



**Consumers
Power
Company**

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OFFICE OF SECRETARY
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BRANCH

September 1, 1982

(20)

DOCKET NUMBER
PETITION RULE PRM-50-33
(47 FR 29252)

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

CONSUMERS POWER COMPANY'S COMMENTS ON NEMA PETITION FOR RULEMAKING

Consumers Power Company appreciates this opportunity to comment on the petition for rulemaking filed by the National Emergency Management Association (NEMA) to amend 10 CFR 50, Appendix E (Docket No PRM-50-33).

Consumers Power Company agrees with NEMA that the current requirements of Appendix E, Section IV.F., of 10 CFR 50 do impose a burden on the resources of affected State and local governments. Further, Consumers Power Company agrees with the statements in SECY-82-130 that:

"As a result of this substantial expenditure of resources for these emergency preparedness exercises, less resources are available to establish and maintain the very important day-to-day upgraded state of emergency preparedness. In addition, necessary resources for correcting any deficiencies that surface during the exercises are being reduced."

Therefore, Consumers Power Company supports the amendment to 10 CFR 50 proposed by NEMA and in addition would support Alternative A of SECY-82-130 which closely parallels the NEMA petition.

Notwithstanding Consumers Power Company's position in support of the NEMA petition, Consumers Power Company feels that given the importance of emergency planning, the necessity for accurate communications and decision making during emergency situations and the personnel turnover rate within State and local agencies, it is imperative that all affected agencies be required to demonstrate their capability for accurate communication and decision making no less than annually. Partial participation, as defined in Note 3 of the proposed rule, is similar to the small scale exercise defined in the current rule and should not require a large commitment of manpower or material resources by an affected State. Thus, a requirement for annual partial

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Michael Jamgochian
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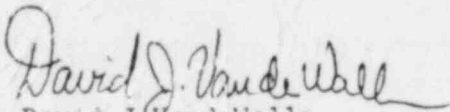
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participation would not be excessively burdensome. Furthermore, emergency situations require a high degree of coordination between the licensee and State and local agencies. It would be difficult to maintain that level of coordination and preparedness without annual exercises.

Consumers Power Company recommends, therefore, that Section 1.a of the proposed rule be revised to require partial participation by State and local governments in the annual licensee emergency plan exercises to the extent that, at a minimum, communication between the licensee and the affected offsite agencies is fully tested. Only after the industry and the involved governmental agencies demonstrate continued proficiency in this area should the rule be considered for relaxation.



David J Vandewalle
Nuclear Licensing Administrator



Commonwealth Edison
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 Chicago, Illinois 60690

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'82 SEP -9 P2:12

September 7, 1982

OFFICE OF SECRETARY
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(21)

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

DOCKET NUMBER
 PETITION RULE PRM-50-33
 (47 FR 29252)

Attention: Docketing and Service Branch

Subject: National Emergency Management Association
 Petition - Docket No. PRM-50-33 (47 FR 29252 7-6-82)

Dear Sir:

Commonwealth Edison has reviewed the subject petition and offers the attached comments. We appreciate having been given the opportunity to comment.

Respectfully,

L. O. DelGeorge

L. O. DelGeorge
 Director of Nuclear Licensing

Attachment

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COMMONWEALTH EDISON CO. COMMENTS ON
National Emergency Management Association Petition
- Docket No. PRM-50-33

The NEMA petition proposes the reduction in frequency of emergency training exercises at nuclear power plants involving local and state government agencies in order to lessen the financial burden placed on them. As proposed, several aspects of licensee involvement are not clear and need further definition as follows:

- A) The wording of Section IV F.1. of 10 CFR 50 Appendix E as proposed requires licensee annually "...to test as much of the licensee emergency plan..."; this reference is not specific to differentiate between functional level of involvement versus level of emergency classification achieved.
- B) The proposed change does not clarify how the wording of Section IV.F., which reads "Both full-scale and small-scale exercises shall be conducted...", is to be applied to the licensee.
- C) As proposed, the NEMA petition does not relate participation of local government in Section IV.F.1.a, b, and bl, to the requirements of Section IV.F.3. Nor does the proposal address options available to local government agencies located in the plume exposure EPZ of more than one site.

