UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NOV 8 1979

MEMORANDUM FOR: Norman P. Haller, Director, OPA

FROM: Robert G. Ryan, Director
Office of State Programs

SUBJECT: DRAFT PAPER ON NRC ORGANIZATIONAL OPTIONS FOR EMERGENCY PREPAREDNESS

Thank you for the opportunity to review your memorandum of October 31, 1979. You requested review and comments on the draft paper by November 6. I regret missing that deadline because I was out of town.

We have the following comments:

1. The 4 options identified on page 2 of the paper are in our view incomplete. There is a 5th option which has been recommended in the Keuney Commission Report, i.e., assign the emergency planning and preparedness functions as it relates to State and local governments to the new Federal Emergency Management Agency (FEMA). This option should be included.

   There are at least two other options which might be considered: the first would be to designate a lead office from those presently having responsibilities to lead the agency effort. Logical candidates would be NRR, IE and SP. Another alternative that should be discussed is an expanded role for SP within a statutory framework such as that suggested in the Senate passed version of the FY'80 NRC Authorization Bill i.e., tying the issuance of OL's to concurred in State plans; sanctions for plants in States which do not have a concurred in plan by a date certain and reducing the current voluntary guidelines for State and local governments to a regulation within a prescribed timeframe.

2. The second complete paragraph on page 4 refers to "a possible complication" with expanding the role of SP to fill option 2 in that the SP may have a "conflict of interest." Throughout the paper (specifically in the last paragraph commencing on page 5 and the last paragraph on page 6), no mention is made of a possible "conflict of interest" in having any of the other NRC offices predominantly associated with the licensing process being involved with State and local government emergency planning supportive of licensed nuclear facilities. It seems to us if the paper discussed conflict of interests, it should do so across the board, that is with

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respect to all offices. For the record, we do not view the program or role of this office in any promotional sense, but rather as a program of cooperation and liaison with States, local governments, interstate organizations and Federal agencies.

3. The paragraph that starts at the bottom of page 4 and continues at the top of page 5 is confusing. This paragraph seems to be trying to tie the review of emergency plans together with some perceived notion of weakening NRC's response to an accident. We do not really understand the connection.

4. A new option 5, assigning the entire State/local program to the new FEMA, is in our view the correct approach in keeping with the recommendations of the Kemeny Commission. If this approach is rejected, we would probably recommend the adoption of Option I.

/S/

Robert G. Ryan, Director
Office of State Programs