

11/2/82

Samuel J. Chalk  
Secretary  
U.S. NRC.  
Wash, D.C. 20555

DOCKET NUMBER

PETITION RULE PRM - 50-35

(47 FR 51889)

(15) DOCKETED  
USNRC

NOV -8 11:04

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Mr. Chalk,

I wholly support the Union of  
Concerned Scientist amendment  
to rule (10 CFR 50.47). It will  
clarify the ambiguous wording of  
the rule, and the issue of offsite  
emergency planning.

I strongly urge you to support the  
amendment.

Sincerely,

David Foerke

DAVID FOECKE  
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SEATTLE, WA 98105

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PDR PRM  
50-35

PDR

DS11

ADD: M. Jamgochian 1130 SS  
John Philips 4000 MNBB  
M. Chopko, 1035 H

Acknowledged by card. 11/19/82 emp

# Sinnissippi Alliance for the Environment

326 North Avon Street  
Rockford, Illinois 61103

DOCKET NUMBER

PETITION RULE PRM-50-35

(47 FR 51889)

DOCKETED  
USNRC  
November 4, 1982

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Samuel J. Chilk  
Secretary of the Commission  
US Nuclear Regulatory Commission  
Washington D.C. 20555

Sinnissippi Alliance for the Environment now lends its support to the proposed rule amendment of 10 CFR 50.47 submitted by the Union of Concerned Scientists.

The rule proposes to allow adjudicatory hearings on all contested emergency planning issues before the utility is allowed to operate a nuclear power plant at full power.

SAFE would like to first recommend that the utility could not be living up to its responsibility to the communities that would be affected by the operation of a nuclear power plant if it did not have in operation a tested and verified emergency evacuation plan. Many utilities are apt to forego this important (yet costly and time consuming) requirement, or initiate a faulty plan unless they are subjected to public scrutiny. If the self-serving and starry eyed pronouncements of practically any nuclear utility are believed why there would be no need for any sort of evacuation plan.

Secondly, as an intervenor, SAFE is constricted by the rules to provide "timely" presentation of all information. All intervenors are often stretched to the limits attempting to match the volumes of paper generated by a utility. Often valid concerns go unheard simply because an intervenor lacks the resources to present a viable case. Thus, a utility should be forced to operate under the same constraints and the same rules by providing a community with its full plan of evacuation before receiving a license. If the utility has spent ten years and countless billions of dollars on a nuclear power plant, it is showing lack of concern by not presenting a community with a "timely" review of a plan that could save people's lives.

And finally, a review of an evacuation plan will often show just how thorough a utility is in its commitment to providing adequate protection for the surrounding community. It is a hell of a lot easier for the public to understand the rules of an evacuation plan than ~~for~~ the intricacies of a steam generator or the dangers of "multiple, mutually independent failures" and "rapid core disassemblies."

Therefore the adoption of rule change 50.47 (a) (3) as submitted by the Union of Concerned Scientists is of paramount importance.

Yours sincerely:

*Stanley E. Campbell*  
Stanley E. Campbell  
spokesman for SAFE

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Acknowledged by card. 11/19/82 *cmf*

DOCKET NUMBER

PETITION RULE PRM-50-35  
(47 FR 51889)

November 8, 1982  
USNRC

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

'82 NOV -8 P1:44

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Dear Mr. Chilk:

I am writing in regard to the petition for amendment of 10 CFR 50.47 filed October 14, 1982 by the Union of Concerned Scientists. This petition would correct the potentially disastrous curtailment of intervenors' rights to litigate emergency planning contentions in operating license proceedings, effected by the Commission's final rule on emergency planning (47 FR 30232, July 13, 1982).

Emergency planning is the one "safety system" of vital importance for nuclear power plants, for it ultimately must function when all else has failed to avoid tragic death and suffering to the public. The recently released CRAC-2 code results for all plants in the United States (Washington Post, November 1, 1982) show just how devastating a nuclear accident can be, thus highlighting the need for good, workable emergency plans. The role of the public, especially intervenors, in ensuring that these plans are the best available should not be underestimated.

Unfortunately, the NRC's final rule on emergency planning does little to guarantee the public's right to litigate emergency planning issues before the granting of a full-power license. I fear that this rule instead provides applicants with an incentive not to make their emergency plans available until after they have been granted a low-power license and adjudicatory hearings have ended. The intervenors are then left with the extremely strict burden of having to re-open the licensing hearings in order to litigate emergency planning issues. A recent Appeal Board decision, Duke Power Co. (Catawba Nuclear Station), ALAB-687, provides further incentive to applicants to delay the publication of their emergency plans, since the Appeal Board ruled that intervenors could not submit a contention alleging emergency planning deficiencies that did not have specificity and basis relating to the actual plans for Catawba.

The petition filed by UCS would correct this potential for injustice by establishing, in 10 CFR, the right of the public to litigate emergency planning issues. I therefore urge you to adopt the UCS proposal.

Sincerely,

*Susan L. Hiatt*  
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