assignments and functions and then be followed by standard operating procedures (SOPs) that could effect a checklist approach for use by anyone having to perform the response activities covered by a particular SOP. In the opinion of the RAC, the CNPPERP does not adhere to that concept.

The overall plan does contain extremely qualitative data necessary to a sound understanding of the operational aspects of emergency response requirements, but the format is redundant and the organization confusing.

The administrative section of the plan addresses the roles, assignments, functions, and responsibilities of all levels of government. There are charts that depict the primary and support roles of the individual levels of government. However, there does not appear to be a clear definition of the interrelationships of each level of government, one to the other.

The role of the state could be easily misunderstood by one who did not know the state's dual responsibility for supporting local government and a primary action agent for the ingestion pathway zones. The two are separate functions and might be better addressed separately.

In the Table of Contents, local offsite response plans are reflected as annexes and the administrative portion indicates that the CNPPERP is to serve as the basis for local planning—yet the local governments have a primary emergency response assignment and the state is in support of the local governments. Thus, many valuable aspects of the planning effort cannot be addressed (reviewed) without benefit of the local plan. Similarly, because of the evolutionary nature of planning, reference to federal level plans is misrepresented, incomplete, and/or lacking clear identification of authority. The plan should either reference the Federal Radiological Emergency Response Plan (FRRP) or plans related thereto, state agency plans, and/or local plans as appropriate without attempting to describe the functions contained in the plans.

While state participation in local offsite plan exercises has proven to be effective, it is not now known whether those activating the emergency response

## Interim Finding - CNPPERP - continued - Page Three

operations at the state level were actually following the CNPPERP or enacting familiar roles assigned by the State Emergency Plan. The CNPPERP does not appear to be in a form that could be instantaneously operational.

A good example of the inadequacy of the SOP portion of the plan can be found in the Communications SOP. The material actually required for directing an individual assignment is located in the Procedures section: Page marked OPS, 31, 4-83, entitled Appendix IV-1, Communications Protocol. See NUREG 0654 Findings, Item F.

Much of the data contained in the administrative portion of the plan is repeated in the procedures portion of the plan (in one form or another) and then again in the text of the individual SOPs. This gives the appearance of a good training tool, but not an operational plan.

While NUREG 0654 does not specify a particular format for emergency response plans, it does emphasize the importance of clearly setting forth all the criteria contained therein. It specifically states: "The plans should be kept as concise as possible...The plans should make clear what is to be done in an emergency, how it is to be done and by whom." The CNPPERP does contain a variety of data addressing those aspects and presents an excellent training tool for those assigned to emergency response operations. It falls far short of providing a particular individual with the capability to effect operations in a timely manner, relying solely on the CNPPERP.

See Suggestions for Plan Enhancement in this report.

PLAN ERRORS NOTED

Page 24. There is a reference to Appendix D which should be Appendix "C".

Pages 25 and 26 are reversed in order of text.

NUREG 0654 FINDINGS

The findings presented below are based on and keyed to NUREG-0654/FEMA-REP-1/Revision 1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants.

<u>NUREG Number</u>	<u>Finding</u>
II.A.1.a.	Adequate.
II.A.1.b.	Adequate. Consideration toward improved definition of the role of the state should be given during update of the plan. Possible separation of the support role to local government and the primary role for the ingestion pathway zones may be necessary.
II.A.1.c.	Inadequate. The CNPPERP does not clearly define the roles of various governmental levels or their interrelationships. There should be a mechanism for identifying the primary local responsibility, state support, and federal level support, as well as the primary ingestion pathway zone response requirement of the state.
II.A.1.d.	Adequate.
II.A.1.e.	Adequate.
II.A.2.a.&b.	Adequate. Requires update and clarification. Refer to FRERP, NRC revised response plan, and authorities that



