

WISCONSIN PUBLIC SERVICE CORPORATION



P.O. Box 1200, Green Bay, Wisconsin 54305

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OFFICE OF SECRETARY
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BRANCH

24

DOCKET NUMBER
PETITION FILE PRM-50-33
(47 FR 2925)

September 8, 1982

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

Attention Docketing & Service Branch

Gentlemen:

NEMA Petition for Reducing Local & State Government
Required Participation in Emergency Training Exercise

Reference: 47FR29252, July 6, 1982
Docket PRM-50-33

We support the petition filed by the National Emergency Management Association (NEMA), to amend the regulations in 10CFR Part 50. Their proposal would reduce the required frequency of state and local involvement in emergency training exercises at Nuclear Power Plants. We agree with NEMA that the current requirement for local participation in an annual exercise, is imposing too great a burden on government resources.

We are confident emergency preparedness will not be reduced by this proposal, since licensees will continue to annually exercise their onsite emergency plans. Furthermore, the NRC has required state and local governments to be involved with the licensees in other aspects of the Emergency Plan. These activities include, but are not limited to, regularly scheduled communication drills to insure communication links are adequately maintained and annual participation in appropriate Emergency Plan training and orientation courses conducted by licensees.

We agree with the intent of the proposed amendment to 10CFR Part 50, Appendix E, section IV. F.1, but suggest different wording, as noted below:

1. Each licensee at each site shall exercise annually its onsite emergency plan to test as much of the licensee emergency plan as is reasonably achievable.¹

The licensee exercises shall include participation by offsite agencies at the following frequencies:

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Michael Jamgochian
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Mr. Samuel J. Chilk

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- a. ~~at least one every two years with full participation² by local agencies and with at least partial participation³ by states within the plume exposure EPZ.~~
- a. as often as necessary to enable each state and local government within the plume exposure pathway EPZ to participate in at least one full scale exercise every two years.

The rest of the proposed wording is acceptable.

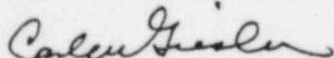
This revised wording is necessary to prevent local agencies from having to participate fully in an exercise every year, which we understand is the intent of the rule. This could happen if more than one Nuclear site, with separate licensees, were located close enough to each other to affect the same local governments.

For example, our Kewaunee Nuclear Power Plant and Wisconsin Electric Power Company's Point Beach facility are located within ten miles of each other. If the NEMA - proposed wording is accepted, the local agencies would be required to exercise with each of us at least once every two years. Hence, the local governments would be forced to participate fully in one exercise every year, alternating between Kewaunee and Point Beach, or participate fully at each plant within a single year.

Given our wording, a local government would participate fully on a two-year frequency but may participate fully with a given utility once every four years.

Our proposed wording accomplishes the goal NEMA intends - insure that state and local governments participate fully in an emergency exercise once every two years. Our wording of the proposal accomplishes this without imposing an additional, undue burden on our local government.

Very truly yours,



C. W. Giesler
Vice President - Nuclear Power

js

cc - Mr. Robert Nelson, NRC Sr. Resident Inspector
RR #1, Box 999, Kewaunee, WI 54216
Mr. Jesse Pagliaro, Office of Insp. & Enforcement
US NRC, Region III, Glen Ellyn, IL 60137
Mr. Clarence F. Riederer, State of Wisconsin
Public Service Commission, Madison, WI 53707

DOCKET NUMBER

25

PETITION RULE PRM - 56-33

DOCKETED
USNRC

(47 FR 29252)

MIDDLE SOUTH SERVICES, INC./BOX 61000/NEW ORLEANS, LA. 70112 (SEP 10 5 11:51 1982)

JOEL D. PATTERSON
MANAGER, ENVIRONMENTAL AFFAIRS

OFFICE OF SECRETARY
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September 7, 1982

DOCKETED
USNRC

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

82 SEP 10 P1:51

OFFICE OF SECRETARY
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BRANCH

Dear Sir:

On behalf of the Middle South Utilities System (MSU), Middle South Services, Inc., Environmental Affairs Section would like to submit the following comments in support of the petition for rulemaking submitted by the National Emergency Management Association (Docket No. PRM-50-33). This petition concerns the requirement for state and local governments within the plume exposure pathway of any nuclear power reactor to participate in at least one full-scale exercise per year.

