Summary of Comments on CURE Petition

[Docket No. PRM-20-10]

	Commenters	Support	Denial
S	1. Iowa Department of Environmental Quality	X	
	2. San Diego Gas & Electric Company		X
	3. Omaha Public Power District		X
S	4. The Commonwealth of Massachusetts Energy Facilities Siting Council	X	
S	5. State Liaison Officer to the Nuclear Regulatory Commission from the State of New Jersey		X
	6. LeBoeuf, Lamb, Leiby & MacRae on behalf of . The Detroit Edison Company . Exxon Nuclear Company, Inc. . Niagara Mohawk Power Corporation . Omaha Public Power District . Power Authority of the State of New York . Public Service Company of Indiana, Inc. . Rochester Gas and Electric Corporation		X
	7. Duke Power Company		X
S	8. State of Indiana Board of Health		X
	9. Westinghouse Electric Corporation Water Reactor Divisions		X
S	10. Commonwealth of Pennsylvania Department of Environmental Resources (Bureau of Radiological Health)		X
	11. Consolidated Edison Company of New York, Inc.		X
	12. General Electric Nuclear Energy Projects Division		X
	~~13.~~ Not applicable to PM-20-10 (Health Physics Society)	-	-
	14. Commonwealth Edison		X
S	15. State of Kansas Department of Health and Environment		X*
S	16. Iowa State Commerce Commission	neutral	
S	17. Public Utility Commission of Texas	X	
S	18. State of North Carolina Utilities Commission		X
S I	19. Nebraska Department of Environmental Control (See 19A)	-	-
	19A. State of Nebraska Department of Health (Division of Radiological Health)		X
	~~20.~~ State of Indiana Board of Health (Same as #8)	-	-
S	21. State of Florida Department of Environmental Regulation	X	
S	22. State of Alaska Department of Environmental Conservation	X	
S	23. Arkansas Department of Health		X
	24. Tennessee Valley Authority		X
	25. Consumers Power Company		X
S	26. State of Connecticut Power Facility Evaluation Council	X	
S	27. State of Michigan Office of Governor		X
S	28. State of California Energy Resources Conservation and Development Commission		X
	~~29.~~ Not applicable to PM-20-10 (U.S. Environmental Protection Agency)	-	-

*In addition this commenter stated the following: "We could support, of course, a petition to clearly require any NRC licensee to notify the impacted State immediately in the case of a significant release as defined in Part 20 or the licensee's license. Such could, of course, be greatly clarified by proper response of State and licensee to 10 CFR Part 50 Appendix E at the beginning stages of the licensing process."

A.8. (73)

8205180433

iowa department of environmental quality

January 12, 1978

(1)

PRM -20-10 (43FR 3448)

Secretary
Nuclear Regulatory Commission
1717 H Street NW
Washington, D.C. 20555

Dear Sir:

For some time the Iowa Department of Environmental Quality has been concerned about the reporting of abnormal occurances involving the release of radioactive materials from nuclear power plants. The current rule, 10 CFR §20.403, does not require direct notification of state regulatory agencies and does not require sufficiently prompt notification of such agencies.

Neither does actual experience indicate sufficient notice. In a recent simulation involving the Cooper Station in Nebraska, the Iowa Department of Environmental Quality did not receive notice until three hours after the mock occurance.

Thus the Iowa Department of Environmental Quality supports the petition of Citizens United for Responsible Energy (CURE) for revision of 10 CFR §20.403.

Sincerely,

Larry E. Crane
Executive Director

LEC:DCB:mf

1/26/78

3920 Delaware Ave., P.O. Box 3326, Des Moines, Iowa 50316 • 515/265-8134

SAN DIEGO GAS & ELECTRIC COMPANY
P.O. BOX 1831 SAN DIEGO, CALIFORNIA 92112
(714) 232-4252

B. W. COLSTON
VICE PRESIDENT
PROJECT MANAGEMENT

FILE NO

February 16, 1978

DOCKETED USNRC
FEB 23 1

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

ATTENTION: Docketing and Service Branch

Dear Mr. Chilk:

(2)

Re: Docket No. PRM-20-10 (43FR3448)

In response to the notice (Federal Register, Vol. 43, No. 17, Wednesday, January 25, 1978 - Page 3448) of the Filing of Petition for Rule Making, San Diego Gas & Electric Company submits these comments and urges that the petition be denied.

1. Proposed requirement "that all abnormal incidents be reported immediately" (within 1/2 hour) and proposes an extremely restricted definition.

Such a requirement is unreasonable and unwarranted. Current regulations define as reportable "abnormal incidents" many events which pose no hazard to the public health and safety. The overly restrictive definition ignores the fact that minor releases of "radioactive products" are routinely permitted by current regulations precisely because they do not constitute a public hazard. Since fossil-fired power plants release "radioactive products" to the environment, it is inconsistent to require nuclear power plants to comply with such a rule, when the fossil-fired plants release greater quantities (and of more hazardous nature--e.g., coal release alpha-emitters).

2. Request that "the utility involved" be required "to report immediately to the director of a designated state agency---within 200 miles."

This requirement may be feasible in small eastern states, but in larger western states, clearly would require a local office of the "state agency" or would prevent siting of a nuclear plant more than 200 miles from the location of the "state agency." Either interpretation is clearly beyond the authority of a utility to impose and not within its control to assure

...acknowledged by card. 2/23/78.....

compliance. Further, it is inappropriate for federal directives to place requirements on the interactions between any state and a company operating within that state.

If the NRC were to agree to the points raised, it would be concurring in the presumed basis that, without such modifications to existing regulations, there is, indeed, a significant risk to the public. As NRC records of reportable occurrences show, only an insignificant fraction of such reports disclose safety-related events which could be deemed as a potential hazard to the public health and safety. On that basis, it is clear that the petition is an over-reaction to a perceived (not real) situation or concern and is without merit.

Sincerely,

B. W. Colston
Vice President
Project Management

/jlc

cc: LBernath

Omaha Public Power District

1623 HARNEY ◦ OMAHA, NEBRASKA 68102 ▪ TELEPHONE 536-4000 AREA CODE 402

(3)

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR 3448)

February 23, 1978

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

Dear Mr. Chilk:

The Omaha Public Power District respectfully offers the following comments in regard to the Petition for Rulemaking, initiated by the Citizens United for Responsible Energy (CURE), dated December 27, 1977, concerning reporting of "abnormal incidents". The petition requests that "abnormal incidents" be reported to appropriate Directors of the Commission and State public health organizations one-half hour after occurrence. The one-half hour time limit is extremely unrealistic. It does not give facility operating personnel adequate time to evaluate a potential problem and may in fact interfere with required prompt corrective actions.

Furthermore, Technical Specifications and emergency plans of all nuclear facilities currently specify reporting requirements which assure that significant releases are reported as soon as possible. These have been reviewed by the Commission on a case-by-case basis and are designed to ensure that no undue threat is posed to the health and safety of the public. These Technical Specifications and emergency plans specify the exact nature of an incident which must be reported, along with attendant reporting requirements, to State and Federal agencies. The Petition for Rulemaking requests that all "abnormal incidents" be immediately reported. The definition of "abnormal incident" is not adequate or complete. The definition may be construed to include any radiological gaseous or liquid release made from a facility without regard to resultant total absorbed doses to the general public.

