

DOCKET NUMBER
PROPOSED RULE

PR-50 (44 FR 41483)

August 30, 1979



Secretary of the Commission
United States Nuclear
Regulatory Commission
Washington, D. C. 20555

Re: Advance Notice of Proposed Rulemaking
Adequacy and Acceptance of Emergency
Planning Around Nuclear Facilities
(10 CFR Part 50 Appendix E)

Dear Mr. Secretary:

Houston Lighting & Power Company (HL&P) and Texas Utilities Generating Company (TUGCO) are pleased to submit the following comments on the NRC's Advance Notice of Proposed Rulemaking ("Notice") concerning the adequacy of emergency planning around nuclear facilities. (44 Fed. Reg. 41483, July 17, 1979). HL&P and TUGCO are both constructing nuclear power plants expected to begin commercial operation in the period 1981-83. We are, therefore, vitally interested in the questions posed in the Notice.

We recognize that, notwithstanding the extensive precautions taken in the construction and operation of nuclear facilities, accidents may occur which affect off-site populations. Protection of the public health and safety therefore requires planning on a scale comparable to that which a State devotes to similar natural and man-made disasters. We believe that sensible and effective measures can be taken to protect the public without any unreasonable burden on the licensees or State and local governments. We are presently working with the State of Texas and local authorities on the development of an emergency plan which we expect to submit for NRC review before the end of this year. The Commission's request for comments on emergency planning thus comes to us at a particularly appropriate time. Our responses follow in the order of the questions set forth in the Notice.

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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?

To what extent should these objectives be quantified?

The objective of emergency planning should be to provide reasonable assurance that appropriate means will be taken to mitigate the consequences in the event of an accident. We do not believe, however, that emergency plans can prevent radiation exposure. Given the fact that the potential for nuclear accidents does exist, it is clear that every reasonable measure should be taken to reduce exposures. In our view the magnitude of the emergency planning effort should be sufficient to assure timely notification to appropriate authorities and mobilization of pre-designated public safety resources. We agree with the conclusion of the NRC/EPA Task Force that evacuation should be among the measures included but is not, in itself, an objective of emergency planning. The essential elements of an effective plan are described in our response to question 2.

As to the point of whether these objectives should be quantified, see our answer to question 8.

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 (10 CFR Part 50, Appendix E) and guidance for States (NUREG-75/111) lack any of these essential elements?

Among the essential components of an emergency plan are the following:

(1) Accident Assessment: A capability must exist (within the licensee organization and government agencies) for determining the magnitude of the release of radioactive material, including criteria for notification of public safety officials, as well as criteria for determining when protective measures (e.g., evacuation) should be recommended.

(2) Communication: Since implementation of off-site protective measures requires effective notice to local, State

and Federal agencies, it is essential that adequate communications facilities be in place for this purpose (e.g., sufficient telephone, radio and other communication systems).

(3) Off-Site Monitoring: There is a necessity for pre-designated sampling locations to evaluate the radiological consequences of the emergency in the environment and provide data to be used to determine the scope and nature of protective measures required.

(4) Emergency Organization: The licensee must have an organization with clearly delineated lines of authority and responsibility for implementing emergency notification and other measures, including call-up of off-duty personnel to supplement on-site capability as necessary. Comparable lines of authority and responsibility must be designated at the various levels of government. Plans should be available to utilize special governmental and nongovernmental teams of experts to report rapidly to the scene of the accident.

(5) Emergency Facilities: Emergency control centers should be established for licensee personnel and government officials which will not interfere with control room activities devoted to "management" of the accident. Such centers should be equipped to receive and transmit data to and from the control room and other locations as needed.

(6) Public Information: Centralized and informed communication with the public and the media is essential. Persons should be designated for this purpose in the licensee organization and within the affected levels of government. There should be some prior dissemination of information about emergency plans such as annual publication in the local newspapers. This should assure that the public will understand in advance the nature of such plans.

(7) Drills: The emergency plan should include provision for periodic drills. Licensees should make arrangements with State and local agencies assuring the full participation of those agencies in such drills. As discussed in the answer to question 13, specific elements of the plan can and should be tested periodically.

