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

NOV 16 1987

MEMORANDUM FOR: Chairman Zech
Commissioner Roberts
Commissioner Bernthal
Commissioner Carr
Commissioner Rogers

FROM: *me* Carlton Kammerer, Director *[Signature]*
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

SUBJECT: MONTHLY SLITP AND REGIONAL REPORT FOR OCTOBER 1987

The October 1987 Significant Intergovernmental Activities and Issues Report is enclosed for your information. This Report is the result of the combined efforts of NRC's Regional State Liaison Officers, Regional State Agreement Representatives and the SLITP staff.

Enclosure:
Significant Intergovernmental Activities
and Issues - October 1987

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HEADQUARTERS

Presentation by National Congress of American Indians' Executive Director

Suzan Shown Harjo, Executive Director for the National Congress of American Indians, accepted an invitation extended by Carlton Kammerer, Director, State, Local and Indian Tribe Programs, to meet with NRC staff on October 20. NCAI, founded in 1944, is the oldest, largest and most representative national Indian organization. It serves the needs of a broad membership of over 200 Indian and Native governments, organizations and people. NCAI's elaborate committee system includes the National Indian Nuclear Waste Policy Committee. This Committee constitutes members from the three affected Tribes and those second-round Tribes who would be potentially affected by the siting of a second high-level waste repository in the eastern part of the United States.

Ms. Harjo, accompanied by three NCAI staff members, presented a historical account of American Indian culture, touching upon treaties, Indians' relationship with States, President Reagan's 1983 Indian Policy Statement and Indian concerns about spent fuel waste shipments and high-level waste programs. After the presentation, Ms. Harjo, entertained questions. A vivid explanation concerning Indian peoples' attachment to the land especially captivated her audience's attention, allowing them to focus on a concept foreign to most non-Indians. Staff in attendance consisted of Commissioner assistants, Office Directors and/or their representatives, and NRC employees of American Indian descent. The presentation was well received and successful in enhancing the staff's understanding of Native American culture, tribal sovereignty, our nation's trust responsibility towards Indian people, and the significant role the trust responsibility plays in our dealings with the three Indian Tribes deemed affected parties by the proposed location of a high-level radioactive waste repository by DOE at Hanford, Washington.

International Radiation Protection Association

The International Radiation Protection Association (IRPA) has accepted a paper by Joel Lubenau and Donald Nussbaumer on radioactive sources in steel and other metal scrap for presentation at the IRPA Congress in 1988 in Sydney, Australia.

Hazardous Scrap Warning Poster

SLITP has arranged with OSHA and the Institute of Scrap Recycling Industries (ISRI) to distribute NUREG/BR-0108, the hazardous scrap warning poster to the non-ferrous metal scrap industry. The poster was printed and distributed in 1986 to the iron and steel scrap industry as a response to incidents involving the inadvertent melting of radioactive sources with steel scrap. This summer, a radioactive source, radium, was melted with aluminum scrap at a smelter in Indiana. Contaminated dross (slag) from the smelter was discovered at a plant in Missouri which received the dross. OSHA and ISRI provided mailing labels.

Initiation of Pilot Program

A program visit was made to Nebraska the week of October 26, 1987, by Robert Doda, Region IV State Agreement Officer. Program visits are informal visits to Agreement State programs intended to maintain State-NRC staff contacts in the 18 to 24 month interval between formal program reviews. Ms. Greta Dicus, head of the Arkansas radiation control program, participated in this visit as part of a pilot program to explore the benefits of having Agreement State personnel participate in reviews and visits to other Agreement State programs.

REGION I

MARYLAND/PENNSYLVANIA

Peach Bottom - Commitment to Excellence Plan

On October 15, Governor William Schaefer submitted Maryland's comments regarding the Philadelphia Electric Company (PECo) Commitment to Excellence Action Plan. These comments were forwarded to PECo for use in revising their corrective action plan and will be factored into the NRC staff restart deliberations, as appropriate.

