



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

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MAY 12 1980

Dr. Donald F. Knuth
President
KMC, Inc.
1747 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Dear Dr. ^{Don}Knuth:

I just ran across your January 11, 1980 letter to Lee Gossick on the evacuation time estimates. We discussed the substance of your letter at the Chicago workshops in January. In summary, for operating plants our blanket GAO clearance on safety problems was the underlying basis for the request although we neglected to mention that in our letter. I regard the knowledge of what the options are for protective action for the public around an operating plant during an emergency to be an important safety subject. We did not get GAO clearance for our request to CPs and have suspended the submittal date on those plants until we do get clearance.

With regard to the quality of the submittals, this has not seemed to be a function of the time available to respond. Some of the best submittals (Indian Point, FitzPatrick, Rancho Seco) were submitted on or near the requested date.

Sincerely,

A handwritten signature in cursive script that reads "Brian K. Grimes".

Brian K. Grimes, Program Director
Emergency Preparedness Program Office
Office of Nuclear Reactor Regulation

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January 11, 1980

DR DONALD F KNUTH
President

Mr. Lee V. Gossick
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Gossick:

KMC, Inc. is working with utilities on the many problems associated with emergency preparedness implementation. Our work, as well as contact with other organizations, convinces us that the industry is doing the best it can to consider all of the priority tasks to meet the current demands for emergency preparedness. In the course of upgrading emergency preparedness many requests have been made of the licensees and applicants, and they have responded to the best of their ability. One request from the NRC, however, cannot be responded to in a meaningful manner in the time requested by most utilities. We believe this request falls within the purview of the EDO, and we are thus directing this letter of explanation to your attention.

On November 29, 1979 a generic letter from the NRC's Emergency Preparedness Task Group was sent to all power reactor licensees requesting estimates on evacuation times around their facilities. The letter is quite specific in its request for data, and states that the information should be submitted no later than January 31, 1980. However, the letter does not indicate any basis by which the NRC is entitled to require the submission of this information. The blanket GAO authorization was not used, and in fact may not be appropriate, nor was the need envisioned that this information is required pursuant to §50.54(f) of the Commission's regulations. (We agree that that citation is not appropriate for this information.)

Laying aside for a moment these legal and procedural considerations, there is a more significant consideration. The licensees and applicants, in most instances, are not able to provide the information with the degree of precision they would

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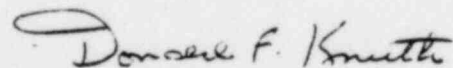
find acceptable in responding to the request. We have been advised, in discussions with representatives of FEMA, that meaningful evacuation data can only be obtained for a specific site after the details of an acceptable local emergency plan have been developed. Applying general assumptions to the question will just result in developing generalized data that would not be too useful, owing to the large inherent error band. Many utilities do not want to be sidetracked from ongoing important emergency planning activities to provide data in which they have little confidence.

Recognizing that the request was formulated before FEMA was assigned off-site emergency planning responsibility by the President, we believe it would be appropriate for the NRC to rescind the request. At such future time, when FEMA has reviewed and approved specific local plans, we believe meaningful evacuation data could be developed and provided to the NRC.

We appreciate the House passed NRC FY 80 Authorization Bill now requests an assessment of the maximum zone of evacuation around each nuclear plant site. This requirement was approved by the House after the November 29 request. However, the report to the Congress providing this information does not carry a time limit for submittal, and it would be far better to develop this aspect of the report with good, reasoned data than with hurriedly accumulated data. In fact, it appears to us that it would be far better for the NRC to wait until the Congress passes the final version of the Authorization Bill and it is signed into law by the President so that if any such requirement is in the Act, the necessary information to enable the NRC to conduct any required assessment of evacuation capability could be precisely formulated, perhaps in consultation with FEMA, and requested on a meaningful time scale.

We believe most utilities are not anxious to decline to respond to the request, but many feel they have no other responsible choice. We would appreciate your considering this matter and advising us of the resulting action you would propose we take.

Sincerely,



Donald F. Knuth