In conclusion, the District contends that implementation of the subject Petition for Rulemaking would not serve the best interests of the utility or general public and would result in extensive unnecessary reporting and/or notifications.

Sincerely,

T. E. Short
Division Manager
Production Operations

TES/KJM/BJH:jmm

cc: LeBoeuf, Lamb, Leiby & MacRae

3/7/78

THE COMMONWEALTH OF MASSACHUSETTS

ENERGY FACILITIES SITING COUNCIL

MICHAEL S. DUKAKIS
GOVERNOR

CHRISTINE B. SULLIVAN
CHAIRMAN

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR 3448) (4)

DOCKETED USNRC
MAR 14 1978
Office of the Secretary
Docketing & Service Branch

Samuel J. Chilk, Secretary
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

8 March 1978

Re: Docket No. PRM-20-10 Petition for Rulemaking

Mr. Chilk:

We support the petition for a regulation which would require early notice of incidents at nuclear generating stations and which would also require notice to a designated state officer. Such early notice can avoid the hearsay problems which we have experienced recently because slow incident reporting generates public concerns and fears which may not be warranted by the actual incidents.

EDWARD J. DAILEY
Director

EJD/mk

3/14/78

Room 1413 One Ashburton Place Boston, Massachusetts 02108 (617) 727-1136

STATE OF NEW JERSEY
DEPARTMENT OF PUBLIC UTILITI

RICHARD B McGLYNN
COMMISSIONER
NEWARK, N J.

March 10, 1978

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

Att: Docketing and Service Branch (5)

Re: Docket PRM-20-10 (43FR3448)

Gentlemen:

I submit these comments in my capacity as State Liaison Officer to the Nuclear Regulatory Commission from the State of New Jersey in connection with the above-captioned matter. My comments are my own and not necessarily those of the executive of this state nor the New Jersey Board of Public Utilities.

The Citizens United for Responsible Energy have filed a petition with the NRC seeking to amend the Commission's regulation regarding the reporting of nuclear incidents. The proposed amendment would require that all abnormal incidents be reported within one half hour to the appropriate NRC Regional Office Director. "Abnormal incident" is defined as one which involves the release of radioactive products to either the air or water.

The rule sought to be amended, Section 20.403, requires immediate notification to the appropriate Regional Office Director of "any incident involving byproduct, source, or special nuclear material . . . which may have caused or threatens to cause" certain well-defined exposures or releases, or the loss of an operating week or property damage in excess of $100,000. The rule further requires notification within twenty-four hours of other well-defined incidents of a less critical nature. The rule does not require notification of any state agencies.

The petitioner also requests that the rule be

3/14/78 SM

amended to require an immediate report by the licensee to the director of a designated state agency responsible for public health and safety which is within 200 miles of an abnormal incident. My comments go to this proposal. The State of New Jersey has in place a procedure requiring the utilities operating nuclear generating stations to give notification of all incidents of an abnormal nature to designated state agencies. That procedure works well and has the cooperative support of industry and government. I see no jurisdictional bar to any state imposing a reporting requirement upon a utility in this connection should it choose to do so. The public health and safety of the citizens of a state is an adequate support for such a reporting requirement.

That being so, I see no reason for the NRC to impose a reporting requirement which would be uniform for all utilities in all states. Local conditions would undoubtedly vary. Local incidents, depending upon the nature of the generating station and the relative concern of state officials, might be of sufficient variation from state to state so as to make a uniform national reporting requirement inadvisable. So long as the states have jurisdiction to require the reporting of incidents to state and local officials, as I believe they do, the need for NRC-mandated reporting to states is obviated.

I hope that these comments will be of assistance to the Commission in evaluating the issues raised in this matter.

Very truly yours,

Richard B. McGlynn
Commissioner

cc: Robert Ryan, Director
Office of State Programs,
NRC, Washington D.C.

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DOUGLAS W. HAWES
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JAMES F. JOHNSON, 4TH
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LEX K. LARSON *&
GRANT S. LEWIS
KIMBA W. LOVEJOY
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CAMERON F. MacRAE, III &
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JAMES O'MALLEY, JR. &
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LEONARD M. TROSTEN *&
HARRY H. VOIGT *&
M. RICHARD WACHTEL
GERARD P. WATSON
THOMAS A. ZIERK

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HORACE R. LAMB 1934-19
ADRIAN C. LEIBY 1952-19

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CABLE ADDRESS
LEBWIN, NEW YORK
TELEX: 423446

* RESIDENT PARTNERS WASHINGTON OFFICE
& ADMITTED TO THE DISTRICT OF COLUMBIA BAR

March 27, 1978

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

Attention: Docketing and Service Branch

Re: PRM-20-10 (43FR 3448)

Dear Sir:

On January 25, 1978, the Nuclear Regulatory Commission ("Commission") published in the Federal Register notice of receipt of a petition for rulemaking filed by Citizens United for Responsible Energy ("CURE"). 43 Fed. Reg. 3448 (1978). CURE's petition seeks an amendment of 10 C.F.R. § 20.403 to require that notice of all abnormal incidents (defined to include the release of any radioactive products to the air or water without regard to quantity), be provided immediately both to the Commission and to "the director of a designated state agency". In response to the Commission's notice, we submit the following comments on behalf of The Detroit Edison Company, Exxon Nuclear Company, Inc., Niagara Mohawk Power Corporation, Omaha Public Power District, Power Authority of the State of New York, Public Service Company of Indiana, Inc., and Rochester Gas and Electric Corporation.

The fundamental flaw in CURE's petition is that it would require the reporting of the release of any radioactivity, without regard to the quantity of the

release. Current regulations permit the release of extremely low levels of radioactivity for activities regulated by the Commission. Licensees are presently prohibited from releasing to unrestricted areas amounts of radioactivity in excess of those limits specified in Appendix B, Table II, of Part 20. 10 C.F.R. § 20.106 (1977). Moreover, releases from nuclear power reactors in amounts lower than those specified in Table II are to be kept "as low as is reasonably achievable" ("ALARA"). 10 C.F.R. §§ 50.34a, 50.36a (1977). Numerical guidance interpreting the ALARA standard is provided in Appendix I to Part 50. Those low level releases must be monitored by licensees and the totals reported to the Commission semi-annually. 10 C.F.R. § 50.36a(a)(2).

In contrast, the reporting requirements of § 20.403 are triggered at significantly higher release levels. Those requirements are designed "to give the [Commission] prompt notice of potentially serious accidents involving licensed material in order that appropriate steps may be taken to protect against further hazard to life or property." 22 Fed. Reg. 3389 (1957). It is simply inconsistent with the purpose of § 20.403 to trigger emergency reporting requirements upon the release of the extremely small amounts of radioactivity now permitted under normal operating conditions. CURE has provided no basis for its request to establish the threshold reporting requirements at zero, despite the requirement of 10 C.F.R. § 2.802 that persons initiating rulemaking proceedings set forth "the basis for the[ir] request." For this reason alone, the Commission would be fully justified in denying the petition.

