



DIVISION OF DISASTER EMERGENCY SERVICES

TEXAS DEPARTMENT OF PUBLIC SAFETY

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May 13, 1980

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

Attention: Docketing and Service

Dear Mr. Secretary:

The following comments concerning NUREG-0654, FEMA-REP-1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants are submitted by the Division of Disaster Emergency Services, Texas Department of Public Safety, (DES). As the State agency charged by State law with planning for and coordinating all phases of emergency preparedness, response and recovery, this Division would be adversely affected both operationally and financially by certain provisions of NUREG-0654 as it is proposed. While DES agrees that appropriate, preplanned response at the State and local levels would be essential to the conduct of off-site support operations in life-threatening situations, this Division objects to those provisions of NUREG-0654 which would specify operating concepts and procedures contrary to those endorsed by the State of Texas for all other types of emergency operations. DES further objects to provisions of NUREG-0654 which seemingly are included for the benefit of Federal personnel reviewing State and local plans, but which do not contribute to the value of those plans to State and local response personnel. Thirdly, DES objects to requirements for instrumentation which does not exist and whose specifications are based on protective action guides which are in process of being changed.

The Division of Disaster Emergency Services is charged by State law (Article 6889-7, Vernon's Texas Civil Statutes, as amended) and by Executive Order of the Governor (WPC-11, August 15, 1979) with preparing and maintaining a comprehensive State disaster plan and with coordinating preparedness, response and recovery activities of all State agencies to the threat or occurrence of disaster. There is no option available which would permit treatment of nuclear power plant emergencies in a separate plan; and to attempt to provide the amount of detail required by NUREG-0654 in our present plan would seriously affect the utility of that plan for other types of emergency operations.

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The State of Texas Disaster Plan of 1980 consists of a basic plan which identifies operating concepts and areas of responsibility. That basic plan is supported by annexes for each agency on the State Disaster Emergency Services Council. Each agency annex sets forth the measures that agency will take to meet its assigned responsibilities under the basic plan. It is neither necessary nor desirable to change this plan format to achieve a capability to effectively respond to the dangers posed by accidents at nuclear power plants. Furthermore, the concept of operation embodied in the State of Texas Disaster Plan and in the legislation authorizing that plan envisions that it will first be the responsibility of local governments to preserve and protect the lives and property of those persons within their jurisdiction. State resources will be made available when requested by local government and when it is apparent that effective response is beyond the capability of local government. Federal assistance will be requested by the State, and will be coordinated through the Division of Disaster Emergency Services. Such Federal assistance must supplement, or at least complement State response in support of local government. In view of numerous requirements for NRC-utility communications and for on-site and near-site accommodations for NRC personnel as identified in NUREG-0654, the State fears that NRC's intention is to replace and/or bypass State and local government in its response. Such action would completely reverse the concept of operations as it exists in both State law and the State Plan, and as it is implied in Public Law 93-288, Title III - Disaster Assistance Administration. The State maintains that events at Three Mile Island and at other nuclear power plants during the past few years demonstrate that intention to ignore established operating concepts and asks that NUREG-0654 and all future Federal guidance be modified to insure that any future response will be in accordance with established channels of assistance and with existing concepts of operations of the affected jurisdictions. While the Nuclear Regulatory Commission is properly charged with regulation of nuclear power plant operation, the protection of the lives and property of residents of the State are both constitutionally and statutorily the responsibility of State and local government and any attempt to bypass these duly constituted authorities should be denied.

Comments concerning specific provisions of NUREG-0654 which exemplify the concerns of this Division follow. In each case, at least one item in the document is cited as the cause for concern; however, an issue may be addressed or implied in other parts of NUREG-0654 even though those additional locations are not identified in these comments. It is the intent of this Division that comments addressed to a requirement identified in any one part of NUREG-0654 shall be meant to apply to all references to that requirement, wherever they may appear within the document under comment.

Part I.D.1. Background states on page 5, that "The overall objective of emergency response plans is to provide dose savings (and in some cases immediate life saving) for a spectrum of accidents that could produce

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offsite doses in excess of Protective Action Guides (PAG's)." Contrary to this stated objective, a number of the requirements contained in NUREG-0654 seem to be included, not to provide dose rate savings, but rather to aid Federal personnel in reviewing State and local plans. The requirement to cross-reference all plan contents to the criteria contained in NUREG-0654, which appears on page 25 in item I.J., for example, has no merit if it is intended to promote a dose rate savings. Its only identifiable application is in the evaluation of plans by persons using NUREG-0654 as their evaluation standard. Additionally, the statement on the same page (page 25) that "They (plans) should be understandable by a layman in a single reading" is absurd. The plans are not intended for the use of laymen, and they are certainly not intended for use after only one reading. The plans are intended to be exercised and implemented by trained personnel; not by laymen! While it is desirable to have response plans written as simply and clearly as possible, that should not be a criterion in their evaluation.

