



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

June 26, 1979

OFFICE OF THE
CHAIRMAN

The Honorable John D. Dingell, Chairman
Subcommittee on Energy and Power
Committee on Interstate and Foreign Commerce
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

On March 30, 1979, the Comptroller General of the United States submitted a report to the Congress entitled "Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies." The report made two specific recommendations to the Chairman of the Nuclear Regulatory Commission, one recommendation applicable to the Chairman and the Secretaries of Defense and Energy and specific recommendations to the Secretaries of Defense and Energy. In addition, the report made a recommendation to the Director, Federal Emergency Management Agency that has direct implications for an interagency program for which the Nuclear Regulatory Commission staff provides leadership.

I am pleased to provide you with the enclosed statement of actions the Nuclear Regulatory Commission plans to take in addressing the recommendations directed at this agency. It also includes a reaction to the recommendation made to the Director, Federal Emergency Management Agency.

In addition, Commissioners Gilinsky and Bradford want to make clear their view that the NRC should allow nuclear power plants to begin operation only where satisfactory emergency plans covering the response of the utility and the local and State authorities are in place and where arrangements have been made for periodic exercise of these plans. They are not convinced, however, that the present State emergency plans, being developed and concurred in by the NRC, are what is required. For the longer term a definitive approach will be developed through a rulemaking as described in the Commission response. In the near term, they look to the recently formed NRC Task Force on Emergency Planning to develop an interim approach in about a month.

Sincerely,

Joseph M. Hendrie
Chairman

Enclosure:
Response to GAO Report

cc: Rep. Clarence J. Brown

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NRC ACTIONS ON GAO RECOMMENDATIONS TO CHAIRMAN, NRC

GAO Recommendation

1. "The Chairman, Nuclear Regulatory Commission should allow nuclear power plants to begin operation only where State and local emergency response plans contain all the Commission's essential planning elements. In addition, the Commission should require license applicants to make agreements with State and local agencies assuring their full participation in annual emergency drills over the life of the facility."

NRC Response

In carrying out its mandate to protect the public health and safety, the NRC has, to date, focused its primary attention on the site characteristics and design features of nuclear facilities which are proposed by license applicants. Our licensing process has been structured accordingly, with a view toward ensuring substantial conservatisms in the design and operational safety margins of nuclear power plants. In addition to ensuring that the proposed facility site and design meet our licensing standards and criteria, we review the applicant's emergency plans, which are designed to provide an additional margin of protection for the public living in the near vicinity of the proposed facility.

The NRC's licensing requirements related to an applicant's emergency plans are set forth in Appendix E to 10 CFR Part 50, "Emergency Plans for Production and Utilization Facilities." Additional guidance is provided in Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants." In addition to establishing plans and procedures for coping with emergencies within the boundary of the nuclear power plant site, applicants are required to make certain emergency readiness arrangements with State and local organizations to cope with plant-related emergencies outside the site boundary, with particular emphasis on the low population zone. In this context, we have regarded off-site emergency plans to be related to the nuclear licensing process.

The NRC, with the cooperation of seven other Federal agencies, has had some success in assisting State and local governments in the preparation and evaluation of their radiological emergency response plans and in other activities to improve State and local preparedness efforts. This activity does not rest on any specific statutory authority, however, and has been accomplished on a cooperative and voluntary basis. Such plans are necessary since they do provide an added assurance to the State and local officials and to the general public in the vicinity of nuclear power plants that appropriate protective measures are available in the event of an accident with off-site consequences.

NRC has formulated basic guidance documents to assist State and local governments to improve their capabilities to respond to the off-site effects of a nuclear power plant radiological accident. However, we have not considered it necessary to require that State and local radiological emergency response plans contain all the Commission's essential planning elements as a condition precedent to issuing a nuclear power plant operating license.

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In the past, NRC has encouraged the licensee to make arrangements for emergency drills by State and local governments. This participation has been encouraged by the NRC in two ways: on the licensee side through the language in 10 CFR 50 Appendix E, paragraph IV.I; and on the State side by making a test of a State plan a precondition to NRC concurrence. We expect the State plans to be updated and tested annually thereafter.

The Three Mile Island accident has raised a number of questions about the adequacy of emergency radiological response plans and the legal requirements for such plans. The GAO recommendation that the NRC should not license additional nuclear power plants for operation unless the associated State and local emergency response plans have been concurred in by the NRC has been viewed by many as the answer to these questions. This proposed licensing requirement will be the subject of an upcoming, expedited NRC rulemaking procedure. Within the next two weeks we anticipate issuance of an advance notice of proposed rulemaking. This rulemaking will include consideration of the following issues, as a minimum:

- a. What should be the overall objectives and specific goals for State and local emergency plans, and for licensee plans?
- b. What constitutes an effective emergency response plan for State and local agencies, as well as for licensees (i.e., what are the critical elements that must be included in an effective plan)?
- c. Should periodic joint drills or exercises involving the nuclear facilities and the States and local governments be a specific requirement for initial and continued NRC concurrence in emergency response plans?
- d. Should prior NRC concurrence in the associated State and local emergency response plan be a requirement for the issuance of any new operating license for a nuclear power plant? If so, when should this general requirement become effective?
- e. Should NRC concurrence in the associated State and local emergency response plan be a requirement for continued operation of any nuclear power plant with an existing operating license? If so, when should this general requirement become effective?
- f. What should be the criteria for judging acceptability of the interface between, and coordination of, on-site licensee emergency plans and off-site State and local plans?
- g. What actions should be taken in response to the recommendations of the joint NRC/EPA Task Force Report?*
- h. How should local planning be funded, particularly in the first year(s) when most of the basic work must be done?