Moreover, CURE's proposed amendment, if read literally, would establish a reporting requirement only for releases of radioactivity, and thus would eliminate the requirement for emergency reporting of radiation exposure to individuals. Currently, 10 C.F.R. § 20.403 requires such reporting if designated levels of radiation are received by individuals. Consistent with the purpose of that regulation, the emergency reporting levels are orders of magnitude greater than the low levels of radiation currently permitted by 10 C.F.R. § 20.105 (1977). CURE has likewise provided no basis for eliminating those requirements.

CURE bases its petition, in part, on "the absence of rules requiring any communications with state agencies within close geographic proximity." Section

20.403 presently contains no such requirement, but that is not to say the requirement is non-existent. Section 50.34(b)(6)(v) of the Commission's regulations requires that each application for an operating license for a production or utilization facility contain an emergency plan within the required final safety analysis report. Detailed requirements for emergency plans are contained in Appendix E to Part 50. In essence, emergency plans must contain requirements for the notification of appropriate State and local agencies in cases of emergency. 10 C.F.R. Part 50, App. E, ¶¶ IV A, C, and D. Thus, imposing the same requirement under § 20.403 is redundant. Moreover, the responsible State, as well as local, agencies may vary for each site. These differences in organizational responsibility for dealing with emergencies can best be addressed on a case-by-case basis through the emergency plan rather than through a generic requirement for reporting to a "designated state agency".

Finally, CURE seeks a "full hearing" on its requested amendment. This request is ambiguous because it is unclear whether CURE is requesting that the Commission institute its customary notice-and-comment rulemaking or whether CURE is requesting the Commission use additional, trial-type procedures. Assuming the Commission were to grant the petition and institute a rulemaking proceeding, we submit that the notice-and-comment procedures ordinarily employed by the Commission are fully adequate to address any issues raised by CURE. Neither the subject matter in itself nor the terms of CURE's petition indicate the need for any additional procedures in this case. There would thus be no reason to treat this requested rulemaking proceeding any differently from the vast majority of other Commission proceedings which utilize only the notice-and-comment format.

For the foregoing reasons, we respectfully submit that the petition for rulemaking should be denied. Should the Commission decide to institute a rulemaking proceeding, we urge that notice-and-comment procedures be employed.

Respectfully submitted,

LeBoeuf, Lamb, Leiby & MacRae

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

March 24, 1978

WILLIAM O. PARKER, JR.
VICE PRESIDENT
STEAM PRODUCTION

TELEPHONE: AREA 704
373-4083

DOCKET NUMBER (7)
PETITION RULE PRM-20-10 (43FR3448)

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

Attention: Docketing and Service Branch

Reference: Citizens United for Responsible Energy
Filing of Petition for Rule Making
FR Docket 78-1940

Dear Sir:

The above referenced petition for rule making requests that the Nuclear Regulatory Commission amend its regulations in Section 20.403 of 10CFR Part 20, "Standards for Protection Against Radiation", to require all abnormal incidents to be reported immediately (within one-half hour) to the Commission. The petitioner proposes to define "Abnormal Incident" as any incident which involves the release of radioactive products to either air or water.

Section 20.106 and Appendix B, Table II of 10CFR Part 20 establish limits on quantities of radioactivity in effluents to unrestricted areas. These limits are conservative and assure that the health and safety of individuals in unrestricted areas is not adversely affected by routine releases of radioactive material. Section 20.403 then requires immediate or prompt (within 24 hours) reporting of incidents which significantly exceed Appendix B, Table II limits and which, therefore, could potentially impact public health and safety. Reporting as requested by the petitioner is not supportable with regard to public health and safety and is not logistically practical.

In summary, Duke Power Company is of the position that the petition for rule making be denied as unnecessary and unjustified.

Very truly yours,

William O. Parker, Jr.

Acknowledged by card 3/31/78

DCH:ge

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STATE OF INDIANA

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

INDIANAPOLIS

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, IN 46206

March 27, 1978

DOCKET NUMBER
PETITION RULE PRM-20-10 (43 FR 3448)

(8)

DOCKETED USNRC
MAR 31 1978
Office of the Secretary
Docketing & Service
Section

Secretary
U.S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, D.C. 20555

Dear Sir:

Re: Comments on Proposed Amendment
to 10 CFR Part 20

The petition to amend Section 20.403 of 10 CFR Part 20 without limitations has little merit. The petitioners would require that all abnormal incidents (defined as the release of radioactive products to either air or water) be reported immediately (within ½ hour). The petitioners state that "numerous incidents occurring in close proximity to Iowa" have not been reported promptly to State officials. No specific items are listed.

The wording would require reporting every day. Any nuclear power facility has some radioactive material being released (as does any coal-fired facility). No amounts are recommended. No dose or potential dose to people is recommended. All radiological health agencies, including Iowa's personnel, which I have had contact with have received complete cooperation of utilities operating nuclear power facilities. There are no equivalent regulations on other industries, and such restrictive regulations on the industry with the best safety record in the USA should not be instituted.

Sincerely,

Ralph C. Pickard
Assistant Commissioner
for Environmental Health

cc: Robert G. Ryan

Acknowledged by card. 3/31

Westinghouse Electric Corporation
Water Reactor Divisions
Box 355
Pittsburgh Pennsylvania 15230

April 3, 1978

WRD-LS&S-410

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

Attention: Docketing and Service Branch

(9)

Gentlemen:

Subject: Citizens United for Responsible Energy, Petition for Rule Making, Docket No. PRM-20-10

By notice published in the Federal Register of January 25, 1978, the Nuclear Regulatory Commission invited comments from interested persons regarding a petition for rule making filed by Citizens United for Responsible Energy. The petition, assigned Docket No. PRM-20-10 urges the NRC to promulgate several new rules dealing with the notification of incidents.

The Westinghouse Electric Corporation finds no merit in the petition as described in the Federal Register. Although the petitioner refers to "nuclear power plants," the change as requested would affect Part 20 of Title 10, and thus would be enforced on the tens of thousands of NRC materials licensees as well as power reactor licensees. The petitioner chooses to define an "abnormal incident" as an incident that involves the release of radioactive products to either the air or water. Such a definition lacks any scope for deliberate, routine and permitted releases. It also fails to establish any quantitative criteria for reporting so that strict compliance with the rule as proposed would probably tie up regional office telephones continuously during normal business hours with needless reports of insignificant releases.

With respect to criteria, the petition ignors the fact that the NRC has made some value judgements and existing regulations provide criteria to assist the licensee to evaluate accident situations with reference to their urgency. The petitioner has failed to present any evidence that the Commission's present criteria are defective and to justify his proposed change.

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Finally, the petitioner has requested an explicit requirement that a "state agency" be notified. Assuming that the petitioner does, in fact, intend that his proposed requirements would apply to accidental releases, responses by the licensee to accident situations are predetermined in the licensee's emergency plans. These plans include notification of off-site agencies when such notification is warranted. It might be pointed out that in view of the exponential decrease of concentration with distance, a 200-mile range is grossly excessive.

In summary, we find the petition unnecessary and technically deficient and we strongly urge that the Commission deny it.

Thank you for this opportunity to participate in the Commission's consideration of this petition. If you have any questions regarding this matter, please write to me at the above address or telephone me on (412) 373-4652.