## Interim Finding - CNPPERP - continued - Page Four

- relate to other primary functions detailed in the plan; i.e., Table IV has no primary role for transportation; Table V shows sheriff and city police have the responsibility; Table VI reflects DOD supportive to DOT; the RAD Health Plan, Page I-14 does not reflect USDA as part of FEMA's RAC; and the state's dual primary/support roles are not clear.
- II.A.3. Adequate. Presented in a fragmented manner; i.e., M-8-1 provides the procedures for obtaining agreements, but all support groups should be clearly identified, with the authorities, arrangements, and agreements of all organizations confirmed in writing and made a part of the plan.
- II.A.4. Adequate.
- II.B. Not applicable.
- II.C.1. Adequate. Update should provide clear delineation of roles and responsibilities in consonance with FRERP.
- II.C.1.a. Adequate.
- II.C.1.b. Adequate.
- II.C.1.c. Adequate.
- II.C.2.a. Adequate.
- II.C.2.b. Not applicable.
- II.C.3. Adequate.
- II.C.4. Adequate. California State Universities reflected in the Annex section of the Table of Contents was not included in the plan text provided. Assume they are contained in the local plans. Perhaps a notation would clarify.
- II.D.1. Not applicable.
- II.D.2. Not applicable.
- II.D.3. Adequate.
- II.D.4. Adequate.
- II.E.1. Adequate.
- II.E.2. Adequate.
- II.E.3. Not applicable.
- II.E.4. Not applicable.
- II.E.5. Adequate. Responsibility is detailed in local plans.
- II.E.6. Adequate. Responsibility is detailed in local plans.
- II.E.7. Adequate. Responsibility is detailed in local plans.
- II.F.1.a. Adequate.
- II.F.1.b. Adequate.
- II.F.1.c. Adequate, though not all personnel are provided with a backup communications capability.
- II.F.1.d. Adequate.
- II.F.1.e. Adequate.
- II.F.1.f. Adequate.
- II.F.2. Not applicable. Utility/County responsibility.
- II.F.3. Adequate.
- NOTE: While it is shown that the communications capability exists and portions of the plan reflect implementation procedures, the data is provided in an unorganized manner and difficult to locate. The SOP is inadequate in its present form and should be updated to provide specific information as to exact communications resource availability, how it is to function and be used, and who is responsible for implementation. See review discussion comments portion of this report.



Interim Finding - CNPPERP - continued - Page Five

- II.G.1. Not applicable. Utility/County responsibility.
- II.G.2. Not applicable. County responsibility.
- II.G.3.a. Adequate. Update should incorporate joint effort described in FRERP.
- II.G.3.b. Not applicable.
- II.G.4.a. Adequate. See II.G.3.a. above.
- II.G.4.b. Adequate. See II.G.3.a. above.
- II.G.4.c. Adequate. See II.G.3.a. above.
- II.G.5. Adequate. See II.G.3.a. above.
- II.H.1. Not applicable.
- II.H.2. Not applicable.
- II.H.3. Adequate.
- II.H.4. Adequate.
- II.H.5.&6. Not applicable.
- II.H.7. Adequate.
- II.H.8.&9. Not applicable.
- II.H.10. Adequate.
- II.H.11. Adequate.
- II.H.12. Adequate.
- II.I.1-6. Not applicable.
- II.I.7. Adequate.
- II.I.8. Adequate. Update should include specific information on radio communications systems for the State RAD Health field operations (monitoring teams). This data could not be located in the plan.
- II.I.9. Adequate.
- II.I.10. Adequate.
- II.I.11. Adequate.
- II.J.1.a-d. Not applicable.
- II.J.2. Not applicable. Utility/County responsibility.
- II.J.3-8. Not applicable.
- II.J.9. Questionable. DOE requires clarification of the appropriateness and liability aspects of the state's effecting response operations at lower limit of exposure resulting from passage of radioactive airborne plume at less than the federally recommended level. The plan asserts activation of response operations at 0.5 Rem. This is being addressed by separate memorandum requesting advice of FEMA National Office technical staff and General Counsel.
- II.J.10.a-d. Not applicable. County responsibility.
- II.J.10.e. Adequate.
- II.J.10.f. Adequate. Plan recommends administration of radioprotective drugs to emergency workers, but does not detail criteria for doing so. Update requirement.
- II.J.10.g-1. Not applicable. County responsibility.
- II.J.10.m. Adequate.
- II.J.11. Adequate.
- II.J.12. Adequate. The plan contains procedures to manage the registration and monitoring of evacuees at relocation centers. NUREG-0654 establishes the goal of monitoring all residents within about 12 hours. The sites have the capability to process one person every 2 minutes or a maximum of 360 persons in 12 hours. County has primary responsibility.
- II.K.1&2. Not applicable.
- II.K.3.a. Adequate.
- II.K.3.b. Adequate.
- II.K.4. Adequate.