In order to clarify these issues, proposed word changes (underscored) and deletions are suggested as follows:

- 1) Delete the entire sentence immediately preceding Section IV.F.1 which reads "Both full-scale and small-scale exercises shall be conducted and shall include participation by appropriate State and local government agencies as follows:" Replace that sentence with "Participation in exercises shall be as follows:".
- 2) Modify Sections IV F.1 thru IV F.3 to read:
 1. Each licensee at each site shall exercise annually its onsite emergency plan to functionally test as much of the licensee emergency plan as is reasonably achievable, consistent with the level of participation of the State and local government agencies involved. Specifically, when State and local government agency participation is not required, an exercise reaching at least the alert level shall be held; when full participation of local government and partial participation of State government is required, an exercise reaching at least the site area emergency level shall be held; and when full participation of both State and local government agencies is required, an exercise

reaching the General Emergency level shall be held. The licensee exercises shall include participation by offsite agencies at the following frequencies:

- a. (unchanged)
 - b. (unchanged)
 - b.1. (unchanged)
2. The plan shall also describe provisions for involving Federal emergency response agencies in an emergency preparedness exercise, which reaches the general emergency level, for each site at which one or more power reactors are located and licensed for operation at least once every 7 years;
 3. (delete entire first paragraph)
State or local government agencies located within the plume exposure EPZ of more than one licensed power reactor site shall not be required to participate in more than one exercise annually, unless its previous performance has been judged to be inadequate. These agencies should participate in the exercise reaching the higher emergency level.

These suggested changes allow for more consistent terminology and eliminate confusion over small-scale and full-scale exercises. They also provide consistency of Federal participation on the same schedule as State full participation.

Commonwealth Edison Co. supports the NEMA petition with the above changes to better identify the requirements placed on the licensee.

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The association of electric companies

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September 7 1982
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Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
PETITION RULE PRM-50-33
(22)
(47FR29252)

Re: Petition for Rulemaking to Change the Frequency of Exercises for State and Local Radiological Emergency Response Plans, 47 Fed. Reg. 29252 (July 6, 1982)

Dear Mr. Chilk:

This letter responds to the above referenced Federal Register notice regarding the National Emergency Management Association's ("NEMA") petition for rulemaking. The petition requests that the Nuclear Regulatory Commission ("Commission") amend its regulations in 10 CFR Part 50 to reduce the frequency of emergency training exercises at nuclear power plants involving state and local governments.

The Edison Electric Institute ("EEI") is the national association of investor-owned electric utility companies in the United States. Its members serve 99.1 percent of all customers of the investor-owned segments of the electric utility industry and 77.1 percent of the nation's electric users. EEI's members include 87 companies having an interest in nuclear power plants for which construction permits or operating licenses have been issued by the NRC. These member companies have a substantial interest in the requirements controlling the development and testing of state and local radiological emergency response plans.

Over 65 full-scale emergency training exercises have been held at nuclear power plant sites. These exercises represent but one step in a continuing effort among state and local governments and the utilities to improve the overall capability to respond to an emergency at a nuclear power facility.

Based on the industry's experience gained in conducting these exercises, EEI is in full agreement with the directors of NEMA that the current requirements for annual exercises should be changed. EEI submits that the frequency of these exercises can be changed to provide substantial savings in terms of state and local resources without diminishing the capability of a state to respond to and

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carry out its responsibilities in an emergency at a nuclear power facility. Accordingly, EEI recommends that the Commission initiate a proposed rulemaking to change the frequency of exercises for state and local radiological emergency response plans as indicated in proposed Section 1a of the NEMA petition.

For the same reasons, EEI similarly agrees with the directors of NEMA that the current requirements for frequency of exercises by state and local agencies should be changed as indicated in proposed Section 1b, except for the reference to full participation within ingestion EPZs (emergency planning zones). This proposed section calls for full participation by local agencies within the plume exposure EPZ and full participation by states within the plume exposure and ingestion EPZs at least once every seven years. As defined by petitioners, "full participation" in the context of emergency preparedness exercises means that all involved offsite agencies shall physically and actively participate in the exercise in order to test all major elements of the integrated plans.

While EEI agrees with petitioners that full participation by state and local agencies within the plume exposure EPZ is needed at least once every seven years, it also believes that there are persuasive reasons why partial participation by states within the ingestion EPZ at least once every seven years is sufficient for states to carry out their responsibilities in an emergency at a nuclear power facility and will result in substantial savings of state resources. As defined by petitioners, "partial participation" in the context of emergency preparedness exercises means that all involved offsite agencies shall actively participate in the exercise in order to test direction and control functions, *i.e.*, protective action decision-making and communications capabilities among affected state and local agencies and the affected licensee. Applying this requirement to states within the ingestion EPZ insures adequate involvement by state agencies to be able to demonstrate direction and control functions during an emergency preparedness exercise. This means that the state agencies must be able to make appropriate protective action decisions and communicate these decisions to emergency response personnel throughout the entire appropriate EPZ. In view of these requirements, EEI believes that partial participation by the states within the ingestion EPZ provides just as effective benefits as would full participation by states within the ingestion EPZ.

