

2/2/78(?)

PRO 2

MEMORANDUM FOR: Ernst Volgenau, Director, Office of Inspection  
and Enforcement

FROM: Robert C. Ryan, Director, Office of State Programs

SUBJECT: LICENSEE NOTIFICATIONS OF EVENTS AND INCIDENTS TO STATE  
AND LOCAL GOVERNMENT ORGANIZATIONS

We have reviewed the January 10, 1978 memorandum from Boyce Grier which forwarded the December 23, 1977 memorandum from E. C. McCabe of Region I concerning the December 16, 1977 public meeting with State officials concerning the HILLSTONE I off-gas explosions. We have also looked at our own regs for licensee reporting requirements for events and incidents as they relate to HILLSTONE and other power plants. Enclosed is a summary of the reporting requirements prepared by R. W. DeFayette of our staff.

We think that we ought to take some additional steps with not only the licensee in this case (the Northeast Nuclear Energy Company), but with other licensees as well. We need to re-emphasize to them that although certain events or incidents may not technically require immediate reporting under our technical guides and regulations, nevertheless, from a political point of view, it is in the licensee's best interests and our best interests promptly to report so-called "events of public interest" immediately to appropriate State and local government officials. If the licensees can cross this "reluctance obstacle," they are going to generate a lot more confidence with State and local government people they have to deal with. State and local officials after all are responsible for the public health and safety of the state. McCabe's memorandum contains damning statements (from a political - not technical point of view) made by Connecticut officials, such as:

- "NREC has not been responsive to the needs of Connecticut despite those needs having been identified over a period of years."
- ".... Millstone's notifications of the State had been too slow."
- ".... the State government first heard of the problem by hearing on a Rhode Island radio station that there had been an explosion at a HILLSTONE power plant."

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We are aware of a similar recent incident involving the VERMONT YANKEE nuclear power plant in which a press report indicated that Vermont officials were "chagrined" about not being notified of an explosion promptly by the licensee. I am sure that some research into the files of these types of events and incidents, will reveal this same basic mistrust of some licensees on the part of some State and local governments.

One important item which surfaced during the Thursday meeting of IE Regional Directors to which SP representatives were invited, was the feeling by some of those present that the reporting times of 24 hours notification may not be soon enough. This time frame should probably be shortened considerably. The 24-hour reporting requirements generally relate to events involving reactor safety systems and incidents involving licensed material. (See Summary of Reporting Requirements enclosed.) An additional observation was that "Events of Potential Public Interest" were required to be reported to the NRC Regional Director "as soon as possible after the event has been discovered." There appears to be a lot of slack in this definition which is probably contributing to the tardy notification to NRC problem, which in turn contributes to the same problem with the States and their local governments. We think these events should be reported immediately, i.e. within 30 minutes.

We recommend that the following four things be done:

1. Meet with Connecticut officials to determine what the "needs" of the State of Connecticut are in this area. (Items 3.5 and 5 of McCabe's memorandum.) I suggest that Mr. Elsassner (State Liaison Officer, Region I) and a senior IE staff member, Region I, ferret out these "needs."
2. Write a letter to the chief executive officers of all nuclear utilities outlining the problems being generated by the "reluctance obstacle" previously mentioned. Give them examples of "events of public interest" and encourage them, and ask them to promptly report these things to the States and local governments, pointing out the overall benefits that will accrue to them and to us in terms of building up trust in the hearts and minds of the States and their local governments.
3. That IE conduct (with assistance from NRC, SP, SD and OELD, etc) a review of all reporting requirements (guides, standards, regulations) to clarify and improve the whole business of notification and reporting on the part of licensees. (See enclosed SP memorandum of April 15, 1976 to SD which touches on these matters.)
4. Re-evaluate all NRC Regional Incident Response Plans to determine what changes might be made in order for NRC planning to be more responsive to the concerns expressed by the States. (Order to Ryan memorandum of January 14, 1974.)

