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OFFICE OF THE GOVERNOR  
State Capitol  
Little Rock 72201

Bill Clinton  
Governor

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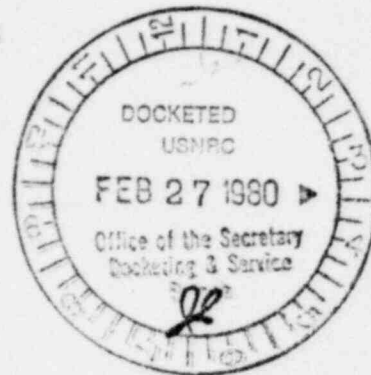
February 19, 1980

DOCKET NUMBER

PROPOSED RULE

PR-50(44FR 75167)

Mr. John F. Ahearne, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



Attn: Docketing & Service Board

Dear Mr. Ahearne:

As the Chief Executive in a State which has an operating nuclear power generating facility, I have the utmost concern for the health and safety of those citizens who live near or work in such plants. I therefore support the concept of conditioning plant licensing and operation on NRC concurrence in state and local emergency plans. In so doing I agree wholeheartedly with the view that emergency planning is equivalent to siting and design engineered features in providing public protection. Despite my general agreement with the spirit of the proposed rule changes to certain sections of 10 CFR Part 50, I do have several comments which I will now enumerate.

1. On page 40 of the report of the President's Commission on the accident at Three Mile Island, the Commission states: "It is known that the consequences of a postulated major release to the atmosphere from a reactor accident could lead to significant doses of radiation being received many tens of miles from the site of the accident." On the same page the commission also reports that "During the TMI accident, NRC believed that the consequences of the accident might extend far beyond the 2 or 5 mile radius. As a result, evacuation plans were hurriedly developed for distances of 10 and 20 miles from the plant." In light of these comments, I urge the NRC to seriously examine the decision to limit the plume exposure pathway EPZ to an area 10 miles in radius as mentioned in paragraph (g) of 50.33 Contents of applications; general information.

2. Under Section 50.47 Emergency Plans, paragraph (a), I support alternative B. The following comments about the vagueness surrounding certain similar terms in paragraphs (s) and (t) in section 50.54 pertain to this section as well.

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3. Under Section 50.54 Conditions of Licenses for alternatives A and B, the proposed regulations provide that a licensee might be granted an exemption from a initial or continued shutdown if it can demonstrate that "the deficiencies in the plan are not significant for the plant in question, that alternative compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation." Such vague language on this critically important provision is ill-advised. The meaning of the words "significant", "alternative compensating actions", and "other compelling reasons", should be specified in detail in the final regulations. Without such specificity, little guidance is given to either the licensee or the NRC staff on this subject, and the possibility exists for laxity in the granting of exemptions.

4. Under Section 50.54 Conditions of Licenses, I support alternative B for paragraphs (s) and (t). This support is contingent upon the clarification called for in my preceding comments.

5. Under Section 50.54 Conditions of Licenses, paragraph (u), the proposed regulations require that "the licensee shall provide for an independent review of its emergency preparedness program at least every 12 months by licensee, employees, contractors, or other persons who have no direct responsibility for implementation of the emergency preparedness program." This appears to allow a licensee, using its own employees, to review the program. While in support of the independent review concept, I urge the NRC to only allow review by persons or organizations who are totally independent of the licensee and its employees.

6. Under Appendix E, Section II. The Preliminary Safety Analysis Report, subsection C., I support alternative B with the addition of the following language, "Corrective measures to prevent damage to onsite and offsite property."

7. Under Appendix E, Section III. The Final Safety Analysis Report, I support alternative A.

8. Under Appendix E, Section IV. Content of Emergency Plans, the proposed regulations lack sufficient detail in terms of the content of state and local plans. This obviously causes state and local authorities great difficulty in determining what is actually expected of their plans. The final regulations should include specific criteria for state and local plans in the areas of radiation monitoring, early warning of the public, education of the public, training of emergency

response teams, emergency drills, health care facilities, stockpiling of potassium iodide tablets, and evacuations. The State of Arkansas understands that specific criteria for state and local plans would not be legally binding on state and local authorities. However, if the adequacy of state and local plans is to be seriously evaluated by the NRC, and if continued plant operations will in part be determined by the outcome of such evaluations, then specific criteria should be detailed in the final regulations. Without specific criteria, the regulations might allow the NRC to be lenient in issuing concurrence for state and local plans. If leniency were adopted by the NRC, then the overall intent of the regulations would be undermined.

9. Under Appendix E, Section IV. Content of Emergency Plans, F. Training, I favor neither of the alternatives but rather support a joint Federal, State, and Local exercise, "initially within one year of the effective date of this amendment and once every two years thereafter." I favor this approach for both presently operating plants and plants for which an operating license is issued after the effective date of this amendment.

10. Under Appendix E, Section V. Implementing Procedures, I agree that the submission of detailed emergency planning implementing procedures from primary agencies would assist in evaluating state and local plans but think that the submission of such procedures for other agencies would only involve normal operating procedures. I believe a thorough, well conducted and monitored exercise is the best way to demonstrate whether various supporting agencies' implementing procedures are realistic and effective. The mere submission of paper plans will not achieve this goal.

11. The proposed regulations detail licensee responsibilities under Appendix E, IV. Content of Energy Plans. I am in general support of the requirements placed on licensees under this section.

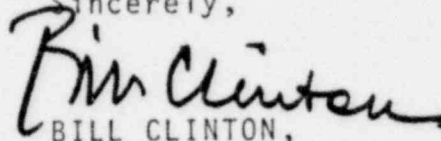
12. In Arkansas, and possibly in other states, state and local authorities responsible for emergency planning may choose to adopt stricter criteria than that identified in the final regulations. I therefore urge the NRC to consider inclusion of language in the regulations that would specifically allow and perhaps encourage state and local authorities to adopt stricter criteria.

This concludes my comments on the proposed amendments to 10 CFR Part 50. I again want to state my endorsement of the

Page 4 - Mr. Ahearne

general concept expressed in these amendments and hope that they signify only a beginning of increased cooperation of your agency and state and local officials. Adequate communication at this level must prevail if we are to properly carry out our joint responsibility to protect the well being of the public we serve.

Sincerely,

  
BILL CLINTON,  
Governor

BC/RL/sjj