

DOCKET NUMBER
PROPOSED RULE PR-50
(48 FR 33307)

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USNRC

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'83 SEP -9 P3:21

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

September 6, 1983

The following comments are in response to the proposed rule on emergency planning 48FR33307.

NRC should not mandate participation in emergency planning by local or state government agencies. Requirements imposed on licensees should be limited to onsite emergency preparedness and to a capability to communicate with designated local officials.

Offsite consequences of reactor accidents are small and accidents are rare. Requirements for offsite emergency planning perpetuate the illusion that reactors are not safe. These requirements also give local communities a defacto veto of operating licenses.

It is clear from observation of actual accidents and fuel damage experiments that fission products, except for noble gases, neither migrate nor disperse any great distance. Models that are consistent with observed behavior are being developed. These models will permit improvement in several regulatory areas, e.g., siting and equipment qualification. However, this issue, source term, is already well enough understood to eliminate offsite emergency planning as a regulatory requirement.

It is also clear that accidents can result in huge onsite damage. Therefore, thorough onsite emergency planning is appropriate. Prior arrangements with offsite agencies will be necessary for such activities as firefighting assistance and medical treatment of injured employees. No prior arrangements with the general public are needed. News media are always curious about any event at a nuclear power plant but arrangements for press coverage should not be subject to regulation.

The above recommendations can be effected by the following changes to 10CFR.

Delete paragraph 50.47(a)(2)

Delete from paragraph 50.47(b) "and except as provided in paragraph (d) of this section, offsite"

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Delete from paragraph 50.47(b)(1) "and by State and local organizations within the Emergency Planning Zones"

Delete from paragraph 50.47(b)(4) "plans"

Delete from paragraph 50.47(b)(5) "and for notification of emergency personnel Planning Zone have been established"

Delete paragraph 50.47(b)(7)

Delete paragraph 50.47(b)(10)

Delete paragraph 50.47(c)(2)

In Appendix E to Part 50.

Delete from paragraph II "for both onsite areas and the EPZ's", "surrounding population . . . nuclear power reactors"

Delete from paragraph II C "and within each EPZ," "(e.g. in the case . . . carried out)"

Delete from paragraph II G "and the public," "a nuclear power plant applicant . . . taking of protective actions."

Delete from para II H "and disseminating information to the public"

Delete from paragraph IV "the nuclear power reactor operating . . . permanent populations"

Delete from paragraph IV A8 " including evacuations."

Delete from paragraph IV B "discussed and agreed on . . . authorities and," "they shall also . . . on an annual basis."

Delete from paragraph IV D "and agreements reached with . . . should they become necessary"

Delete paragraph IV D2

Delete paragraph IV D3

Change paragraph IV E9 first sentence to "at least one offsite communication system which shall have a backup power source."

Delete from paragraph IV E9a "Such communications shall be tested monthly"

Delete paragraph IV E9b.

Delete from paragraph IV Fi "test the public notification system," "and shall include participation by appropriate State and local government agencies."

Delete paragraph IV Fi 1a.

Delete paragraph IV Fi 1b.

Add to paragraph IV Fi "annually."

Delete paragraph IV Fi 2

Delete paragraph IV Fi 3

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DEPARTMENT OF HEALTH

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Commissioner

September 6, 1983 '83 SEP -9 P3:36

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHSecretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, D.C. 20555

DOCKET NUMBER

PROPOSED RULE

PR-50 (22)
(48 FR 33307)

Gentlemen:

The Nuclear Regulatory Commission has proposed revisions to 10 CFR Part 50 dealing with frequency and participation in exercises. The proposed rules were published in Vol. 48, No. 141 of the Federal Register, Thursday, July 21, 1983.

The stated intent of the rulemaking is to provide greater flexibility in implementing regulations determining the frequency of emergency preparedness exercises. The NRC recognizes that a disproportionate amount of resources are being expended in order to conduct and evaluate exercises to the detriment of day-to-day upgraded state of emergency preparedness and correcting any deficiencies uncovered in previous exercises. It appears that the proposed revisions do not accomplish the stated intent and if anything potentially exacerbate the problem they seek to solve.

The rule provides for full participation and partial participation in exercises. Local governments in the 10 mile EPZ as well as licensees retain requirements for annual full scale exercises. The rule allows the State to participate partially in the annual exercise with full participation by the State at least once every 7 years. There is a fallacy in assuming that the "partial participation" requirement would provide relief for many states. Full participation by local governments in an exercise generally requires fairly extensive participation by the State to exercise the response system. Since exercises will of necessity include dose and accident assessment, protective action decision making, radiological exposure control, ingestion pathway determinations and recovery/reentry, most states will have a major role in all exercises. It appears that the regulations were not drafted by persons familiar with integrated radiological response by licensee staff and local and State agencies.

The National Emergency Management Association petitioned the NRC to require exercises on a biennial frequency unless FEMA and NRC determined that a greater frequency is required. Unfortunately, the NRC proposed rule requires a deliberate action for a schedule less frequent than annually. As written, unless FEMA makes a recommendation and NRC makes a finding that all major elements were performed

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add Michael T. Jansochow, 113055

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satisfactorily during the previous exercise and that another exercise is not needed for up to 2 years, the annual full participation of at least local government agencies is required.

Regardless of intent or present practice, the proposed rule specifically calls for an annual exercise for each licensee at each site. Thus, Oswego and the four Indian Point counties will be required to participate fully twice a year. The offsite plans, emergency communications system, etc. are the same for IP 2 and IP 3 as well as for Nine Mile Point and FitzPatrick. For offsite planning and response, it does not matter which licensee at a site is assumed to have the potential problem.

