

ATTACHMENT II  
DUKE POWER COMPANY

POWER BUILDING  
422 SOUTH CHURCH STREET, CHARLOTTE, N. C. 28242

WILLIAM O. PARKER, JR.  
VICE PRESIDENT  
STEAM PRODUCTION

March 27, 1979

TELEPHONE AREA 704  
373-4053

Mr. Harold E. Collins  
Assistant Director For Emergency Preparedness  
Office of State Programs  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Subject: NUREG-0396, EPA 520/1-78-016  
"Planning Basis for the Development of State and Local Government  
Radiological Emergency Response Plans in Support of Light Water  
Nuclear Power Plants  
Duke Power Company Comments

Dear Sir:

With regard to the above subject, Duke Power Company considers that the "50 Mile Emergency Plan" is a regulatory absurdity. Up to now considering the defense in depth concept required for the construction and licensing of a nuclear power plant, the licensing considerations concerning those design aspects required to prevent an accident from occurring and to mitigate the consequences of an accident should it ever occur were considered to be quite conservative. The emergency plan on the other hand was considered to be a prudent, if not a realistic requirement, for use if all else failed concerning a spectrum of accidents up to and including the Design Basis Accident.

Looking back, it would appear that what the Agreement State program directors really wanted was an evaluation by the NRC as to what realistically should be required for an emergency plan given the considerable conservatisms that went into the licensing. In other words, it would appear that the design basis accident was really not realistic as far as the requirements for emergency planning were concerned. It is believed that the more knowledgeable program directors probably expected a considerable reduction from the design basis accident as a realistic level for emergency planning purposes. Instead, they received via this report an accident that is much greater than that even considered for licensing purposes.

It is unsupportable to consider an accident for emergency planning purposes that is much greater than any that need be considered for conservative licensing purposes. We do not believe that a realistic plan should cover accidents that are not considered as necessary for licensing.



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Since the specific reactor license is affected by state and local planning, we are extremely concerned if the state makes plans for 50 miles radius distance for the emergency planning zone. It is obvious from experience in these matters that licensing of the nuclear power plant would depend on the state's having such a plan and thus it would directly affect the utility's ability to get a given nuclear power plant licensed. For example, if a utility must provide accurate information and organize emergency procedures for local government for the 50 mile emergency planning zone, the amount of work required would be very extensive. In any event the 50 mile radius presents a considerable problem as far as the magnitude of work is concerned since many counties and several states would likely be involved. If a State did not agree to do the work the utility might be required to finance the State program. If the State was not an Agreement State the job might be impossible to accomplish.

It is Duke Power's belief that only a realistic spectrum of accidents should be assumed, within the limit of the design basis accident required for licensing, for emergency planning and the unjustified increase for emergency planning purposes out to 10 miles and to 50 miles should be eliminated.

Very truly yours,

William O. Parker, Jr.

RFJ:scs

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ATTACHMENT III  
**DUKE POWER COMPANY**  
STEAM PRODUCTION DEPT.  
GENERAL OFFICES  
422 SOUTH CHURCH STREET  
CHARLOTTE, N. C. 28242

P. O. BOX 33189

TELEPHONE AREA 704  
373-4011

July 18, 1979

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

Attention: Docketing and Service Branch

Re: Docket No. PRM-50-23  
Critical Mass Energy Project, et al.  
Petition for Rulemaking

Gentlemen:

Duke Power Company, an investor-owned utility serving the Piedmont sections of North and South Carolina, has reviewed the petition for rulemaking filed by the Critical Mass Energy Project, et al. in the above-referenced docket. Duke Power Company believes that the petition should be rejected and submits the following comments:

The proposed rulemaking suggests a totally unrealistic and impractical program and uses the Three Mile Island accident as its basis. The Three Mile Island accident in itself did not show that a more comprehensive and extensive evacuation plan was necessary. On the contrary, it showed that an evacuation plan of any size, was indeed not even needed! (To avoid any possible misunderstanding here, we are not arguing for the elimination of the present NRC emergency planning requirements; they appear to us to be appropriate.) What the Three Mile Island accident did show, however, is a need for an effective communications network and an efficient mechanism for managing the emergency.

As a first step in achieving effective emergency communications and accident handling capability, Duke Power Company recommends incorporation into existing Regulatory Guide 1.101 the recently adopted American National Standard, ANS 3.7.2, entitled "Emergency Control Centers for Nuclear Power Plants." Other related standards worthy of incorporation into the Regulatory Guide are ANS 3.7.1 and 3.7.2, entitled "Facilities and Medical Care for On-Site Nuclear Power Plant Radiological Emergencies," and "Radiological Emergency Preparedness Exercises for Nuclear Power Plants," respectively.

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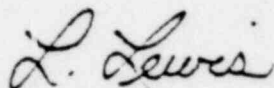
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Mr. Samuel J. Chilk

Duke Power Company asserts that the petition should be rejected. The present Regulatory Guide 1.101 with appropriate modifications for an effective communications network and for emergency management capabilities will adequately cover this situation.

Sincerely yours,



Lionel Lewis  
System Health Physicist

LL/jpb

bcc: W. F. Wardell  
W. H. Owen  
J. E. Lansche  
K. S. Canady

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