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NUCLEAR REGULATORY COMMISSION

10 CFR PART 50

Southern California Edison Company

Filing of Petition for Rulemaking

Docket No. PRM-50-39

DOCKET NUMBER
PETITION RULE PRM 50-39
(50 FR 20799)

DOCKETED
USNRC

'85 MAY 20 P4:05

AGENCY: Nuclear Regulatory Commission.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ACTION: Notice of Receipt of Petition for Rulemaking from Southern California Edison Company.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment this notice of receipt of a petition for rulemaking. This petition, filed by Southern California Edison Company, and dated March 29, 1985, was docketed by the Commission on April 3, 1985, and assigned Docket No. PRM-50-39. The petitioner requests the Commission to amend its emergency planning regulations to clarify that onsite and offsite emergency response plans need only include medical arrangements for persons who are both contaminated with radioactive material and physically injured in some other manner which requires emergency medical treatment.

ADDRESSES: All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

DSH
add: John Phillips
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Single copies of the petition may be obtained free by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The petition, copies of comments, and accompanying documents to the petition may be inspected and copied for a fee at the NRC Public Document Room, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7086 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

BACKGROUND

I. Petitioner's Interest

The petitioner is one of the owners of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, and the licensed operator of Units 2 and 3. The petitioner states that the Court of Appeals decision in Guard v. Nuclear Regulatory Commission, 753 F.2d 1144, 1150 (D.C. Cir. 1985) has left undecided the planning standard to be applied pursuant to 10 CFR 50.47(b)(12). Particularly, the class of people for whom advance arrangements for medical services are required is not clearly stated in the present wording of 10 CFR 50.47(b)(12). The petitioner is interested in establishing standards for pre-arranged emergency medical services which are based upon a scientific and medical understanding of what is necessary to protect the public.

II. Statement In Support of Petition

a. Specific Issues Involved.

The petitioner believes that this petition raises one fundamental question:

Does the public safety require that emergency medical treatment be pre-arranged for severely irradiated persons who have not also suffered physical injury requiring immediate treatment in a medical facility?

b. Petitioner's View.

The petitioner contends that public safety does not necessitate the pre-arrangement of emergency medical treatment for severely irradiated persons who have not also suffered physical injury requiring immediate treatment in a medical facility. Specifically, the petitioner contends that scientific and medical studies, as well as evidence developed in hearing with respect to the licensing of SONGS 2 & 3, support the following conclusions:

1. Time is not of the essence in treatment of excessive radiation and, therefore, persons suffering from irradiation do not require emergency treatment.

2. Existing hospitals are capable of treating far more than the number of persons who potentially would be so severely irradiated as to require non-emergency hospitalization. The nature of radiation injury is such that transport to facilities anywhere in the United States would not increase the danger to such persons.

3. A grant of this petition would be consistent with the studies upon which 10 CFR 50.47(b)(12) was based.

c. Facts In Support of Petitioner's View.

In support of the petition for rulemaking, but not as an integral part of it, Petitioner submitted to the Commission four volumes of documents,¹ a brief summary of which is as follows:

SONGS Record Volume I (pages 1-435): This volume is the Joint Appendix submitted to the United States Court of Appeals for the District of Columbia (Docket No. 84-1091; GUARD v. United States Nuclear Regulatory Commission, 753 F.2d 1144 (1985)).

SONGS Record Volume II (pages 436-543): This volume consists of selected testimony dealing with the necessity for arrangements for medical services for injured contaminated individuals pursuant to 10 CFR 50.47(b)(12) from the extensive hearing record in the SONGS 2 & 3 Operating License Proceeding. (Southern California Edison Co.) (San Onofre Nuclear Generating Station, Units 2 & 3), LBP-82-39, 15 NRC 1163 (1982) (NRC Docket Nos. 50-361 OL and 50-362 OL).

SONGS Record Volume III (pages 544-964): This volume consists of certain exhibits entered in the above-cited operating license proceeding.

1 Bracketed citations in this petition refer to the cited documents as bound and paginated in the four SONGS Record volumes submitted with the petition. Citation is also made to cited documents as officially printed. Transcript references ("tr.") refer to the transcript from the hearing record developed in Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 & 3), LBP-82-39, 15 NRC 1163 (1982).

SONGS Record Volume IV (pages 965-1364): This volume consists of excerpts from present emergency response plans of various California agencies and governments which are relevant to SONGS 2 & 3 as well as letters of agreement which are part of the SONGS 2 & 3 Emergency Plan.

The petitioner asserts that the record in San Onofre provides ample evidence of the fact that persons experiencing excessive doses of radiation (such as might be received from a nuclear power plant accident) do not need immediate emergency medical attention. The conclusiveness of the evidence is reflected in the Licensing Board's Initial Decision of May 14, 1982 (15 NRC 1163) [vol. I, p. 1] and the Appeal Board's Decision (ALAB-680) of July 16, 1982 (16 NRC 127) [vol. I. p. 131].

The petitioner states that there is a significant medical distinction between the class of persons who are both contaminated and severely injured and those persons who are only irradiated. Petitioner notes that there are more than sufficient numbers of prepared hospitals to handle persons who suffer only from severe irradiation, and therefore recognition of this distinction in an amendment of 10 CFR 50.47(b)(2) will in no way compromise the treatment and care of the general public.

III. Proposed Amendment to 10 CFR Part 50

Therefore, the petitioner proposes that § 50.47 (b) (12) be revised to read as follows.

Emergency Plans.

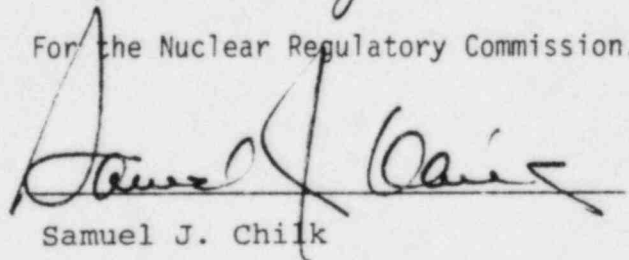
(12) Arrangements are made for emergency medical services for persons who are both (i) contaminated with radioactive material and (ii) physically injured such that immediate treatment in a medical facility is required.

IV. Conclusion

In conclusion, the petitioner contends that in the absence of alternative actions by the Commission, this rulemaking is required to respond to the mandate of the Court of Appeals in Guard v. NRC. A rulemaking which establishes clearly that 10 CFR 50.47(b)(12) applies only to persons both traumatically injured and contaminated with radioactive material is warranted by the facts that (1) time is not the essence in treatment of excessive radiation and (2) sufficient facilities exist in the form of accredited hospitals to adequately treat persons suffering from severe irradiation. Petitioner asserts that these facts are well established. The petitioner argues that this proposed amendment would properly implement the findings dictated by current scientific and medical evidence and current hospital accreditation regulations.

Dated at Washington, DC this 14th day of May 1985.

For the Nuclear Regulatory Commission.

A handwritten signature in dark ink, appearing to read "Samuel J. Chilk", is written over a horizontal line.

Samuel J. Chilk

Secretary of the Commission