

DOCKET NUMBER
 PETITION RULE PRM-50-28

February 14, 1980

DR. DONALD F. KNUTH
 President

Mr. Samuel J. Chilk
 Secretary of the Commission
 U. S. Nuclear Regulatory Commission
 Washington, D. C. 20555

Attention: Docketing and Service Branch

Dear Mr. Chilk:

KMC, Inc., on behalf of itself and the utilities listed in the enclosed petition, requests, pursuant to 10 C.F.R. §2.802, that the NRC set aside for separate rule-making the portion of its proposed Emergency Planning rule related to the arbitrary and totally unjustified requirement that all persons within ten miles of a nuclear power facility be alerted within fifteen minutes after detection of an incident. As further described in the petition, we and others, including affected states and local jurisdictions, believe that without segregation of this issue from the general emergency plan and separate rulemaking action, including further study by the Staff and other Federal and state agencies, and an adequate hearing on this very critical issue, the consideration of this matter by the Commission will be totally deficient in that only the views of the proponents will be heard. At the regional Emergency Preparedness Workshops, this position was voiced by responsible state officials including Erie Jones of the state of Illinois ^{*/} who stated an objection not only to the fifteen minute alert requirement, but also to the heavy-handed manner the NRC was taking in forging this rule. In part he stated:

I don't think that we should be expected to come up with a counter-

^{*/} Transcript of Chicago Emergency Preparedness Workshop, Tuesday, January 22, 1980, page 141.

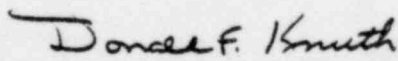
proposal in a matter of a few days or a few weeks when allegedly NRC has had six to eight months to come up with a proposal. Now, you are asking for comment in a relatively short time and asking for us to come up with a counter-proposal that you are suggesting may be better than yours.

I suggest, sir, that what you are saying is confirming what I said in a letter to NRC, that the proposed change is, in fact, a fait accompli, and that we are here in an effort to discuss something that we have little input into as local and state personnel, as we have had little input in the past.

We believe that the proposed rule is not only unwarranted, but may be counterproductive and indeed, lead to confusion, panic and unnecessary risks with regard to evacuation. An arbitrary fifteen minute alerting requirement cannot be justified for each and every reactor site.

While we endorse the expeditious development of additional emergency planning for each operating nuclear facility; we nevertheless believe that an adequate emergency plan for each facility can be developed including appropriate alerting methods that are related to the type and size of the facility as well as the site characteristics without use of the arbitrary fifteen minute time period. Thus, this particular matter can and should be segregated for special consideration by the Commission under special procedures to protect the interests of all affected groups while the comments on the remainder of the emergency planning rule are considered and a final emergency planning rule promulgated. Should it prove necessary, the final alerting criteria could be added to the emergency plan requirements at a later time without additional undue cost or difficulty.

Sincerely,


Donald F. Knuth

Enclosure