

Docket No. 50-346

License No. NPF-3

Serial No. 1037

April 11, 1984



RICHARD P. CROUSE  
Vice President  
Nuclear  
(419) 259-5221

Mr. Harold R. Denton  
Director of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Denton:

This letter is being submitted pursuant to 10 CFR 50.12(a), to request an exemption from portions of 10 CFR 50, Appendix E, Part IV.F.1.a, and Part IV.F.3, "Emergency Planning and Preparedness for Production and Utilization Facilities - Training", for the Davis-Besse Nuclear Power Station, Unit No. 1. Specifically, this request is provided to lift the requirement for State and local government participation in a 1984 exercise at Davis-Besse.

Title 10 CFR 50, Part IV.F.1.a and 10 CFR 50, Part IV.F.3., specify that Toledo Edison conduct a full scale exercise with Ottawa County annually. Based upon the fact the Toledo Edison's last exercise for Davis-Besse was conducted in April, 1983, current Nuclear Regulatory Commission (NRC) regulations require another exercise for Davis-Besse to be held sometime during the period April to July, 1984. In this regard, we wish to note that the requirements of 10 CFR 50, Appendix E, Part IV.F.1.a to hold a full scale exercise with the State of Ohio have been satisfied.

Toledo Edison requests that it be exempted from conducting a full scale exercise with Ottawa County during calendar year 1984. The Company intends to conduct an exercise with Ottawa County and the State of Ohio by April 30, 1985, subject to State and County participation and the results of the current NRC rulemaking on the frequency of exercises.

We believe this exemption is appropriate for two reasons. First, recently enacted Federal Emergency Management Agency (FEMA) regulations (44 CFR 350.9(c)(1)-(4)) and the implementation of these regulations by FEMA Region V, do not require Ottawa County to participate in a radiological emergency response exercise during 1984.

Historically, Davis-Besse conducted a full scale NRC/FEMA graded exercise in November, 1980, which included full participation by Ottawa County and the State of Ohio. In both January, 1982, and April, 1983, Toledo Edison conducted radiological emergency exercises at Davis-Besse that included

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Docket No. 50-346  
License No. NPI-3  
Serial No. 1037  
April 11, 1984  
Page 2

full participation by Ottawa County. In addition, as part of the April, 1983 Davis-Besse exercise, the NRC Region III Emergency Response Plan was tested and both Region III and NRC Headquarters personnel and facilities were activated and participated in the exercise.

On September 28, 1983, FEMA promulgated final modifications to its rule 44 CFR 350 "Review and Approval of State and Local Radiological Emergency Plans and Preparedness". The revised final FEMA rule allows, under specific conditions, state and local governments to participate in exercises at a nuclear power plant site every two years as opposed to the every year requirement currently contained in NRC regulations. Directly applied to Davis-Besse, the FEMA and State of Ohio position identifies the next exercise for the State of Ohio and Ottawa County at Davis-Besse to be in 1985 (Attachment 1). Both the State of Ohio (see Attachment 1) and Ottawa County (see Attachment 2) agree that the schedule offered by FEMA is acceptable for the adequate training of their organizations and will not in any way degrade the present high level of protection of public health and safety.

Secondly, Ottawa County, with the assistance of Toledo Edison, is constructing a new Emergency Operations Center (EOC), which will not be functional until early 1985. Therefore, practical reasons suggest that the next full scale exercise involving Ottawa County be held after the EOC is functional.

Additionally, from a practical standpoint, in both the 1982 and 1983 exercises, significant findings by FEMA identifying an area where improvement to the offsite emergency preparedness capability could be made were related to the physical layout of the Ottawa County Emergency Operations Center. In recognition of the exercise critiques as well as other ongoing discussions between Toledo Edison and the Ottawa County Board of Commissioners, it was decided to provide a "new" EOC in Ottawa County.

