



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ROBERT E. HUGHEY, COMMISSIONER
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August 19, 1982

Mr. Kenneth E. Perkins
Acting Director
Division of Emergency Preparedness
Office of Inspection and Enforcement
MNBB 6209
NRC
Washington, DC 20555

Dear Mr. Perkins:

The NRC issued a manuscript for interim use and comment on April 6, 1982, titled "Agency Procedures for the NRC Incident Response Plan" (NUREG-0845). We have reviewed NUREG-0845, and it has raised a number of concerns about how the implementation of the NRC procedures in New Jersey may impact negatively on the State's Plan and Implementing Procedures as they are used in conjunction with those of the nuclear power plant licensees'.

New Jersey has had a formal nuclear emergency response plan for about eight years and has participated regularly with nuclear power plant licensees in the State, in drills, and annual exercises. We also routinely receive notifications from those licensees as defined by the Emergency Action Level (EAL) system of event and accident classification. More recently, the adoption of the New Jersey Radiological Emergency Response Plan for Nuclear Power Plants reflects the incorporation of planning requirements specified in NUREG-0654 into the official State response plan. The incorporation of the EAL classification system into the licensees' Emergency Plan Implementing Procedures and of NUREG-0654 guidance into the State plan, has contributed significantly to the development of a much closer working relationship between the State and the licensee during emergency planning and response activities.

It is our recent experience, that: 1) the maintenance of effective communications between ourselves and the nuclear station requires constant updating of communication links and practice in their use; and 2) the performance of accident assessment requires not only the use of proper communication links but a continuing review with the licensee, of the state-of-the-art of accident methodology to be utilized for a specific nuclear plant. However, it has also been our experience that, until recently, it has been

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extremely difficult to develop policies and procedures that provide a reliable level of assurance that the licensee and the State would ultimately recommend the same protective action for a particular accident scenario. We feel that we are now very close to achieving this level of reliability on a routine basis.

During implementation of your Plan, the NRC states, that it intends to "include those tasks that culminate in NRC decisions to endorse licensee recommendations for protective actions or to recommend additional offsite actions to protect the public health and safety, based on technical criteria and NRC projections of plant status." We are concerned that the outcome of this "independent" NRC approach could be to increase the uncertainties and inconsistencies that we have tried to eliminate in the past between our analytical techniques and those of the licensee, during accident assessment.

Another concern we have, is that the NRC's plan to establish a communications system and network at the nuclear facility and within the State will: 1) overload our present communications system; 2) compete for the attention of the licensee's technical staff and on which the State depends for some technical data; and 3) compete with the State in the area of public information flow and advice to State policy makers, e.g. the Governor's Office.

We have also reviewed NUREG-0909, "NRC Report on January 25, 1982, Steam Generator Tube Rupture at R.E. Ginna Nuclear Power Plant". We were particularly interested in analyzing the Federal response and especially that of the NRC. It appears that the NRC played a major role in the emergency response actions taken at and around the Ginna site at all levels of response, for example:

1. "the NRC chairman conferred directly with the New York State Governor...."
2. "NRC coordinated the licensee's response and notified FEMA and other Federal agencies of the events as they developed at the plant."
3. "NRC provided technical advice to State and local officials and participated with FEMA in coordinating activities at the site with State and County officials."
4. "With the exception of the State Liaison Officer, who went to the Emergency Operations Facility, the entire (NRC) Site Team (7) went to the Technical Support Center."

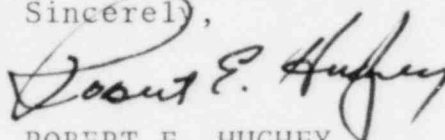
In summary, our concern is that the Federal response plans and especially those of the NRC and FEMA have been neither integrated into nor tested with the State and licensees' emergency response activities. Since FEMA and NRC regard all of the planning

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standards identified and contained in NUREG-0654 as essential for an adequate radiological emergency plan, to what extent have the NRC procedures followed those criteria and have those procedures been reviewed and evaluated independently against those criteria? We would also like to request clarification on how and when the NRC intends to field test their Plan within the content of site-specific plans and implementing procedures that have been developed by New Jersey and nuclear power licensees in the State?

Finally, the New Jersey Department of Environmental Protection would like to request the development of a Memorandum of Understanding with NRC Headquarters and their Region I Office that will define how the State and NRC will interface during annual exercises and in the event of an actual emergency.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert E. Hughey", written in a cursive style.

ROBERT E. HUGHEY
COMMISSIONER

c: Deputy Commissioner Paul Arbesman
Assistant Commissioner George Tyler
Director Steven Kuhrtz
Assistant Director Eugene Fisher