(8) Protective Measures: In addition to the simple and effective measure of sheltering about which the public should be advised, plans must be made for evacuation of either entire populations or special segments thereof (e.g., pre-school children) within certain geographic sectors. The burden of conducting the evacuation is on local agencies. But emergency plans should provide for an orderly discussion among public health officials, licensee personnel, and consultants -- as time permits -- of the

need for, and scope of, the evacuation. Preparations should also include provision for the distribution of thyroid blocking agents as the circumstances of the accident may indicate.

(9) Care and Treatment Facilities: In addition to on-site facilities for the care and treatment of plant personnel and operators, arrangements must be made with local hospitals to assure that the special equipment necessary to treat radiation injuries (or conventional injuries to persons who may be contaminated) are in place. Again, this will require close cooperation with State and local officials as well as special training for medical and para-medical personnel.

We believe that the terms of 10 CFR Part 50, Appendix E and NUREG-75/111 are sufficiently broad to encompass the components outlined above. There is merit in allowing the States, as they develop plans for nuclear emergencies, to draw upon their relevant experiences in dealing with comparable events. The broadly framed requirements of Appendix E and NUREG-75/111 permit this diversity of experience to be reflected in the various State emergency plans, and further, allow State and local governments to tailor plans to meet uniquely local requirements.

3. 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?
4. 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?

The term "concurrence" as used in questions 3 and 4 should mean a review system similar to that now employed by the NRC -- basically an informal process. If, however, the failure to obtain "concurrence" means denial or revocation of a license, then the "concurrence" procedures will likely become more formal. This more formal approval process will inevitably require lengthy administrative proceedings, including the possibility of complex quasi-judicial hearings.

We assume that the TMI experience has provided the States (as well as applicants and licensees) with a very high

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incentive to have adequate emergency plans in place promptly. Our efforts with the State of Texas demonstrate our commitment to do so. However, we are concerned that some States may remain recalcitrant in their obligation to prepare State emergency plans. If formal approval by NRC of a State plan is made a pre-condition to licensing for operation, the recalcitrant State would then have a veto power over the licensing of any power reactor in the State. That situation must be avoided for obvious reasons.

In our view, a continuation of the present informal "concurrence" procedure will allow the States to develop adequate plans more quickly than the formal process discussed above. Of at least equal importance, it will permit the necessary flexibility to take into account the special features of each reactor site and the varied structure of State and local governments throughout the nation. We urge that the complex machinery of a formal review process not be created and activated without allowing a reasonable period for creative, voluntary responses to Federal criteria by each State, its local governments and concerned applicants and licensees.

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?

State and local governments may require assistance, financial and otherwise, for radiological emergency response planning. We do not envision a major program -- perhaps financial assistance to augment by 1 or 2 persons present State emergency planning organizations and distribution of equipment and materials uniquely required for nuclear emergencies (e.g., decontamination and thyroid blocking agents). The program should be funded through the Federal Emergency Management Agency (FEMA) which currently coordinates Federal-State emergency plans in many areas, including nuclear attack.

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?

Drills are essential to effective emergency response planning. For the reasons discussed below, the State must play a pivotal role in any emergency. We, therefore, suggest that drills be conducted under the aegis of the State and that Federal, local government and licensee personnel participate.

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Specific parts of the emergency plans can and should be tested periodically. For instance, it is especially important to test notification procedures. Other tests should evaluate the speed and efficiency of the deployment of public safety officials, their equipment and vehicles. In conjunction with such tests -- or as a separate exercise -- the readiness of cars and treatment facilities should be tested and evaluated.

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?

Prior notice to the public is an important element of an emergency plan. Specifically, the public should be advised of how they will be informed of the existence of an emergency, by whom, and the range of protective measures that may be required. The message may be conveyed through annual publication in local newspapers and/or direct distribution of informational materials. Special attention should be directed to informing persons within the Emergency Planning Zone for the plume pathway. These steps should assist materially in the crucial early stages of the emergency response where an understanding of the initial notification is important.

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)?

