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PROPOSED RULE
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Secretary of the Commission
Docketing and Service Branch
U. S. Nuclear Regulatory Commission
Washington, DC 20555

10 Nashoba Road
Sudbury, MA 01776
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DOCKETING & SERVICE
BRANCH

These are comments on the proposed changes to 10CFR50.47(d) that were published in the federal register 53FR16435.

1. In proposed 10CFR50.47(d)(2) change the word "with" to "to".
2. In proposed 10CFR50.47(d)(3) add the word "onsite" between "principle" and "response".

Rationale:

At issue here is the relationship between the plant operator and various offsite entities with which the operator must deal. In the cases of both Seabrook and Shoreham there has been a reluctance of state and/or local governments to participate in, or even to provide guidance for, the operator's emergency planning. The NRC has responded to this problem by amending the emergency planning rule to allow the operator to plan without assistance from non-participants. The rule presumes that local or state entities will do their duty, e.g., firemen will extinguish fires, policemen will direct traffic, etc, in any case of real emergency.

In the case of the rule change proposed here, the same philosophy should prevail. This change should acknowledge that some offsite entities may not participate in planning. The plan must provide for the operator to inform the offsite entity but the plan cannot presume that the operator can establish a dialog with someone who will not participate in that dialog. Thus the change from "with" to "to".

"Principle response organizations" is a term not defined in 10CFR50.2. However, the meaning of the term can be inferred from the definition of "principle" in the glossary, Appendix 5 to NUREG 0654, and from the definition of "offsite response organization" in NUREG 0654 Rev. 1. The planned communication can be established from the operator to offsite organizations and to utility employees who are to be brought onsite. However, the communication among offsite organizations can be established only by those organizations themselves. Moreover, the plant operator cannot necessarily know what communication methods those offsite organizations have established with their own personnel. The plant operator should be able to assume that the fire department, for example, knows how to get in touch with the firemen.

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Although the proposed change to the rule affects only fuel load and 5% licenses, the principle should be extended to full power licenses. The principle is to limit what the licensee must do to:

- o Those things that the licensee can do unilaterally
- o Those things that the licensee must and can do per existing NRC regulations (and the NRC should not mandate things beyond the licensee's control).
- o Those things that non-utility participants agree to do
- o Those things that non-participants are obliged to do

The laws that establish requirements for emergency planning do not require more than those limits provide, so the regulations to implement the laws should not require more either. In the particular case of sirens, the licensee should have no obligation to provide them unless laws are passed requiring the localities to accept them.

As an aside, many years ago I had relatives who lived across the street from the firehouse. I remember sitting on the front porch when the siren sounded. It was an awesome noise. It had to be loud enough to summon the volunteer firemen from all over town. Fires occurred fairly frequently. People had to respond rapidly to avoid much damage or even casualties. So my relatives and their neighbors put up with the din for the greater good of the community. The same justification hardly holds for nuclear plant accidents. There has never been an accident at a light water reactor for which population warning was needed. If a serious accident happened, the likelihood of significant offsite dose is miniscule and even then would occur hours after the accident; we have learned at least that much from the source term studies of recent years. If localities do not want to put up with the din, they shouldn't have to.

Very truly yours,

Welles Hotchkiss

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