

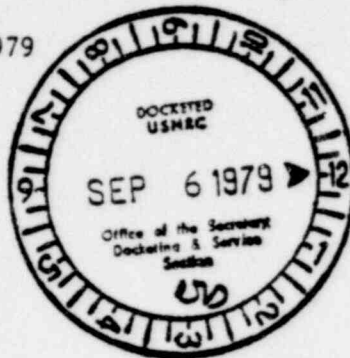
DUKE POWER COMPANY
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DOCKET NUMBER ⁷¹
PROPOSED RULE PR-50
(44 PR 41483)

WILLIAM O. PARKER, JR.
VICE PRESIDENT
STEAM PRODUCTION

August 30, 1979

TELEPHONE: AREA 704
373-4083



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

Subject: Advance Notice of Proposed Rulemaking (10CFR Part 50)
Emergency Plans (State/Local) in Areas of Power Reactor Operations
Federal Register Vol. 44, No. 138, Page 41483
FR Docket Number 79-22078

Dear Mr. Chilk:

Duke Power Company generally agrees with the comments submitted by the Atomic Industrial Forum and the KMC, Inc. on the subject Notice of Proposed Rulemaking concerning "Adequacy and Acceptance of Emergency Planning Around Nuclear Facilities" and hereby essentially adopts them as our own comments.

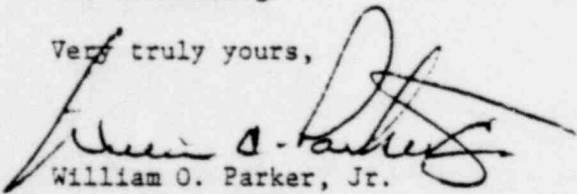
Also, we submit the following comments (see Attachment I) which are intended to clarify our specific answers to each of the fourteen (14) sets of questions asked in the subject Notice.

Additionally, we are attaching two letters which have been previously submitted on closely related issues which support and further explain our position on Emergency Plans.

Attachment II - Mr. W. O. Parker, Jr., Vice President, Steam Production, Duke Power Company, March 27, 1979 to Mr. Harold E. Collins, U. S. Nuclear Regulatory Commission. Subject: NUREG-0396 Radiological Response Plan.

Attachment III - Mr. Lionel Lewis - System Health Physicist, Duke Power Company and Emergency Planning, July 18, 1979 to Mr. Samuel J. Chilk, Secretary, U. S. Nuclear Regulatory Commission. Subject: Critical Mass Emergency Plan Petition for Rulemaking

Very truly yours,


William O. Parker, Jr.

RFJ:scs
Attachments

Acknowledged by card. 9-6-79

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COMMENTS ON ADVANCE NOTICE OF PROPOSED RULEMAKING

ADEQUACY AND ACCEPTANCE OF EMERGENCY
PLANNING AROUND NUCLEAR FACILITIES

1. What should be the basic objectives of emergency planning?
 - a. To reduce public radiation exposure?
 - b. To prevent public radiation exposure?
 - c. To be able to evacuate the public?

Response:

The basic objective of emergency planning is to mitigate the possible offsite consequences of emergencies and provide reasonable assurance that appropriate measures can and will be taken to protect the health and safety of the public and to minimize damage to property.

The EPA Protective Action Guides are useful for quantifying action levels to minimize radiological risks. However there is a need to establish appropriate dose levels below which protective action is not appropriate. In all cases the non-radiological risks need to be considered in any evacuation.

2. What constitutes an effective emergency response plan for State and local agencies? For Licensees? What are the essential elements that must be included in an effective plan? Do existing NRC requirements for licensees (10CFR Part 50, Appendix E) and guidance for States (NUREG-75/111) lack any of these essential elements?

Response:

The essential elements of an effective emergency response plan are to define assessment capabilities, response capabilities, communications networks, and how an emergency would be managed.