Based upon the currently expected schedule for completion of construction, installation of equipment, and training of county personnel, the new Ottawa County EOC is not expected to be functional before the end of 1984. On March 28, 1984, the Ottawa County Board of Commissioners selected contractors to construct the EOC. It is expected that by the end of May, a detailed schedule for constructing the EOC will be available.

The results of the 1980 through 1983 exercise critiques have demonstrated that adequate emergency preparedness capabilities exist to assure the continued protection of the public health and safety around Davis-Besse. No significant organizational or functional changes have occurred that would require extensive retraining of county personnel in the existing facilities. The extensive program that Toledo Edison and Ottawa County have initiated to improve the EOC, represents a conscientious joint effort by a utility and the local government within the plume exposure EPZ to dedicate significant resources to improve the local Emergency Operations Center.

Docket No. 50-346  
License No. NPF-3  
Serial No. 1037  
April 11, 1984  
Page 3

When the new EOC facility becomes operational, personnel retraining and exercise of all new equipment and interfaces will be required. The facility will be used by the County for all future radiological drills and exercise activities, as well as in the event of an emergency at Davis-Besse.

Toledo Edison recognizes that the NRC is currently conducting a rulemaking that could modify the existing NRC requirements regarding the frequency of emergency preparedness exercises. In this regard, Toledo Edison concurs with the Commission's statement in the prologue to the proposed rule that, "...It has become apparent that a disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate emergency preparedness exercises at the presently required frequency." Toledo Edison believes that the current situation at Davis-Besse provides an excellent example where an exemption from the existing NRC rule would result in more appropriate and effective use of local, state, federal, and licensee resources.

This conclusion is firmly supported by the position being taken by the Ohio Disaster Services Agency (see Attachment 1), the Federal Emergency Management Agency (FEMA) (see Attachment 1), and Ottawa County (see Attachment 2).

We trust the information presented in this letter has adequately supported our exemption request. We intend to proceed with plans to conduct a Davis-Besse site exercise at the end of July. If you have any questions, please contact Judith Hirsch, Emergency Planning Supervisor.

Very truly yours,

*RP Crouse from*

RPC:MSF:nlf  
encl./3

cc: James G. Keppler, Regional Administrator  
DB-1 NRC Resident Inspector  
Kenneth Cole, Ohio Disaster Services Agency  
James Greer, Ottawa County Disaster Services Agency

2825 WEST GRANVILLE ROAD  
WORTHINGTON, OHIO 43085

Date Received Emerg Planning JAN 11 1984	LOG NO.
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# Federal Emergency Management Agency

Region V 300 South Wacker, 24th Floor, Chicago, IL 60606 (312) 353-1500

December 27, 1983

ASL 71-83

## ALL-STATE LETTER

TO STATE EMERGENCY SERVICES DIRECTORS: Illinois, Indiana, Michigan,  
Minnesota, Ohio, and Wisconsin

SUBJECT: Biennial Frequency of REP Exercises

The application of FEMA's Final Rule 44 CFR Part 350, dated September 28, 1983, concerning Biennial Radiological Emergency Preparedness Exercises (350.9) should be construed as follows:

A State that exercised fully between the period October 1, 1982, and the present, is eligible for exercising biennially. A local organization which has exercised fully between October 1, 1982, and the present is eligible for exercising biennially. The above is illustrated in the following examples.

### Example # 1

The State of Illinois fully participated in an exercise with the Byron Nuclear Power Station and Ogle County, Illinois, on November 15, 1983. Therefore, the State of Illinois is eligible for exercising biennially.

### Example # 2

The State of Wisconsin fully participated with the Kewaunee Nuclear Power Plant and Kewaunee and Manitowoc Counties, Wisconsin, on November 1, 1983. Therefore, the State of Wisconsin is eligible for exercising biennially.

### Example # 3

Local jurisdictions that have fully participated in an REP exercise between October 1, 1982, and the present are eligible for exercising biennially. Eligibility is established even though the State may not have fully participated.

