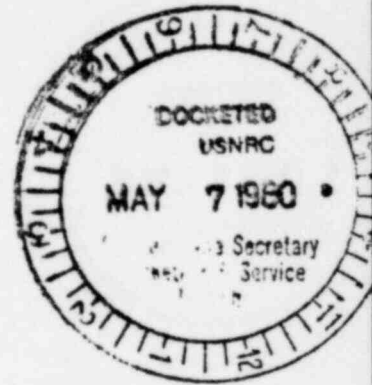


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State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
JOHN FITCH PLAZA, CN 027, TRENTON, N. J. 08625



February 28, 1980

Mr. Sheldon A. Schwartz
Assistant Director for Program
Development
Office of State Programs
Nuclear Regulatory Commission
Washington, DC 08625

DOCKET NUMBER
PROPOSED RULE PR-50 (192)
(44 FR 75167)

Dear Mr. Schwartz:

I am responding to your February 1, 1980 letter concerning the States not having an opportunity for a meaningful dialogue with the Nuclear Regulatory Commission (NRC) at your New York workshop held on January 15, 1979. I appreciate your request for our written comments; however, I would like to point out that both Jack Stanton, Deputy Director of this Division, and I, spoke at the workshop expressing New Jersey's point of view on the proposed emergency planning rule. I was of the impression that our testimony was recorded and would be part of the record on this proposed rule change. Please advise me if my impression is incorrect.

As you requested, I will repeat the comments that Jack Stanton and I gave orally at the workshop:

1. NRC must involve the States in the plan development and review. In New Jersey, this would be the Department of Environmental Protection and the New Jersey State Police. The State will be heavily involved in implementing the plan in the event of an emergency and, therefore, must be involved in its development and review. NRC cannot just drop this on the utility as a licensing requirement and walk away.
2. NRC (and now the Federal Emergency Management Agency (FEMA)) must spell out how they will react to an actual emergency. At Three Mile Island, NRC was there in force. The State of New Jersey must know how NRC (and now FEMA) will respond, ie: how many people, how many vehicles, what equipment will you need, etc. This must be part of the information

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that we use in updating our plan. In the event of an actual nuclear emergency in New Jersey, the State wants one focal point for information, one line of communications, etc. This must come from our State Police Emergency Operations Center and must be an integral part of our State plan.


3. We have concerns about the 15 minute notice to the public for very serious accidents. Our concern is not with informing the public, but rather with the decision making process within that critical time frame. Before anything becomes final on this rulemaking, much more work and thinking must go into what decisions need to be made and, by whom, during this very critical first 15 to 30 minutes after a serious nuclear accident.

Since the New York workshop, much more information has been provided on the exact working relationship between yourself and FEMA. It is my understanding that NRC will be responsible for on-site emergency planning while FEMA will be responsible for off-site emergency planning. I would like to stress that the comments listed above apply to our interactions with FEMA as well as NRC.

On February 20, 1980, Colonel Clinton L. Pagano, Superintendent, New Jersey State Police, chaired a meeting of State and FEMA personnel to discuss FEMA's "Interim Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants". FEMA is reviewing New Jersey's existing plan and will meet with us in mid-March to discuss any necessary revisions; Thomas Elsasser of NRC also attended the meeting.

Once again, I thank you for the opportunity to comment; I assume our comments will be given serious consideration. If you need further information, please contact Mr. Jack Stanton at 609-292-5383.

Sincerely,


George J. Tyler
Director

GJT/JS/km

cc: Colonel Clinton Pagano, Superintendent, New Jersey State Police
Assistant Commissioner Paul Arbesman
Assistant Commissioner Alden McLellan
Major Rogalski, New Jersey State Police
Chief Eugene Fisher
Mr. Frank Cosolito