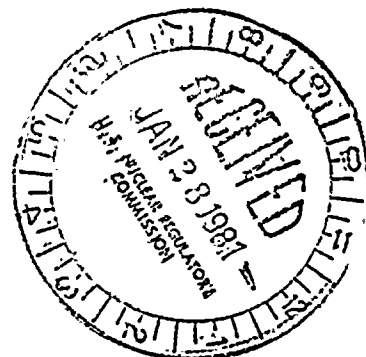


INDIANA & MICHIGAN ELECTRIC COMPANY

P. O. BOX 18
BOWLING GREEN STATION
NEW YORK, N. Y. 10004

January 26, 1981
AEP:NRC:0308B

Donald C. Cook Nuclear Plant Unit Nos. 1 and 2
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74
Post-TMI Requirements (NUREG-0737)



Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Denton:

Attached to this letter is one control copy and nine (9) additional copies of the revised Donald C. Cook Nuclear Plant Emergency Plan which is hereby submitted in accordance with Mr. Darrell G. Eisenhut's letter of November 13, 1980. Three (3) copies are being transmitted under separate cover to NRC Region III Office of Inspection and Enforcement. Submission of this plan is in accordance with AEP letter of January 8, 1981 (AEP:NRC:0398) Attachment 1, response item III.A.2.

The State of Michigan and Berrien County (local jurisdiction in the 10 mile EPZ) have developed emergency plans to respond to radiological incidents at the Donald C. Cook Nuclear Plant. It is our understanding that these plans have not yet been approved by FEMA. However, they have been tested and demonstrated in an exercise conducted on October 9, 1980 to the satisfaction of the Regional Advisory Committee. It was "the unanimous opinion of the twenty three federal observers that if there were an accident at the Cook Nuclear Power facility, the people of this area (Berrien County) would be protected based on our observation of the exercise..."^{1/}

While we recognize the fact that licensees are required to submit 13 copies of State and County plans along with the submission of the licensee's plan, we feel that this places undue administrative burden on the licensee in that:

1/ Informal FEMA Critique of the DCCNP exercise conducted on October 8, 1980 by Mr. Patrick McCullough, FEMA Regional Director.

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- (1) The Memoranda of Understanding between the Federal Emergency Management Agency and the Nuclear Regulatory Commission for Incident Response (45 FR82715 dated December 16, 1980) establishes the framework of cooperation between these agencies in their efforts relating to preparedness measures at nuclear reactors. FEMA's role is well defined in paragraph IV.B.5, Dissemination of Information, in its responsibility to disseminate information concerning offsite support activities to federal agencies. Although not specifically stated, we believe that the intent is for FEMA to provide the required state/local plans, procedures, findings and recommendations of plan reviews and other pertinent information required by the NRC.
- (2) The National Radiological Emergency Preparedness/Responses Plan for Commercial Nuclear Power Plant Accidents (Master Plan) (45FR84910 dated December 23, 1980) delegated responsibility to FEMA to coordinate all non-technical aspects of Federal response to Federal, State and local organizations.

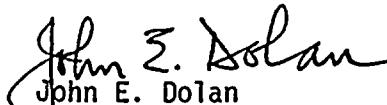
It is clearly evident from the intent of these documents that FEMA is the lead agency in coordinating state/local efforts and, as such, should be the sole federal agency that promulgates the appropriate off-site emergency plans to responsible agencies for their use in developing the appropriate agency response plans and procedures.

Additionally it should be noted that there are three separate licenses located within the State of Michigan and two of which are located within the 10 mile EPZ encompassing Berrien County. Additionally there are several licensees within the contiguous state governments which also have to submit the required copies of the State of Michigan's Emergency Plan to the NRC. This will result in receipt by the NRC of over 50 copies of the State of Michigan plan and 30 copies of the Berrien County plan.

We do not believe that it was the intent of 10 CFR 50 to have the NRC acquire this quantity of plans for use. Since FEMA is the lead federal agency in off-site emergency response plans, we feel that the intent of this regulation would be better served if FEMA would submit as a matter of record to the NRC, copies of State and local emergency response plans and changes to these plans for reference use.

We are therefore requesting relief from the requirement of 10 CFR 50 to submit 10 copies of the State of Michigan, 10 copies of the Berrien County, 10 copies of the State of Indiana emergency plans to the NRC in conjunction with three (3) copies of each to NRC Region III.

Very truly yours,


John E. Dolan
Vice President

Attachment

cc: R. S. Hunter
R. W. Jurgensen - w/o attachment
D. V. Shaller - Bridgman - w/o attachment
Office of Inspection & Enforcement - NRC Region III
R. C. Callen - w/o attachment
G. Charnoff - w/o attachment
Region III Resident Inspector

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