State Programs is prepared to assist in any way that we can in improving this situation and in carrying out the recommendations if you agree with them. If we do not do these things, or perhaps other things which may be equally effective, rest assuredly we will continue to be plagued with an obvious aura of distrust and lack of confidence in an area that deserves our best efforts and an honorable stance by all of those involved.

Respectfully,  
Robert C. Ryan

Robert C. Ryan, Director  
Office of State Programs

Inclousures:  
As stated

cc: J. Elsassner, SP, Region I  
J. G. Davis, IF  
R. Hingman, SP  
L. Gossick, EDO  
E. Case, HRR  
H. Shaper, ELD  
NRC Regional Directors, I, II, III, IV & V

## 5. COPY OF REPORTING REQUIREMENTS

The requirements for reporting operating information are specified in several documents:

1. Regulatory Guide 10.1

Compilation of Reporting Requirements for Persons Subject to NRC Regulations. A listing of the NRC reporting requirements.

2. Regulatory Guide 1.16

The latest revision for this is dated August, 1975 and is revision 4. It is titled "Reporting Operating Information -- Appendix A, Technical Specifications." There are four classes of reports listed in the regulatory guide which must be reported: 1) Routine reports; 2) Reportable occurrences; 3) Unique reporting requirements; 4) Events of potential public interest. The second and the fourth are probably of interest to you.

Reportable Occurrences -- There are two time frames given for reporting these events:

"expeditiously as possible" - generally speaking, this applies to events involving the reactor safety systems. In these cases, the events must be reported "as expeditiously as possible, but within 24 hours, by telephone and confirmed by telegraph, mailgram, or facsimile transmission to the director of the appropriate NRC regional office, or his designee, no later than the first working day following the event, with a written followup report within two weeks."

Thirty days - these do not involve the safety systems; examples of events in this class are in the regulatory guide. Requires written report only.

Events of Potential Public Interest -- These are defined in the regulatory guide and while some of the events may not be reportable by regulation, the NRC regional director should be informed of such events by telephone "as soon as possible after the event has been discovered." The various events are:

1. An event that causes damage to property or equipment when such damage affects the power production capability of the facility.
2. Radiation exposure to licensee personnel or members of the public in excess of applicable exposure limits set forth in 10 CFR 20.
3. Natural or man-made conditions that may require action which need not be reported under one of the reportable occurrences.

4. Discovery of significant radiological events offsite occurring during transport of material for which the licensee was either shipper or consignee.
5. Unscheduled shutdown expected to last for more than one week, regardless of the cause.
6. Unusual releases of radioactive material from the site boundary not reportable under other requirements.
7. Failure or damage to safety related equipment which need not be reported under reportable occurrences, if the time for repair is likely to exceed the time allowed by the technical specifications.

### 3. Standard Technical Specifications

Under the "administrative controls" section of the standard tech specs, section 6.9 relates to reporting requirements. The section states "information to be reported to the Commission, in addition to the reports required by Title 10, Code of Federal Regulations, shall be in accordance with the Regulatory Position in Revision 4 of Regulatory Guide 1.16, "Reporting of Operating Information - Appendix A Technical Specifications."

### 4. Millstone Technical Specifications

The tech specs for Millstone Unit 1 quote the standard tech specs listed in item 2.

### 5. 10 CFR 20.403

Besides the reporting requirements of the tech specs, each licensee is also bound by certain reporting requirements of 10 CFR 20.403. There are two categories of notification required:

- a. Immediate - Each licensee shall immediately notify the director of the appropriate B&E regional office by telephone and telegraph of any incident involving byproduct, source or special nuclear material possessed by him and which may have caused or threatened to cause:
  - (1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation.

- (2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix B, Table 11 (of 10 CFR 20).
- (3) A loss of one working week or more of the operation of any facilities affected.
- (4) Damage to property in excess of \$100,000.

b. Twenty-four Hours

Each licensee shall within 24 hours notify the director of the appropriate EEC regional office by telephone and telegraph of any incident involving licensed material possessed by him and which may have caused or threatens to cause:

- (1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, or forearms to 75 rems or more of radiation.
- (2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table 11 (of 10 CFR 20).
- (3) A loss of one day or more of the operation of any facilities affected.
- (4) Damage to property in excess of \$1,000.