Very truly yours,

A T Sabo for

Karl R. Schendel
License Administrator

/slw

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL RESOURCES

BUREAU OF RADIOLOGICAL HEALTH
P. O. Box 2063
Harrisburg, PA 17120
Tel: 717 787-2480

March 9, 1978

(10)

DOCKET NUMBER
~~PROPOSED~~ RULE PR-20(42FR36268)

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

Attention: Docketing and Service Branch

Gentlemen:

We have reviewed the petition for rule making to amend 10CFR20 filed by Citizens United for Responsible Energy as noticed in the Federal Register of Wednesday, January 25, 1978.

The matter which seems to be at issue here, namely, timely notification of offsite agencies, is best managed by dialogue among states and utilities in the development of plans for radiation emergencies. As the petition reads, the utility could be required to notify immediately perhaps 10 agencies of every discharge whether planned or unplanned, regardless of size or environmental variables. If that is, indeed, the intent, we cannot support the proposed amendment.

Thank you for the opportunity to comment.

Sincerely,

Thomas M. Gerusky

Thomas M. Gerusky, Director

TMG/fm

Acknowledged by card. 3/16/78

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

Consolidated Edison Company of New York, Inc.
4 Irving Place, New York, N Y 10003
Telephone (212) 460-3819

APR 6 1978

March 27, 1978

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

Subject: CURE Petition for Rulemaking re Notifications of Incidents per 10 CFR 20.403 (Federal Register, January 25, 1978)

Dear Sir:

Consolidated Edison Company of New York, Inc. respectfully submits the following comments on the subject Petition.

1. The basis for the subject petition is unclear, and the petition contains erroneous statements. Regulation 10 CFR 20.403(a) already requires immediate NRC notification for releases, radiation exposures, lost operation time, or property damage in excess of certain specified levels.

2. The definition of "abnormal incident" set forth by Citizens United for Responsible Energy (CURE) as an incident which involves the release of radioactive products to either the air or water, would necessitate immediate NRC and state agency notification for all plant releases, routine or otherwise. Releases within Technical Specification (license) limits are not reportable, nor should they be. The effects of such releases have been evaluated as inconsequential in establishing the limits. Should releases exceed Technical Specifications limits, the proposed half-hour reporting requirement would not allow time for any kind of evaluation nor possibly even determination of release path.

3. CURE is in error in referring to "the absence of rules requiring any communication with state agencies...." Generally, nuclear plant emergency plans require notification of and cooperation with appropriate government (including state) agencies upon occurrence of an incident which could affect the health and safety of the public. 10 CFR 50.34(b) requires an applicant to include in its final safety analysis report (FSAR) plans for coping with emergencies. 10 CFR 50

Acknowledged by card. 4/7

Appendix E requires, among other things, a description in the emergency plan of contacts and arrangements made or to be made with local, State, and Federal governmental agencies with responsibility for coping with emergencies.

4. Regarding the notification of other states, we feel that this should be done by either the NRC or a State agency after an assessment of the data and determination of the need for such notification.

5. In general, a short-time notification requirement, such as the half hour proposed in the petition, can only lead to confusion, the potential for jumping to false conclusions based on information that is, at best sketchy and incomplete.

We appreciate this opportunity to present our views to NRC. We hope these comments will prove helpful.

Very truly yours,

William J. Cahill, Jr.
Vice President

WJC:pt

GENERAL ELECTRIC

NUCLEAR ENERGY

PROJECTS DIVISION

GENERAL ELECTRIC COMPANY, 175 CURTNER AVE., SAN JOSE, CALIFORNIA 95125
MC 682, (408) 925-5040

MFN-131-78

March 28, 1978

(12)

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

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

Attention: Chief, Docketing & Service Section

Gentlemen:

SUBJECT: PETITION FOR RULE MAKING TO AMEND 10CFR20.403, "NOTIFICATION OF INCIDENTS," BY CITIZENS UNITED FOR RESPONSIBLE ENERGY

General Electric has carefully evaluated the subject petition and is pleased to provide the following comments.

The petition filed by Citizens United for Responsible Energy, which would amend 10CFR20.403 to require that all abnormal incidents be reported immediately, is without merit and lacks any supporting information to substantiate the need for such an action.

Part 403(a) clearly defines situations which are serious incidents and which require immediate notification. Serious incidents are self-evident, and little time is required to determine if such an incident has occurred. Therefore, serious incidents can be reported pursuant to the "immediate" criterion of Part 403(a).

Part 403(b) also clearly defines situations for 24 hour notification. Such incidents are not necessarily self-evident, and ample time is required by skilled personnel to determine if such an incident has occurred. Therefore, incidents as defined in Part 403(b) must necessarily be reported pursuant to the "24 hour" criterion of Part 403(b).

In conclusion, to arbitrarily require immediate notification for all abnormal incidents (including relatively minor ones) is inconsistent with the sound criteria of Parts 403(a) and (b), and such an overreaction will not serve the public or the regulatory agencies.

Acknowledged by card. 4/7

GE would be pleased to provide any further information on this issue. Robert J. Murillo, of my staff, may be contacted at (408) 925-3406 in this respect.

Very truly yours,

Glenn G. Sherwood, Manager
Safety & Licensing

GGS:mh/107-108

cc: L. S. Gifford, GE
R. B. Minogue, NRC

HEALTH PHYSICS SOCIETY

CARL M. UNRUH, President-Elect
BATTELLE
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Telephone: (509) 946-2503

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

(13)

March 27, 1978

in error

Wait Carl
Prop
Rule
Chg

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

Attn: Docketing and Service Branch

Gentlemen:

I offer for NRC consideration my plan to control radiation dose for new radiation workers. The plan is simple. It precludes an individual receiving more than 3 rem per quarter regardless of the number of employers. It essentially prohibits "hiring for exposure" practices. The plan is stated as follows:

> No employer may permit an employee during his or her first quarter of employment to receive a planned radiation dose in excess of a dose prorated against 3 rem per quarter for time of employment. For example, a new employee in the first week of employment would be limited to dose of 3 rem per quarter divided by 13 weeks per quarter or 0.23 rem. For the second week of employment, an additional 0.23 rem, or if no dose was received during the first week, then a dose of 0.46 rem could be received. After the first quarter of employment the currently applicable dose limits would be applied.

This low initial dose accumulation plan is consistent with a good radiation protection program. One would anticipate the need for radiation work orientation and training programs during the first few weeks of employment; hence, new employees should not be immediately available for high dose rate radiation work assignments. This plan reduces paper work and potential errors that might result from such paper work for very short term employment.

— NOT APPLICABLE TO 20-10 —

4/7

I do not believe the nuclear industry nor the regulators of the industry should permit "hiring for exposure" practices. The "hiring for exposure" practice is entirely foreign to good radiation protection practices and the "as low as reasonably achievable" concept for controlling radiation exposure which both the industry and the NRC claim they support.

Sincerely,

Carl M. Unruh

Carl M. Unruh
President-Elect

/ss

Commonwealth Edison
One First National Plaza, Chicago, Illinois
Address Reply to: Post Office Box 767
Chicago, Illinois 60690

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448) (14)

March 22, 1978

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

Attention: Docketing and Service Branch

Dear Sir:

Commonwealth Edison Company submits the following comments in respect of the Petition for Rulemaking filed by Citizens United for Responsible Energy ("CURE") on December 27, 1977. Notice of the CURE petition was published in 43 Fed. Reg. 3448 (January 25, 1978). The petition urges that all "abnormal incidents" be reported "immediately" (within one-half hour) to the appropriate NRC Regional Office and to designated state agencies within 200 miles of an incident. "Abnormal incidents" are defined as those which involve release of radioactive products to either the air or water.