On the other hand, full participation by states within the ingestion EPZ would be beyond the states' current experience and would require them to demonstrate response capabilities which are inappropriate elements to be evaluated during an exercise. For example, full participation by states within the ingestion EPZ could require them to demonstrate in actuality the analyses of milk, vegetation and drinking water supplies, as well as other components of the human food chain. These protective actions could occur over several days or weeks during an emergency, and thus

Samuel J. Chilk
September 7, 1982
Page Three

would be extremely difficult or impossible to observe during the one or two days of exercises in which all other aspects of offsite radiological preparedness are being evaluated.

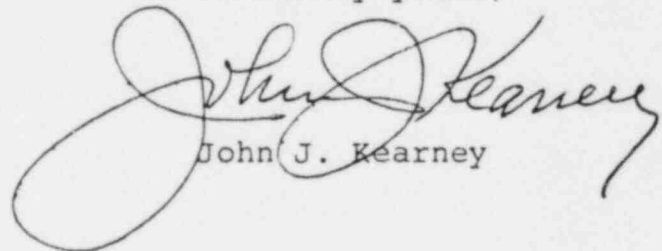
If states conducted these kinds of tests and evaluations under a requirement of full participation within the ingestion EPZ, the costs of state involvement in the exercises would increase enormously. Moreover, these additional costs would be compounded by the increase in the coverage area from the 10-mile radius of the plume exposure EPZ to the 50-mile radius of the ingestion EPZ. The expansion of the EPZ thus would result in the states having to demonstrate response capabilities despite a twenty-five fold increase in the geographic area covered by the states required to engage in full participation within the ingestion EPZ, as opposed to demonstrating only direction and control functions within this area during an emergency preparedness exercise.

In short, partial participation by states within the ingestion EPZ is fully consistent with the underlying purposes of the proposed rule changes, is sufficient for states to meet their responsibilities in the event of an emergency at a nuclear power plant, and yields significant savings of state resources.

For the above reasons, EEI recommends that the Commission initiate a proposed rulemaking to amend its regulations for emergency training as petitioned by NEMA with the additional suggestions recommended by EEI.

EEI appreciates the opportunity to submit these comments and recommendations, and looks forward to the filing of a Notice of Proposed Rulemaking in response to the NEMA petition.

Sincerely yours,



John J. Kearney

JJK:wfd

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September 7, 1982

Samuel J. Chilk, Esq.
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Commission
Washington, D.C. 20555

DOCKET NUMBER
PETITION RULE PRM -50-33
(47 FR 29252)
23

Re: Petition for Rulemaking to Reduce the
Frequency of Off-Site Emergency Plan
Exercises, Docket No. PRM-50-33

Dear Mr. Chilk:

On July 6, 1982, the Commission published for comment a petition for rulemaking filed by the National Emergency Management Association. 47 Fed. Reg. 29252. On behalf of Rochester Gas and Electric Corporation ("RG&E"), a licensee subject to the Commission's emergency planning regulations, we wish to offer our comments.

Basically, RG&E endorses the petition for rulemaking. RG&E believes that the current requirements for full participation in emergency plan exercises by State, county, and local agencies impose a significant and potentially unreasonable burden. Accordingly, we suggest that the changes proposed by petitioner in the Commission's regulations be adopted, with one modification discussed below.

1. In essence, petitioner proposes that full participation by States within the plume exposure and ingestion EPZs be required at least once every seven years, provided that full participation by each State

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within a plume exposure EPZ be required at least once every two years. RG&E acknowledges that the present requirement of annual full participation by each State within the plume exposure EPZ imposes a significant burden upon a State, such as New York, in which numerous nuclear reactors are located. Moreover, repeated participation by the same State in full-scale exercises by various nuclear plants is largely redundant, since the State functions to be exercised are mostly generic, rather than site-specific. However, the amendment proposed by petitioner would reduce the frequency of full participation by a State with a single nuclear plant to once every two years, which does not meet the basic intent of the existing requirement for an annual exercise. Accordingly, we suggest that petitioner's proposal be modified to require that each State within a plume exposure EPZ undergo full participation in one exercise per State per year.

2. Petitioner is correct in asserting that the resources of county and local agencies available for full participation in emergency plan exercises are limited. Petitioner's proposed requirement that full participation by such agencies take place at least once every two years is a reasonable relaxation of existing regulations, and it should be adopted.

In further support of the petition herein, RG&E would like to point out that the existing requirement of full State participation in an annual exercise for each plant within the State burdens not only the State, but the utilities. Each plant owner must not only conduct its own annual exercise, but it is called upon to supply observers or auditors for exercises at some or all of the other plants in the State. A relaxation of requirements for full participation by the State would concurrently reduce the requirement for utilities in States such as New York to devote key personnel to participation in exercises at other plants.

We appreciate the opportunity to comment on the petition for rulemaking, and we hope that the Commission will proceed to propose amendments to its existing regulations in line with our comments.

Sincerely,

Le Boeuf, Lamb, Leiby + Mac Rae