6. Hillstone Emergency Plan (Current)

The current Hillstone emergency plan has a section on the notification of offsite organizations. The reporting requirements are very vague. It states, "should plant conditions indicate circumstances which present a potential radiological hazard to the public, plant and company management and the appropriate governmental agencies shall be immediately notified and requested to provide assistance." A call list is then included, on which is the EEC and various Connecticut organizations.



SD 6-1-78  
11:00 a.m. 4/3/78  
3-1-78

TENTATIVE AGENDA  
MEETING ON NOTIFICATION OF INCIDENTS TO STATES  
MONDAY, APRIL 3, 1978  
11:00 a.m., Room 6507, MNBB

1. Brief history of State concerns (SP)
2. Brief review of current reporting requirements (SP/IE/NRR/NMSS/SD)
3. Petition for Rulemaking (SD)
4. NRC responsibilities regarding notification (ALL)
  - a. Legal
  - b. Moral
5. Office positions on reporting (ALL)
  - a. What should be reported
  - b. Who (at State and local level) should be notified
  - c. Who should do the notifying
6. Form NRC consensus position on reporting, if possible (ALL)
7. Meeting with State liaison officers (SP)
  - a. Structure
  - b. Location
  - c. Agenda
8. Future actions (ALL)

NOTE: Please submit any recommendations for changes to R. W. DeFayette, SP, by telephone, c.o.b. Thursday, 3/30/78.

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# CITIZENS UNITED FOR RESPONSIBLE ENERGY

1342 30th Street

Des Moines, Iowa 50311

515/277 0253 or 515/276

December 27, 1977

JANE E. MAGERS,  
Executive Director

PATRICIA KORZENDORFER,  
Cedar Rapids,  
Chairperson, Board of Directors

SKIP LAITNER, Ames,  
Vice Chairperson

JAN STEEN, West Liberty,  
Secretary

AILEEN PILGER, Altoona,  
Treasurer

DOCKET NUMBER

PETITION FILE FIRM - 20-10

Secretary  
Nuclear Regulatory Commission  
Washington, D.C.

Attention: Chief, Docketing and Service Section

Dear Sir:

Citizens United for Responsible Energy (CURE) petitions the Nuclear Regulatory Commission to rescind Section 20.403 (Title 10, Chapter 1), Code of Federal Regulations.

The basis for the request comes from the lax rules now in existence in Section 20.403 (Notification of Incidents) which allow up to 24 hours in certain instances for reporting abnormal occurrences in nuclear power plants, and because of the absence of rules requiring any communications with state agencies within close geographic proximity.

Our proposed rules would amend the previously cited section so that all abnormal incidents "shall be reported immediately (within 1/2 hour) to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office." (Abnormal Incident shall be defined as one which involves the release of radioactive products to either the air or water.) The utility involved shall also be required to report immediately (within 1/2 hour) to the director of a designated state agency responsible for public health and safety which is within 200 miles of such incident.

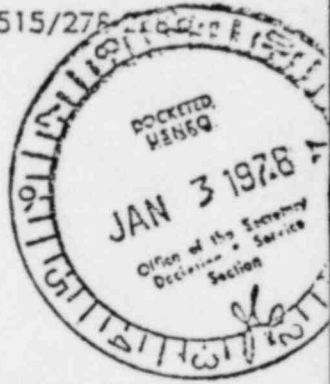
Our petition is prompted by numerous incidents occurring in close proximity to Iowa, as well as in other sections of the country, which have not been reported promptly to state officials. We request a full hearing on these proposed changes in an expeditious manner.

Sincerely,

*Jane E. Magers*

Jane E. Magers

JEM/lin



## ADVISORS

CYNTHIA ETHELL,  
Student Participant,  
Hawkeye Science Fair\*

MICHAEL HOFFMAN,  
Attorney-At-Law

DR. MICHAEL E. MYSZEWSKI,  
Biology Department,  
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Media Specialist

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Energy Engineering Department,  
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WARD WILSON,  
50-year member,  
American Chemical Society\*

LORNE R. WORTHINGTON,  
Vice President,  
Preferred Risk Insurance  
Company\*

\*Organization or firm name for  
identification only and does  
not indicate endorsement

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§ 20.403 Notifications of incidents.