## Interim Finding - CNPPERP - continued - Page Six

- II.K.5.a. Adequate.
- II.K.5.b. Adequate. Needs to address decontamination of instruments and equipment.
- II.K.647. Not applicable.
- NOTE: The RAC/EPA member stated that there are questionable areas in the plan, but that it is a draft plan that has been exercised a number of times and found to be operational and therefore no comment is submitted.
- II.L.1. Adequate. To evaluate radiation exposure and uptake prerequisites requires knowledge of method for reading the exposure or dose on a self-reading dosimeter--particular training is to be developed.
- II.L.2. Not applicable.
- II.L.3. Inadequate. A list of facilities to treat contaminated patients is provided; however, yet to be developed is information including type of facility, capacity, and any special radiological capabilities.
- II.L.4. Not applicable. County responsibility.
- NOTE: The EMS sections that have been completed are well done; however, the entire training section has yet to be completed.
- II.M.1. Adequate.
- II.M.2. Not applicable.
- II.M.3. Adequate.
- II.M.4. Adequate.
- II.N.1.a. Adequate.
- II.N.1.b. Adequate.
- II.N.2.a. Adequate.
- II.N.2.b. Not applicable.
- II.N.2.c. Not applicable.
- II.N.2.d. Adequate.
- II.N.2.e.(1) Adequate.
- II.N.2.e.(2) Not applicable.
- II.N.3.a-f. Joint determination at all levels of government.
- II.N.4. Adequate. Update should provide more specific information. In a general statement the plan provides arrangements for qualified observers to critique the exercises.
- II.N.5. Adequate. Update should provide more specific information. The plan calls for submission of both formal and informal critiques. It does not, however, establish management control to ensure that corrective actions are implemented.
- II.O. ALL Inadequate. Entire standard is to be implemented.
- II.P. ALL Adequate.

SUGGESTIONS FOR PLAN ENHANCEMENT

In many instances, criteria was not specifically applicable to the state because of the division of authority/responsibility between the state and local government. The plan should be more specific in addressing the support role and how it relates to local planning efforts and operational capability.

The USDA suggests that the State of California may wish to include farmers as emergency workers in order that they may reenter the evacuated area to tend livestock and/or other necessary agricultural practices.

Many of the RAC members were informed by state personnel that certain portions of the plan were being completely rewritten and the RAC felt that review of

## Interim Finding - CNPPERP - continued - Page Seven

those sections of the plan to be a waste of valuable time better spent on other tasks. In the future when it is known that certain sections are to be replaced in their entirety immediately after submittal of the plan, it may be wise to consider holding the plan to incorporate those sections — rather than to wait a complete year for update submittal.

Reference within the plan to the FRMAP includes USDA in the list of participating agencies, but USDA's responsibilities are not included in the summaries that follow. For the state's consideration and information, the following statements have been included in the October 1983 draft of the FRMAP:

- USDA will assist in the collection of samples of agricultural products including animal feed, water, and soil for radiological contamination. USDA can also assist in the monitoring of agricultural soil and water in the event that additional capability is needed. USDA can provide from five to ten experienced personnel for these collection and monitoring activities. However, monitoring equipment would have to be provided by other federal/state agencies.
- USDA can assist in developing agricultural protective measures and assessing damage to agricultural resources and monitor, in coordination with HHS/FDA, emergency production, processing and distribution of food.
- The USDA Forest Service will make available its National Fire Cache on request of DOE. These resources are stored throughout the country and include fire-fighting equipment, heavy machinery, aircraft, and radio communications systems.

