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PETITION RULE PRM-50-23(44FR32486)

ARKANSAS POWER & LIGHT COMPANY

POST OFFICE BOX 551 LITTLE ROCK, ARKANSAS 72203 (501) 371-4000

July 31, 1979

NRG PUBLIC DOCT. SECT. BOARD

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Mr. Gerald L. Hutton
Division of Rules and Records
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



Subject: Arkansas Nuclear One-Units 1 & 2
Docket Nos. 50-313 & 50-368
License Nos. DPR-51 & NPF-6
Comments on Critical Mass Energy
Project Petition for Rulemaking
(File: 1510, 2-1510)

Gentlemen:

The following is provided as our comments to the petition for rulemaking submitted by the Critical Mass Energy Project, et al noticed on page 32486 of the June 6, 1979, Federal Register. The numbers and topics correspond to the Federal Register Notice.

1. Coordinated Offsite Emergency Response Plan

All 10 CFR Part 50 Licensees are required and do have Emergency Plans which detail actions to be taken and agencies to be notified in the event of a radiological emergency. However, a utility only has evacuation jurisdiction on the land surrounding its facility which it owns. Any actions beyond the utility's property must be undertaken by agencies with proper authority. Actions by offsite agencies should be taken considering data and advice provided them by the utility. Beyond its property, a utility does not and cannot have the authority to evacuate.

We believe it would be prudent of state and federal agencies to have or develop Emergency Plans. These plans would, of course, be important in a radiological emergency, but potentially of more importance in light of accidents that occur with much greater frequency than radiological accidents (e.g. chemical spills, toxic gas releases, large fires, etc.)

2. Test of the Plan

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"Tests" of emergency communication, health protection, and radiation monitoring are practiced routinely by our nuclear facility and appropriate offsite agencies. The same organizations which work in these areas on a daily basis would be responsible for the same in an emergency situation.

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The proposed annual evacuation drill is viewed by us as non-productive and possibly dangerous to the public involved. Such a "test" would impose a burden on the public and the economy of the area as well as potentially subject that populus to danger.

History has shown that evacuations have resulted in injury to those involved. Trying to mobilize a large population imposes significant risk to the public health and safety and as such we are forbidden to participate in such an activity, where no danger to the populus exists, by 10 CFR 50.59.

Aside from the danger such an activity would present to the public, we do not believe such a drill is possible for the following reasons:

- A) The utility legally cannot conduct such a test or require offsite agencies to conduct such a test.
- B) It may be difficult to obtain public cooperation in an unnecessary test.

No need has ever been established for such a massive evacuation around a nuclear facility. This is substantiated by the TMI-2 incident where the amount of failed fuel was significantly in excess of previous assumptions. Even in this case, the radiation doses the surrounding populus received were small, well within the limits previously set for safety and indeed did not warrant an evacuation of the public.

3. Offsite Radiological Monitoring

During normal plant operation, offsite radiological monitoring is performed on a routine basis. This monitoring includes air, soil, vegetation, milk, fish, etc.

In the event of a radiological emergency, cumulative dose is not a significant factor in determining potential danger to the public (e.g. the need for evacuation). What is important is determining dose rate and projecting that to a potential cumulative dose to determine the need for evacuation. Determination of dose rate is not complicated and does not warrant a sophisticated fixed system.

4. Public Notice and Hearings

The offsite Emergency Response Plan is the responsibility of state and/or federal agencies. The utility cannot prescribe or implement such a plan.

Through the basics of our government, the populus elects representatives to protect them. These representatives gather and organize the appropriate experts to ensure that protective responsibility is effectively fulfilled. This type of public representative is accepted and effective in issues which present a much greater risk to the populus such as national defense, transportation (cars, and air), pollution, etc. There are numerous things to which the public is daily exposed that present a significantly greater risk to health and safety. If the intent of this proposal is to decrease

the risk to the public, we believe it would be prudent to begin with those issues that present the greatest risk, i.e., not nuclear power.

5. Consideration of Emergency Protection in Licensing and Siting

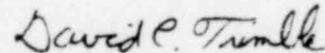
The NRC cannot impose such a requirement on utilities as it is impossible for utilities to comply. However, if appropriate legislation were enacted by other authorities, the effect would be a granting of Licensing Authority to the states since no plant could be built unless the state complied with the regulation.

Use of nuclear power within a state provides economical, reliable, and desirable energy to the residents. Appropriate public hearings are given to determine the desirability of nuclear power within a state before a plant is licensed and built. It is the responsibility of the duly elected state officials to protect their represented populus. Their failure to provide adequate protection to their represented populus cannot be the responsibility of the utility. The utility fulfills its responsibility to protecting the public health and safety by complying with Federal, State and local regulations.

6. Emergency Response Plans for Existing Reactors and Interim NRC Safety Action

Repeating previous comments, such a plan cannot be the responsibility of the utility.

Very truly yours,



David C. Trimble
Manager, Licensing

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