To the extent the petition urges immediate reporting to the NRC and designated state agencies of incidents affecting the health or safety of workers or the public, it merely duplicates existing reporting requirements. Under 10 CFR § 50.34, Appendix E, and Reg. Guide 1.101 (Rev. 1 March 1977), licensees must have emergency plans which provide for notification of state and local authorities in addition to the NRC in the event of such incidents. Commonwealth Edison's Generating Stations Emergency Plan, for example, provides for immediate notification of the NRC, the Illinois Emergency Services and Disaster Agency and, where appropriate, the Iowa Disaster Services.

To the extent the CURE petition attacks the distinctions made in 10 CFR § 20.403 between releases which must be reported immediately, those which may be reported within 24 hours, and routine releases which are only reported periodically, we think the petition shows a lack of perspective. In the first place, petitioner gives no reason

why it is inappropriate to distinguish between releases of radioactivity for reporting purposes on the basis of their significance. More importantly, we think it is absurd to treat every release of radioactive material, no matter how trivial, as an emergency. To do so would inundate responsible federal and state agencies with a blizzard of essentially meaningless paperwork. This blizzard could possibly blunt the impact of reports of a situation which should cause alarm and delay response times to a real emergency, should one ever occur.

Respectfully submitted,

C. Reed

Cordell Reed
Assistant Vice President

3/22 → SUE W

State of Kansas . . . ROBERT F. BENNETT, *Governor*

DEPARTMENT OF HEALTH AND ENVIRONMENT

DWIGHT F. METZLER, *Secretary*

Topeka, Kansas 66620

(15) March 15, 1978

PETITION RULE PRM -20-10 (43FR3448)

DOCKETED USNRC APR 6 1978 Office of the Secretary Docketing & Service Section

Robert G. Ryan, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

This is in regard to your letter of March 2, 1978, bringing to our attention the Petition for Rule Making published in the January 25, 1978, Federal Register Docket No. PRM-20-10.

As an Agreement State, Radiation Control Program Director and Chairman of NCRCPD's group responsible for reviewing proposed changes to Part D of the Suggested State Regulations which contains many of the same types of regulations as 10 CFR Part 20 I am very interested in any proposed changes.

After reading both the Federal Register notice and the petitioners letter the following comments seem unavoidable.

1. While it may be, as alledged by the petitioner, that there have been difficulties in communication with a plant in or near Iowa the approach suggested by the petitioners to correct the problem ignores some very basic truths.

   (a) The term radioactive product apparently is not defined, this deficiency and tenor of the petition would appear to require any user of any radioactive material to call all designated state agencies within 1/2 hour of any release to air or water of any radioactive material. This rather broad approach simply requires that each licensee call the appropriate director every 1/2 hour so long as any living biological system exists on the property because it happens the metabolism of all living systems produces a respired air a radioactive element of carbon (^{14}C).

   The petition to be seriously considered must be changed to deal with the naturally occurring radioactive materials which certainly require no special attention at least at 1/2 hour intervals.

Acknowledged by card 4/7

(b) Such change would also be required for facilities, such as hospitals, or clinics where patients and laboratories must as a matter of providing modern medical care release to air and water small quantities of radioactive materials used in medical diagnosis and therapy.

(c) Finally, the petitions lack of any specific levels makes interpretation both vague and very likely impossible.

2. While as a Director of a Radiation Control Program who is intensly interested in a very prompt and accurate notification of any incident at any facility whether licensed by us or NRC I would demand that such notice be given when only a significant release had or was occurring. Such can only be done if the plant, the state and NRC make the notification requirements as specific and clear as possible. Regulations without limits cannot accomplish this important task. Whether the current Part 20 limits are specific enough or established at proper levels might be called into dispute but at least they constitute a set of standards. The petitioner would have NRC discard them and fail to replace them with anything usable.

3. We could support, of course, a petition to clearly require any NRC licensee to notify the impacted state immediately in the case of a significant release as defined in Part 20 or the licensees license.. Such could, of course, be greatly clarified by proper response of State and licensee to 10 CFR Part 50 Appendix E at the begining stages of the licensing process.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

DIVISION OF ENVIRONMENT

Gerald W. Allen, Director
Bureau of Radiation Control

3/27 C-1 Due

IOWA STATE COMMERCE COMMISSION

DES MOINES, IOWA 50319

Commissioners:
MAURICE VAN NOSTRAND
FRED H. MOORE
MARY F. HOLSTAD
Executive Secretary:
DEAN A. BRILEY

March 13, 1978

(16)

DOCKET NUMBER
PETITION RULE PRM -20-10(43FR3448)

DOCKETED USNRC
APR 6 1978
Office of the Secretary
Docketing & Service
Section

Robert G. Ryan, Director
Office of State Programs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

In response to your March 2 letter, the Iowa State Commerce Commission has no opposition to the proposed rule on reporting requirements for abnormal incidents. Our neutral position on the proposed rule reflects (1) doubt that any change in the reporting regulation is necessary, and (2) confidence, after having done some checking, that it will not place an excessive demand on the resources of either Iowa's Department of Environmental Quality or any of the Iowa utilities with nuclear facilities.

Thanks for your consideration.

Sincerely,

Maurice Van Nostrand

Maurice Van Nostrand
Chairman

MV/hb

Acknowledged by card 4/7

Public Utility Commission of Texas

3/20

George M. Cowden
Chairman

Garrett Morris
Commissioner

Alan R. Erwin
Commissioner

March 14, 1978

DOCKETED USNRC
APR 6 1978
Office of the Secretary
Docketing & Service Br.

DOCKET NUMBER (17)
PETITION RULE PRM-20-10 (43FR3448)

Mr. Robert G. Ryan, Director
Office of State Programs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

In response to your letter of March 2, 1978, we have reviewed the petition filed with the NRC by Citizens United for Responsible Energy. We believe the amendment to the NRC's regulation for reporting requirements for abnormal incidents proposed by CURE in their petition has merit and should be adopted.

Since Texas will soon have two operating nuclear power plants, the release of any radioactive products into the water or atmosphere by these plants will be of great concern to tnis Commission and other state agencies. Therefore, the immediate report of any such abnormal occurrence to the NRC and an appropriate state agency would be in the public interest.

Sincerely,

George M. Cowden

GMC:MBL:eb

Acknowledged by card. 4/7

3/27 C. EP 2. Law

State of North Carolina
Utilities Commission
Raleigh 27602

OFFICE OF EXECUTIVE DIRECTOR

March 22, 1978

PUBLIC STAFF

(18)

DOCKET NUMBER
PETITION RULE PRM -20-10 (43FR3448)

Mr. Robert G. Ryan, Director
Office of State Programs
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Ryan:

This is in response to your letter dated March 2, 1978 requesting comments on a petition filed by the Citizens United for Responsible Energy requesting rulemaking to amend the Nuclear Regulatory Commission's regulations for reporting requirements for abnormal incidences.

We would generally support the idea of communications with state agencies and requiring utilities to report abnormal incidences to responsible state officials. We question, however, the practicality of requiring reports within one-half hour. A more reasonable approach from our perspective would be to identify the types of abnormal incidences and their potential severity and scale the reporting response time accordingly.