These elements are described for licensees in Reg. Guide 1.101. The elements for State and local agencies are contained in NUREG-0396. However, we do not agree with planning to 50 miles. Items lacking in existing guidance includes the organization for crises management which was a lesson learned from Three Mile Island. Duke Power Company essentially believes in a two-tiered plan for emergency handling. The first would involve the utility and local emergency organizations that are involved in the initial response. The State and Federal governments would be involved in supplemental emergency measures or follow-up measures. In other words the State and Federal government would add resources to the local area response as a follow-up to the initial immediate emergency response that was taken by the utility and local agencies. Flexibility needs to be considered in developing a plan as well as site specific aspects and the capabilities of local agencies.

3. & 4. Should NRC concurrence in the associated State and local emergency response plans 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?

Should prior NRC concurrence in the associated State and local emergency response plans 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.

Response:

NRC concurrence should not be necessary to continue or to begin operation of a nuclear power station. However, concurrence should be looked upon as a goal to be achieved within some reasonable period of time such as three (3) years. It would be very difficult to work with and develop emergency plans with local agencies if their plans had to be submitted to the NRC for concurrence. We feel a concurrence should be reserved solely for the State plan.

5. Should financial assistance be provided to State and local governments for radiological emergency response planning and preparedness? If so, to what extent and by what means? What should be the source of the funds?

Response:

Duke Power Company believes that emergency funds should be available through the Federal Emergency Management Administration to assist State and local agencies with the development of their plans.

6. Should radiological emergency response drills be a requirement? If so, under whose authority: Federal, State or local government? To what extent should Federal, State, and local governments, and licensees be required to participate?

Response:

Yes, it appears to be appropriate to hold radiological emergency response drills. The utilities, Federal and State agencies could each hold their own drills to develop competency in their areas and at some period of time a comprehensive drill involving the utility, Federal, State and local agencies and should be held. Individual drills could be held under the authority of the individual agencies but comprehensive drills could be initiated under the authority of the utility and follow-up action in the same emergency plan could be done under the authority of the Federal and State agencies.

7. How and to what extent should the public be informed, prior to any emergency, concerning emergency actions it might be called upon to take?

Response:

Brief descriptive information concerning the emergency plan should be made available by all of the agencies involved. However, they should not be distributed on a routine basis to all persons within the local area around the nuclear power station.

In a sense, the emergency plan should be handled as the Civil Preparedness Agency now does for all other emergency situations such as floods, hurricanes, tornadoes, earthquakes and the like. In other words, at present, local Civil Preparedness Agencies have plans, people can obtain these plans, they are made aware of the fact that such plans are available and that the plans can be obtained but a copy is not necessarily distributed to each and every person within the local area. Utilities could advise their local customers that the emergency plans are available upon request and upon receiving a request a brief synopsis of pertinent information could be submitted to the individual inquiring about this.

8. What actions should be taken in response to the recommendations of the joint NRC/EPA Task Force Report (NUREG-0396/EPA 520/1-78-016)?

Response:

The NRC should not endorse the NRC/EPA Task Force Report (NUREG-0396) since it conflicts with established safety philosophies designed to protect the public in regard to Class 9 accidents. Duke Power Company has previously submitted comments on NUREG-0396 by letter dated March 27, 1979. This letter is appended and our position on this matter has not changed - see Attachment II.

9. Under what circumstances and using what criteria should a licensee notify State, local and Federal agencies of incidents, including emergencies?
When, how, to what extent, and by whom should the public be notified of these incidents?

Response:

If quantitative or concise descriptive information is available to define incidents and emergency situations, then the utility is obviously obliged to

report these situations immediately upon determination that they have an incident or emergency situation or upon their evaluation of the potential offsite effects of such an accident situation. If the public will or is likely to become involved as a result of releases offsite to the extent that protective action will be required on their part, then they should be notified immediately by the utility, by the NRC, by State and local agencies through their communications networks with the communications media.