The Commission recognizes the need for expedited action with respect to this rulemaking.

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*Planning Basis for Development of State and Local Government Radiological Emergency Response Plans for Support of Light Water Nuclear Power Plants," NUREG-0396/EPA 520/1-78-016, December 1978.

The current objective of the NRC in this regard extends beyond the question of requirements associated with the granting of licenses for operation. It is our goal to ensure that effective, tested State and local emergency response plans are established, as well as licensee plans, wherever needed and on an accelerated schedule. Nowhere is this need more evident than in States where we already have nuclear power plants in operation. To this end, we are now engaged in a comprehensive re-evaluation of NRC's approach to radiological emergency response planning and preparedness. Our current efforts in this regard are outlined below:

- As an interim measure and in preparation for the rulemaking, we are re-examining our program in the emergency response area with respect to the responsibilities of NRC, licensees, State and local governments, and related Federal agencies. We will review our guide and checklist of essential elements in State and local plans in the light of lessons learned at Three Mile Island, and we will examine how to review previously concurred-in plans should revisions in the guide and checklist seem appropriate. We will investigate ways in which NRC can provide additional technical assistance to State and local agencies once their plan has been approved, e.g., by providing realistic scenarios for use in tests and drills.
- We are moving rapidly to assist States in which NRC concurred-in State plans do not presently exist. We have already written to the Governor of each State with a nuclear power plant in operation (and to those States contiguous to those with operating reactors) where NRC has not concurred in the State's emergency plans, to urge his immediate attention to this important area and to offer NRC's assistance in the development of the State's emergency response plan. In addition, we have recently transmitted similar letters to the Governors of those States in which nuclear power plants are being constructed.
- We have solicited comments from the States on GAO's specific recommendation, and we will consider their suggestions in the re-examination of our program and in the upcoming rulemaking.

In summary, NRC is committed to meeting the objective of having effective, tested emergency response plans in place, wherever they are needed, as early as possible. To this end, we will reprogram present resources and seek additional resources as necessary.

GAO Recommendation

2. "The Chairman, Nuclear Regulatory Commission, should establish an emergency planning zone of about 10 miles around all nuclear power plants as recommended by the Environmental Protection Agency/Nuclear Regulatory Commission Task Force, and require licensees to modify their emergency plans accordingly."

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NRC Response

The EPA/NRC Task Force report entitled "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," NUREG-0396/EPA-520/1-78-016, recommends the establishment of about a 10 mile emergency planning zone for the plume exposure pathway and another zone of about 50 miles for the ingestion exposure pathway. The report was published for comment and we extended the public comment period from March 30 to May 15, 1979. The Commission will give careful consideration to the recommendations of the Task Force, the public commenters, the NRC staff, other Federal agencies, and the GAO on the matter of establishing emergency planning zones around nuclear power plants in the context of the forthcoming rulemaking on emergency planning. (See item g of the rulemaking issues to be considered, in response to GAO recommendation #1.)

GAO Recommendation

3. "The Chairman, Nuclear Regulatory Commission, and the Secretaries of Defense and Energy should, to the extent that national security is not jeopardized, require that people living near facilities be periodically provided with information about the potential hazard, emergency actions planned, and what to do in the event of an accidental radiological release."

NRC Response

The experience of TMI shows that the present procedures for informing the potentially affected population near nuclear power plants should be re-examined. Consequently, we are evaluating all our procedures in the communications area. We have to determine what information -- general and site-specific -- should be given to the public prior to an emergency to assure effective response if a radiological emergency occurs. In addition, we must clarify procedures for communicating with the public during a radiological emergency: who should provide the information, what information should be provided, and what modes of communications should be used. The Commission will take the necessary actions to implement the GAO recommendation in connection with its ongoing assessment of regulatory requirements and the adequacy of State and local plans in emergency planning and preparedness.

The Commission makes no comment on the GAO recommendation to DOD and DOE. However, we will provide appropriate support in those States and local areas where joint planning is necessary for emergencies from both licensed and government nuclear facilities.

GAO Recommendation

4. The report recommends that the Director, Federal Emergency Management Agency (FEMA) assume the responsibility for making policy and coordinating radiological emergency response planning around nuclear facilities.

360 079

NRC Response

The NRC believes that FEMA should have an active policy and coordinating role in this area. However, because FEMA is newly established and has not yet had an opportunity to develop inhouse expertise in radiological emergency response planning, it would be premature for it to assume the lead role now. At least while FEMA is gaining that expertise, it will be necessary for the agencies already involved, such as NRC, EPA, DOE, and HEW, to continue providing assistance to State and local governments in emergency planning and preparedness. In this regard the NRC is prepared to retain the functions essential to its role as nuclear regulator (e.g., for on-site monitoring and overseeing radiological training) for the interim and to re-evaluate our role when FEMA is fully organized and staffed. We welcome the establishment of FEMA and look forward to working with that agency in coordinating Federal, State and local planning and preparedness to improve protection of the public in the event of a radiological emergency.