We appreciate the opportunity to offer our comments.

Yours very truly,

Hugh A. Wells
Executive Director

HAW:AWW:jpm

Ack..... 4h.....

3/21 cl. ej 2. See

Nebraska Department of Environmental Control

J. James Exon, *Governor* Dan T. Drain, *Director*

DOCKET NUMBER (19) see 19A on reverse
PETITION RULE PRM-20-10(43FR3448)

March 21, 1978

Robert G. Ryan, Director
Office of State Programs
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

Thank you for your letter of March 2, 1978. It was referred to the Radiological Health Division of the Nebraska Department of Health for comments. I am pleased to enclose comments by H. Ellis Simmons, Director of that Division of the Health Department.

We hope that these comments might be useful.

Sincerely yours,

Richard H. Hansen

Richard H. Hansen
Legal Counsel

RH/jm

Enclosure

cc: H. Ellis Simmons, Director

Acknowledged by card. 4/7

(RA)

STATE *of* NEBRASKA
DEPARTMENT OF HEALTH
DIVISION OF RADIOLOGICAL HEALTH
301 CENTENNIAL MALL SOUTH (3rd FLOC
P.O. BOX 95007
LINCOLN, NEBRASKA 68509
(402) 471-2168

March 14, 1978

Comments on (Docket No. PRM-20-10)

CITIZENS UNITED FOR RESPONSIBLE ENERGY

Filing of petition for Rule Making.

I have no comment on petitioner's request to amend paragraph 20.403 Notifications of Incidents, of 10 CFR Part 20 to require that all abnormal incidents be reported immediately (within ½ hour) to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office.

I do not concur with the proposed amendment paragraph 20.403 which requires the utility involved to report immediately (within ½ hour) to the Director of a designated state agency responsible for public health and safety which is within 200 miles of such incident.

This is an unreasonable, unjustified and an unworkable request. It would mean that the utility in some small states would be required to notify all health officers whose states were within a 200 mile radius of the incident. This could take hours without any beneficial effect especially if the release is of no significance.

A more reasonable approach would be for each state to develop an Emergency Response Plan which would respond appropriately to any incident. The communication systems of an appropriately written and executed plan should be able to manage any radiation emergency.

H. Ellis Simmons

H. Ellis Simmons, Director
Division of Radiological Health

HES/jkb

Encl.

3/31

STATE of INDIANA

INDIANAPOLIS

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, IN 46206

March 27, 1973

(20)

DOCKET NUMBER
PETITION RULE PRM-20-10(43FR3448)

APR 6 1973

Secretary
U.S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, D.C. 20555

Dear Sir:

Re: Comments on Proposed Amendment
to 10 CFR Part 20

The petition to amend Section 20.403 of 10 CFR Part 20 without limitations has little merit. The petitioners would require that all abnormal incidents (defined as any release of radioactive products to either air or water) be reported immediately (within 1 hour). The petitioners state that "numerous incidents occurring in close proximity to Iowa" have not been reported promptly to State officials. No specific items are listed.

The wording would require reporting every day. Any nuclear power facility has some radioactive material being released (as does any coal-fired facility). No amounts are recommended. No dose or potential dose to people is recommended. All radiological health agencies, including Iowa's personnel, which I have had contact with have received complete cooperation of utilities operating nuclear power facilities. In the application of regulations on other industries, and such restrictive regulations on the industry with the best safety record in the USA should not be instituted.

Sincerely,

Ralph C. Pickard
Assistant Commissioner
for Environmental Health

cc: Robert G. Ryan ✓

Duplicate

Ackn... 4/7

18 02 70 143

cc
Copy

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
2562 EXECUTIVE CENTER CIRCLE, EAST
MONTGOMERY BUILDING
TALLAHASSEE, FLORIDA 32301

REUBIN O'D. ASKEW
GOVERNOR

JOSEPH W. LANDERS, JR.
SECRETARY

DOCKET NUMBER (21)
PETITION RULE PRM-20-10 (43FR 3448)

March 15, 1978

Mr. Robert G. Ryan
Office of State Programs
United States Nuclear Regulatory
Commission
Washington, D.C. 20555

Dear Mr. Ryan:

The Florida Department of Environmental Regulation hereby submits the following comments on the citizens United for Responsible Energy's petition to amend the NRC's regulation for reporting requirements for abnormal incidents.

This Department supports the intent of CURE's petition but would suggest the following changes:

1. Change ½ hour to one hour.

2. Report abnormal events such as releases to the ambient air or water outside of containment within one hour to the NRC - Inspection and Enforcement office and to the responsible state officials.

3. Report all other abnormal events to NRC and state officials with 24 hours of the event.

Thank you for the opportunity to comment on the petition.

Sincerely,

Hamilton S. Oven Jr.
Hamilton S. Oven, Jr., P.E.
Administrator, Power Plant
Siting

HSOjr/mk

Acknowledged by card. 4/7

Ans K-T-J

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH O – JUNEAU 99811

(22)

DOCKET NUMBER
PETITION RULE PRM -20-10 (43FR 3448)

March 24, 1978

Mr. Robert G. Ryan
Director, Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Ryan:

Thank you for the opportunity to comment on the proposed amendment of 10 CFR Part 20 advertised as Docket No. PRM-20-101. I support the proposed amendment of the regulations, and suggest some additional changes.

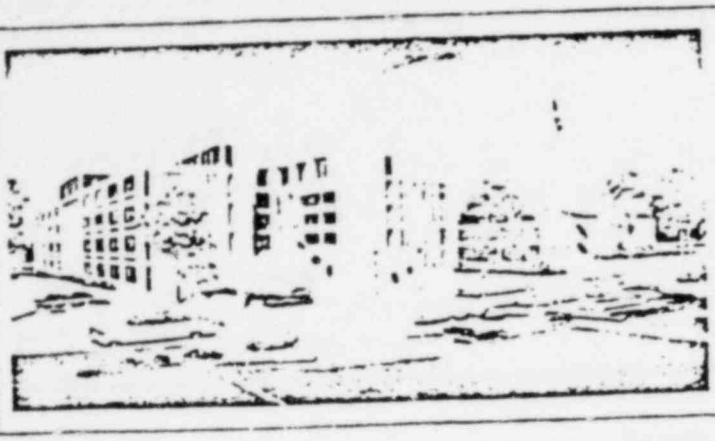
The requirement for notification of abnormal incidents within one-half hour is a good concept. I presume that the one-half hour period would begin running at the time of knowledge of the incident. However, there is some confusion in the proposal as to which state agencies would be notified.

Perhaps a more comprehensive means of assuring that the appropriate state agencies are informed of these incidents would be to require each facility to keep a current list of those persons to whom notification must be made. This list would be reviewed regularly by NRC, and would contain the names of those appropriate state officials to be notified. The wording in the proposed amendment should be clarified to indicate that the appropriate state officials of states which are within 200 miles of the incident, not the state official who is within 200 miles of the incident. In view of the fact that agencies vary from state to state, I would suggest that the designation of the appropriate officials in state government be made by the respective governors, not by the NRC, as this regulation would propose.