During the past few months the Harford County Council has expressed their concerns with Peach Bottom, including PECo management, aging effects at nuclear facilities, and Peach Bottom Units 2 and 3 containment structures. On October 8, Region I provided information on containment integrity surveillance programs and component life predictions. The NRC staff also informed the Harford County Council that their management concerns were consistent with the NRC position. On October 16, representatives from NRC briefed the Harford County Council on technical questions regarding nuclear power plant aging, plant modifications and containment integrity.

On October 28, Mr. Charles Bacus, Pennsylvania Secretary for Policy and Planning submitted comments from the Governor's Nuclear Task Force on the PECo Commitment to Excellence Action Plan. Their comments were forwarded to PECo for use in revising their corrective action plan, and will also be factored into the NRC staff restart deliberations, as appropriate.

A public meeting was held on November 4, in Lancaster County, Pennsylvania, to receive public comments on the PECo Commitment to Excellence Action Plan. Fourteen of the fifty attendees expressed their views on the plan. A representative from Governor William Casey's Office of Policy and Planning and the Director of the Pennsylvania Emergency Management Agency attended the meeting. Comments received from this meeting will be incorporated into the NRC staff restart deliberations, as appropriate.

NEW JERSEY

Bureau of Nuclear Engineering Involvement During Oyster Creek Shutdown

As a result of the September 11 shutdown of Oyster Creek because of a Technical Specification Safety Limit Violation, representatives from the New Jersey Bureau of Nuclear Engineering observed NRC staff and licensee actions. They were present at NRC onsite inspections, attended NRC/licensee meetings in King of Prussia and Bethesda, and were routinely briefed by the Division of Reactor Projects. The State did not express any concerns with the NRC approval to restart Oyster Creek on November 6. This involvement by New Jersey, as permitted under an informal letter agreement with NRC Region I, demonstrated the value of good communications between the NRC staff and a State technical department.

MASSACHUSETTS

Activities Related to Pilgrim

At the request of Massachusetts' Assistant Secretary of Public Safety, on October 8, 1987, William Russell Region I Administrator, members of his staff, and representatives of NRR met with five Commonwealth of Massachusetts officials to discuss the NRC staff position on emergency planning, plant safety enhancement, and management deficiencies with regard to Pilgrim. The State provided Governor Dukakis' position regarding Pilgrim restart, which requests that the NRC conduct adjudicatory hearings on the Pilgrim restart issues, that the State and local emergency plans be approved by the Governor and local selectmen, and that a full scale emergency exercise be conducted prior to restart. Mr. Russell reiterated NRC's position that the FEMA emergency planning deficiencies will be addressed along with the other Pilgrim issues prior to restart, and that the staff's current position is to conduct public meetings in the vicinity of the Pilgrim Station.

On October 15, 1987, Governor Dukakis and Attorney General James Shannon filed a 10 CFR 2.206 petition with the NRC requesting a full adjudicatory hearing to address and resolve the plant's management, plant design and emergency planning deficiencies. The petition also requested an immediate order barring Boston Edison from taking further actions to restart. A partial response to the petition will soon be provided by NRR to the Commonwealth.

In keeping with the staff's current position to conduct public meetings, in a letter dated November 13, to the State Liaison Officer, the NRC staff requested suggestions from the Commonwealth on locations and names of cognizant local officials to arrange these meetings. The first round of meetings will be held to receive public comments on the Pilgrim Nuclear Power Station Restart Plan. At a later date, a followup meeting will be held to explain the NRC's staff's disposition of the public comments received. Copies of the PNPS Restart Plan were sent to three Commonwealth agencies, and will be sent to the five EPZ communities' Board of Selectmen requesting their comments on this document. In addition, copies of the PNPS Restart Plan were sent to seven libraries in the vicinity of Pilgrim for public review.