Duke Power Company has submitted comments on the Critical Mass Energy Project petition for rulemaking by letter dated July 18, 1979 (Attachment III) and hereby adopts this response in reply to the questions raised in Item 9.

10. How and to what extent should the concerns of State and local governments be incorporated into Federal radiological emergency response planning?

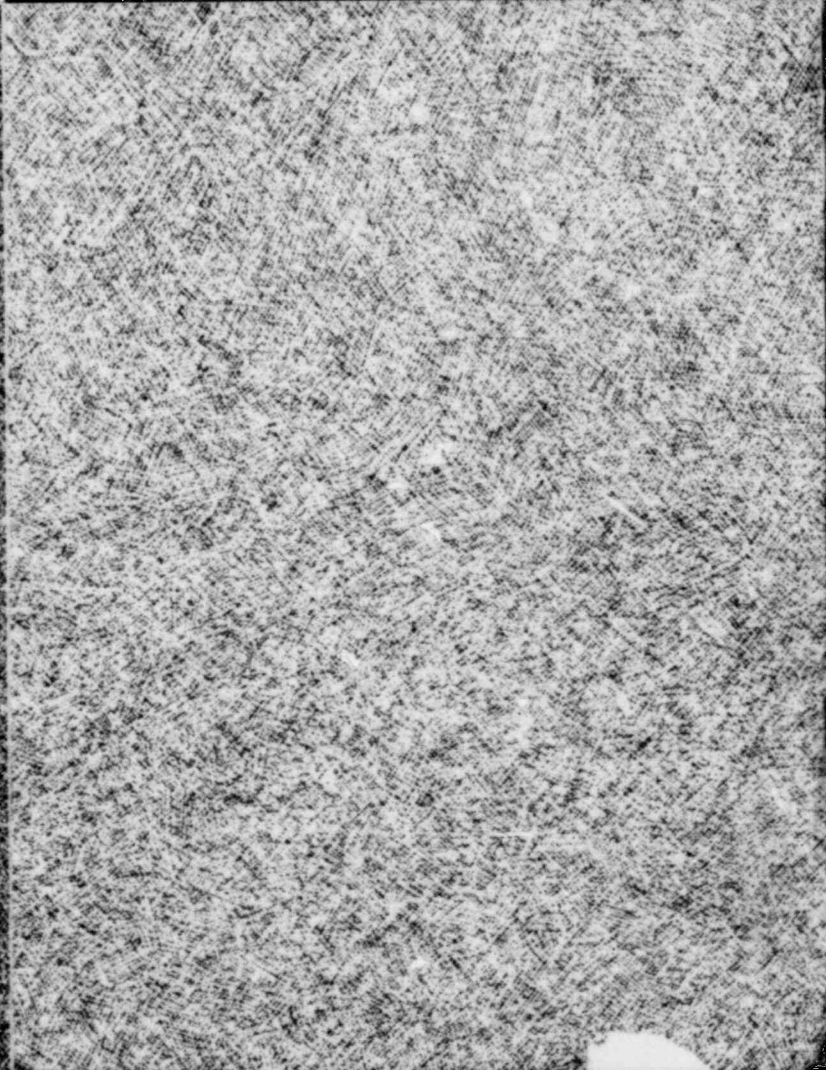
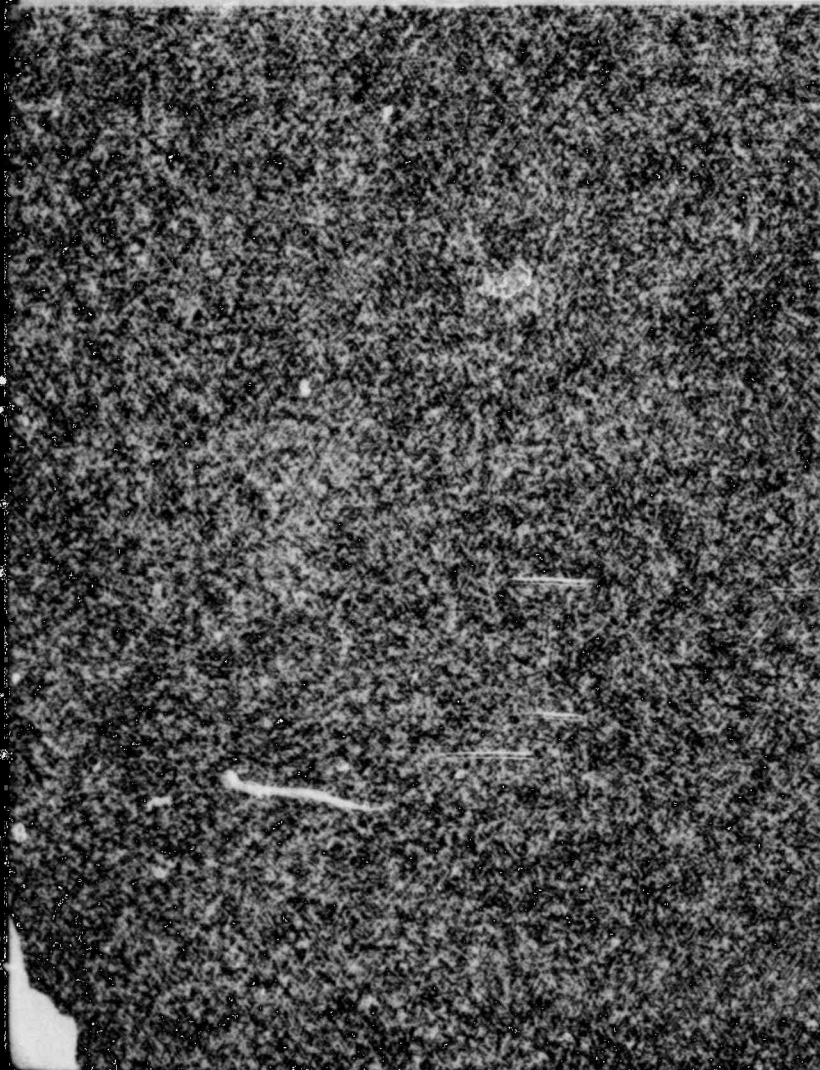
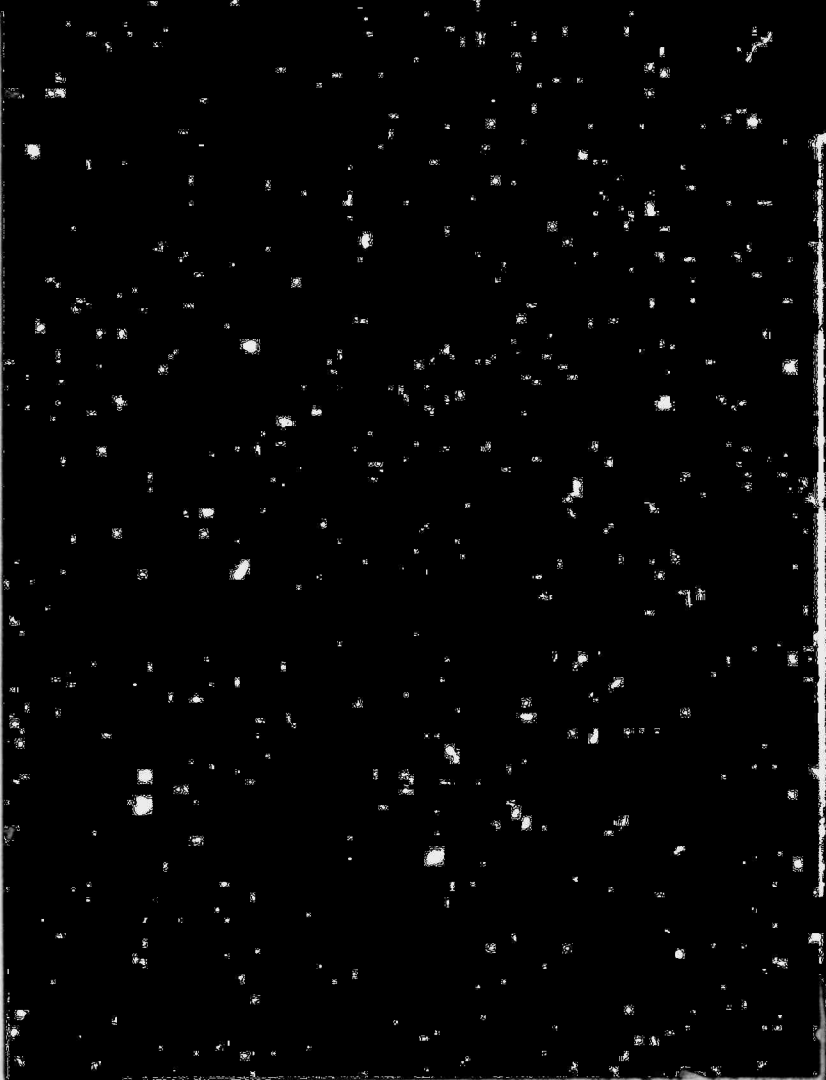
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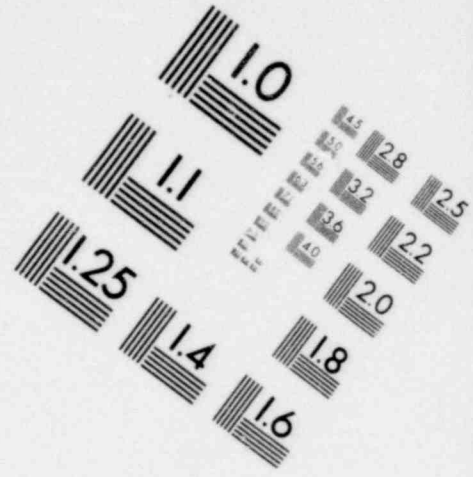
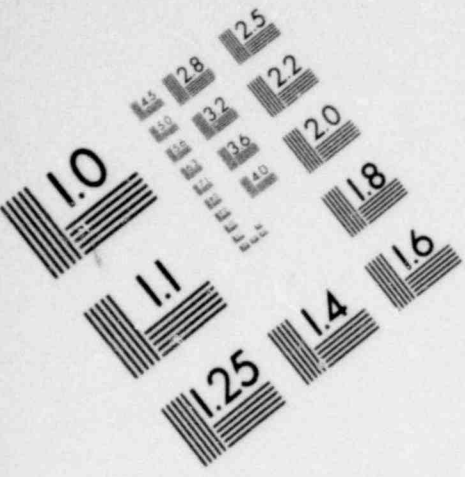
The Federal government should provide guidelines for State and local governments. However the government should not have a plan that preempts State and local government authority. Funds for development of State and local governments plans should be available through the Federal Emergency Management Agency.

