

UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

June 11, 1980

Honorable John F. Ahearne
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: REPORT ON DRAFT FINAL RULE ON EMERGENCY PLANNING (10 CFR PART 50
AND PART 70)

Dear Dr. Ahearne:

During its 242nd meeting, June 5-7, 1980, the ACRS discussed with the NRC Staff the draft copy of the Final Rule on Emergency Planning (10 CFR Part 50 and Part 70). The ACRS Subcommittee on Site Evaluation also met with the NRC Staff regarding this matter on May 21, 1980.

These discussions and our review of the draft copy of the Final Rule show that the NRC Staff has seriously considered all, and has incorporated many, of the suggestions offered in our report to you of May 6, 1980 on the Proposed Rule. The Committee very much appreciates this response on the part of the NRC Staff and believes that the draft Final Rule represents a significant improvement over the Proposed Rule.

Nonetheless, there are several remaining issues on which the Committee would like to offer further comments. These are summarized below:

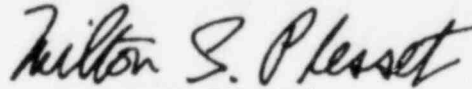
1. The Committee continues to believe that the NRC-FEMA approach to emergency preparedness for nuclear reactor accidents should be developed and implemented in a manner so as to encourage State and local agencies to incorporate these efforts into their plans for coping with all types of emergency situations. For example, plans for responding to nuclear reactor accidents could be combined with those for other emergencies. The Final Rule, as currently drafted, does not reflect this approach.
2. The draft Final Rule requires that State and local governmental authorities "have a capability for notification of the public (within the plume exposure EPZ) during a serious reactor emergency with a design objective of completing the initial notification within 15 minutes." Although the ACRS agrees that providing such a capability is desirable, the Committee continues to believe that emergency plans should reflect the fact that there is less urgency for immediate notification of people living at greater distances from the site. Although the NRC Staff has, to some degree, incorporated this thought into the supplementary material accompanying the draft Final Rule, we believe it is of such importance that it should be included in the Final Rule itself.

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3. The draft Final Rule requires that licensees submit to the NRC the emergency response plans of responsible State and local governments and that these plans be judged acceptable by the FEMA and the NRC before a commercial nuclear power plant is permitted to operate. The Committee notes that this situation gives veto power on the operation of nuclear power plants to State and local agencies. The Committee would appreciate clarification of the intentions of the Commission in this regard.

Sincerely,



Milton S. Plesset
Chairman