As indicated above, HL&P and TUGCO believe that the essential objective of an emergency response plan is to reduce radiation exposure to the public. This is consistent with the Task Force Report which refers to "dose savings" as the ultimate objective of emergency plans. The Task Force Report identifies Emergency Planning Zones for the plume and ingestion exposure pathways. While we recognize that emergency planning beyond the LPZ is contemplated in certain instances by NRC regulations (43 Fed. Reg. 37473, August 23, 1978), the 10- and 50-mile EPZ's recommended by the Task Force are arbitrary and do not take into account local topography, demography, meteorology and other distinctively local characteristics.

The joint Task Force recommends the use of quantified dose exposure levels (Protective Action Guides) to determine whether emergency actions should be implemented. The use of PAG's as broad guidelines is useful; however, strict adherence to such quantified trigger values is not recommended. The pre-designated

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State official should use his professional judgment to determine whether a particular emergency response is called for, given the total information available to him.

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?

The licensee should notify pre-designated Federal, State and local agencies as soon as it has been determined pursuant to pre-established criteria that an accident potentially involving off-site radiation exposures has occurred. This is not to suggest that emergency response procedures be triggered immediately, but rather that cognizant officials be promptly alerted to the fact that operations under the emergency plan may have to be initiated. Provisions for such an "advisory notice" should be part of licensee and government emergency plans. Subsequent notifications by the licensee should be based upon established site-specific limits reflecting EPA protective action guides.

Notice to the public, if necessary, should be given by the State official who heads the agency with primary responsibility for the development and execution of the State emergency plan or such other official as the Governor of the affected State may designate. The licensee should continue to furnish information relevant to the emergency throughout the course of the accident but the primary responsibility for implementing protective measures and making related announcements should rest with the designated State official.

10. How and to what extent should the concerns of State and local governments be incorporated into Federal radiological emergency response planning?
11. How should Federal agencies interface with State and local governments and the licensee during emergencies?
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?

This group of questions is directed broadly to the interface between Federal agencies and State and local governments. It is vital that Federal emergency planning take into account the

requirements and roles of State and local governments. We are convinced that the success of an emergency plan - especially in the early stages of an incident -- will depend upon the effectiveness of the State and local response. Accordingly, provision should be made for a continuing dialogue in the forthcoming rulemaking to obtain the views of those State and local officials prior to promulgation of any final rule. It may also be useful to initiate a program of periodic meetings where officials at all levels of government convene to discuss matters of common interest relating to emergency planning.

During the course of an emergency, Federal agencies should communicate with State and local officials through channels reflecting pre-designated lines of authority and responsibility within each level of government. In general, however, we believe that the Federal role should be essentially advisory, the primary responsibility for implementing the plan resting with the State, acting with and through its local public safety authorities. While Federal authorities may have more extensive training and experience with respect to radiological emergencies (see below) and while their input will be of great importance, tactical decisions on invoking protective measures can best be made by those with a direct knowledge of local conditions.

In order to assist State and local officials in executing the functions described above, the Federal government (which has the largest repository of knowledge and experience in radiation protection) should make personnel and facilities available for the training of State and local officials.

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?

Information provided by licensees will undoubtedly be crucial -- especially in the early stages of an accident. As events develop, however, the assessment capability of Federal agencies as well as State officials should be brought into play. As indicated above, the ultimate assessment of the responsible State official should govern with respect to initiation of protective measures.

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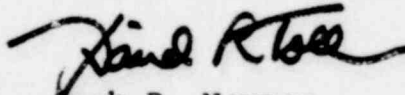
14. Would public participation in radiological emergency response drills, including evacuation, serve a useful purpose? If so, what should be the extent of the public participation?

It is impractical to have public participation in emergency plan drills, especially those designed to effectuate evacuation. Nor are such evacuation drills necessary so long as State and local officials have determined, in advance, which routes will be utilized under postulated accident conditions.

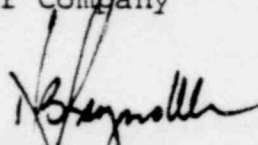
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Houston Lighting & Power Company and Texas Utilities Generating Company appreciate the opportunity to submit these comments. We recommend that the Commission provide opportunity for further comment prior to adoption of a final rule on this subject.

Respectfully submitted,



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