Sincerely,

Ernst W. Mueller
Commissioner

Acknowledged by card. 4/7



Arkansas
DEPARTMENT OF HEALTH

4815 WEST MARKHAM STREET • LITTLE ROCK, ARKANSAS 72201
TELEPHONE AC 501 661-

DAVID PRYOR GOVERNOR OF ARKANSAS
REX C. RAMSAY, JR., M.D., DIRECTOR

DOCKETED
APR 6 1978

March 17, 1978

(23)

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

Mr. Robert G. Ryan, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

Thank you for the letter dated March 2, 1978, to Dr. Rex C. Ramsay, Jr. concerning a petition submitted by Citizens United for Responsible Energy on December 27, 1977.

The Department has reviewed the petition and, while it is our opinion that an improved notification system for true abnormal occurrences is necessary, the Department cannot endorse the concepts submitted by CURE. It is suggested that the U.S. Nuclear Regulatory Commission, in cooperation with NRC licensees and the Interorganizational Committee on Radiological Emergency Response Planning and Preparedness, develop guidance to insure that, in the event of a true abnormal occurrence, appropriate notifications to state and local governments are made in a timely manner.

Thank you for the opportunity to comment.

Sincerely yours,

David D. Snellings, Jr., Director
Division of Radiological Health
Bureau of Environmental Health Services

DDSjr:ef

Acknowledged 4/7

cc: Dr. Rex C. Ramsay, Jr., Dir., ADH

TENNESSEE VALLEY AUTHORITY
CHATTANOOGA, TENNESSEE 37401
830 Power Building

APR 3 1978

(24)

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

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

Attention: Docketing and Service Branch

Gentlemen:

On January 25, 1978, the Nuclear Regulatory Commission (NRC) published in the Federal Register a notice of the filing of a petition for rulemaking by Citizens United for Responsible Power (CURP), (43 FR 3448).

The petition proposes modification of 10 CFR § 20.403 by imposing certain additional notification requirements upon NRC licenses. The petition alleges that present NRC regulations are "lax" and that there are no rules requiring any communications with state agencies within close geographic proximity to nuclear plants. The former is too vague to support a petition for rulemaking and the latter ignores existing regulatory requirements.

Regulations already exist requiring notification of state and local officials as part of the emergency plans for each licensed reactor. These are covered in detail in 10 CFR Part 50, Appendix E. Inclusion of additional reporting requirements in section 20.403 would be unnecessarily redundant.

The petition defines an abnormal incident as one which "involves the release of radioactive products to either the air or water." This definition is unworkable and would require reporting the routine, controlled releases authorized by plant technical specifications and 10 CFR Part 20 (1977). These have no safety significance and little or no potential for public interest and would be a waste of ma power and resources.

Defining "immediate report" to mean "within 1/2 hour" would not give adequate time in most instances to provide meaningful report and could well distract from efforts to terminate and/or mitigate the consequences of a significant radiological incident.

Acknowledged by card 4/7

APR 3 1978

Secretary of the Commission

It is TVA's view that the petitioner has failed to provide sufficient bases to justify the reassessment of existing reporting requirements. The proposed rule, if adopted, would distort the true significance of routine controlled releases to the environment and would not enhance protection of the public health and safety; accordingly, the petition should be denied.

Very truly yours,

J. E. Gilleland

J. E. Gilleland
Assistant Manager of Power

cc: Executive Secretary
Advisory Committee on Reactor of Safeguards
U.S. Nuclear Regulatory Commission
1717 H Street, NE.
Washington, DC 20555

Mr. R. A. Szalay
AIF, Inc.
7101 Wisconsin Avenue
Washington, DC 20014

Consumers Power Company

DOCKET NO. (illegible) (25)

PETITION RULE -20-10(43FR3448)

General Offices: 212 West Michigan Avenue, Jackson, Michigan 49201 • Area Code 517 788-0550

APR 7 1978

March 22, 1978

Sale 13-78

Secretary of the Commission
Att: Docketing and Service Branch
U S Nuclear Regulatory Commission
Washington, DC 20555

The following comments concerning the Petition for Rulemaking by the Citizens United for Responsible Energy (CURE) to amend 10 CFR 20.403 are presented for your consideration:

1. "Standards for Protection Against Radiation," 10 CFR Part 20, provides adequately for reporting of incidents. The prescribed time frames for required reports are commensurate with the magnitude of the incident and properly take into account the need to carry out on-site procedures and to provide information to insure the continued health and safety of the public.

2. The requirements for incident reporting to outside agencies are adequately provided for by the facility Emergency Plan required by "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

3. After an incident, efforts to contain any release within the site boundary must be the primary action. Although the reporting of these incidents is important, it should not be allowed to deter from the necessary immediate actions.

For the reasons given above, it is recommended that this petition be denied. Please consider these comments during deliberations on this matter.

Terence J Sullivan
Executive Engineer

CC: CJMaynard/RAWells/SHHowell
PASzalay
JEHoughteling
FWBuckman/DABixel
RWSinderman
JLBacon

Commenting Agency 417

STATE OF CONNECTICUT
POWER FACILITY EVALUATION COUNCIL
STATE OFFICE BUILDING · HARTFORD, CONNECTICUT 06115
TELEPHONE 566-2122

APR 7 1978

DOCKET NUMBER (26)
PETITION RULE PRM-20-10 (43FR3448)

MARY ANNE GUITAR
CHAIRMAN

COMMISSIONERS
ROBERT J. KLEBAN
STANLEY J. PAC

DAVID L. CLARK
FRED J. DOOLEY
MORTIMER A. GELSTON
JAMES G. HORSFALL
GLORIA DIBBLE FOND
COLIN C. TAIT

MRS. RAEANN CURTIS
ADMINISTRATIVE ASSISTANT

March 23, 1978

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

Attention: Docketing and Service Branch

Re: Petition for Rule Making filed by Citizens United for Responsible Energy to amend the NRC regulation "Standards for Protection Against Radiation", 10 CFR Part 20.

Dear Sir:

The proposed change would require utilities to notify the NRC and the director of a designated state agency within one-half hour after an abnormal incident that involved the release of radioactive products into either the air or water.

I fully support this change. It is something that will result in only a very minimal cost to the utilities. On the other hand, the change will help to provide timely information to those responsible for public safety and environmental decision making.

After some recent abnormal incidents at Millstone Point Generating Station in Waterford, Connecticut, Governor Grasso expressed a concern over the time it took for the utility to notify the appropriate State officials. I think that the proposed change addresses this concern. I therefore strongly urge the NRC to implement this proposed change.

Yours very truly,

Mary Anne Guitar/gc

Mary Anne Guitar
Chairman

MAG:RWW:gc
cc: Jane E. Magers

417

STATE OF MICHIGAN

OFFICE OF THE GOVERNOR

LANSING

WILLIAM G. MILLIKEN
GOVERNOR

(27)
DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)
March 24, 1978

Mr. Robert G. Ryan, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Ryan:

Thank you for the opportunity to comment on the Citizens United for Responsible Energy (CURE) petition to rescind 10CFR20.403. The petition suggests that the present rules are "lax", and, therefore, CURE petitions the Commission to strengthen those rules. It is not clear whether the petitioners intend to augment the proposed changes to be as inclusive as the present 10CFR20.403 in its entirety.