11. How should Federal agencies interface with State and local governments and the licensee during emergencies?

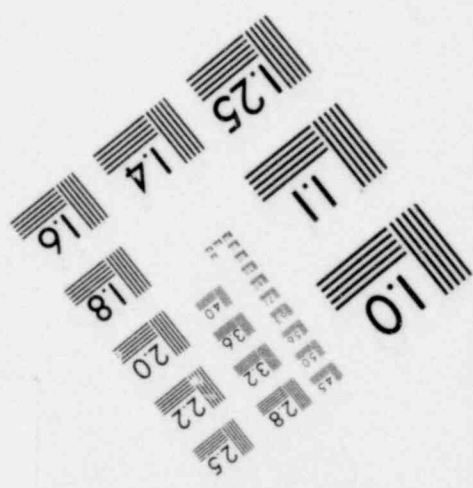
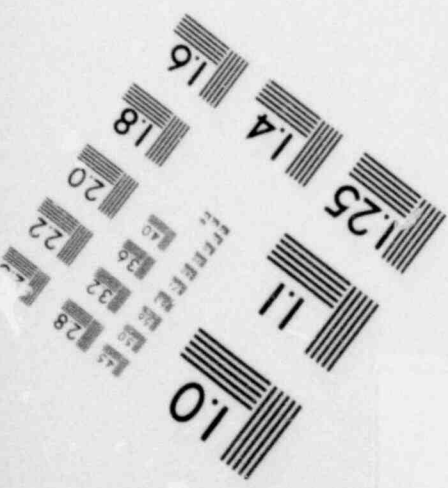
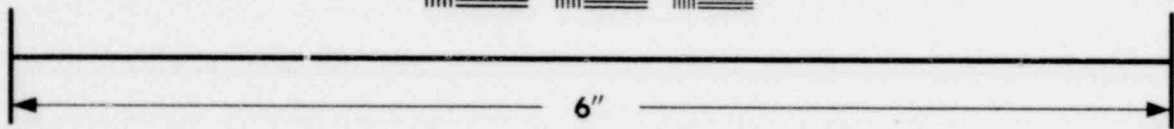
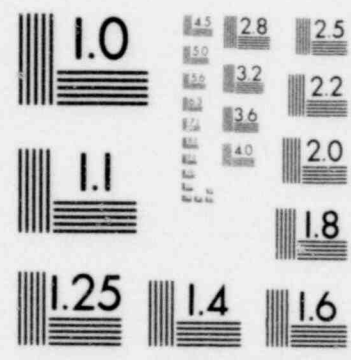
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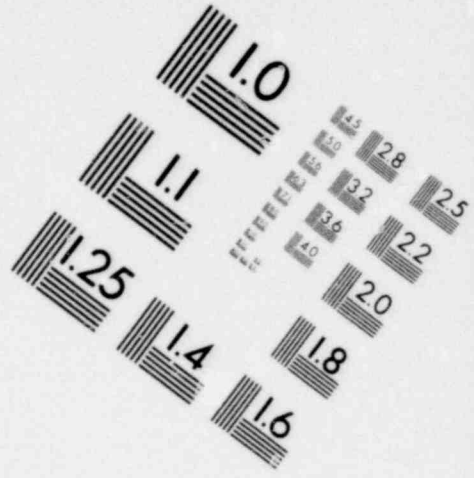
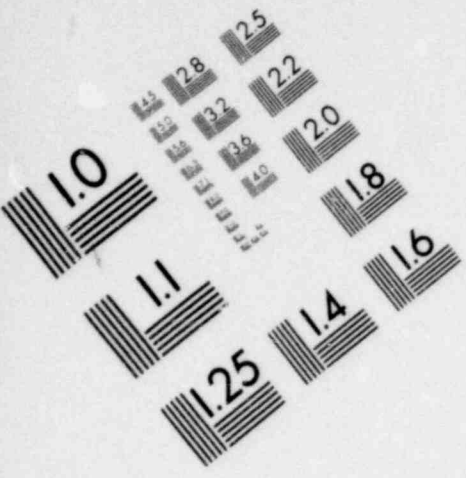
The initial action in response to an emergency situation should be between the utility and local agencies. Follow-up public health action would then come through State and Federal agencies in a two-tiered type of response such as we referred to earlier. Obviously coordination between these agencies at a central emergency response center is necessary to accomplish this.



