



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

December 24, 1986

The Honorable Robert C. Smith
United States House of Representatives
Washington, D. C. 20515

Dear Congressman Smith:

I am responding to your letter of December 2, 1986 signed by you and other members of the New Hampshire Delegation concerning emergency planning at the Seabrook Nuclear Power Plant.

I am enclosing a staff summary on the issues on emergency preparedness which were raised by the Congressional delegations of New Hampshire and Massachusetts.

The resolution of offsite emergency planning issues has been raised in the Seabrook licensing proceeding and may come before the Commission as part of the adjudicatory process. Accordingly, I regret that no more specific response to this issue can be provided at this time. The Commission's licensing decisions for nuclear reactors are made in on-the-record adjudications with due respect paid to the rights of all the parties to the proceeding. If this issue should come before the Commission, the Commission will carefully consider all the arguments of the parties before issuing a decision. It is essential to the integrity of the process that the Commission not comment on such matters without first hearing from the parties and issue its decision on the adjudicatory record.

I appreciate receiving your views and assure you that consideration of the matters you identified will conform with the Commission's understanding of the requirements imposed on the NRC through the Atomic Energy Act and other applicable federal laws.

Sincerely,

Lando W. Zech, Jr.
Lando W. Zech, Jr.

Enclosure:
As Stated

8701050049 861224
PDR COMMS NRCC
CORRESPONDENCE PDR

EMERGENCY PREPAREDNESS ISSUES RAISED BY
THE CONGRESSIONAL DELEGATIONS OF
MASSACHUSETTS AND NEW HAMPSHIRE

Following the accident at Three Mile Island and in recognition of the need for more effective emergency planning, the NRC undertook a formal reconsideration of the role of emergency planning in ensuring the continued protection of the health and safety of the public in the vicinity of nuclear power plants. The NRC issued revised regulations requiring that prior to the issuance of a full power operating license, a finding must be made that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. A significant feature of the revised rule on emergency planning is that planning considerations must be extended to cover Emergency Planning Zones (EPZs) which consist of an area about ten miles in radius for the plume exposure pathway and an area about 50 miles in radius for the ingestion exposure pathway. Since the issuance of the regulations, all operating nuclear power plants have upgraded their onsite and offsite emergency plans to conform to the extensive requirements of the revised rule.

The NRC is committed to assessing the potential impact of ongoing research on severe accident releases on its emergency planning regulations. The staff is also preparing a report on the implications of the accident at Chernobyl. The staff held a discussion of these matters with the Advisory Committee on Reactor Safeguards (ACRS) earlier this month. The Commission has directed the NRC staff to meet with the staffs of the Governors of Massachusetts and New Hampshire to share information on the implications of the Chernobyl accident. Also, the NRC staff will provide the governors with information relating to the Seabrook Station Probabilistic Safety Assessment (SSPSA) update. These meetings will provide for an open discussion of these topics. I hope this will provide valuable information to the state officials regarding issues affecting Seabrook.

Brookhaven National Labs (BNL), a consultant to the NRC, issued a draft report on its review of the SSPSA on December 5, 1986. Copies of this report and the one on Chernobyl implications should be available in sufficient time to allow review by the attendees before any meetings.

The Staff considered it appropriate to have the Seabrook SSPSA update submittal reviewed in order to obtain a better overall perspective of risks at Seabrook. The SSPSA update provides additional plant specific information regarding containment design and radioactive releases from accidents which have the potential for bypassing containment. Public Service Company of New Hampshire (PSNH) identified design features for the Seabrook Station which PSNH states have the potential for significantly reducing the radiological consequences resulting from certain accidents. Review of these studies provides the staff with additional insights for its review of other plant features, including (as an example) the emergency operating procedures designed to help plant operators recover from severe accidents. Staff plans remain to review the BNL draft report and issue an evaluation.

Concerning the size of the plume exposure EPZ, the NRC is reassessing emergency planning in light of new insights arising from the extensive research on severe accident releases or "source terms" as well as from study of the Chernobyl accident. The NRC staff review has not progressed to a point where it could recommend any generic changes in the requirements pertaining to the size of the plume exposure EPZ. If the NRC emergency planning rules are subsequently revised, based upon new source term information or Chernobyl implications, and the size of the EPZ is either increased or decreased, the Seabrook facility as well as other nuclear power plants would have to comply with the new rules or demonstrate a basis for an exemption or waiver.

In regard to concerns on a reduction of the 10-mile EPZ there are two principle means under the Commission's regulations by which a licensee could seek relief from the 10-mile requirements. A licensee could either request an exemption from the regulation pursuant to 10 CFR §50.12, or it could file a petition for a waiver of the regulation pursuant to 10 CFR §2.758. On December 18, 1986 PSNH filed a petition requesting both an exemption from and a waiver of the NRC's emergency planning regulations.

Under the NRC's regulation on exemptions, any request for an exemption must demonstrate that it is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security. An exemption request must also establish special circumstances as identified in 10 CFR §50.12(a)(2). To obtain a waiver of a regulation, a party must establish before a licensing board by affidavit that application of a particular regulation, given the particular circumstances of the case, would not serve the purposes for which the regulation was adopted. After hearing from all parties, if the licensing board determines that a prima facie case has been established for issuance of a waiver, the board must forward the waiver request to the Commission. The Commission then would have to determine whether the request waiver should be or would not take in the event an exemption or waiver request is filed. Any such request will be examined and ruled upon in accordance with the applicable regulations.



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

ACTION

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM:

DUE: 12/15/86

EDO CONTROL: 002372

DOC DT: 12/02/86

FINAL REPLY:

SEN. GORDON J. HUMPHREY, ET AL
MEMBERS OF NH CONGRESSIONAL
DELEGATION Sen. Warren B. Rudman
 Rep. Robert C. Smith
TO: Rep. Judd Gregg

CHAIRMAN ZECH

FOR SIGNATURE OF: -

**** PRIORITY ****

SECY NO:

CHAIRMAN

DESC:

ROUTING:

SEABROOK EMERGENCY PLANNING REGULATIONS

DATE: 12/05/86

ASSIGNED TO: NRR

CONTACT: DENTON

SPECIAL INSTRUCTIONS OR REMARKS:

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NRR RECEIVED: 12/5/86

ACTION: DPLA:NOVAK

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FROM:

SEN. GORDON J. HUMPHREY, ET AL

DATE OF DOCUMENT

12/2/86

DATE RECEIVED

12/5/86

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EDO 2372

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MEMO

REPORT

OTHER

TO:

CHAIRMAN ZECH

ORIG.

CC:

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12/15/86

ACTION NECESSARY ☐CONCURRENCE ☐

DATE ANSWERED

NO ACTION NECESSARY ☐COMMENT ☐

BY TO VOLLNER BY 12/11

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SEABROOK EMERGENCY PLANNING REGULATIONS NOONAN/NERSES

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ENCLOSURES:

REMARKS

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U. S. NUCLEAR REGULATORY COMMISSION

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FORM NRC 326S
(4-79)

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-86-1274 LOGGING DATE: Dec 5 86
ACTION OFFICE: EDO
AUTHOR: W.B. Rudman, GJHumphrey, RSmit
AFFILIATION: U.S. HOUSE OF REPRESENTATIVES
LETTER DATE: Dec 2 86 FILE CODE: ID&R-5 Seabrook
SUBJECT: Emergency planning zone for Seabrook
ACTION: Signature of Chm & Comm Review
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SPECIAL HANDLING: None
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DATE DUE: Dec 15 86
SIGNATURE: . DATE SIGNED:
AFFILIATION:

Rec'd Off. EDO

Date 12-8-86

Time 8A.