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APPENDIX B  
[7590-01]

NUCLEAR REGULATORY COMMISSION  
(10 CFR Part 50 Appendix E)  
ADEQUACY AND ACCEPTANCE OF EMERGENCY  
PLANNING AROUND NUCLEAR FACILITIES

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Advance Notice of Proposed Rulemaking

SUMMARY: The Nuclear Regulatory Commission is considering the adoption of additional regulations which will establish as conditions of power reactor operation increased emergency readiness for public protection in the vicinity of nuclear power reactors on the part of both the licensee and local and state authorities. The Commission is interested in receiving public comment on objectives for effective plans, acceptance criteria for State/local emergency plans, NRC concurrence in State and Local plans as a requirement for issuance of an operating license or for continued operation of a nuclear facility, and coordination between the licensee plan and State and local plans. The Commission seeks written comments on what items should be included in the rule.

DATES: Comments are due no later than (45 days after publication in the Federal Register).

ADDRESSES: Written comments concerning these issues should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

FOR FURTHER INFORMATION CONTACT: Patricia A. Conella, Site Designation Branch, Office of Standards Development, Nuclear Regulatory Commission, Washington, DC, 20555, 301-443-5991.

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Supplementary Information:

The NRC requires that power reactor license applicants plan for radiological emergencies within their plant sites and make arrangements with State and local organizations to respond to accidents that might have consequences beyond the site boundary. In this way off-site emergency planning has been related to the nuclear licensing process. See 10 CFR Part 50, Appendix E (1979), see also additional guidance in U.S. NRC, Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants," (Rev. 1, 1977).

To aid State and local governments in the development and implementation of adequate emergency plans, the NRC, in conjunction with seven other Federal agencies, has attempted, on a cooperative and voluntary basis, to provide for training and instruction of State and local government personnel and to establish criteria to guide the preparation of emergency plans. However, the NRC has not made NRC approval of State and local emergency plans a condition of nuclear power plant operation.

The accident at Three Mile Island has raised a number of questions about the adequacy of radiological emergency response plans. Even before the accident the GAO had recommended that NRC not license new power plants for operation unless off-site emergency plans have been approved by the NRC. GAO, Report to the Congress, "Steps Around Nuclear Facilities Should Be Better Prepared For Radiological Emergencies," March 30, 1979. The Commission is also considering new guidance to State and local governments on emergency

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planning, based on an analysis of a joint NRC-EPA Task Force Report. "Planning Basis for Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," NUREG-0396/EPA 520/1-78-016, December 1978. See 43 Fed. Reg. 58658 (December 15, 1978), see also 44 Fed. Reg. 23137 (April 18, 1979). Furthermore, a number of organizations, including Critical Mass and Public Interest Research Groups, have renewed and supplemented a petition for rulemaking, previously denied by the Commission, concerning the operational details of evacuation planning. See 44 Fed. Reg. 32486 (June 6, 1979).

The Commission has decided to initiate an expedited rulemaking procedure on the subject of State and local emergency response plans and those of licensees. The Commission is soliciting public comments in this area, particularly on the following issues:

1. What should be the basic objectives of emergency planning?

- a. To reduce public radiation exposure?
- b. To prevent public radiation exposure?
- c. To be able to evacuate the public?

To what extent should these objectives be quantified?

2. What constitutes an effective emergency response plan for State and local agencies? For licensees? What are the essential elements that must be included in an effective plan? Do existing NRC requirements for licensees (10 CFR Part 50, Appendix E) and guidance for

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States (NUREG-75/111) lack any of these essential elements?

3. Should NRC concurrence in the associated State and local emergency response plans be a requirement for continued operation of any nuclear power plant with an existing operating license? If so, when should this general requirement become effective?

4. Should prior NRC concurrence in the associated State and local emergency response plans be a requirement for the issuance of any new operating license for a nuclear power plant? If so, when should this general requirement become effective?

5. Should financial assistance be provided to State and local governments for radiological emergency response planning and preparedness? If so, to what extent and by what means? What should be the source of the funds?

6. Should radiological emergency response drills be a requirement? If so, under whose authority: Federal, State or local government? To what extent should Federal, State, and local governments, and licensees be required to participate?

7. How and to what extent should the public be informed, prior to any emergency, concerning emergency actions it might be called upon to take?

8. What actions should be taken in response to the recommendations of the Joint NRC/EPA Task Force Report (NUREG-0396/EPA 520/1-73-016)?

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9. Under what circumstances and using what criteria should a licensee notify State, local, and Federal agencies of incidents, including emergencies? When, how, to what extent, and by whom should the public be notified of these incidents?

The comments received will be collected and evaluated by the NRC staff, which will, in turn, submit recommendations on proposed rules to the Commission. Based on the comments it receives from the public and the analysis of the problem presented by the NRC Staff, the Commission will determine whether to proceed with a proposed rule for notice and comment and/or whether to make such rule immediately effective. The Commission anticipates completion of this expedited rulemaking in approximately six months.

The NRC staff is presently conducting a comprehensive review of all aspects of the NRC emergency planning and preparedness program. Therefore, the Commission is also interested in receiving comments on all other aspects of emergency planning, including issues raised in the Critical Mass/PIRG petition for rulemaking and questions such as the following:

10. How and to what extent should the concerns of State and local governments be incorporated into Federal radiological emergency response planning?

11. How should Federal agencies interface with State and local governments and the licensee during emergencies?



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12. Should the licensees be required to provide radiological emergency response training for State and local government personnel? If so, to what extent? Should the Federal government provide such training? If so, to what extent?

13. To what extent should reliance be placed on licensees for the assessment of the actual or potential consequences of an accident with regard to initiation of protective action? To what extent should this responsibility be borne by Federal, State or local governments?

14. Would public participation in radiological emergency response drills, including evacuation, serve a useful purpose? If so, what should be the extent of the public participation?

For the Commission



SAMUEL J. CHESSE  
Secretary of the Commission

Dated at Washington, D.C.,  
this 12<sup>th</sup> day of July, 1979.