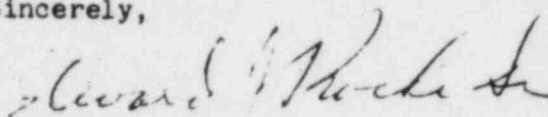
Examples are: Lake County, Illinois, and Kenosha County, Wisconsin, fully participated in the January 18, 1983, Zion exercise when the State of Illinois and Wisconsin did not fully participate. In this instance, Lake County, Illinois, and Kenosha County, Wisconsin, are eligible for exercising biennially.

2.

The National Federal Emergency Management Agency has confirmed this understanding of the September 28, 1983, FEMA Final Rule. It is important the States and the local governments consider the above as part of their preparation for the January 12, 1984, meeting at the Ramada Inn, O'Hare. The Radiological Emergency Preparedness Exercise Schedule, as currently developed, will change as a result of the new FEMA Rule.

Attachment A to this letter is a listing of State and local jurisdictions that are eligible for exercising biennially. Attachment B is a listing of State and local jurisdictions that are not eligible for biennial exercising.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward J. Roche, Sr.", written in a cursive style.

Edward J. Roche, Sr.  
Regional Director

Attachment

STATE & LOCAL JURISDICTIONS THAT MAY BE CONSIDERED ELIGIBLE  
FOR EXERCISING BIENNIALITY

State Organizations

County Organizations

Illinois

Ogle  
Winnebago  
Grundy  
Kendall  
Will

La Salle  
Rock Island  
Whiteside  
Lake

Michigan

Berrien  
Van Buren  
Allegan

Charlevoix  
Emmet

Minnesota

Dakota  
Goodhue

Sherburne  
Wright

Ohio

Columbiana

Ottawa

Wisconsin

Kenosha  
Kewaunee

Mendota  
Pierce

STATE & LOCAL JURISDICTIONS NOT ELIGIBLE TO EXERCISE  
BIENNIALY

State Organizations

Indiana

County Organizations

In Illinois: DeWitt  
Macon  
McClellan  
Piatt  
Will

In Indiana: Jefferson  
Scott  
Clark

In Michigan: Wayne  
Monroe  
Brownstown Twnsp.  
Bay  
Midland  
Saginaw

In Ohio: Lucas  
Clermont  
Lake  
Ashtabula  
Geauga

In Minnesota: Houston

In Wisconsin: Vernon



# Proposed Rules

Federal Register

Vol. 48, No. 141

Thursday, July 21, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

#### Emergency Planning and Preparedness for Production and Utilization Facilities; Frequency and Participation of Exercises

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The Commission is proposing to amend its regulations in order to provide flexibility for exercise participants in regard to the required frequency and extent of participation in emergency preparedness exercises conducted for nuclear power reactor facilities. The proposed rule would retain the presently required annual full-participation exercise with the proviso that if all major elements in the emergency plan are performed in a satisfactory manner during the annual exercise, a finding may be made that another full participation exercise with State and local governments would not be required for a period of up to two years.

**DATES:** The comment period expires September 19, 1983. Comments received after this date will be considered if it is practicable to do so.

Consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Interested persons are invited to submit written comments and suggestions on the proposed rule change and/or the supporting Regulatory Analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of the Regulatory Analysis and of the comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 443-5890.

**SUPPLEMENTARY INFORMATION:** On August 10, 1980, the NRC published revised emergency preparedness regulations which became effective on November 3, 1980 (45 FR 55402). The regulations required nuclear power reactor licensees to submit upgraded emergency plans by January 2, 1981; to submit implementing procedures by March 1, 1981; and to implement the plans by April 1, 1981.

