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December 28, 1979

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

Gentlemen:

This letter is in reference to the Proposed Rule relating to emergency planning as published in the Federal Register, Vol. 44, No. 245, dated December 19, 1979.

Although the Commonwealth of Kentucky does not have any nuclear power plants within its borders, two reactors (Zimmer in Ohio, and Marble Hill in Indiana) are being built immediately outside our border. Many citizens of Kentucky are well within the 10-mile "Emergency Planning Zone (EPZ)" for both of these reactors, and thousands of Kentucky citizens are within the 50-mile "Emergency Planning Zone." Additionally, other reactors are purposed in Tennessee in which the 50-mile EPZ includes Kentucky. Therefore I am very much interested in the Proposed Rule on emergency planning as published in the referenced Federal Register.

It would seem inconceivable that any nuclear power plant would be licensed by the Nuclear Regulatory Commission (NRC) unless the public health and safety of all citizens around such a plant were properly protected. One aspect of this protection is a complete, well designed, and most importantly, workable emergency plan which can be immediately implemented in the event of an accident. It is imperative that all emergency planning around those reactors be reviewed by and receive the concurrence of the NRC, prior to the issuance of any new operating license, and that the license of any presently operating reactor be withdrawn if all plans have not been concurred with by the NRC. This concurrence should be applicable to the facility plan, the state(s)



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plan, and the plan of local governments. Of particular importance to Kentucky, concurrence of such planning must not only apply to the state in which the reactor is being built, but must apply to the protection of all the public in close proximity to the reactor, regardless of state borders.


Concurrence should not be granted for any individual facility, state, or local plan unless it has been demonstrated that all plans are properly coordinated with all other plans being developed for that specific reactor.

Due to the vital importance of proper emergency planning, it would also seem appropriate that more than one agency should review and concur with plans developed. Specifically, prior to final concurrence with the total planning effort around nuclear power plants, another entity separate from the NRC should also grant concurrence. It would appear that the Federal Emergency Management Agency (FEMA) could meet this requirement.

From the above discussion, it is obvious that I support the general intent of the Proposed Rule published in the December 19 Federal Register. Of the two alternatives, Alternative B seems the most acceptable. However, as previously stated, in addition to concurrence by the NRC, final concurrence, at least of the state and local plans, should be required of more than one agency. No concurrence should be granted unless the entire population around the reactor is protected, regardless of state borders, and no concurrence should be granted until it has been demonstrated that all plans are well coordinated each with the other.

I appreciate the opportunity to comment on this very vital subject.

Yours very truly,


John M. Berry, Jr.
Majority Floor Leader
Kentucky Senate

JB/CH/sh