Assuming the CURE intends to "rescind" 10CFR20.403 and replace it only with the amendments as proposed in the petition, such amendments would actually weaken the existing rules, which are considerably more inclusive. Certain provisions of the existing rules must be retained. For example, extant provisions for reporting releases of radioactive material would be retained. Without the information deleted from the present rules the NRC's efforts to protect the hea and safety of plant workers and the public would be jeopardized.

In its present form 10CFR20.403 requires the reporting of releases (to the envi ment) on the basis of established standards. Normal plant operation includes some radioactive materials releases below technical specification limits for the operations of the plant. Releases are monitored continuously and controlle within permissible levels. Should these levels be exceeded, an abnormal occurrence would exist. Permissible amounts of radioactive gases are emitted t the atmosphere on a continuous basis from operating boiling water reactors. Th the proposed definition by CURE for an "abnormal occurrence" lacks significance Any unmonitored releases, releases that exceed the technical specifications, or releases of significant public health hazard, are currently reportable to the NRC.

slz

The selection of a 200-mile radius for notification of minor incidents would not only lead to unwarranted alarm but would also require the generation and implementation of emergency response plans of unmanageable proportions. The cost of such activities would not be commensurate with the accrued benefit. For example, a plan for D. C. Cook plant incorporating the 200-mile notification criterion would require consideration of Michigan, Wisconsin, Iowa, Illinois, Indiana, Ohio, and Canada.

If CURE is concerned about the significance of releases in amounts less than those now reportable to the NRC, new limits should be suggested and justified.

Since January, 1977, Michigan has had Peacetime Nuclear Incident Rules which require notifications from nuclear power plant utilities. Before that date information was received on a cooperative, voluntary basis. In addition to the immediate reporting of nuclear incidents, notification during normal working hours is required for public interest occurrences such as facility start-up or shutdown and radioactive material shipments. Written copies of all licensee event reports sent to the NRC are also submitted to the Michigan Department of Public Health. Promulgation of the NRC rule to require state notification by a utility as proposed by CURE with their definition of "abnormal occurrence" is not a practical or a meaningful requirement.

For states which have no established notification procedures and would desire to be notified, it would seem that making additions to the existing 10CFR20.403 and 10CFR20.405 would have some merit. An additional consideration on the part of the States is the need for enabling legislation and appropriate rules to obtain the necessary authority to write and implement response plans.

Sincerely,

Jonathan T. Cain
Special Assistant
to the Governor

JTC:jw

cc: Maurice Reizen

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION
1111 HOWE AVENUE
SACRAMENTO, CALIFORNIA 95825
(916) 322-6937

(28)

April 4, 1978

DOCKET NUMBER
PETITION RULE PRM-20-10 (43FR3448)

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

Attention: Docketing and Service Section

Gentlemen:

Thank you for the opportunity to comment on the petition by Citizens United for Responsible Energy (CURE) regarding the proposed rulemaking to amend NRC Regulation Section 20.403. This section deals with reporting requirements for abnormal incidents. The subject petition emphasizes the need for emergency response planning, work our Commission has undertaken.

The issue brought up by CURE is, whether incident reporting is expeditious in light of public safety concerns. CURE questions the adequacy of 24 hour reporting, and suggests one-half hour maximum reporting time for incidents involving release of radioactive materials to either air or water.

The issue is, in part, perpetrated by the confusion of what an abnormal incident is. A broad range of events are included in the definition of "abnormal incidents". Some events do not pose an immediate threat to public safety; thus the 24 hour reporting requirement may be appropriate. Other incidents could pose an immediate threat to public safety and should be reported within one-half hour. Immediate reporting of incidents that involve a threat to public safety should be required. This requirement may already be satisfied by the emergency response planning program. Such planning is delineated in each plant's safety analysis report.

The issue raised by CURE may be more properly resolved by: 1) better defining "abnormal incidents", and 2) re-emphasizing emergency response planning.

Sincerely,

F.J. Hahn
Deputy Executive Director

FJH:rp

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 6 1978

DOCKET NUMBER (29)

PETITION RULE PRM-20-10 (43FR3448)

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

Not applicable to PRM-20-10

Attention: Docketing and Service Branch

Dear Mr. Chilk:

This letter is in response to your request for comments on the proposed rule change affecting "Notices, Instructions and Reports to Workers, Inspections; Standards for Protection Against Radiation" published in the Federal Register (pp 4865-4868) of February 6, 1978. We approve of this NRC effort to control more effectively the occupational doses of so-called "transient workers and moonlighters" within applicable limits.

There may be a need, however, to clarify the basis for selection of "less than 25 percent of applicable limits" as an acceptable estimate of the dose(s) which may have been received in a current quarter.

Additionally, the operational application of such "less than" estimates for individuals with multiple employment events in a quarter should be specified in the regulatory text. Must the licensee assume that for a particular individual, each such "less than" estimate represents 25 percent of the applicable quarterly limit? Thus, an individual having 3 such estimates would have to be assumed as having already received 75 percent of the applicable quarterly limits.

A general question arises concerning the contents of the first full paragraph in the first column of page 4867, which discusses the effect of previous overexposures on current application of limits. This matter also appeared in the explanatory text of another proposed rulemaking of some years ago. This material, however, does not appear in current versions of 10 CFR 20. If loss of employment by individuals solely because of receiving a few millirems over the NRC

Acknowledged by card. 4/12

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quarterly limit is actually occurring, it evidently requires the inclusion of appropriate corrective provisions in current NRC regulations, per se, and not simply in explanatory text which does not appear in the regulations themselves.

Sincerely yours,

William A. Mills

William A. Mills, Ph.D.
Director
Criteria & Standards Division (AW-460)
Office of Radiation Programs

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ROBERT ABRAMS
Attorney General

November 20, 1981

FREEDOM OF INFORMATION ACT REQUEST
FOIA-81-485
Rec'd 11-25-81

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Director
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Freedom of Information Act ("FOIA") Request

Dear Sir:

Pursuant to FOIA, request is hereby made that you furnish us with copies of the following documents:

1. All documents dated or prepared since January 1, 1975 which discuss, for hypothetical or actual accidents at a nuclear reactor or power plant, the possible radiation doses, as well as health and environmental impacts, which could occur greater than ten miles from the site of the reactor or power plant.

2. All documents dated or prepared since January 1, 1975 which discuss the desirability, importance, or any requirement, of having emergency response plans for areas that are greater than ten miles away from a nuclear reactor or power plant.

3. All documents dated or prepared since January 1, 1975 which discuss the question of whether emergency response plans should be required for areas greater than ten miles away from a nuclear reactor or power plant.

4. All documents dated or prepared since January 1, 1975 which discuss the desirability, importance, or any requirement, of preparing plans to ensure the safety of food and water --or the ingestion pathway-- for an area of fifty miles around a nuclear power plant.

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5. All documents dated or prepared since January 1, 1970, which discuss the possible health or environmental impacts that could result if a public drinking water supply, including a reservoir, is exposed to radiation.

6. All documents dated or prepared since January 1, 1970 which discuss the possible health or environmental impacts that could result if tunnels or other underground passageways, including mass transit subway systems, are exposed to radiation.

Request is made for an exemption from fees pursuant to 10 CFR §914a(a)(2).

Very truly yours,

Ezra I Bialik

EZRA I. BIALIK
Assistant Attorney General
Environmental Protection Bureau

EIB/bp