(a) *Immediate notification.* Each licensee shall immediately notify by telephone and telegraph, mailgram, or facsimile, the Director of the appropriate NRC Regional Office listed in Appendix D of any incident involving by-product, source, or special nuclear material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of \$200,000.

(b) *Twenty-four hour notification.* Each licensee shall within 24 hours notify by telephone and telegraph, mailgram, or facsimile, the Director of the appropriate NRC Regional Office listed in Appendix D of any incident involving licensed material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one day or more of the operation of any facilities affected; or

(4) Damage to property in excess of \$2,000.

(c) Any report filed with the Commission pursuant to this section shall be prepared so that names of individuals who have received exposure to radiation will be stated in a separate part of the report.

(Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

(27 FR 5905, June 22, 1962, as amended at 28 FR 6823, July 3, 1963; 41 FR 16445, Apr. 19, 1976; 42 FR 43965, Sept. 1, 1977; 42 FR 46270, Sept. 15, 1977)

HIGHLIGHTS OF THE MEETING ON THE NOTIFICATION OF  
INCIDENTS TO STATES  
APRIL 3, 1978  
MARYLAND NATIONAL BANK BUILDING, ROOM 6507

As a result of the State of Connecticut's concerns regarding a perceived tardiness in their being notified of a recent incident at the Millstone nuclear power plant, Robert Ryan, Director, Office of State Programs, suggested in a memorandum to Ernst Volgenau, Director, Office of Inspection and Enforcement, that the NRC possibly take a number of steps to improve the notification process on reporting of "events of potential public interest" as well as "real" emergencies. Enclosures (1) and (2) are the exchange of correspondence between IE and SP on this matter. It was suggested by IE, that NRC offices involved should get together to discuss the matter and then the NRC should meet with several States to get their input. The meeting today was to get a feel for NRC office perceptions on this matter.

It was apparent from the start of the meeting that the issue of notification to States was an illusive one. One school of thought was that the notification requirements are ambiguous, while another was that the requirements are not ambiguous, and that only the threshold for notification is of major concern to some States. Another thought was that there are "bad feelings" in the States and that they distrust the utilities. The observation is that since they (the States and their local governments) are not in all cases promptly notified of "events of potential public interest" that there is reason to believe that they may not be notified of significant events which may have the potential for offsite consequences affecting the public health and safety. The tardiness in reporting of the Browns Ferry fire to the State was given as an example of late reporting, but this was compared with the relatively rapid notification given to Colorado in the Fort St. Vrain accident.

On this subject, Mr. Ryan asked if there had been a tightening up of reporting requirements as a result of the Hanauer Report on Browns Ferry. Mr. Jamgochian stated that there is language in the revision to Regulatory Guide 1.101 which was taken directly out of the Browns Ferry Report. He also stated that certain of the reporting requirements (specifically the requirements for establishment of an "alert" condition) are also a result of the Browns Ferry incident.

There was considerable debate on what should be reported. The general consensus was that there are two distinct areas of notification, one for health and safety issues and the other for political or public interest issues. There was a question on whether the NRC should get involved in the latter issue any more than it already has done by the inclusion of that issue in Regulatory Guide 1.16. Many felt that the primary responsibility of the NRC is to protect the public health and safety, and that the current NRC Regulations and Regulatory Guides are sufficient to do that. On the other hand, others believed that State concerns must also be taken into account. In this regard, the lack of applicability of the Regulatory Guide (and, therefore, its enforceability) to the majority of licensed facilities was noted.

Mr. Ryan briefly discussed the responses that he has received to date from States commenting on the Citizens United for Responsible Energy (CURE) petition to change the NRC reporting requirement in 10 CFR 20.403. He pointed out that the majority of the responses to date had been against granting the petition, and copies of the letters were distributed.