Other Commonwealth and local involvement concerning the Pilgrim facility was a Duxbury town meeting held on October 29, 1987. Members of the NRC staff Pilgrim restart committee participated in a public forum at the Duxbury High School along with Commonwealth of Massachusetts representatives and Boston Edison representatives. The NRC staff responded to questions on plant design, operations and emergency planning. The primary Commonwealth participants were Senator Golden, Peter Agnes, Assistant Secretary for Public Safety, John Judge, representative from Governor Dukakis' policy office and George Dean, Assistant Attorney General. The meeting was orderly and lasted approximately four hours. Some comments criticizing the NRC's affirmation of the new Emergency Planning Rule were made towards the end of the meeting by the Assistant Attorney General.

NEW YORK

NRC/New York State Pre-Exercise Briefing

On October 20, in conjunction with the anticipated NRC Region I participation in the Ginna exercise, Region I met with 14 New York State representatives to discuss our emergency response roles and capabilities. Region I participants included the Director, Division of Radiation Safety and Safeguards, his Technical Assistant and Emergency Response Section Chief, and the Regional State Liaison Officer. The discussion provided a clear understanding of each other's roles and interface needs. The State highlighted their desire to maintain communications with the senior NRC official and to work closely with the NRC to verify licensee technical data and basis for any Protective Action Recommendation.

Ginna/NRC/New York State Exercise

On October 27, Region I participated in an unannounced off-hours Ginna/New York State emergency exercise with a site and base team. The appointed Director of Site Operations was Tim Martin, Director, Division of Radiation Safety and Safeguards (DRSS). Two State Liaison Coordinators interfaced with the New York Disaster Preparedness Commission at the State Emergency Operations Center in Albany. In addition, the Government Liaison Coordinator interacted with four State representatives and six County representatives at the licensee's Emergency Operations Facility in Rochester. In addition, Robert Bores, Technical Assistant, DRSS, worked with New York State and Rochester Gas and Electric Company to develop an ingestion pathway exercise that was conducted by New York with the Ginna site. During the ingestion pathway phase of the exercise on October 28 and 29, 1987, Dr. Bores served as an exercise controller for New York, providing specific data for samples collected and analyzed by New York personnel. The data were tailored to account for the specific sampling and analytical techniques demonstrated during the exercise.

VERMONT

Vermont State Nuclear Advisory Panel Public Meeting

The Vermont State Nuclear Advisory Panel conducted a public meeting on October 28, to receive comments on protecting the public in the event of an accident at the Vermont Yankee Nuclear Power Plant, including deliberate venting of the containment. As noted by Don Haverkamp, Chief, Reactor Projects Section 3C, who attended the meeting, the majority of the public's concerns were directed towards the understaffed local emergency management agencies, limited funding and limitations of the Emergency Broadcast System.

MARYLAND

Technical Assistance on Irradiator Inspection

The State of Maryland has been reviewing an application from Terumo Medical Corporation for a megacurie irradiator to be located near Elkton, MD. This will be a wet storage concrete pool irradiator and the State is going to require Therumo to install a stainless steel liner in the pool. The State requested Region I assistance in performing an inspection of the liner to assure that it was constructed properly. On October 26, the Region I NDE staff visited the site where the liner is being constructed and visually inspected the liner and performed spot checks of welds. No problems were noted.

REGION II

VIRGINIA

Emergency Preparedness

On October 8, 1987, the Commonwealth of Virginia and affected local governments participated in a full scale emergency exercise involving the Surry nuclear facility. Robert E. Trojanowski, Director, State and Government Affairs Staff, participated in this exercise as the NRC representative on the Regional Assistance Committee, which is chaired by FEMA. Mr. Trojanowski was located in the Emergency Operations Facility (EOF) at the Surry station to observe the interface, coordination and communications between the State responders and the licensee.

Overall, there were no major deficiencies identified; however, one area "Requiring Immediate Corrective Action" was identified, as well as several minor improvement items. The one area requiring immediate corrective action deals with the timeliness of the State personnel, located in the State EOC in Richmond, VA, to act on licensee recommended protective actions. Mr. Trojanowski discussed this issue with the appropriate State officials and they agree that there was an apparent breakdown which resulted in excessive delays in implementing protective actions. These State officials are

conducting a review and will make all necessary procedural changes and administer training as necessary to preclude future occurrences. This matter will also be addressed in the FEMA exercise report which will require a formal response from the State.