The petition does not alter the requirement that each licensee exercise its emergency plan annually, it merely reduces the frequency of full-participation by state and local governments in these exercises. As noted in the cover letter to the petition, the state emergency services programs are continuously preparing for and responding to a number of actual emergency situations which occur every year. Their budgets and personnel should not be additionally burdened with the annual training exercises currently required by the Nuclear Regulatory Commission.

MSU believes that the training which the state and local personnel receive in responding to actual emergencies, coupled with the participation schedule as suggested in the petition will be more than adequate, and that the proposed action will not reduce the effectiveness of response capabilities. Along the Gulf Coast, local and state emergency response teams must be prepared to evacuate large segments of the population in the event of a hurricane, and to provide emergency medical care to anyone who may be injured. It may be argued that an emergency situation at a nuclear power plant would not allow for the advanced warning that hurricanes give; however, there are a number of other emergency situations which do not allow time for advanced preparation. The corridor between Baton Rouge and New Orleans is a heavily industrialized area with a large number of oil refineries and chemical plants. In events such as toxic chemical spills, local and state emergency response teams must be able to start evacuation procedures at a moment's notice and alert hospitals to be ready to attend to potential victims. The recent tragic air crash in the residential area of Kenner, Louisiana showed the exemplary action of local emergency response teams. They have received nothing but praise for their

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Secretary of the Commission

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quick response in controlling the spreading fires and in evacuating nearby residents whose homes were destroyed, damaged, or in danger of being burned. These and numerous other examples clearly show that state and local emergency response teams are adequately trained to respond to emergency situations.

We would like to thank the Commission for this opportunity to comment on NEMA's petition and to express our support of its incorporation into current regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel D. Patterson", written in dark ink.

Joel D. Patterson

JDP:LMW:kal

TO: Samuel Chilk
From: Richard Kacich (NU)

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DOCKETED
USNRC

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NORTHEAST UTILITIES



THE CONNECTICUT LIGHT AND POWER COMPANY
WESTERN MASSACHUSETTS ELECTRIC COMPANY
N.Y. STATE WATER POWER COMPANY
NORTHEAST UTILITIES SERVICE COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY

September 7, 1982
Docket Nos. 50-213
50-245
50-336
50-423
B10558

Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
1717 H Street
Washington, D. C. 20555

(27)

DOCKET NUMBER
PETITION RULE PRM-50-33
(47 FR 29253)

Gentlemen:

Haddam Neck Plant
Millstone Nuclear Power Station, Unit Nos. 1, 2, & 3
Docket No. PRM-50-33
Petition for Rulemaking
National Emergency Management Association

On July 6, 1982, the NRC published for public comment the petition by the National Emergency Management Association (NEMA) to amend 10 C.F.R. Part 50, Appendix E, to reduce the frequency at nuclear power reactors of emergency preparedness exercises involving state and local governments. The comment period expires on September 7, 1982. 47 Fed. Reg. 29252.

As licensees of the Haddam Neck Plant and the Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3, respectively, Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) submit the following comments in response to the Federal Register notice. In summary, CYAPCO and NNECO support the petition for rulemaking and urge the NRC to adopt the proposed amendment of 10 C.F.R. Part 50, Appendix E. It is particularly important that the Commission be responsive in the emergency planning arena to the experiences and recommendations of NEMA, an association of the directors of state emergency services programs. It is, after all, these directors who are ultimately responsible for implementing state emergency services and for assuring that state-local emergency planning interfaces function properly.

Further, the NRC should take this opportunity to clarify for its licensees and for state and local governments that the Federal Emergency Management Agency (FEMA) is the federal agency with the authority and charge to regulate off-site emergency planning around nuclear power reactors. This would help to eliminate the confusion and apparent overlap that has developed as the NRC and FEMA both have promulgated regulations governing emergency planning.

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I. The Proposed Changes In Appendix E Should Be Adopted

In the aftermath of events at Three Mile Island in March of 1979, it was apparent that the state of emergency preparedness around nuclear power reactors required upgrading. The NRC promulgated comprehensive regulations to upgrade the situation in August of 1980 (45 Fed. Reg. 55409), and licensees have complied with those regulations. Over fifty exercises of emergency plans have been conducted since then, and the NRC and FEMA have observed and critiqued the results of each. It is now obvious that the NRC regulations have fulfilled their intended function, viz., to focus licensee and state and local governmental resources on the need to upgrade emergency preparedness.

