



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF MILITARY AFFAIRS



OFFICE OF THE ADJUTANT GENERAL

BOONE CENTER

FRANKFORT 40601

502-564-8600

23 January 1980

DOCKET NUMBER
PROPOSED RULE **PR - 50 (44FR75167)**

34

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

ATTN: Docketing and Service Branch



Dear Sir:

I would like to comment on the proposed rule to upgrade Nuclear Regulatory Commission emergency planning regulations.

The Commonwealth of Kentucky is termed a contiguous state by the Nuclear Regulatory Commission. This means, as you know, that although there are no fixed nuclear facilities within our borders, those in adjacent states could significantly impact upon our citizens if an accident occurs. Prior to the proposed rules currently under discussion, officials at both state and local levels were greatly concerned by the emergency planning requirements contained in 10 CFR 50. Little more than token actions were required for a license to be granted. "Letters of agreement" from off-site agencies did not truly reflect whether a given county or state could legitimately respond to an incident.

The proposed rules to 10 CFR 50 are a step in the right direction. These rules will help ensure that a governmental entity can respond effectively to a facility incident. The consensus among many officials remains that the likelihood of a serious incident is remote. However, this cannot be allowed to deter agencies in Kentucky and other states from pursuing the responsibility they statutorily and morally possess; namely, to protect their citizens.

As the Three Mile Island incident demonstrated, local and state officials will react accordingly as the situation worsens. An emergency plan that is truly viable is the key element to control implementation of protective actions and dissemination of public information. The plan becomes the mechanism to avoid chaos.

For plans to be effective there are associated items which must be considered. For example, systems to warn the public must be instituted, programs to inform the public must be undertaken, and a rad-

Acknowledged by card. 2/11

L-4-1, H-50

8003060478

Secretary of the Commission
Page Two
23 January 1980

iological monitoring capability must be provided for appropriate off-site agencies. The best program possible for response to a nuclear facility accident must be established.

The Nuclear Regulatory Commission should review and concur in emergency response plans of those state and local governmental entities affected by the plume exposure and ingestion pathways in order for an applicant to obtain a license as stated in Section 50.47, Alternative B. Furthermore, if the applicant requests an exemption as is presently explained in this alternative, the state and local entities affected should be parties to subsequent negotiations between the applicant and the Nuclear Regulatory Commission. In this way, the differences or problems expressed by all parties can be examined. There should be a maximum time allotted for Nuclear Regulatory Commission concurrence in state and local plans, as stated in Section 50.54, Alternative B. If concurrence is not gained within a specified period, the reactor in question should be shut down until concurrence is achieved.

A greater amount of detail as to features of emergency plans and the protective actions to be undertaken should be delineated in both the Preliminary and Final Safety Analysis Reports. This will help ensure that licensees give more serious consideration to the subject area while initiating dialogue among concerned parties at an earlier point in time than has occurred in past efforts.

The requirement that standardized "Emergency Action Levels" be utilized by all concerned is long overdue. It makes no sense for a nuclear facility to have one set of criteria and local or state agencies another. The public must be warned immediately of an accident and provided with the proper instructions. The capability to alert the people within the plume exposure pathway within fifteen minutes can be achieved. The answer lies in establishing an integrated alerting system. Such a system could include sirens, NOAA weather radios, electronic media announcements, telephone ring down systems, and even door to door notification, if necessary.

Two areas that must be addressed at a future date are (1) funding and (2) the off-site monitoring capability of state and local agencies.

Kentucky citizens receive no direct benefit from the operation of the proposed plants in other states. No taxes can be levied, little or no jobs are created for Kentuckians, and only a small amount of power will be obtained from the plants for our citizens. Yet we have been asked to find the funding necessary to assure the safety of the public. We receive virtually no benefit from these

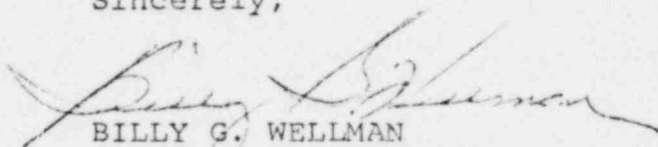
Secretary of the Commission
Page Three
23 January 1980

facilities but share the same risk as our neighbors to the North. This hardly seems equitable. Those who wish to build these facilities in the future should be required to figure the cost of emergency plans and corollary systems into their initial cost estimates. Furthermore, those constructing these facilities presently should bear the costs associated with the effort to establish plans, training, public information programs, exercises, as well as provide funds for needed hardware items, such as outdoor warning devices and off-site radiological monitoring equipment.

A second area that warrants examination is off-site radiological monitoring and analysis by state agencies. Off-site agencies should be entitled to receive plume exposure information from facility personnel. However, state government should be able to conduct its own analysis not only to verify for all concerned initial data but to provide trained personnel with equipment that can enter many emergency zone sectors simultaneously to provide analysis. If a state does not possess such equipment, the licensee should provide it to the appropriate agencies.

Development of emergency plans that will work is a serious business. Those who build nuclear facilities to make a profit should consider off-site safety factors a cost of doing business. These proposed rules, if adopted, will demonstrate to the public all of us are concerned with their welfare, should mitigate many of the unfounded fears and help satisfy many of the legitimate concerns now besieging the industry.

Sincerely,



BILLY G. WELLMAN
Major General, KyNG
The Adjutant General

BGW/CTM/df