

QUESTION 1.

Does the NRC agree that it is legally required to deny an operating license to a new plant for which a state, local or utility plan meeting the "reasonable assurance" standard legislated in the 1980 Authorization bill has not been approved?

ANSWER.

The Commission's emergency planning regulations include a "reasonable assurance" standard for the issuance of an operating license ("reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency") (see 10 CFR 50.47(a)(1)). The regulations also include a provision, 10 CFR § 50.47(c)(1), which states that failure to meet the standards set forth in 10 CFR § 50.47(b) for determining the adequacy of an emergency plan may result in denial of an operating license but that the applicant will have an opportunity to demonstrate to the satisfaction of the Commission that the deficiencies in the plan are not significant for the plant, that adequate interim compensating measures have been or will be taken promptly, or that there are other compelling reasons to permit plant operation. In considering these matters, the Commission has, from the outset, indicated that it will determine whether deficiencies in a plan (state, local, or utility) can be compensated for by provisions in another plan for that site. See 45 FR 55402 (August 19, 1980) and 52 FR 42078 (November 3, 1987).