



D R Woodlan, Chairman
Integrated Regulatory Affairs Group
P.O. Box 1002, Glen Rose, Texas 76043

STARS-03007

February 19, 2003

Mr. Samuel Collins, Director Nuclear Reactor Regulation
Nuclear Regulatory Commission
Rockville, MD 20852

Angie Howard, Executive Vice President
Nuclear Energy Institute
Washington, DC 20555

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS AND CONCERNS RELATED TO
“REVIEW OF EMERGENCY PREPAREDNESS AT INDIAN POINT AND
MILLSTONE, *DRAFT*” DATED JANUARY 10, 2003**

Gentlemen:

The Strategic Teaming and Resource Sharing (STARS)¹ nuclear power plants are forwarding to the Nuclear Regulatory Commission (NRC) and the Nuclear Energy Institute (NEI) comments developed and concerns collected on the James Lee Witt Associates, LLC report, “Review of Emergency Preparedness at Indian Point and Millstone,” draft dated January 10, 2003. This report was requested by the State of New York and Governor George E. Pataki. The report contains detailed discussions of the areas examined, findings, conclusions and recommendations. The report does not address the safety of the plants themselves or other factors that may relate to the future status of the plants. STARS requests that the NRC and NEI factor these comments into any future communications on the subject.

The STARS plants have examined this report. STARS did not focus on the details related to the State of New York, Indian Point, Millstone or the local communities around these plants. STARS looked for generic implications in the report that might be useful in ensuring proper emergency preparedness for the STARS plants. Overall, STARS believes that the report provides useful insight into several areas of emergency preparedness which are important (e.g.,

¹ STARS is an alliance of six plants (eleven nuclear units) operated by TXU Energy, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

communications and coordination among the various agencies involved). Below are some comments that are being offered as enhancements which STARS believes will clarify or provide better perspective on certain aspects of the report.

In several locations, the report states that the emergency preparedness plans are based on regulations rather than protecting the public from radiation exposure. There is some truth in this statement but it is misleading. The regulations themselves are based on conservatively protecting the general public. The STARS members participate in the rulemaking process that develops, revises and maintains the regulations. In general, compliance with the regulations is a big step toward protecting the public. Beyond the regulations, however, STARS believes that assuring an adequate level of safety is our highest priority. That includes both the safety of the plant itself and the protection of the public. In our eyes, it is very difficult to separate these two objectives. Often this priority leads us to take action that goes beyond the conservative requirements of the regulations and our operating licenses. Based on our interactions within the nuclear industry, we believe that this approach is true of the other nuclear power plant licensees in the United States as well. As a result of insufficient interaction due to proximity, we cannot address the numerous other agencies that might become involved in emergency preparedness activities at all the licensed nuclear power plants. However, we can discuss the willingness of the agencies that may interact with our plants. These agencies all express a willingness to do the right thing, even if it means going beyond the regulations. STARS believes the findings in this area imply that the agencies are intentionally ignoring proper actions, that all they care about is compliance, and that they do not care about protecting the public. We believe these implications are incorrect.

One of the findings in the report stated, "...plans do not consider the possible additional ramifications of a terrorist caused release." The nuclear power plants in the US have all revisited their emergency plans in light of the events of September 11, 2001. This may not have been obvious to Witt Associates without full access to the security measures taken at each plant. Since September 11, 2001, the already robust security measures in place at nuclear power plants have been significantly enhanced. Many other efforts beyond nuclear plant security and emergency plans, including the creation of the new federal Department of Homeland Security and increased focus on the coordination and communication among various law enforcement agencies, have taken place. The report is correct to identify the importance of this matter but is incorrect in implying that licensed nuclear power plants have not addressed the issue. Ensuring that the security programs and emergency preparedness programs at nuclear power plants, in concert with the efforts of the federal, state and local communities, remain capable of dealing with a terrorist threat remains a priority for the nuclear industry.