With regard to conducting exercises of emergency plans, Appendix E, Section IV.F., of 10 CFR Part 50 now requires:

... Each licensee shall exercise at least annually the emergency plan for each site at which it has one or more power reactors licensed for operation. Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:

1. A full-scale exercise which tests as much of the licensee, State, and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted:

a. For each site at which one or more power reactors are located and licensed for operation, at least once every five years and at a frequency which will enable each State and local government within the plume exposure pathway EPZ to participate in at least one full-scale exercise per year and which will enable each State within the ingestion pathway to participate in at least one full-scale exercise every three years.

b. For each site at which a power reactor is located, at least one small-scale exercise shall be conducted.

The Commission believes that the regulations determining the frequency of emergency preparedness exercises, as currently written in 10 CFR Part 50, Appendix E, should be modified in order to provide greater flexibility in implementation. Since the current regulation was published in the Federal Register on August 10, 1980, the NRC and FEMA staffs have observed and evaluated more than 100 exercises

around nuclear power reactors. These exercises have included the participation of licensees, State and local governmental officials, and, in some instances, have also included the participation of Federal agencies. It has become apparent that a disproportionate amount of Federal, State, local government and licensee resources are being expended in order to conduct and evaluate emergency preparedness exercises at the presently required frequency. As a result of the substantial expenditure of resources for these emergency preparedness exercises, fewer resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced.

Two petitions for rulemaking that have been filed with the Commission which directly relate to this area of concern are described below.

#### 1. National Emergency Management Association (NEMA)

On March 17, 1982, the Commission received a petition for rulemaking (PRM-50-33) from NEMA which is an organization comprised of directors of State emergency services programs. NEMA believes that the current requirement for an annual exercise at each nuclear power plant site within a State is imposing an overwhelming burden on State resources.

NEMA specifically requested that 10 CFR Part 50, Appendix E, Section IV.F.1, be revised to reduce the frequency for full participation by State and local governments in emergency preparedness exercises.

A Notice of Receipt of Petition for Rulemaking was published in the Federal Register on July 6, 1982 (47 FR 29252), requesting public comment. To date, 36 comment letters have been received and evaluated by the staff. Five comments oppose relaxing the frequency of exercises while 31 commenters were in favor of relaxing the frequency of exercises (many with their own unique methods of accomplishing the same). Those commenters opposing the petition included a private citizen, an environmental group, and three governmental agencies from one State. Those commenters in favor of the

petitioners are, for the most part, utilities, legal firms and consulting firms representing utilities, and a number of State and local governmental agencies.

**2. Adjutant General of the State of South Carolina, Emergency Preparedness Division**

On August 30, 1982, the Commission received from the State of South Carolina a petition for rulemaking (PRM-50-34) which requested that the NRC reduce the frequency that local governments must participate in full-scale emergency preparedness exercises.

The State of South Carolina's rationale was that local county governments rely heavily on trained volunteer citizens to respond on a day-to-day basis to natural and technical emergencies that occur within the county. The requirement for an annual full-scale exercise by counties was stated to impose an undue burden on these volunteers who, in many cases, would have to be exercise participants on their own time.

In its petition, the State of South Carolina stated that: "The requirement for offsite planning and response capability exists for those counties, partially or wholly within the 10-mile EPZ where a nuclear power reactor is located as for the county where a nuclear reactor is located. The point here being, of course, that the county in which a nuclear power reactor is located derives revenue from the reactor owner, which should help offset exercise cost. The other affected county(ies) derive little or no revenue from the reactor owner and the cost of an annual full-scale exercise is an annual additional expense to the county. Most of these counties have a low economic base and the requirement for a full-scale exercise places an undue financial burden on county resources."

Finally, the State of South Carolina stated that, "None of the counties located partially or wholly within a 10-mile EPZ question the need for appropriate plans, exercises, and training to respond to a reactor radiological accident or a natural disaster, but they have questioned the need for an annual full-scale exercise. For the continuing enthusiastic participation by the counties and county volunteer emergency response personnel, the petitioner requests the NRC to reevaluate the requirement for local governments to participate in an annual full-scale exercise."

The Commission notes that the distribution of the revenues varies from State to State and that the situation described by the petitioner, while not

untypical, is not uniformly true at all times.