Item G of Part I, Funding and Technical Assistance, contains a statement on page 22 which is completely inappropriate. "Additionally, FEMA and NRC expect that the nuclear facility operator will have an interest in providing certain manpower and capital expenditures needed by the State and local governments to meet the criteria in this document." If the manpower and capital expenditures are necessary to protect the life and property of the citizenry, it is the constitutional and statutory responsibility of State or local government to provide them. If the manpower and capital expenditures are not required to protect said life and property, the requirement should not exist. Period.

Item H of Part I, Nuclear Facility Operator Response Organization states on page 22 that "it is a necessary part of the facility emergency planning to make advance arrangements with State and local organizations for special emergency assistance such as ambulance, medical, hospital, fire and police services." Once again, NUREG-0654 places an inappropriate requirement on nuclear plant operators. Fire and police services specifically, and other emergency assistance insofar as it is a government responsibility to provide, should no more require advance arrangements with respect to a nuclear power plant than with respect to a chemical plant, a bank or any other type of enterprise.

In Part II, Planning Objectives and Evaluation Criteria, this Division submits comments on the following items:

Item A.1.a., "Each plan shall identify the State, local, Federal and private sector organizations (including utilities), that are intended to be part of the overall response organization for Emergency Planning Zones." This Division maintains that a plan is a working guide for persons at the particular level of government or enterprise for which the plan is written; not a reference document covering all levels of response. Each plan should identify only those organizations which are to operate under that plan,

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with perhaps some notation as to the appropriate contact point for levels above and/or below the one concerned.

Item A.1.e., "Each organization shall provide for 24-hour per day emergency response, including 24-hour per day manning of communications links." Twenty-four hour per day manning of local government communications links implies some need for immediate local response; when in fact other segments of NUREG-0654 acknowledge that local response would be based on utility and/or State assessment of conditions, which would provide ample time for contacting local government and time for local government to activate their communications link while assessments are being made. The cost of a 24-hour staff in low-population rural counties does not seem to be justified if an immediate response is not required.

Item A.3. states that "Each plan shall include written agreements referring to appropriate legal instruments such as legislation, among Federal, State and local agencies and other support organizations having an emergency response role within the Emergency Planning Zones. The agreements shall identify the emergency measures to be provided and the mutually acceptable criteria for their implementation, and specify the arrangements for exchange of information." Written agreements are not part of a plan. This again seems to be a tool to aid in RAC review of plans, not an aid to operations.

Item D.2., states that "The initiating conditions shall include the example conditions found in NUREG-0610 and all postulated accidents in the Final Safety Analysis Report (FSAR)." This Division has previously submitted comments on NUREG-0610 to the Secretary of the Commission, NRC, and requests that those comments be considered as applying to NUREG-0610 and/or any other example conditions which may be finally adopted.

Item H.10. states that each organization shall make provisions to inspect, inventory and operationally check emergency equipment/instruments at least once each calendar quarter and after each use. Since most of the instruments which would be used in response to an incident at a nuclear power plant are already in day-to-day use by the same individuals who would respond to such an incident, the requirement to inspect, inventory and operationally check after each use would constitute a requirement to perform these actions at least once and in many cases to perform them numerous times during each working day. Item H.10. should be restated so that inspection and operational checking would only be required for those instruments which are not used on a day-to-day basis. As for the requirement to inventory instruments, those items which are the property of State or local government are already covered by the inventory requirements of the appropriate level of government. It is inappropriate for either FEMA or the NRC to dictate property accountability practices of State and/or local government.

Item I.7. states that each organization shall have a capability to detect and measure radioiodine concentrations in air in the vicinity of the site as low as 5×10^{-8} uCi/cc under field conditions in any kind of weather; and further states that interference from the presence of noble gas and background radiation shall not decrease the stated minimum detectable activity. Since "any kind of weather" must be presumed to include such adverse conditions as hurricanes, blizzards and tornadoes, the guidance should be modified to exclude conditions during which that stated radiation level would be of less significance than the weather phenomenon during which its detection and measurement is required. Furthermore, this Division is not aware of any portable unit capable of such low level measurements which would not be affected by the presence of noble gas. Until such instrumentation exists, this detection and measurement capability should not be a requirement.