The report puts significant reliance on the concept of "spontaneous evacuation" in implying weakness or inadequacy of emergency preparedness plans or federal regulations; however, the report never develops the issue in any significant depth. Therefore, STARS plants could not determine from the report if this was truly a significant issue or not. This type of incomplete

issue development presents the general public with an inconclusive issue that fosters misunderstanding.

The report stresses that different areas of the country should have different requirements. While partially true, this statement was not clarified. The regulations specify the content of the Emergency Plans and the standards that must be met. Specific acceptance criteria are provided in regulatory guidance documents. All plants must meet the regulations with respect to plan content and the stated standards. In some cases, the acceptance criteria in the guidance documents may be overly conservative for some plants and alternate approaches are acceptable. However, the minimum standards of the regulations must be met by everyone. The specific approach used to meet those standards may vary based on the plant design and location. In other words, the regulatory process already allows for the type of flexibility suggested in the report. The report did not identify or discuss specific problems that would support the implication that the regulations are insufficient.

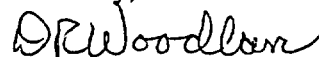
The report finds that response exercises are of limited use. This is true of any exercise. In order to execute an exercise, certain artificialities must be established in order to successfully complete the objective(s) of the exercise. It is important to minimize the impact of these artificialities to the extent reasonable in order to exercise the response organization in a realistic manner. Recognizing the limitations imposed by these artificialities, licensed nuclear power plants purposefully vary each exercise. Such variations allow the entire preparedness response organization to be fully demonstrated and evaluated over a series of exercises. While each exercise is intended to demonstrate a specific set of functions or objectives, each exercise is also intended to demonstrate the overall capability of the response organization to handle the specific scenario and to adequately protect the public. Over a series of tests, all the essential functions are demonstrated and the capability of the organization to handle the multiple potential scenarios of concern are also demonstrated. It is important that the philosophical concepts behind the response exercise be communicated and not misconstrued.

There are some specific recommendations within the report. These include recommendations to upgrade some hardware including the communications equipment used by the various agencies involved. Without going into detail with respect to each of the specific recommendations, STARS appreciates the recommendations and believes that many of them will result in further discussion by the industry. It is disappointing, however, that the recommendations are essentially one-sided. The recommendations only focus on what can be done to improve emergency preparedness without exploring the incremental improvement and without offering some judgement as to whether the improvement is justified based on the impact on the public and the nuclear plants. Maybe such an assessment was not within the scope of the report. However, if that is true, the report did not state it. As written, the report seems to imply that all the recommendations are fully justified and STARS does not believe this to be true.

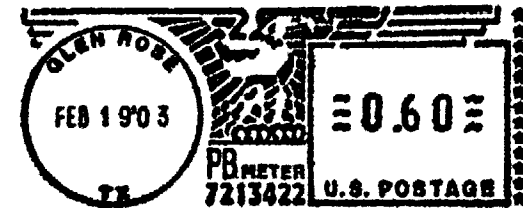
In conclusion, STARS believes that the clarifications and perspectives provided in this letter may be of use in communications or publications that the NRC and NEI might issue to enlighten

James Lee Witt and Associates, the State of New York or the general public. We believe the nuclear industry has the best emergency response plans and organizations in the country. If this report is to be a valid representation of emergency planning, the plan and exercises must be described in a proper context, without implications that they are below the standards that are used elsewhere in industry or the government. If we are to improve in a reasonable manner, specific recommendations should be provided and general criticism without proper perspective should be avoided. STARS appreciated your consideration of our comments and issues. If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodla1@txu.com.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Woodlan".

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
STARS



TXU Generation Company LP
P.O. Box 1002
Glen Rose, TX 76043

Mr. Samuel Collins
Director Nuclear Reactor Regulation
Nuclear Regulatory Commssion
Rockville, MD 20852

Return Postage Guaranteed