A Notice of Receipt of Petition for Rulemaking was published in the Federal Register on November 10, 1982 (47 FR 50918), requesting public comment. To date, 10 comment letters have been received and evaluated by the staff. One letter opposes relaxing the frequency of exercises while nine letters were in favor of relaxing the frequency of exercises.

By adoption of a final rule similar to this proposed rule, the Commission would grant the petitions for rulemaking cited above.

The Commission is considering changing its requirements concerning emergency preparedness exercises in order to provide flexibility in its regulations. The proposed rule would retain the presently required annual full-participation exercise, with the proviso that if all major elements in the emergency plan are performed in a satisfactory manner during the annual exercise, FEMA may recommend and the NRC may find that another exercise with State and local governmental participation is not required for a period of up to two years.

The proposed rule would not relax in any manner the onsite exercise that each licensee is required to conduct which includes exercising control room, technical support center, and emergency operating facility functions. A partial or full-participation exercise would satisfy the licensee's annual requirement for an onsite exercise as full licensee participation is required for either type of exercise.

The minimum frequency of exercises in which a State would participate for a particular site would be relaxed from the present once every five years to once every seven years. This change would assure that States with the greater number of nuclear power plant sites will not be required to exercise in a full-participation mode more often than about once a year. The minimum frequency of opportunity for Federal participation at each site would also be extended to once every seven years to be consistent with the proposed change in the State participation frequency. Although not specifically required by the rule, the Commission expects that Federal participation, including participation by an NRC site team, would occur in an exercise in which the State fully participates at least once every seven years at each site.

In early 1982, some Interorganizational Advisory Committee (IOAC) members expressed concern that single-site States might need more than a biennial exercise in certain

instances. A provision has therefore been added to require licensees to conduct exercises annually with full State participation if requested by the State. It should be noted that this provision establishes a precedent in that it permits a State to require the conduct of joint exercises with greater frequency than might be required by NRC. In the Commission's view, this provision is desirable in light of the strong State role in emergency preparedness.

In reviewing the emergency preparedness exercise experience the staff notes that within the last year, the NRC and FEMA have evaluated 52 emergency preparedness exercises involving a utility, State and local governments. These evaluations have identified deficiencies related to a number of the planning standards in 10 CFR 50.47. In almost all cases, the evaluations did not identify fundamental defects in the way that the emergency plan was conceived or implemented such that it called into question whether a finding could be made that a state of emergency preparedness existed which would provide reasonable assurance that appropriate protective measures could and would be taken in the event of an emergency.

A new footnote to Section IV.F of Appendix E is also proposed which would specifically allow the use of site-specific control room simulators or computers to aid in realism of reactor parameters and their interplay in the scenario.

Additionally, in § 50.47 and Appendix E an editorial change is being proposed in order to delete the existing footnote in the emergency preparedness regulations relating to NUREG-0654; FEMA-REP-1, Rev. 1, November 1980. This deletion was made because the NUREG is now endorsed by Regulatory Guide 1.101, Rev. 2.

The Commission believes that adoption of these rule changes will more effectively focus available resources on the pertinent issues and problems in establishing and maintaining an upgraded and effective day-to-day state of emergency preparedness. Additionally, the added flexibility will be an incentive for licensees and State and local governmental agencies to perform emergency preparedness exercises in a satisfactory manner which will assist in ensuring appropriate protection of the health and safety of the public.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and, therefore, would be affected by the promulgation of a final rule, the NRC consulted with



FEMA during the development of this proposed rule.

The following tables illustrate the minimum frequency for the participation of State and local governments in emergency exercises that could result if FEMA were to recommend and the NRC were to find that the results of each exercise are such that a subsequent exercise is not required for up to two years. Exercises could be more frequent than indicated on these tables if a satisfactory finding could not be made by NRC.