It is equally obvious that the frequency of such exercises as prescribed in NRC regulations should be changed. Whatever justification that may have existed in August of 1980 for requiring annual exercises does not exist today. For example, in Connecticut full-scale exercises have been conducted at both the Haddam Neck and Millstone sites, and the results were quite satisfactory. The state of emergency preparedness at these sites was adequate before the NRC regulations were promulgated, and it has been greatly enhanced since then.

Further, there is no need for the federal government to compel state and local governments to exercise their emergency plans with such frequency, because those governments apply their plans in real-life situations hundreds of times each year. This is practical experience that transfers readily to any emergency situation at a power reactor site. In addition, it has become apparent that the expenditure of state and local governmental resources on basically unnecessary exercises is not cost-effective and will divert these limited resources away from more important and more immediate emergency planning needs. It is, we assume, this perspective that the NEMA petition for rulemaking brings to the NRC. Obviously NEMA is well-qualified to judge the issues raised in its petition. NEMA should be respected by the NRC as raising valid questions and suggesting reasonable solutions.

CYAPCO and NNECO urge the NRC to adopt the proposed amendments to Appendix E. The amendments would not relax the onsite exercise that each licensee is required to conduct. They would simply change (1) the frequency of off-site exercises with full participation by local agencies and partial participation by states from annually to biannually, and (2) the minimum frequency of exercises in which a state would participate fully from once every five years to once every seven years. Such changes are appropriate from cost-benefit and reactor safety standpoints, and should be adopted.

II. NRC Should Reexamine Its Role In Off-Site Emergency Planning

It is indisputable that FEMA is the federal agency with lead authority to establish standards for state and local emergency planning. President Carter vested in FEMA the primary responsibility for off-site radiological emergency planning and response. 15 Weekly Comp. Pres. Doc. 2202, 2203 (December 7, 1979). Further, the Memorandum of Understanding issued by FEMA and NRC on January 24, 1980 (45 Fed. Reg. 5847) and revised on November 1, 1980 (45 Fed. Reg. 82713) is clear that FEMA is "(t)o take the lead in off-site emergency planning and review and assess State and local emergency

plans for adequacy." On the other hand, with regard to off-site emergency planning the NRC is merely "(t)o review the FEMA findings and determinations on the adequacy and capability of implementation of State and local plans."

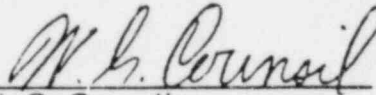
Despite this clear delineation of authority, the NRC continues to regulate off-site planning indirectly even though FEMA is the federal agency with authority to do so directly. For example, under color of regulating its licensees, the NRC prescribes the frequency for off-site exercises of emergency plans in which state and local governments must participate. 10 C.F.R. Part 50, Appendix E, Section IV.F.

We are dismayed that the NRC has not responded promptly to the judgements of FEMA reflected in the letter dated March 8, 1982, from the Director of FEMA to Chairman Palladino. In that letter the Director provides FEMA's conclusions as to the proper frequency of off-site exercises at nuclear power reactor sites. These conclusions are similarly contained in FEMA's proposed rule on 44 CFR 350 published in the Federal Register on August 19, 1982. 47 Fed. Reg. 36386. These conclusions are in accord with the proposals in NEMA's petition for rulemaking. For the NRC to ignore those conclusions is to disregard the regulatory scheme directed by the President and agreed upon by FEMA and NRC.

In any event, NRC licensees and state and local governments have been confused by the overlap in federal regulation. It would serve to enhance the orderly regulation of emergency planning if the NRC voluntarily withdraws itself from regulation of off-site emergency planning. This would be consistent with the President's direction and the Memorandum of Understanding, and would indicate clearly to licensees and state and local governments the lines of authority of FEMA (off-site) and NRC (onsite). If the NRC does not voluntarily withdraw, then it should revise its relationship with FEMA to take from FEMA formally the role in off-site planning that NRC presently usurps.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY



W. G. Council
Senior Vice President

See Attached List