The proposed rule requires full participation by the State at least once in 7 years in each ingestion pathway EPZ. Further clarification is needed on the extent of State participation, since full activation of the State and District EOCs, etc. does not appear warranted for exercises involving sites which impact only on the ingestion pathway EPZ.

The proposed rule for an exercise by each licensee at each site requires the State to participate fully at each site at least twice each 7 years instead of the stated intent of at least once in 7 years. Apparently, NRC staff failed to consider the unique situation of dual licensees at the Nine Mile Point and Indian Point sites.

The proposed rulemaking appears to require that licensees provide for participation by Federal emergency response agencies in at least one exercise every 7 years. Although Federal participation is desirable, this provision is an apparent mandate on the licensee over events in which they have no control. If this provision were in effect, we should have had Federal participation in at least two of our exercises to date. With the exception of limited NRC participation, active participation by Federal agencies has been lacking. There should be a different vehicle to require Federal participation than through 10 CFR regulations.

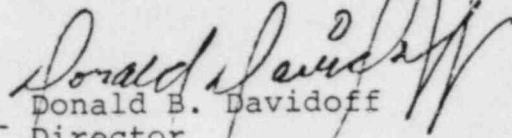
The proposed rule calls for formal critiques for all training and exercises. This should be clarified so that the training requirement is for licensees and not for offsite agencies. One of the quickest ways to minimize participation by volunteer response organizations is to require formal critiques after receiving training. Additionally, the requirement for formal critiques for all exercises is unnecessary and too restrictive. Formal critiques should be required as part of the annual exercise. Many drills and exercises are for training rather than evaluative purposes and provide for instant feedback and evaluation without necessity for formal critiques.

Attached are charts of exercise frequencies for three different situations. In all three, for planning purposes, Shoreham was considered as requiring an exercise for an operating license followed by Indian Point as the next most pressing site. In each case, an attempt was made to even out the workload. In all three cases, partial participation by the State is indicated according to proposed rules, even though it is doubtful that a meaningful exercise can be completed without substantial state participation. The third

case represents a preferred situation, i.e., biennial exercises at each site alternated between licensees. Even under this situation, the state would potentially be involved in at least three (3) exercises per year.

Your attention and review of our comments will be appreciated.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Donald B. Davidoff", is written over the typed name.

Donald B. Davidoff
Director
Radiological Emergency
Preparedness Group

Atts.

CASE 1

Proposed rules were adopted. No recommendation or finding on exercise frequency.

Y E A R

	1	2	3	4	5	6	7
Plume - In State							
Shoreham	F	X	X	X	X	X	X
IP 2	X	F	X	X	X	X	X
IP 3	X	X	X	X	F	X	X
Ginna	X	X	F	X	X	X	X
NMP	X	X	X	F	X	X	X
JAF	X	X	X	X	X	X	F
Plume - Out of State							
Millstone	X	X	X	X	X	F	X
Ingestion Only							
Vt. Yankee	-	S	-	-	-	-	-
Haddam Neck	-	-	-	S	-	-	-
Yankee Rowe	-	-	-	-	-	S	-
Oyster Creek	-	-	-	-	-	-	S

Key

- F - Full participation by State and local governmental agencies and licensee within the plume EPZ.
- X - Full participation by licensee and local governmental agencies -- partial participation by State.
- S - Full participation by State within the ingestion pathway EPZ for out of State licensee.

CASE 2

FEMA recommends and NRC makes a finding that next exercise is not needed up to 2 years.

Y E A R

	1	2	3	4	5	6	7
Plume - In State							
Shoreham	F	-	X	-	X	-	X
IP 2	-	F	-	X	-	X	-
IP 3	X	-	X	-	F	-	X
Ginna	X	-	F	-	X	-	X
NMP	-	X	-	F	-	X	-
JAF	X	-	X	-	X	-	F
Plume - Out of State							
Millstone	-	X	-	X	-	F	-
Ingestion Only							
Vt. Yankee	-	S	-	-	-	-	-
Haddam Neck	-	-	-	S	-	-	-
Yankee Rowe	-	-	-	-	-	S	-
Oyster Creek	-	-	-	-	-	-	S

Key

- F - Full participation by State and local governmental agencies and licensee within the plume EPZ.
- X - Full participation by licensee and local governmental agencies -- partial participation by State.
- S - Full participation by State within the ingestion pathway EPZ for out of State licensee.

CASE 3

Exercises on biennial basis at each site.

		<u>Y E A R</u>						
		1	2	3	4	5	6	7
Plume - In State								
Shoreham	F	-	X	-	X	-	X	
IP 2	-	F	-	-	-	X	-	
IP 3	-	-	-	X	-	-	-	
Ginna	X	-	F	-	X	-	X	
NMP	-	-	-	F	-	-	-	
JAF	-	X	-	-	-	X	-	
Plume - Out of State								
Millstone	-	X	-	X	-	F	-	
Ingestion Only								
Vt. Yankee	-	-	-	-	S	-	-	
Haddam Neck	S	-	-	-	-	-	-	
Yankee Rowe	-	-	S	-	-	-	-	
Oyster Creek	-	-	-	-	-	-	-	S

Key

- F - Full participation by State and local governmental agencies and licensee within the plume EPZ.
- X - Full participation by licensee and local governmental agencies -- partial participation by State.
- S - Full participation by State within the ingestion pathway EPZ for out of State licensee.