For planning purposes, exercises should be scheduled in a manner which results in all State and local governments within the plume exposure Emergency Planning Zone fully participating in some exercise on an annual basis. When a favorable recommendation from FEMA along with a favorable finding from NRC is received, appropriately scheduled exercises can be cancelled to conform to the biennial frequency.

#### Example Exercise Frequencies for State and Local Governments for Various Numbers of Nuclear Sites if an NRC Finding Permits an Exercise Every 2 Years

P = Full participation by State and local governmental agencies and licensee  
X = Full participation by licensee and local governmental agencies and partial participation by States within plume exposure EPZ

Blank or L = Licensee only

#### CASE 1.—ONE SITE WITH PLUME EXPOSURE EPZ WITHIN ONE STATE

(4P, 3L)

Year	1	2	3	4	5	6	7
Site A	F		F		F		F

#### CASE 2.—TWO SITES\* WITH BOTH PLUME EXPOSURE EPZ'S WITHIN ONE STATE

(4P, 3X, 7L)

Year	1	2	3	4	5	6	7
Site A	F		F		F		X
Site B		X		F		F	

\*Where there are two licenses at one location, these are considered as two sites. Where one licensee has more than one reactor at one location, it is considered as one site.

#### CASE 3.—THREE SITES WITH ALL PLUME EXPOSURE EPZ'S WITHIN ONE STATE

(4P, 7X, 11L)

Year	1	2	3	4	5	6	7
Site A	F		X		X		X
Site B		X		F		F	
Site C	X		F		X		X

#### CASE 4.—FOUR SITES WITH ALL PLUME EXPOSURE EPZ'S WITHIN ONE STATE

(4P, 10X, 14L)

Year	1	2	3	4	5	6	7
Site A	F		X		X		X
Site B		X		F		X	
Site C	X		F		X		X
Site D		X		X		F	

#### CASE 5.—FIVE SITES WITH ALL PLUME EXPOSURE EPZ'S WITHIN ONE STATE

(5P, 13X, 17L)

Year	1	2	3	4	5	6	7
Site A	F		X		X		X
Site B		X		F		X	
Site C	X		F		X		X
Site D		X		X		F	
Site E	X		X		X		F

#### CASE 6.—SEVEN SITES WITH ALL PLUME EXPOSURE EPZ'S WITHIN ONE STATE

(7P, 18X, 24L)

Year	1	2	3	4	5	6	7
Site A	F		X		X		X
Site B		F		X		X	
Site C	X		F		X		X
Site D		X		F		X	
Site E	X		X		F		X
Site F		X		X		F	
Site G	X		X		X		F

#### CASE 7.—EXAMPLE FOR BOUNDARY SITES—THREE STATES

(4P, 7X, 11L)

Year	1	2	3	4	5	6	7
Site A	F		X		X		X
Site B		X		F		X	
Site C	X		F		X		F
Site D		F		X		F	
Site E	X		F		X		X
Site F		X		X		F	

Subscript 1 = State 1, 4 sites (4P, 10X).  
Subscript 2 = State 2, 2 sites (2P, 5X).  
Subscript 3 = State 3, 2 sites (2P, 3X) (21L Total).

#### Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. section 605(b), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns the frequency and extent of conducting full-scale exercises of emergency plans for nuclear power plants. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. section 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Although part of the burden for the conduct of emergency

preparedness exercises falls on State and local governments, the proposed rule would lessen this burden by possibly decreasing the frequency of these exercises. Thus, the proposed rule would impose no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

#### List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

#### Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying, for a fee, at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443-5890.

#### Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Requirements Act of 1980 (44 U.S.C. 3501 et seq.).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 181, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 63 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); sec. 201, 202, 205, 68 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5840), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2931 (42 U.S.C. 5851). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 938, as amended (42 U.S.C. 2279), §§ 50.10 (a), (b), and (c), 50.44, 50.48, 50.49, 50.54, and 50.60(a) are issued under sec. 161b, 68 Stat. 946, as amended (42 U.S.C. 2201(b)), §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161, 68 Stat. 949, as amended (42 U.S.C. 2201(i)) and §§ 50.55(e), 50.56(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161c, 68 Stat. 950, as amended (42 U.S.C. 2201(j)).