Item J.7. and J.9. both refer to EPA-520/1-75-001, the Manual of Protective Action Guides and Protective Actions for Nuclear Incidents. Even before NUREG-0654 was published, EPA had already announced in the Federal Register, December 19, 1979 pages 75344 through 75346 that it was developing a revised series of PAG's for airborne releases of radioactivity. The first of these guides, addressing the plume exposure pathway are to be submitted to the President for approval and publication in July of 1981. Since the Priority Classification statement in the Federal Register publication declares that the development plan is classified as significant and major because of its potential impact on the protection of the health and safety of the general public and on the regulatory and operating programs of other Federal agencies, it must be inferred that the new PAG's will differ significantly from those contained in EPA-520/1-75-001. If no significant differences were anticipated, no significant and major potential impact should have been claimed. Because the stated objective of NUREG-0654 is to provide dose savings for a spectrum of accidents that could produce offsite doses in excess of Protective Action Guides, as stated in item I.D, Planning Basis, operators and State and local governments are being placed in the position of having to develop extensive plans and capabilities and of having to obtain very expensive instrumentation to conform to guidance which FEMA and the NRC knew was being changed even before NUREG-0654 was written.

Item J.10.e. contains a requirement that State and local plans address "Provisions for the use of radio-protective drugs, particularly for emergency workers, including quantities, storage, and means of distribution;" and Item J.f. continues that "State and local organizations' plans should include the method by which decisions by the State Health Department for administering radioprotective drugs to the general population are made during an emergency and the predetermined conditions under which such drugs may be used by offsite emergency workers;". There is no authority at State or local level to administer drugs of any type without a physician's prescription, and it is highly unlikely that any physician would prescribe

any drug to the general public without first examining the patient. It is unrealistic to require plans to specify methods for achieving an action when the action cannot legally be achieved.

Item J.11. requires that plans include maps which "start at the facility and include the areas which process food products originating in the ingestion pathway Emergency Planning Zone (EPZ)." Plants which process beef grown in Hood County, Texas may be in St. Louis. State plans in Texas may require maps of the 50 mile ingestion pathway planning area; but they certainly should not be required to include anything outside that area.

Item L.3. states "Each State shall develop maps showing the physical location of all public, private and military hospitals and other emergency medical services facilities within the State or contiguous States considered capable of providing medical support for any victims of a radiological accident." This should be modified to read "considered capable and necessary...." There are more than 600 hospitals in Texas and it is highly unlikely that all of them would be needed; much less the ones in the four contiguous states.

Item M.4. states in part that "Each organization shall make provisions to start an exercise between 6:00 p.m. and midnight, and another between midnight and 6:00 a.m. once every six years." The only difference between an exercise at these times and during working hours is that it would test the nighttime notification process. Beyond that notification testing, the exercise would accomplish nothing that couldn't be accomplished without paying overtime to a number of individuals for the sake of having an exercise at night.

As a general comment on NUREG-0654, DES feels that far too much detail is being required in State and local plans. When an agency performs a function on a day-to-day basis, it should not be necessary to submit the procedures for performing that function as a part of the response plan for nuclear power plants. The "Hospital Licensure and Certification Division" of the Texas Department of Health should be presumed to have a listing of hospitals in the State and it should not be necessary even for the Health Department annex to state that the list exists, much less for the list of hospitals to be included or referenced in any submission to FEMA-NRC. Information and/or equipment which is essential for day-to-day activities at either the State or local level should not need specific reference in this plan. It would be far more beneficial, as well as being much easier to concentrate on truly critical items, if NUREG-0654 confined its requirements to those items of information and/or equipment which are unlikely to be available for any purpose other than response to fixed nuclear facility incidents.

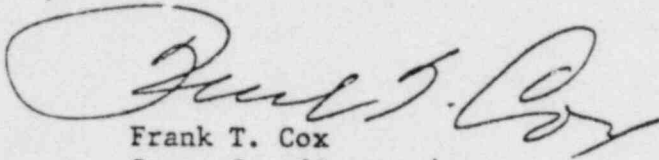
As a final comment, the 10 mile EPZ bears little relation to necessity in Texas. The Preliminary Safety Analysis Reports (PSAR's) for reactors

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being built in Texas, note that the 8-hour terminus (the maximum distance where the Protective Action Guide levels would be exceeded in 8 hours if no action were taken) never exceeds 4.5 miles. To require planning beyond this point must be interpreted as a criterion based on some necessary degree of complexity of the problem, rather than on the needs of the situation. State and local ability to execute evacuation plans should be evaluated on a basis of probable need rather than on a basis of a nationwide uniform planning area.

Sincerely,

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Director



Frank T. Cox
State Coordinator

FTC:Bg

cc: Mr. Brian K. Grimes, Director
Emergency Preparedness Task Group
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