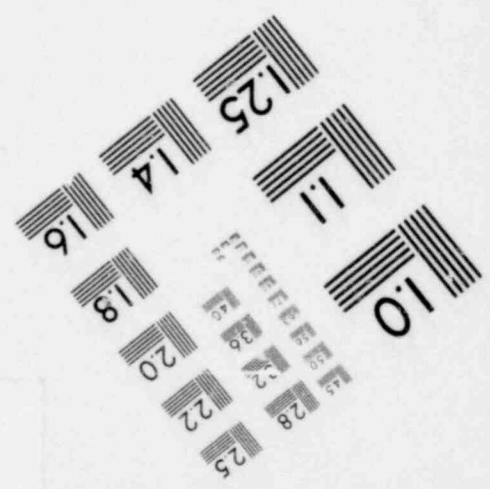
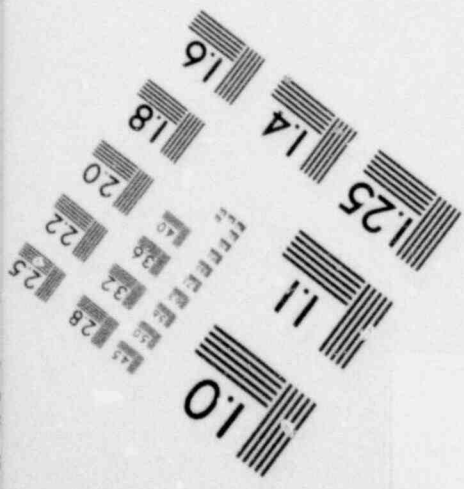
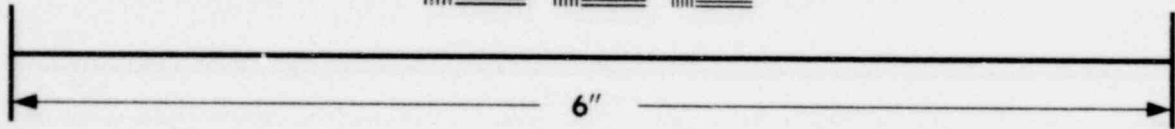
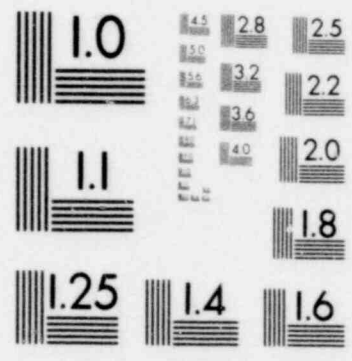


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**IMAGE EVALUATION
TEST TARGET (MT-3)**



12. Should the licensees be required to provide radiological emergency response training for State and local government personnel? If so, to what extent? Should the Federal government provide such training? If so, to what extent?

Response:

The licensee should not be required to provide generalized radiological emergency response training for State and local government personnel. However, local agencies as well as local government and State personnel would certainly need to be informed of the utilities plans and the means by which they would initiate the plans and so forth to this extent, training should be provided by the utility. But, generalized training in emergency response should not be provided. This should be available through Federal programs.

13. To what extent should reliance be placed on licensees for the assessment of the actual or potential consequences of an accident with regard to initiation of protective action? To what extent should this responsibility be borne by Federal, State or local governments?

Response:

The immediate or initial action is obviously best handled by the utility and local agencies because the utility is obviously in the best position to know that they have an emergency situation and what action is required. The local agencies are in the best position to respond immediately if protection of the public is required. Follow-up action for the further protection of the health and safety of the public should result from actions of State and Federal agencies, again, in a two-tiered response system which we have referred to in replies to earlier questions.

14. Would public participation in radiological emergency response drills, including evacuation, serve a useful purpose. If so, what should be the extent of the public participation?

Response:

There should be no requirements for public participation in emergency response such as evacuation. The public of course should have some knowledge of local agency plans and obviously in an emergency situation they will be advised by the communications media as to the appropriate action to be taken. However, there should be no public participation required in these drills. The normal safety hazards of such participation by large groups of people can and will far outweigh any good that can result from their participation. By comparison, the public does not get involved in rehearsals or drills of emergency actions for floods, fires, hurricanes, tornadoes and the like and yet they are knowledgeable of them and take appropriate action when and if they do occur.