

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF INSPECTION AND ENFORCEMENT  
JAMES M. TAYLOR, DIRECTOR

In the Matter of )

THE DETROIT EDISON COMPANY )  
(Fermi-2) )

Docket No. 50-341  
(10 CFR 2.206)

DIRECTOR'S DECISION UNDER 10 CFR 2.206

INTRODUCTION

By letter dated April 15, 1985, Stanley Nietubicz requested that the Nuclear Regulatory Commission (NRC) institute legal action to rectify the lack of viable evacuation routes under flood conditions for certain areas near the Fermi-2 facility. It was determined that the request would be treated under 10 CFR 2.206 of the Commission's regulations.

Notice of the NRC's intent to treat Mr. Nietubicz's request as a petition under 10 CFR 2.206 of the Commission's regulations was published in the Federal Register on June 11, 1985 (50 FR 24602). Because of the division of responsibilities for the evaluation of emergency preparedness for nuclear power plants,<sup>1</sup> the NRC requested the assistance of the Federal Emergency Management

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<sup>1</sup>FEMA, by Presidential directive, has been assigned the responsibility for assessing the adequacy of offsite emergency plans for the area surrounding a nuclear plant. The NRC is responsible for assessing the adequacy of onsite emergency plans and has the final licensing authority.

Agency (FEMA) in responding to Mr. Nietubicz's concern. In addition to the response from FEMA dated June 27, 1985, Detroit Edison Company (licensee) submitted comments on the issue in Mr. Nietubicz's petition by letter dated June 26, 1985.

### DISCUSSION

Mr. Nietubicz's concern involves evacuation routes in the environs of Fermi-2. He contends that in the event an accident should occur at Fermi-2 requiring evacuation during a flood situation, there would be no viable evacuation route for the residents of Estral Beach and Stoney Point. Mr. Nietubicz states that the Estral Beach/Stoney Point area is fronted by a shallow basin of Lake Erie. The area is subject to periodic flooding under certain wind conditions that renders existing roads impassable. Mr. Nietubicz contends that under such conditions there would be no evacuation routes leading from the Estral Beach/Stoney Point area.

In its June 26, 1985 response to Mr. Nietubicz's concern, Detroit Edison Company stated that flooding along the Lake Erie shoreline in the vicinity of Estral Beach is primarily a wind-induced phenomenon. An analysis of severe storms in the area showed that these storms and associated flooding were always accompanied by either northeast or east winds. Comparing the location of Estral Beach with the Fermi-2 reactor site shows that any release from Fermi-2 under such wind conditions would not be in the direction of Estral Beach; in fact, the wind would be directed away from the beach.

The licensee stated that flooding of this nature is not an instantaneous phenomenon. These flood-producing winds are generally in the range of 30-45 mph and sustained for 18-24 hours. As such, there is time for advanced warning from either the National Oceanographic and Atmospheric Agency (NOAA) or the Emergency Broadcast System (EBS). Should an incident occur at Fermi-2 during a storm where local flooding had occurred, persons who had not already evacuated because of the flooding could be moved with heavy vehicles from the Road Commission (if an evacuation were considered to be the most appropriate protective action).

In addition, information provided by the licensee indicates that these flooding conditions would not impact any of the paved, secondary routes which would be the primary routes used for evacuation. The Village of Estral Beach and Frenchtown Township are in the process of preparing to construct alternate secondary routes out of Estral Beach and Stoney Point, respectively. The Detroit Edison Company has agreed to participate in sharing the costs of these projects, and work on the Estral Beach evacuation route has already begun.

FEMA has evaluated the adequacy of offsite preparedness for Fermi-2 with respect to the flooding issue raised by Mr. Nietubicz. FEMA also has verified the licensee's agreement with Estral Beach to help with upgrading their evacuation route to provide protection from flood waters.

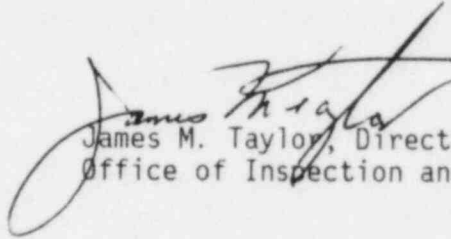
FEMA has forwarded the State of Michigan Emergency Management Division's response to Mr. Nietubicz in which the state noted that any threat to the existing evacuation routes by flooding also would be a threat to the entire area because the roads and the area are on the same flood plain. Under such conditions, the state indicated that it would seem likely that the community would evacuate early because of flooding as opposed to an accident at Fermi-2.

On the basis of the above information, FEMA continues to believe that state and local plans and preparedness are adequate and that there is reasonable assurance that the health and safety of the public can be protected in the event of a radiological emergency at Fermi-2.

#### CONCLUSION

In summary, on the basis of the above information, the NRC supports the FEMA conclusion and concludes that there is reasonable assurance that the Fermi-2 facility meets the applicable regulatory requirements and guidance of the NRC and FEMA for emergency preparedness. With respect to Mr. Nietubicz's specific emergency planning concern regarding evacuation routes raised in the petition to the NRC, the findings described above support the conclusion that his concern has been satisfactorily resolved and is adequately addressed in the emergency plans for the Fermi-2 facility. I, therefore, conclude that no further action is required to resolve Mr. Nietubicz's concern.

A copy of this decision will be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206. As provided therein, this decision will constitute final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review of this decision within that time.

  
James M. Taylor, Director  
Office of Inspection and Enforcement

Dated at Bethesda, Maryland  
this 12th day of August 1985