Ingestion Pathway Seminar

On October 9, 1987, an Ingestion Pathway Seminar was conducted in Williamsburg, VA for the benefit of the State and local government emergency responders who participated in the October 8, 1987 Surry full scale exercise. Robert E. Trojanowski, Director, State and Government Affairs Staff, and Ms. Cheryl Sakenas, NRC Headquarters, participated in this seminar. Ms. Sakenas made presentation summarizing NRC's policy and role in recovery and re-entry concerns which would have to be addressed subsequent to a nuclear incident. Others participating in this seminar included representatives from the U.S. Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, and American Nuclear Insurers.

Interest in Low-Level Waste Inspection MOU

Robert E. Trojanowski, Director, State and Government Affairs, provided a draft memorandum of understanding (MOU) to representatives of the Virginia Health Department in April 1986. The provision of this MOU would allow Commonwealth inspectors to perform inspections of low-level waste activities at NRC licensed facilities. To date, the Commonwealth has elected not to negotiate this MOU with the NRC. A renewed interest in this area has recently been expressed by the Commonwealth and a tentative meeting date of December 1, 1987, has been established to resume negotiations.

ALABAMA

Emergency Preparedness

On November 4, 1987, a full scale emergency exercise was conducted at the Browns Ferry Nuclear Facility involving the State of Alabama and applicable local governments. Robert E. Trojanowski, Director, State and Government Affairs Staff, participated in this exercise as a member of the Regional Assistance Committee. No major deficiencies were identified during the course of this exercise.

REGION III

ILLINOIS

ASME Code/State Resident Engineer Subagreements

On October 13 and 14, 1987, Dr. C. J. Paperiello, Deputy Regional Administrator, Mr. R. M. Lickus, Chief, State and Government Affairs, other Region III staff members and representatives from State, Local and Indian Tribe

Programs (SLITP) and Region III met in Springfield, Illinois with representatives of the Illinois Department of Nuclear Safety (IDNS) to discuss the IDNS proposed changes to the ASME Code subagreement and to gain an understanding of what IDNS's intentions and expectations are relative to the Resident Engineer Subagreement. As a result of this meeting, final wording on the ASME Code Subagreement was agreed to and Region III has sent the proposed subagreement to SLITP for coordination of major program office concurrence and Commission review.

Chernobyl Meeting

On October 22-23, 1987, IDNS sponsored a seminar in Chicago on Chernobyl and its implications for Illinois. NRC participants were Harold Denton, Director, Office of Governmental and Public Affairs, and Brian Sheron, Director, Reactor and Plant Systems Division, Office of Nuclear Reactor Research. Some of the major points of discussion included the following:

1. The Soviets did an excellent job of marshalling resources and technical expertise in responding to the emergency conditions. Participants questioned the ability of the United States to respond similarly given the differences in our sociopolitical systems.
2. Even though it is recognized that there are substantial design differences between the Soviet RBMK reactors and U.S. reactors, we should not conclude that we have nothing to learn from the Chernobyl accident. The U.S. needs to continue to be diligent about reactor safety in this country and continue to look for areas of improvement.
3. The U.S. emergency planning effort needs to remain flexible. Any plan must be flexible enough to adapt to the unique circumstances presented by any event. When events happen, emergency planning can help significantly in responding to the event, but for the most severe accidents, that response can also be extraordinarily demanding.
4. We should take a new look at our protective measures and protective action guidelines in light of the Chernobyl accident, particularly those that relate to the ingestion exposure pathway.
5. The basis for emergency planning should be individual Probabilistic Risk Assessments rather than design basis accidents.
6. More attention needs to be given to the medical resources needed to respond to the severe accidents. Additional training should be considered for physicians in the vicinity of U.S. nuclear power plants.
7. The Federal Government needs to increase its participation in emergency exercises at nuclear power plants.