#### § 50.47 [Amended]

2. In § 50.47, Footnote 1 is deleted.

3. In Appendix E, Section IV.F is revised to read as follows.

#### Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

##### IV. Content of Emergency Plans

##### F. Training

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

- a. Directors and/or coordinators of the plant emergency organization;
- b. Personnel responsible for accident assessment, including control room shift personnel;
- c. Radiological monitoring teams;
- d. Fire control teams (fire brigades);
- e. Repair and damage control teams;
- f. First aid and rescue teams;
- g. Medical support personnel;
- h. Licensee's headquarters support personnel;
- i. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel; e.g., local Civil Defense, local law enforcement personnel, local news media persons.

The plan shall describe provisions for the conduct of emergency preparedness exercises as follows. Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.

1. A full participation exercise which tests as much of the licensee, State and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after the effective date of this amendment. This exercise shall be conducted within one year before the issuance of the operating license for full power, and shall include participation

by each State and local government within the plume exposure EPZ and each State within the ingestion pathway EPZ.

2. Each licensee at each site shall:

- a. Annually exercise its emergency plan.\*
- b. Except as provided in paragraph 3 below, include in its annual exercise:

- (i) Annual full participation\* by local government agencies.
- (ii) Annual full or partial participation† by States within the plume exposure EPZs.
- c. At least once every 7 years, conduct its exercise with simultaneous full participation by local government agencies within the plume exposure EPZ and full participation by States within the plume exposure and ingestion pathway EPZs.

3. The exercise provided for in paragraph 2b above may be held less frequently than annually if FEMA recommends and NRC makes a finding that all major elements in the emergency plans were performed satisfactorily during the exercise and that another exercise is not needed for up to 2 years, unless an annual exercise is specifically requested by the State in which the site is located. This provision notwithstanding, each State within a plume exposure pathway EPZ shall fully participate in an exercise at least once every 2 years at some site.

4. The plan shall describe provisions for involving Federal emergency response agencies in an emergency preparedness exercise involving State and local authorities by each licensee at each site at which one or more power reactors are located and licensed for operation at least once every 7 years.

5. All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need corrections. Any weaknesses or deficiencies that are identified shall be corrected.

#### Appendix E—[Amended]

4. In Appendix E, Footnotes 1 and 4 are removed.

Dated this 14th day of July, 1983

\* Use of site specific simulators or computers is acceptable for any exercise.

† "Full participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately assess and respond to an accident at a commercial nuclear power plant. "Full participation" includes testing the major observable portions of the onsite and offsite emergency plans and mobilization of State, local and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario.

‡ "Partial participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite authorities shall actively take part in the exercise sufficient to: (1) test direction and control functions; i.e., (a) protective action decisionmaking related to emergency action levels, and (b) communication capabilities among affected State and local authorities and the licensee; and (2) retest any major deficiency(ies) from the preceding exercise.

For the Nuclear Regulatory Commission.

Samuel J. Chalk,

Secretary of the Commission.

(FR Doc. 83-19733 Filed 7-20-83, 8:48 am)  
BILLING CODE 7590-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 71

(Airspace Docket No. 83-ANM-7)

##### Proposed Alteration of Transition Area; Billings, Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to reduce the 700-foot transition area at Billings, Montana, to bring it into compliance with established national guidelines. The reduced 700' transition area will eliminate unnecessary restrictions on Visual Flight Rules (VFR) operations but will accommodate Instrument Flight Rules (IFR) arrivals, departures, and holding aircraft, where applicable, within controlled airspace. **DATE:** Comments must be received on or before September 10, 1983.

**ADDRESSES:** Send comments on the proposal to: Manager, Airspace & Procedures Branch, ANM-530, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-88966, Seattle, Washington 98108.

