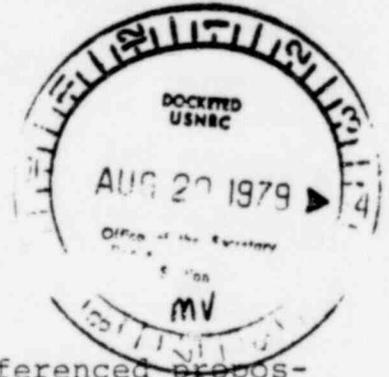




DOCKET NUMBER **(17)**
PETITION RULE PRM-50-23(44 FR32486)

August 6, 1979
L-79-213

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



Dear Mr. Chilk:

Re: Critical Mass Energy Project, et al;
Petition for Rule Making (44F.R. 32486)

Florida Power and Light Company has reviewed the referenced proposal and submits the following comments.

I.

The petitioners propose that the NRC require by regulations that the licensee pay for all expenses incurred as a result of formulating and testing the emergency response plan, and establishing an offsite monitoring system. Such a regulation is totally inappropriate in that such allocation of cost is a matter to be resolved between the licensee and the appropriate governmental agencies.

II.

Provision 4 of the proposal would require the licensee to distribute information relating to various aspects of the emergency plan. The suggested contents of the proposed package relate to activities to be carried out by state and local entities; thus, the state would be the more appropriate distributor. Moreover, the decision whether or not to distribute certain information should be made by the agency charged with the effective execution of the emergency plan, taking into consideration the unique situation in each locale.

III.

The proposed rule making suggests that public hearings are necessary prior to distribution of the information discussed in Provision 4. Regulation is unnecessary on that issue since the present regulations authorize hearings at both the CP and OL stages and as part of the PSAR and FSAR, emergency planning is available for discussion.

Acknowledged by card *8/21/79*

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IV.

Provision 2 of the PRM calls for an annual test of each emergency plan including actual evacuation of the public. To require evacuation as part of a test is unnecessary and accomplishes nothing. The most important parts of emergency planning relate to communications, assignment of responsibilities and planning for contingencies. Once these matters are resolved the actual relocation of residents is a relatively simple matter; however, to relocate large parts of the public is disruptive to their everyday life and to do so unnecessarily is an undue burden on their time and resources.

As for testing emergency plans without evacuation, Appendix E of 10CFR50 already requires such testing at regular intervals.

VI.

The petitioners state that emergency planning should be considered in licensing of nuclear power facilities. Appendix E of 10CFR50 requires the licensee to document consideration in both the PSAR and FSAR during the licensing process. Emergency planning therefore is considered in licensing a nuclear power plant.

In conclusion Florida Power and Light Co. is of the opinion that the proposed rulemaking is unnecessary and inappropriate. It is therefore recommended that the petition be denied.

Sincerely,

Robert E. Uhrig
Vice President
Advanced Systems and Technology

REU/MAS/dlh

cc: Robert Lowenstein, Esquire

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