

August 6, 1979

DOCKET NUMBER

PROPOSED RULE

**21**  
**PR-50(44FR 41483)**

Mr. Samuel J. Chilk, Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555



Dear Mr. Chilk:

Niagara Mohawk has noted with interest the petition for rulemaking by Critical Mass Energy Project, et. al.; to revise 10 CFR 50 Appendix E. Provided herein are Niagara Mohawk's comments on this petition for rulemaking.

The following are specific comments on each of the proposed amendments:

1) Coordinated Off-Site Emergency Response Plan

This is not a necessary amendment since 10 CFR 50 Appendix E now requires the development of an emergency plan. The major deviation from the existing regulation is the requirement to protect the public 50 miles from the licensed facility. There is no apparent benefit or technical justification for specifying this limit. Offsite emergency planning is usually the responsibility of the state and local governments.

2) Test Of The Plan

The benefit of testing the emergency plan, including an evacuation drill in which a representative sector of angular width of 7° to a distance of 30 miles, should be quantified so that it can be compared to the cost. The cost of such a test should include the possible injury to individuals being transported.

In addition, the petitioners state that "All costs of conducting both offsite and onsite tests shall be borne by the licensee or licensee applicant." Do all costs include lost revenue to industry, lost income to individuals, transportation cost, etc?

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2) Test Of The Plan (Continued)

In an emergency situation, leadership by state and federal authorities, and the licensee involved is more important than practice by the general public. Therefore, it is more appropriate to require an emergency drill by a team of federal, state and licensee representatives without impacting the public. This type of drill could effectively train responsible individuals for leadership during emergency incidents.

3) Off-Site Radiological Monitoring

The need to maintain a system of offsite radiation detectors to determine radiation exposure to the public at ranges of 10 and 50 miles is unreasonable. Current specifications require monitoring of onsite and offsite locations, but not at these distances.

These monitors at 10 and 50 miles would only be used during an emergency situation. It is more practical to require that emergency plans include provisions for monitoring teams in the event of an accident. This will preclude unnecessary monitoring and maintenance of instrumentation and unnecessary expenditure.

4) Public Notice and Hearing

Distribution of information such as physical characteristics and development of radiation release, the health dangers of radiation exposure, e'tc. would not benefit the public. This information would unjustifiably infer to the public that nuclear power plants are not safe.

Leadership by state and federal authorities, and a licensee is the most important issue in an emergency situation. Therefore, it is imperative that all responsible agencies, both state and federal, be kept abreast of changes in licensee emergency plans, authority and other items affecting the implementation of the plan during an emergency.

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5) Consideration Of Emergency Protection In Licensing And Siting

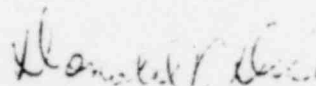
This request for amendment states that "No construction permit or operating license shall be issued in a state in which the state radiological emergency response capability has not been certified effective by the NRC..." The licensee should not be penalized if the state in which the plant is to be located does not have a certified radiological emergency response plan. This is a matter which should be resolved between the state and federal authority.

6) Emergency Response Plans For Existing Reactors And Interim NRC Safety Action

Currently, 10 CFR 50 Appendix E requires that nuclear power facilities have emergency plans and that these be periodically tested. This proposed amendment is to retrofit existing plans to be consistent with the other proposed amendments. As stated above, the other five amendments are not necessary; therefore, there is no need for this amendment.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



Donald P. Dise  
Vice President-Engineering

GJG/szd