The official docket may be examined in the Regional Counsel Office and an informal docket may be examined in the Airspace & Procedures Branch at the same address. For further information contact Kathy Paul, Airspace Technician, ANM-535. The telephone number is (206) 431-2530.

#### SUPPLEMENTARY INFORMATION

##### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-

## OHIO

## NUCLEAR POWER FACILITY EXERCISE SCHEDULE

YEAR	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	
PNPS	F	--	X	--	F	--	X	--	F	--	X	
DBNPS	--	X	--	F	--	X	--	F	--	X	--	
BVNPS	X	--	F	--	X	--	F	--	X	--	F	
ZNPS	--	F	--	X	--	F	--	X	--	F	--	

F = Full participation by State and local governmental agencies and licensee.

X = Full participation by licensee and local governmental agencies and partial participation by states within plum exposure EPZ.



A84-207H

ATTACHMENT 2

Residence 734-3892  
Emergency Phone Only 734-4404

April 10, 1984

Dear Judy:

As we recently discussed, Ottawa County concurs with Ohio Disaster Services Agency's (ODSA) interpretation of Federal Emergency Management Agency (FEMA) guidance in 44 CFR 350. The January 9, 1984, letter from ODSA supported our contention that county participation in a radiological emergency exercise with the Davis-Besse Nuclear Power Station (DBNPS) is not mandated until 1985.

Ottawa County agencies have proven their ability to protect the public health and safety during past exercises. The few deficiencies noted in F.E.M.A. critiques have been addressed and will be corrected when our new Emergency Operations Center (EOC) becomes operational in January. We anticipate in-house exercises to perfect internal procedures and several "table top" exercises with ODSA and DBNPS personnel to further improve our capabilities.

In view of our record in previous exercises, FEMA guidance in 44 CFR 350 and the unavailability of our new E.O.C., Ottawa County does not feel it is imperative to participate in a DBNPS exercise in 1984. It is certainly not the intent of the county to jeopardize Toledo Edison's compliance with Nuclear Regulatory Commission regulations.

We offer our full support to you in your request to the NRC for an exemption from a full scale utility/state/county exercise during 1984.

Sincerely,

James P. Greer

James P. Greer

Date Received Emerg. Planning APR 11 1984	LOG NO. 84-135
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# Federal Emergency Management Agency

Region V 300 South Wacker, 24th Floor, Chicago, IL 60606 (312) 353-1500

MAY 19 1983

Mr. Richard M. Lockhart  
Deputy Director  
Ohio Disaster Services Agency  
2825 West Granville Road  
Worthington, Ohio 43085

Dear Mr. Lockhart:

Enclosed is a copy of the Final Exercise Report for the Davis Besse exercise conducted April 13, 1983. A copy has been forwarded to the FEMA National office.

The Federal evaluation team concluded the State of Ohio and Ottawa County emergency organizations demonstrated their capability to protect the population should an accident occur at the Davis Besse Nuclear Power Station. There are, however, a number of significant discrepancies as indicated in Part IV of this report that will require your immediate attention. Of particular concern is the time delay in establishing the seven mile protective actions and repeat discrepancies.

This report indicates certain areas that will require varying degrees of changes to your plan and/or implementing procedures. It is intended to assist you in this endeavor. If you have any questions relative to this report, or require assistance in making these changes, please advise this office.

Although you are only required to provide this office with a schedule of corrections for the significant discrepancies Part IV, please review the minor discrepancies in Part V as well to include in your own schedule of corrections.

Your schedule of corrections for the significant deficiencies should provide a concise narrative of how you intend to correct the significant discrepancies as well as the date or anticipated date of completed action. We appreciate receiving this schedule no later than ~~June 22~~, 1983.

Do not hesitate to contact Dan Bement or Bob Shapiro at FTS 372-6011 if you have any questions or problems with this deadline.

Sincerely,

*For Dan Bement*

Frank Finch, Chairman  
Regional Assistance Committee

Enclosure