Page 28 of the Administrative portion of the plan refers to activation of the Los Angeles CA-OES EOC without benefit of establishing the state's regional configuration or if there are other CA-OES EOCs. Consideration may be given to establishing the CA-OES regions and regional capabilities in the plan update.

The plan is very vague with regard to the direction and control procedures of RHB during ingestion pathway zone activities. It is assumed that the RHB would take a lead role to CA-OES, but would continue to coordinate through the CA-OES as a state assistance agency. What is the role of local government?

This report has been circulated to the RAC members in draft form and return comments incorporated therein. Each RAC member has requested that the report contain a statement as to the vast improvement in the CNPPERP and to extend to the state their willingness to assist in future endeavors to enhance the emergency response implementation of the CNPPERP.

## Attachment

(Memorandum for the Record, dated June 8, 1984, from FEMA Region IX Chief of the Technological Hazards Branch, Subject: State of California Nuclear Power Plant Emergency Response Plan (CNPPERP).)





# Federal Emergency Management Agency

Region IX Building 105  
 Presidio of San Francisco, California 94129

June 8, 1984

## MEMORANDUM FOR THE RECORD

FROM: John P. Sucich, Chief *JPS*  
 Technological Hazards Branch  
 Natural & Technological Hazards Division

SUBJECT: State of California Nuclear Power Plant  
 Emergency Response Plan (CNPPERP)

During the RAC review of subject plan, the DOE RAC member requested FEMA to determine the appropriateness and liability aspect of the state effecting protective measures based on the lower limit of whole body exposure at 0.5 Rem. The DOE RAC member asserts:

"All elements for DOE evaluation have been noted as "acceptable except for one. This element is J.9 as found in Page 61 of NUREG 0654 which states:

"Each state and local organization shall establish a capability for implementing protective measures based upon protective action guides and other criteria. This shall be consistent with the recommendations of EPA regarding exposure resulting from passage of radioactive airborne plumes (EPA 520/1-75-001)..."

The EPA recommendation regarding exposure resulting from passage of radioactive airborne plume for whole body is 1-5 Rem. In accordance with NPPERP, California had opted for the lower limit of whole body exposure at 0.5 Rem. The basis of 0.5 Rem, as discussed in Page I-27, is on Section 30268, CAC, Title 17.

Title 17 of the CAC, similar to 10 CFR 20, contains rules and regulations pertaining to normal routine operations with radiation. There is a probability that members of the public in unrestricted/uncontrolled areas may be subjected to some planned exposure. That annual exposure limit, pursuant to Title 17, CAC is 0.5 Rem per year. For the planning of nuclear power plant accidents, the emergency exposure is not routine, nor the emergency to be an annual event. In fact, this emergency dose can most probably be expressed as once-in-a-lifetime exposure.

It is further noted that the 25 Rem limit for emergency workers and the 75 Rem limit for lifesaving activities are not in accordance with Title 17 CAC, which authorizes no more exposure than 3 Rem in any quarter. Then, why should Title 17 not be exempted in all unplanned emergency situations commensurate with health and safety considerations.

The health and safety considerations are recognized as based on value judgements, not on regulations. These value judgements should have the following factors:

\*Are the risks associated with taking protective actions at the projected doses greater than the risks associated with the low projected radiation doses?

\*Is there a reasonable probability that the protective actions being considered can be successfully implemented?

\*Could efforts to protect the population do more harm than good where low doses are projected?

The State of California, besides citing regulations, should justify their position for the lower limit of exposure to 0.5 R-m or accept the EPA guideline of 1 Rem."

The State of California has alleged to be within their legal right to effect protective actions based on the lower limit.

The Region would request the technical staff of SLPS-ONTH-TH to provide advice based on the criteria presented by the RAC DOE member and enforcement of the NUREG-0654. Also, consideration by General Counsel as to the liability of providing any support to state and local governments effecting protective measures at the lower limit of exposure. If such advice should result in a negative finding on both the appropriateness and liability aspects, should the plan be found to be inadequate?

An early response to these issues will be appreciated.