IDNS has formed an Oversight Committee on the Chernobyl accident. IDNS will write a report on Chernobyl's implications for Illinois with major input and review from the Committee. The final report is due out in the Spring of 1988. In addition, IDNS expects to publish the conference proceedings within the next three months.

Materials Licensee Conference

On October 29-30, 1987, IDNS held its second Nuclear Materials Licensee Conference in Chicago. The conference was designed to address various issues which have arisen after implementation of the Illinois Agreement State Program. The meeting also strives to assure effective communication between IDNS and nuclear materials licensees in Illinois. Joel Libenau, SLITP staff, discussed the NRC State Agreement program.

OSHA Meeting

On October 6, 1987, various Region III staff members met with OSHA representatives, including one of their Area Directors regarding safety concerns related to the Byron Station's Carbon Dioxide System. The meeting was positive in fostering a good OSHA/NRC working relationship and as a result, the NRC will attend an exit meeting between OSHA and the licensee and will be provided with a copy of any violations or recommendations that may be given to the licensee. NRC will follow up on any concerns that affect the operation and safe shutdown of the plant.

Clinton Audit

The Illinois Commerce Commission contacted Region III to request that their auditors interview various Region III personnel relative to Phase II of an audit as to the reasonableness of the cost of the Clinton Power Station. Region III has agreed to their request and is awaiting further contact to arrange a mutually agreeable time.

OHIO

Emergency Planning

On October 1, 1987, Public Utilities Commission Chairman Thomas Chema announced that he had recommended that Governor Celeste not petition the NRC to close nuclear power plants in Ohio. His recommendation was based on his view that substantial agreement had been reached on upgrades for the emergency response plans for the Davis-Besse and Perry nuclear power plants between the State, the involved counties, and the utility. Last summer, Governor Celeste had stated that he would file a petition with the NRC to revoke the Perry and Davis-Besse operating licenses if concerns about emergency planning were not resolved by September 30, 1987. Representatives from local environmental groups voiced opposition to Chairman Chema's recommendation.

REGION IV

NEBRASKA/ MISSOURI

Emergency Preparedness

Following an October 7 emergency exercise at Cooper Nuclear Station in Nebraska, officials of FEMA Region 7 (Kansas City) informed the State of Missouri that it was deficient in five areas, all related to the State's and Atchison County's operation and administration of the system for alerting the public. FEMA is requiring a remedial exercise by December 7. FEMA found no deficiencies in Nebraska's exercise participation.

NEW MEXICO

Uranium Recovery Facilities

On October 26, Region IV (URFO) staff met with State Environmental Improvement Division personnel to update New Mexico officials on the status of NRC's efforts to bring New Mexico uranium recovery facilities in compliance with federal regulations. (New Mexico returned the mill program to NRC in mid-1986). There were detailed discussions of surety instruments for these facilities. Further discussions took place with special emphasis on long-term care and monitoring fees currently held by the State.

TEXAS

Meeting with State Officials

On October 16, Region IV and NRR officials conducted a briefing in Austin, Texas, on NRC's reactor regulatory programs and State involvement in these programs. About 30 officials representing a variety of State agencies, State legislators and local government attended the briefing. Questions centered on uranium milling and mining, low-level and high-level radioactive waste management, NRC-State interactions, the NRC's inspection program, emergency planning and fitness for duty. The briefing was conducted because South Texas Project on August 21 became the State's first licensed commercial reactor.

ROCKY MOUNTAIN WASTE BOARD

October 1 Meeting

The Rocky Mountain Low-Level Radioactive Waste Board, representing the States of Colorado, New Mexico, Nevada, and Wyoming, met in Santa Fe on October 1. Although representatives of Rhode Island and the District of Columbia were there, the Board took no action on adopting policy for contracting with out-of-region States to dispose of their waste at a Rocky Mountain site. (The region currently has an operating site in Beatty, Nevada. Colorado is scheduled to develop a new disposal facility by 1993). The Board will take up the issue again at its next meeting on December 4, in Nevada.

REGION V

No Significant Items Reported