Mr. Tom Elsasser, SP State Liaison Officer for Region I, reported on a meeting he had with Connecticut officials recently in which Connecticut voiced their strong endorsement of the petition. According to Mr. Elsasser, Connecticut wants to be notified for all incidents, but when asked for specifics the Connecticut officials could not give any. He did say, however, that there is a bill in the legislature of Connecticut which would require NRC licensees to report to the State immediately on any incident which is reportable to the NRC regardless of the time frame for NRC notification. For example, if the incident did not have to be reported to the NRC for 30 days, the proposed legislation would still require immediate notification to the State.

There was considerable discussion on the physical process of notification, that is, on the way the notification is carried out once the decision is made to tell the State (and its involved local governments). Some attendees were of the opinion that one method which should be considered is a button in the Control Room of the facility, which when pressed would alarm at designated offsite agencies. The alarm would not tell what was wrong, only that the offsite agency should call the emergency control center to obtain information on the event. Others believed this would not solve the problem because someone would still have to make a conscious decision to push the button and operators may be reluctant to do this without clearing the action through what might be a lengthy chain of corporate management. There was also concern that too many notifications would be akin to crying "wolf" and if the real thing happened nobody would listen.

With regard to the time frame for notification, the point was made that in some cases an early notification may be just as bad as a late notification. The reasoning is that the operators must have time to assess the incident and if too early a reporting time is required an accurate assessment may not be available. Others commented, however, that early notification to stand by for more information could also be a viable notification. It was also pointed out that for emergency planning requirements the operators must demonstrate an ability to assess the situation in a very short time.

Mr. Weiss briefed the attendees on a meeting of State Liaison Officers from eight States to be held on May 25 for Region III States.\* The meeting will be held in the Chicago area and one of the items on the agenda will be the issue of notification of incidents to States. Mr. Weiss suggested that the States should be queried on their position on the matter and if there is a difference of opinion between the States and the NRC, then they should be told as much, and also why the NRC considers its position to be satisfactory.

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\*This meeting has since been postponed.

In summary, Mr. Ryan made the following points:

1. He will meet with Mr. Dave Snellings, Chairman of the Conference of (State) Radiation Control Program Directors Task Force on Emergency Planning at the annual meeting in May in Harrisburg and discuss this matter with him and Task Force members.
2. This issue will be on the agenda for the meeting of State Liaison Officers in May in Region III, and NRC representatives will obtain the views of these officers on the matter.
3. State Programs will prepare an internal draft of a letter to nuclear facility corporate management asking them to improve their notification procedures to States particularly for "events of potential public interest". This letter will be staffed but will not go beyond the draft stage at least until after another meeting of the present group.
4. Mr. Weiss will prepare a short report on possible automated notification to offsite agencies which is being studied by an NRC contractor.
5. There is a consensus of the attendees that the NRC should be doing something about notification, but it is not clear what it is we should be doing. The development of a policy may take time because it is a balancing act which must take into consideration the needs of Federal/State/local agencies and the utilities.
6. Mr. Ryan will call another meeting of this group around the end of May to consider the comments received from the State Liaison Officers and to decide what action, if any, should be taken or considered.



LIST OF ATTENDEES  
AT THE  
MEETING ON THE NOTIFICATION OF INCIDENTS TO STATES  
APRIL 3, 1978  
MARYLAND NATIONAL BANK BUILDING, ROOM 6507

R. G. Ryan, SP  
H. E. Collins, SP  
R. W. DeFayette, SP  
G. K. Tomlin, SG/NMSS  
Charles E. MacDonald, FC/NMSS  
B. H. Weiss, IE/XOOS  
Sue Weissburg, SP  
T. C. Elsasser, Regional State Liaison/SP, Region I  
Marshall Sanders, SP  
Charles R. Nichols, SD  
Mike Jamgochian, SD  
Tim Martin, NRR/PM/RPB  
Lawrence J. Chandler, OELD  
Brian Grimes, NRR  
John Crooks, MIPC